



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of:
Regional and Field Office Directors of
Public Housing; Section 8 Financial Management
Centers; Public Housing Agencies; Regional
Directors; State and Area Coordinators

Notice: PIH 2006-23

Issued: June 23, 2006

Expires: June 30, 2007

Subject: Implementation of the Violence Against Women and Justice Department
Reauthorization Act 2005

1. Purpose. This Notice informs Public Housing Agencies (PHAs) of the passage of the Violence Against Women Act and Department of Justice Reauthorization Act of 2005 (VAWA). Among many other things of significance to PHAs, VAWA prohibits the eviction of, and removal of assistance from, certain persons living in public or Section 8-assisted housing if the asserted grounds for such action is an instance of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in Section 3 of the United States Housing Act of 1937 as amended by VAWA (42 U.S.C. 13925).

2. Applicability. PHAs administering the Public Housing, Section 8 Voucher programs, including the HCV program and all owners participating in the Section 8 voucher and project-based programs must comply with this law. Accordingly, PHAs should make tenants participating in all public housing and voucher programs as well as owners participating in the Section 8 voucher programs aware of the requirements of VAWA as soon as possible.

3. Implementation. On January 5, 2006, President Bush signed VAWA into law as Public Law 109-162. Section 603 of the law amends Section 5A of the U.S. Housing Act (42 U.S.C. 1437c-1) to require PHAs' five-year and annual PHA Plans to contain information regarding any goals, activities, objectives, policies, or programs of the PHA that are intended to support or assist victims of domestic violence, dating violence, sexual assault, or stalking. Sections 606 and Section 607 amend the Section 8 and public housing sections of the U.S. Housing Act (42 U.S.C. 1437f and 1437d) to protect certain victims of criminal domestic violence, dating violence, sexual assault, or stalking – as well as members of the victims' immediate families – from losing their HUD-assisted housing as a consequence of the abuse of which they were the victim.

4. Additional Information. HUD is developing proposed regulations that make conforming changes in existing regulations and provide guidance regarding the requirements of this law. In the interim, PHAs should be mindful that these statutory provisions were effective the date the law was enacted (January 5, 2006).

Also, because Section 606 of VAWA requires the issuance of a “HUD approved certification form” for victims of abuse to use in the event that a PHA or Section 8 owner requests (as they may under the Act) that a victim of abuse certify that the alleged incidents of abuse are bona fide, PIH is developing such a form, and additional information about the form will be forthcoming. In the interim, PHAs, owners, and managers are encouraged to accept other types of certifications from alleged victims.

PHAs, owners, and managers are encouraged to access VAWA 2005 via the Internet at the following Website addresses: <http://www.gpoaccess.gov/plaws/index.html> or <http://thomas.loc.gov/bss/d109/d109laws.html> and search for Public Law 109-162 to access the text of the final law.

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Orlando J. Cabrera, Assistant Secretary
for Public and Indian Housing