



THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2022:

HUD Updates Its VAWA Forms

The Department of Housing and Urban Development (“HUD”) released revised forms related to its implementation of the 2022 reauthorization of the Violence Against Women Act (“VAWA”). Generally, the updated forms focus on creating consistency and uniformity between the model language of each form and including certain clarifications absent in the 2016 editions. For example, the forms change phrases such as “You are a victim of [VAWA crime]” to “You (or a household member) are a victim of VAWA abuse/violence” and “Name of victim” to “Name(s) of victim(s).” The updated forms also reflect a more trauma-informed approach to determining whether someone is protected under VAWA in that they no longer include questions about the VAWA

crime that occurred. Also, if the victim/survivor documents that they are covered under VAWA by submitting a statement from a victim/service provider, attorney, mental health professional or medical professional, the updated forms require that the third-party statement now include language certifying that the “incidents are real and covered by VAWA.” Importantly, HUD-5380, HUD-5381, and HUD-5383 uniformly revise language describing eligibility for emergency transfer to specify that “imminent harm from further violence includ[es] trauma.”

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- HUD-5380: Notice of Occupancy Rights Under the Violence Against Women Act
- HUD-5381: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking
- HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- HUD-5383: Emergency Transfer Request for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking



HUD-5380: Notice of Occupancy Rights Under the Violence Against Women Act

What is it?

HUD-5380 is the notice providing basic information about the protections provided to tenants who live in and applicants who apply for VAWA-covered housing programs. Housing providers are required to provide this notice to applicants and tenants at three critical times:

- (1) When an applicant is denied admission or assistance;
- (2) When an individual is granted admission or assistance; and
- (3) With any notification of eviction or termination of assistance.

What's New?

- Includes a list of the HUD-covered housing programs and the definition of the term “covered housing provider.”
- Includes a table explaining what timeframe constitutes a “reasonable time” for remaining household members to continue to receive assistance or establish eligibility for each HUD-covered housing program.
- Includes examples of adverse factors and explains that they cannot serve as the basis for denying housing, housing assistance or homeless assistance to an applicant covered by VAWA, and specifically states that poor credit history and poor rental history directly related to being a victim of VAWA abuse or violence cannot be a reason to deny an applicant.
- Explains that issues during the tenancy, such as noise complaints and property damage, cannot be used as a reason to evict a tenant or terminate a tenancy.
- Explains that applicants cannot be denied housing, housing assistance or homeless assistance due to their criminal record as it exists as a direct result of a VAWA crime, and VAWA protects tenants against eviction or removal “because of someone else’s criminal actions that are directly related to VAWA abuse/violence.”
- Explains the process for tenants to request an emergency transfer and includes language confirming that a tenant can request a transfer even if they are not in good standing, such as if they owe rent.
- With regard to the housing providers right to request documentation that the requester is a victim of VAWA crime, the form contains new language that the housing provider’s ability to seek additional documentation is “prohibited unless” it involves situations where there is conflicting information.



HUD-5381: Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking

What is it?

Emergency transfers are an important way for survivors to relocate to safe, affordable housing. Each federal agency in charge of administering at least one covered housing program is required to adopt a model emergency transfer plan to be used by covered housing providers. HUD created HUD-5381 as the model emergency transfer plan to be used by covered housing providers participating in HUD's programs.

What's New?

- Contains less boilerplate language and requires covered housing providers to prepare their own emergency transfer plans within certain parameters and provides extensive drafting advice for providers to create their own plans. For example, it contains guidelines such as “[housing providers] are not required to request documentation from a tenant seeking an emergency transfer. However, if a [housing provider] elects to require documentation . . . the documentation requirement must be included in [its] emergency transfer plan.”
- Requires that the housing provider's emergency transfer plan be available upon request, or publicly available when feasible, and that all materials also be available in alternative languages and accessible formats.
- Requires housing providers to include a section discussing priority for emergency transfers, including details on the “measure of priority given to [the VAWA-protected tenant] in relation to other categories of tenant seeking transfer.” The providers are also specifically advised that priority given to the VAWA-protected tenant must, at minimum, match any other type of priority.
- Contains language about the confidentiality requirements, including that inquiries about emergency transfers are information that must be kept confidential, specific direction regarding recordkeeping practices of the housing provider, and that the housing provider's emergency transfer plan must also provide “strict confidentiality measures,” to protect the location of the victim from the perpetrator of the abuse.

HUD-5382: Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

What is it?

HUD-5382 is a form that the tenant or applicant can fill out to certify status as a victim of a VAWA crime. It is one of several options that the tenant or applicant may use to satisfy a housing provider's request for documentation. 34 U.S.C. §12491(c)(3).

What's New?

- Specifies that tenants cannot be required to provide documentation other than that stated in HUD-5380 but no longer contains significant detail around the other acceptable types of documentation.
- Revises language around requesting an extension: instead of suggesting that the housing provider has the discretion to provide an extension, the newer form only mentions the possibility of an extension within the context of reasonable accommodations for disability.
- Includes space to fill in the names of all relevant parties and adds additional space to fill in contact information for ensuring safe communication with the victim/survivor.
- Includes the definitions for domestic violence, dating violence, sexual assault, and stalking to accompany the certification that the individual is a victim of one of these forms of a VAWA crime.

HUD-5383: Emergency Transfer Request for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

What is it?

HUD-5383 is the form used by applicants or tenants to request an emergency transfer from their housing provider.

What's New?

- Explains that housing providers have the right to request documentation and removes text encouraging applicants to provide documentation unprompted.
- Includes space to fill in contact information for ensuring safe communication with the victim/survivor.
- Requests more information from the applicant about housing preferences and requirements in order to seek an appropriate transfer unit.

CONTACT

For additional questions, please contact National Housing Law Project Managing Attorney Natalie Maxwell at nmaxwell@nhlp.org.

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