

**HUD VAWA UPDATE HIGHLIGHTS****What happens under HUD’s implementation of the 2022 VAWA reauthorization?****➤ HUD Definition of Homeless, Category IV expands:****• Change to Category 4 McKinney-Vento Homeless Definition**

- VAWA 2022 changes the Category 4 definition of homelessness to the following: Any individual or family who
  - (i) is experiencing trauma or lack of safety related to, or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual’s or family’s current housing situation, including where the health and safety of children are jeopardized;
  - (ii) Has no other safe residence; and
  - (iii) Lacks the resources to obtain other safe permanent housing.
- Under HUD’s current regulations, the Category 4 definition is: Any individual or family who
  - (i) Is fleeing, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous or life-threatening conditions that relate to violence against the individual or a family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence;
  - (ii) Has no other residence; and
  - (iii) Lacks the resources or support networks, e.g., family, friends, and faith-based or other social networks, to obtain other permanent housing.

**➤ New Eligible Continuum of Care Activity (CoC funding)**

- VAWA 2022 adds the following activity to the CoC program: Facilitating and coordinating activities to ensure compliance with [the emergency transfer plan requirement in 34 U.S.C. 12491(e)] and monitoring compliance with [the confidentiality requirement in 34 U.S.C. 12491(c)(4)].
- This means that CoC grantees can use this activity to pay for activities to ensure compliance with implementing emergency transfers and monitoring compliance with VAWA confidentiality requirements.
- CoC grantees wishing to utilize this new line item can request a budget modification to add funds to this line item from an existing line item.
- This new line item is not subject to administrative caps.
- The new line item will be built in to the CoC Program Competition Application process for FY2023.

➤ **New Forms of Abuse are Identified**

The definition of “domestic violence” to include “technological abuse” and “economic abuse” as forms of domestic violence. <https://www.federalregister.gov/d/2022-28073/p-34>. Section 40002 of VAWA ([34 U.S.C. 12291](https://www.law.cornell.edu/ucc/34usc12291)) definitions:

**ECONOMIC ABUSE.**—The term `economic abuse', in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to:

- (A) restrict a person's access to money, assets, credit, or financial information;
- (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or
- (C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

**TECHNOLOGICAL ABUSE.**—The term `technological abuse' means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

➤ **Stakeholders are defined**

VAWA provides that “appropriate stakeholders” include, but are not limited to, “(A) individuals and organizations with expertise in the housing needs and experiences of victims of domestic violence, dating violence, sexual assault and stalking; and (B) individuals and organizations with expertise in the administration or management of covered housing programs, including industry stakeholders and public housing agencies.” [Back to Citation](#)

Note: The list of programs under VAWA does not include programs that are controlled by the U.S. Department of Veterans Affairs and U.S. Department of Agriculture. [Back to Citation](#)

➤ **VAWA’s Housing Protections for Survivors – Selected Requirements**

- Prohibition Against Denial of Admission and Eviction
  - Survivors cannot be denied or evicted from CoC- or ESG-assisted rental assistance projects solely due to their status as survivors of domestic violence, dating violence, sexual assault, or stalking. This includes reasons related to the violence that they have experienced, such as bad rental or credit history and criminal history.
- Emergency Transfer Plan
  - Each CoC is required to establish a VAWA Emergency Transfer Plan that complies with the regulations at 24 CFR 578.99(j)(8) and 24 CFR 5.2005(e). VAWA Emergency

Transfer Plans govern how projects in the CoC will respond to requests for emergency transfers from survivors.

- ESG recipients must develop an Emergency Transfer Plan that complies with 24 CFR 576.409(d) and 24 CFR 5.2005(e) or, if the recipient is a state, the state’s subrecipients must administer ESG rental assistance and develop the Emergency Transfer Plan. If the State’s subrecipients are required to develop the plan, the state must specify whether the Emergency Transfer Plan is to be developed for:

- The state as a whole;
- Each area within the state covered by a CoC; or
- Each subrecipient that administers ESG rental assistance

- Lease Bifurcation

- A survivor residing in a CoC or ESG project providing rental assistance can request a lease bifurcation, which allows the survivor to retain the existing assistance without the presence of the perpetrator in the unit. The regulations allow the CoC and ESG projects to continue assistance for a period of time, to allow survivors to either establish assistance on their own or to find other housing.

- Notification

- CoC and ESG recipients must provide notification regarding VAWA protections to applicants who are denied housing, program participants admitted to housing, and program participants notified of eviction and/or termination of assistance. HUD is in the process of revising the VAWA forms, including the HUD-5380 notification form. <https://www.hud.gov/sites/documents/5380.docx>

- Lease Addendum

- Units receiving CoC or ESG rental assistance must have leases or rental agreements that incorporate VAWA protections including prohibition of denial or eviction, lease bifurcation, and emergency transfers.
- The [HUD-91067 VAWA Lease Addendum](#) provides an example. HUD is updating the Agency’s VAWA forms for use by all covered housing Compliance Requirements
- VAWA 2022 requires existing compliance review processes of grantees to include the following items for examination:
  - Compliance with VAWA requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault or stalking;
  - Compliance with VAWA confidentiality provisions;
  - Compliance with VAWA notification requirements;
  - Compliance with accepting VAWA documentation from survivors;
  - Compliance with emergency transfer requirements; and
  - Compliance with the prohibition on retaliation.

- HUD will update reporting platforms and monitoring exhibits to examine these items during reporting and compliance monitoring.

- **The Right to Report Crime and Emergencies**

- Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance
- Prohibits application of actual or threatened penalties to protected persons based on their request for assistance or based on criminal activity of which they are a victim of or otherwise not at fault under the laws or policies adopted or enforced by covered government entities

- **Prohibits Retaliation Against Survivors**

- VAWA 2022 prohibits covered housing providers from coercing, intimidating, threatening, or retaliating against a survivor for seeking or exercising their VAWA rights.

- **Filing a VAWA complaint**

- HUD has established a new website where individuals can file a complaint if they believe their VAWA rights have been violated - [Violence Against Women Act \(VAWA\) | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/vawa)

- **HUD VAWA Website**

HUD’s centralized Violence Against Women Act (VAWA) webpage is live now at [www.hud.gov/vawa](https://www.hud.gov/vawa). The webpage serves as a clearinghouse for HUD’s VAWA resources, featuring FAQs on VAWA’s housing protections, VAWA trainings, VAWA forms, related legal authorities, and referrals for survivors of domestic violence, dating violence, sexual assault, stalking, and human trafficking who need access to direct services.

- **VAWA VISA**

Households can apply for a special VISA/ ‘green card’ under the Act. It starts with Form I-360 (Immigration) and lots of evidence  
 In 2022, about 70% were approved  
 It typically takes 16-21 months to process.