



UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
UNITED STATES DEPARTMENT OF AGRICULTURE
UNITED STATES DEPARTMENT OF THE TREASURY
UNITED STATES DEPARTMENT OF VETERANS AFFAIRS
UNITED STATES DEPARTMENT OF JUSTICE

Interagency Statement on
the Violence Against Women Act’s Housing Provisions

September 2024

The United States Department of Housing and Urban Development (“HUD”), the United States Department of Agriculture (“USDA”), the United States Department of the Treasury (“Treasury”), the United States Department of Justice (“DOJ”), and the United States Department of Veterans Affairs (“VA”) administer “covered housing programs” as defined by the Housing Rights Chapter of the Violence Against Women Act¹ (“VAWA”). VAWA generally provides housing protections for people who have experienced domestic violence, dating violence, sexual assault, or stalking (“survivors”) and who are applying for or are living in units subsidized, assisted, or financed by certain federal government programs, to help keep them safe and reduce their likelihood of experiencing homelessness.

VAWA, most recently reauthorized in 2022, is a comprehensive federal law designed to improve the nation’s response to domestic violence, dating violence, sexual assault, and stalking; it specifically includes a number of critical housing protections for survivors and, in some instances, applies protections to other individuals.² HUD, USDA, Treasury, DOJ, and VA

¹ VAWA’s Housing Rights provisions are codified at 34 U.S.C. §§ 12491, *et seq.*

² VAWA, enacted as title IV of the Violent Crime Control and Law Enforcement Act of 1994 (Pub. L. No. 103–322, 108 Stat. 1796), was reauthorized in 2000 through Division B of the Victims of Trafficking and Violence Protection Act of 2000 (Pub. L. No. 106–386, 114 Stat. 1464), in 2005 through the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Pub. L. No. 109–162, 119 Stat. 2960) (VAWA 2005), and in 2013 through the Violence Against Women Reauthorization Act of 2013 (Pub. L. No. 113–4, 127 Stat. 54) (VAWA 2013) (see summary at 78 FR 47717, 81 FR 80724). In 2016, the Justice for All Reauthorization Act (Pub. L. No. 114–324, 130 Stat. 1948) amended the VAWA housing protections by clarifying the lease bifurcation provisions. On November 16, 2016, HUD promulgated a final rule implementing the VAWA housing provisions, as amended (codified at 34 U.S.C. § 12491). The rule included cross-cutting regulations at 24 CFR, Part 5, Subpart L, and program-specific regulations at 24 CFR Parts 91, 92, 93, 200, 247, 574, 576, 578, 880, 882, 883, 884, 886, 891, 906, 960, 966, 982, and 983. On March 15, 2022, President Biden signed into law the Consolidated Appropriations Act of 2022 (Pub. L. No. 117–103, 136 Stat. 49), which included the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022). VAWA 2022 further amended and expanded the VAWA housing protections, including adding to the list of covered programs.

administer housing programs covered by VAWA's housing protections.³ These covered housing programs include the following HUD programs:

- Public Housing;
- Housing Choice Voucher;
- Project-based Section 8;
- Section 8 Moderate Rehabilitation Single Room Occupancy (SRO);
- Section 202 Supportive Housing for the Elderly;
- Section 202 Direct Loan;
- Section 811 Supportive Housing for Persons with Disabilities;
- Housing Opportunities for Persons With AIDS (HOPWA);
- HOME Investment Partnerships (HOME);
- Emergency Solutions Grants;
- Continuum of Care;
- Rural Housing Stability Assistance;
- Section 221(d)(3)/(d)(5) Below-market Interest Rate (BMIR), Multifamily Rental Assistance;
- Section 236 Multifamily Assistance; and
- Housing Trust Fund.

VAWA also covers:

- Housing units supported by Treasury's Low-Income Housing Credits (LIHTCs);
- USDA Rural Development (RD) Multifamily Programs (Section 515 Rural Rental Housing, Section 514/516 Farm Labor Housing, and Section 538 Guaranteed Rural Rental Housing Programs);
- USDA RD Section 533 Housing Preservation Grants Program;
- USDA RD Voucher Program;
- DOJ OVW Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault and Stalking Program;
- VA Grant and Per Diem (GPD) Program;
- VA Supportive Services for Veteran Families (SSVF) Program; and
- HUD-Veterans Affairs Supportive Housing (HUD-VASH).

Additionally, VAWA covers any other federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted rents or rental assistance, or more generally providing affordable housing opportunities, as identified by the HUD, USDA, Treasury, DOJ, or VA through regulations, notices, or any other means.⁴

³ See 34 U.S.C. § 12491(a)(3).

⁴ 34 U.S.C. § 12491(a)(3)(P).

The following potential scenarios highlight the need for VAWA's housing protections:

- "Miguel,"⁵ an 8-year-old child, who resides in HUD Continuum of Care-funded Permanent Supportive Housing, was sexually assaulted by a neighbor and the child's family needs to transfer to other housing.
- "Julia" is a tenant residing in housing supported by Rural Development assistance who is being stalked by an abusive ex-boyfriend. Since he knows where she resides, she is fearful for her safety and is requesting to move to other housing.
- "Elias" was sexually harassed and assaulted at work, and he lost his job as a result and was unable to pay rent or bills. This resulted in an eviction and bad credit. Elias is applying for housing and will use a Housing Choice Voucher under HUD's Section 8 Program, and these adverse factors related to the sexual assault committed against him are on his eviction and credit history.
- "Alex" is a survivor of sex trafficking who involuntarily engaged in prostitution as a result of both sexual assault and stalking. This resulted in a criminal conviction. Alex is applying for a low-income unit in a building that earns Treasury's Low Income Housing Credits. The building owner conducts a background check and finds out that Alex has this criminal record.
- "Gloria", a resident with a mobility disability living in an accessible unit in supportive housing for persons with disabilities (HUD Section 811) was physically abused by her boyfriend who lives with her. She would like to remove her boyfriend from the unit, or move to other safe, assisted housing that is still accessible and meets her other service needs.

Under VAWA, consistent with covered housing program requirements, someone who has experienced domestic violence, dating violence, sexual assault, or stalking:

- Cannot be denied assistance or admission to a unit subsidized or assisted under a covered housing program because of the domestic violence, dating violence, sexual assault, or stalking committed against them.
- Cannot be evicted from a unit subsidized or assisted under a covered housing program, nor lose their assistance under a covered housing program, because of the domestic violence, dating violence, sexual assault, or stalking committed against them.
- Cannot be denied admission, denied assistance, evicted, or have their assistance terminated for reasons related to the domestic violence, dating violence, sexual assault, or stalking, such as having an eviction record, criminal history, or bad credit history as a direct result of the domestic violence, dating violence, sexual assault, or stalking committed against them.
- Must have the option to stay in their covered housing, if there has been criminal activity directly related to the domestic violence, dating violence, sexual assault, or stalking against the tenant or affiliated individual⁶ of the tenant.

⁵ These scenarios use fictitious names and do not refer to specific incidents.

⁶ The term "affiliated individual" means, with respect to an individual – (A) a spouse, parent, sibling, or child of that individual, or an individual to whom that individual stands in loco parentis; or (B) any individual, tenant, or lawful occupant living in the household of that individual. 34 U.S.C. § 12491(a)(1).

- Can request an emergency transfer from the housing provider for safety reasons related to the domestic violence, dating violence, sexual assault, or stalking committed against them.
- Must be allowed to relocate without interruption of any assistance that the survivor was receiving from a Section 8 Housing Choice Voucher or a Rural Development Voucher.
- Must receive HUD's Notice of VAWA Housing Rights (Form HUD-5380) and a VAWA Self-certification Form from the housing provider, when they are denied assistance or admission to a covered housing unit or a covered housing program, when they are admitted to or provided assistance from a covered housing unit or covered housing program, and when they receive a notice of eviction from a covered housing unit or notice of termination from a covered housing program. (Note that this right applies to all program applicants, participants, and tenants, including survivors of domestic violence, dating violence, sexual assault, or stalking).
- Has a right to have information regarding their status as a survivor maintained in strict confidentiality.
- Can request a lease bifurcation from the owner or landlord to remove the perpetrator from the lease or unit, and if the owner or landlord bifurcates, it must be done consistent with applicable federal, state, or local laws and the requirements of the covered housing program.

Some of VAWA's protections also apply to other individuals, such as those who assist survivors or seek law enforcement or emergency assistance for themselves or others:

- Any person who has exercised or enjoyed VAWA housing protections, or aided or encouraged another person in exercising or enjoying VAWA housing protections, cannot be discriminated against or coerced, intimidated, threatened, or retaliated against by covered housing providers.⁷
- Individuals have the right to seek law enforcement or emergency assistance for themselves or others without being penalized based on their requests or based on criminal activity of which they are a victim or otherwise not at fault. This right applies regardless of whether the person seeking law enforcement or emergency assistance is a victim of domestic violence, dating violence, sexual assault, or stalking and regardless of whether their housing is assisted under a covered housing program.⁸

Furthermore, under VAWA, each agency is responsible for implementing VAWA's housing protections as they apply to each agency's covered housing programs, consistent with each agency's legal authority with respect to such programs. These implementation responsibilities include, but are not limited to, approving a self-certification form that allows survivors of domestic violence, dating violence, sexual assault, or stalking to certify their status as VAWA victims⁹; adopting a model emergency transfer plan for use by covered housing providers under covered housing programs¹⁰; establishing a process by which to review compliance with VAWA

⁷ 34 U.S.C. § 12494(a)-(b).

⁸ 34 U.S.C. § 12495(b).

⁹ 34 U.S.C. § 12491(c)(3).

¹⁰ 34 U.S.C. § 12491(e).

and conducting those reviews on a regular basis¹¹; providing a reasonable amount of time to establish eligibility for the covered housing program, another covered housing program, or find new housing after a lease bifurcation when the tenant who was removed was the sole tenant eligible to receive assistance under the covered housing program¹²; and issuing regulations which shall, among other things, define standards of compliance with the VAWA housing protections that apply under covered housing programs.¹³

The housing provisions of VAWA are implemented and enforced consistent with, and in a manner that provides, the same rights and remedies as those provided for in the Fair Housing Act. HUD's Office of Fair Housing and Equal Opportunity (FHEO) and Office of General Counsel enforce the housing protections of VAWA.¹⁴ The Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section enforces the housing provisions of VAWA for the Attorney General.

APPROVED BY:

U.S. Department of Housing and Urban Development



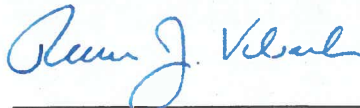
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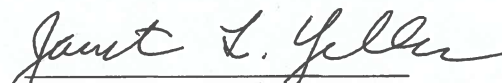
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¹¹ 34 U.S.C. § 12492(a)(1)-(2).

¹² 34 U.S.C. § 12491(b)(3)(B)(ii).

¹³ 34 U.S.C. § 12492(b)(1).

¹⁴ This authority became effective October 1, 2022. See FHEO-2023-01, Notice to Public Regarding FHEO Enforcement Authority and Procedures: Violence Against Women Act 2022 (VAWA), available at <https://www.hud.gov/sites/dfiles/FHEO/documents/FHEO-2023-01-%20FHEO%20VAWA%20Notice.pdf>.