

Updates on the Violence Against Women Reauthorization Act of 2022

NEWSLETTER SUMMER - FALL 2024



The housing provisions of the Violence Against Women Act of 2022 (VAWA 2022), which went into effect October 1, 2022 unless otherwise noted, provides protections for survivors of domestic violence, dating violence, sexual assault, and stalking who are seeking to access or maintain federally-assisted housing. VAWA 2022 continues VAWA 2013's housing safeguards (as well as the safeguards developed under VAWA 2005) and expands housing protections for survivors.

HUD has recently provided important updates on VAWA 2022, including:

- Information on VAWA & FHA complaints that were resolved by HUD;
- A new HUD study on the experiences and needs of survivors of human trafficking; and
- New HUD VAWA guidance for COC, COC Recipients, & ESG Recipients.

NEWSLETTER HIGHLIGHTS

VAWA Complaints Resolved by HUD

New HUD Study on Survivors of Human Trafficking

New HUD VAWA guidance for COC and ESG Recipients



VAWA 2022 Complaint Process & HUD Resolution of VAWA complaints

Prior to VAWA 2022, survivors who had their VAWA rights violated had limited options for redress. Survivors could raise VAWA defenses in eviction court or federal housing assistance termination proceedings, attempt to get the responsible federal agency to intervene, frame the VAWA violations as sex discrimination under the Fair Housing Act, or try to bring an affirmative suit in federal court. The lack of a reliable and consistent path for relief left many survivors homeless, and further victimized and traumatized them. It also meant that covered housing providers continued to have policies and practices in violation of VAWA. Effective October 1, 2022, HUD's Office of Fair Housing and Equal Opportunity will investigate complaints for VAWA violations.

FHEO Notice 2023-01 outlines this process, explaining that these complaints will be investigated using HUD's existing Fair Housing Act complaint process. Individuals who believe they have been injured by a VAWA violation or will be injured by such a violation may file a VAWA complaint using FHEO's online complaint form which is available in multiple languages and includes questions on VAWA. As with Fair Housing Act complaints, FHEO will also accept VAWA complaints via mail, email, or telephone.¹ Survivors have one year from the date the VAWA violation ended to file a HUD VAWA complaint.

¹1-800-669-9777 or TTY: 1-800-877-8339 (HUD's nationwide telephone number for complaint submissions); and local FHEO Regional Office contact information can be found [here](#).

VAWA 2022 Complaint Process & HUD Resolution of VAWA complaints

HUD has been posting case resolution updates on its VAWA landing page, which can be a helpful guide for survivors, advocates, and OVW grantees on how HUD will resolve VAWA complaints and what expectations HUD has of VAWA covered housing providers. Here is a summary of some of the recent VAWA complaint resolutions:

1 Conciliation Agreement between HUD and Alco Greenbriar Partners LP, Alco Properties, Inc. and Alco Management, Inc. This voluntary agreement stemmed from a Section 504 compliance review process of a project-based Section 8 VAWA covered housing provider overseeing over 50 multifamily properties. The review was primarily focused on the housing provider's policies with respect to persons with disabilities and reasonable accommodations. However, as a part of that review, HUD uncovered instances of VAWA noncompliance involving households that experienced incidents of sexual assault and/or domestic violence. Two tenants requested VAWA emergency transfers and in both instances, the housing providers failed to provide the transfer or take any additional action needed to process the requests. A Letter of Finding of Non-Compliance was issued under Section 504 and VAWA. Under the Voluntary Conciliation Agreement, the housing providers agree to pay the aggrieved parties \$50,000 in monetary compensation, amend its reasonable accommodation transfer log, revise the transfer policy and its VAWA policies, create more accessible units, designate a VAWA Coordinator, respond to VAWA-related grievances and transfer requests within ten days, and attend VAWA training.

2 HUD Settlement with Nevada Public Housing Agency. In this case, HUD's investigation found that a tenant who had a Housing Choice Voucher alleged that a Nevada public housing authority and its housing specialist violated the complainant's rights under VAWA when the complainant requested to relocate mid-lease as an emergency transfer after being stalked by a former partner. The complainant alleged that the housing provider demanded confusing and contradictory documentation that it was not permitted to request under VAWA, threatened to revoke the complainant's voucher, denied her request to extend her voucher, and stopped paying its portion of the rent while the complainant prepared to move to protect her safety. HUD found that the PHA's policies and procedures did not comply with VAWA, including policies for documenting someone's status as a VAWA survivor in general and, specifically, when an emergency transfer is requested. The PHA also lacked a VAWA required emergency transfer plan. The agreement requires the housing provider to adopt and implement policies that comply with VAWA and will protect the VAWA rights of its applicants and residents, including that the PHA has an Emergency Transfer Plan that will allow survivors who qualify to move quickly without losing their assistance, to hire outside experts to provide VAWA training to staff, and to pay the complainant a monetary settlement.

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HUD Settlement with California Housing Management Company. In this case, a survivor filed a complaint against a housing provider who had received Low-Income Housing Tax Credits and HOME funds. The property manager denied her application due to a negative rental history related to her status as a survivor of domestic violence. The housing provider also failed to accompany their denial letter with a Notice of VAWA Housing Rights or any information on how to appeal the denial. Pursuant to a settlement, the housing provider will pay the complainant a monetary settlement, place her on the top of the waitlist for the next available unit at two properties, notify her in writing when such a unit becomes available, revise their policies and procedures to comply with VAWA and protect the VAWA rights of applicants and tenants, establish a VAWA Rights Coordinator to handle VAWA matters and compliance, and require their employees to complete VAWA training annually.

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Other Older Settlements Elevating Important VAWA and Fair Housing Policies. While these cases were filed and resolved prior to the VAWA 2022 Reauthorization and complaint process, HUD has elevated prior cases and resolutions that can be helpful to survivors, advocates, and OVW grantees. For example:

- Several of the highlighted cases focus on how housing providers and local governments interfere with a survivor's housing rights and discriminate against them by punishing survivors who call the police for help or have the police come to their home;
- Another case example involved a survivor who, for safety reasons, did not want to disclose her children's Social Security Numbers and was denied an apartment as a result. The housing provider was required to permit the survivor to submit truncated Social Security Numbers, revise their VAWA policies, receive VAWA and fair housing training and monitoring, and allow applicants who were unlawfully denied housing the chance to re-apply;
- In other cases, survivors were unlawfully threatened with eviction due to the violence committed against them, including in a United States Department of Agriculture Rural Development unit, which is a VAWA covered program; and
- In a case against a housing authority, the survivor was unlawfully denied the right to testify as a witness in a hearing to remove her abuser from the lease.

NHLP continues to track the progress of VAWA complaints and can offer support and assistance to advocates and OVW grantees in need of help before or after they file a complaint.

New HUD Study on the Housing Needs of Survivors of Human Trafficking

On March 21, 2024, HUD released a report that assesses the availability and accessibility of housing and services for individuals experiencing homelessness or housing instability who are survivors of trafficking or at risk of being trafficked. This first of its kind study, conducted in response to Section 606 of the VAWA 2022 Reauthorization which called for such a study, found that:

- When conducting outreach and engagement, housing and service providers must build trust, including by partnering with local organizations that have built trust in their communities, in order to understand survivors' needs and connect them with appropriate services.
- The demand for most forms of housing assistance far exceeds the available resources, including those specifically meant for survivors. Policies, like prioritization of specific groups and age limits, or lack of necessary services can further limit survivors' access to these resources.
- The systems and programs providing housing assistance and services are often complex and disconnected from each other, which makes it difficult for survivors to navigate and creates the risk of retraumatizing survivors through repeated screening and intake processes.
- Documentation requirements, criminal records, credit issues, lack of or poor rental history, or immigration status requirements can present barriers for survivors seeking to rent housing.
- Survivors face discrimination in numerous ways, which can create barriers to accessing and maintaining safe housing, even when housing assistance is available.
- Program models that most successfully serve survivors are those that are trauma-informed and survivor-centered. Survivors have diverse backgrounds, experiences, and needs, and programs are more successful when they have the flexibility to serve these individual needs.

New HUD Guidance for CoCs, CoC Recipients, and ESG Recipients on VAWA Requirements

In April 2024, HUD issued new guidance for CoCs, CoC Recipients, and ESG Recipients on requirements related to notification of rights, confidentiality, denial and termination of assistance, leases and occupancy agreements, and emergency transfer plans. This new guide highlights a few important reminders for CoCs, CoC Recipients, and ESG Recipients, including:

Transfer plans and transfer rights: All CoCs and ESG recipients must develop an emergency transfer plan (ETP). The CoC is responsible for developing an ETP covering the CoC's entire service area. The non-statewide ESG recipient is responsible for developing an ETP covering the recipient's entire service area. The statewide recipient ESG may, at its discretion, either develop an ETP that covers the recipient's entire service area or, require subrecipients to develop one or more ETPs that, together, cover the recipient's entire service area. Most site-based leases, subleases, and occupancy agreements that secure housing for a CoC Program tenant must allow the leases, subleases, and occupancy agreement to be terminated without penalty as part of an emergency transfer;

Notice of VAWA Housing Rights: A Notice of VAWA Housing Rights must be issued by the recipient or subrecipient at the following times, at a minimum: when an applicant is denied admission to a permanent or transitional housing program (CoC) or denied rental assistance (ESG); when an applicant is admitted to a permanent or transitional housing program (CoC) or begins receiving rental assistance (ESG); when a tenant receives notification of eviction (CoC and ESG); and when a tenant is notified their assistance is ending (CoC and ESG);

Confidentiality: Confidential information from a VAWA survivor must be maintained in strict confidence meaning the CoC, CoC recipient, or ESG recipient (collectively, "covered housing provider") shall not allow access to confidential information to any of the parties listed below unless explicitly authorized by the covered housing provider for reasons that specifically call for access to this information under applicable Federal, State, or local law. The parties are any covered housing provider employee or any individual administering assistance on behalf of the CHP (e.g. contractors). Covered housing providers cannot enter confidential information into any shared database (including but not limited to a CoC's Homeless Management Information System) or disclose confidential information to any other entity or individual except to the extent the disclosure is requested or consented to in writing in a time-limited release by the individual who submitted the confidential information, required for use in an eviction proceeding or hearing regarding termination of assistance from the covered housing program, or otherwise required by applicable law; and

Lease Bifurcation and Remaining Tenants: After lease bifurcation or removal in a tenant- or project-based rental assistance project, rental assistance and any utility assistance must continue for tenants remaining in the CoC or ESG unit. For CoC Permanent Supportive Housing participant households where the removed party was the only household member who met the project's chronic homelessness eligibility criteria, the remaining household members are eligible for continued assistance through the end of their current lease term. For all other CoC participant households, the remaining household members are eligible for continued assistance.

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