



# Portland Housing Bureau

Mayor Ted Wheeler • Interim Director Shannon Callahan

## ***HUD's Violence Against Women Act (VAWA) Requirements for all HUD Funded and Tax Credit Properties***

Since 2005 the Violence Against Women Act (VAWA) has provided protections to families applying for and receiving rental assistance payments under the Project Based Section 8 program. VAWA protects victims of domestic violence, dating violence, sexual assault, or stalking, as well as affiliated individual(s), generally, from being denied housing assistance or being evicted as a result of an incident of domestic violence, dating violence, sexual assault, or stalking that is reported and confirmed.

**2013 VAWA POLICY CHANGE**, (Federal Register Vol. 78, No. 151, August 6, 2013)

**On March 7, 2013**, President Obama signed the Violence Against Women Act Reauthorization, which expands the housing protections to include the following programs:

- HOME Investment Partnerships program (HOME)
- Low-Income Housing Tax Credit properties (LIHTC)
- USDA Rural Housing properties
- Section 236 Supportive Housing (Elderly)
- 811 Supportive Housing for persons with disabilities
- Section 221(d)(3) Below Market Interest Rate Program (BMIR)
- HOPWA housing program
- HUD McKinney-Vento homeless programs

The VAWA 2013 [Final Rule](#) was published in the Federal Register on November 16, 2016 and certain requirements in the rule became effective the following month on December 16, 2016. The VAWA 2013 reauthorization enhances judicial and law enforcement tools to combat violence against women, improves services for victims, and strengthens the health care system's response to violence against women. It should be noted that the protections for VAWA-covered violence include sexual assault, women, men, and people in same-sex relationships.

Effective January 3, 2015, all owner/managers of housing programs funded under HUD and/or the Tax Credit program must **implement a policy** to address the protections under the Violence Against Women Act (VAWA). PHB will request a copy of the required VAWA Policy at each inspection as part of the document collection process and may request owner/manager to produce the document more frequently as required by HUD

### **IMPORTANT NOTICE OF IMMEDIATE REQUIREMENT FOR IMPLEMENTATION**

In order for an Owner/Agent to be in compliance with the VAWA Final Rule they must implement VAWA Appendix A ([HUD-5380](#)) and C ([HUD-5382](#)) or self-created forms using exact information immediately. Owner/Agent must also complete the **VAWA Appendix B Emergency Transfer Plan** ([HUD-5381](#)) and implement the **Appendix D Emergency Transfer Request Form** ([HUD-5383](#)).

While not required, PHB strongly encourages the use of an acknowledgement of receipt of the HUD-5380 and HUD-5382. This should be signed and dated by each household and retained in the tenant file to show compliance with the HUD requirement of giving the notice to all in-place households, and new households, as they move in.

### **HUD VAWA Forms Implementation Tips**

The HUD VAWA forms are model forms which can be customized as long as they contain the same information and language. These forms can be found in alternate languages at [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud5a](https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a).

Please note that the HUD VAWA forms have areas that must be completed by the owner/agent. For instance, the HUD-5380 form uses "HP" for housing provider, but the housing provider should insert its name where HP is used.

The HUD-5380 form also has the following "[insert name of program or rental assistance]". VAWA protections apply to all the programs mentioned at the beginning of this notice as required in the rule. For example, if the funding at the specific property assistance is HOME, insert "the HOME Investment Partnerships Program".

### **FAILURE TO IMPLEMENT VAWA POLICY**

If a housing provider refuses to rent, evicts, or otherwise treats someone differently because of that person's status as a victim of domestic violence, HUD or the courts may find a violation under the Fair Housing Act due to direct discrimination, unequal treatment, or disparate impact.

### **RESOURCES FOR TENANTS & LANDLORDS**

For questions regarding VAWA final rule, please use this list of resources. You may also send questions to PHB's general mailbox at [assetmanagement@portlandoregon.gov](mailto:assetmanagement@portlandoregon.gov).

**The owner/manager should reaffirm with their tenants at move-in and recertification, the importance of calling 911 if they feel that they are in immediate danger.**

**Victims of domestic violence, dating violence, sexual assault, or stalking can get help by calling the National Domestic Violence Hotline at 1-800-799-SAFE (7233).**

**There is also a state-by-state list of local resources at:**

<http://www.thehotline.org/>

**Federal Register VAWA Notice:** <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>

**One CPD** <https://www.hudexchange.info/news/reauthorization-of-the-violence-against-women-act-vaawa/>

**Required forms to assist you with VAWA are available in multiple languages on HUD's Multifamily Housing page at [https://www.hud.gov/program\\_offices/housing/mfh](https://www.hud.gov/program_offices/housing/mfh) and include;**

- VAWA Appendix A: Notice of Occupancy Rights Under the VAWA, form [HUD-5380](#)
- VAWA Appendix B: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form [HUD-5381](#)
- VAWA Appendix C: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, form [HUD-5382](#) and
- VAWA Appendix D: Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, form [HUD-5383](#)

*The HUD forms are model forms which can be customized as long as they contain the same information and language.*

Watch the July 26<sup>th</sup> training webcast: VAWA Final Rule Multifamily Housing Owner/Agent Perspective at <https://www.youtube.com/watch?v=FhraC7t2Cxo&feature=youtu.be> or see the training slides only [here](#).