

New USDA Housing Programs Covered by VAWA

When the Violence Against Women Act of 2022 housing provisions went into effect, they expanded VAWA coverage to more federal housing programs and added a “catch-all” provision for current or later federally assisted housing programs that serve low- and moderate-income individuals. The U.S. Department of Agriculture (USDA) has two new programs that are covered since VAWA’s reauthorization: the Rural Development (RD) Voucher Program and the Stand-Alone Rental Assistance Program.

The RD Voucher is a tenant-based voucher designed to protect renters who are currently living in USDA multifamily housing and may face financial hardship because the property is leaving the USDA affordable housing portfolio. RD Vouchers are not generally available vouchers. They are only made available to existing USDA tenants following a triggering event, such as prepayment of the existing USDA mortgage, foreclosure or mortgage maturity.¹ The amount of the RD Voucher is established at the time of issuance and is set at the difference between the tenant’s monthly rent contribution and the market rent charged at similar non-subsidized properties for that unit.² Tenants may use the rural voucher to supplement their monthly rent payment at the former subsidized property or any subsidized or non-subsidized property where the owner agrees to accept the voucher and that meets RD’s housing quality standards.

The other newly added housing program is USDA’s Section 521 Stand-Alone Rental Assistance (SARA) Program.³ This program is also intended to protect current renters who are living in USDA multifamily housing. More than 75% of tenants living in USDA rental housing also receive USDA rental assistance, which has been critical to keeping rural housing affordable for low-income residents.⁴ Under the current law, once the USDA mortgage loan matures, the Rental Assistance also ends. SARA is a pilot program that maintains affordable rents by allowing USDA owners to renew their USDA rental assistance contracts without having a USDA mortgage so that tenants can continue to receive this project-based subsidy. Notably, this program did not exist when VAWA was reauthorized in 2022, and instead, was added by USDA pursuant to the VAWA catch-all provision.

USDA provides specific guidance for VAWA compliance in its programs in the “Guide for Administering and Complying with the Violence Against Women Reauthorization Rural Development Multifamily Housing” (RD VAWA Guide). USDA has made some updates to the RD VAWA Guide in light of VAWA 2022.⁵ Notable substantive changes include the updated definitions for domestic violence, economic abuse and technological abuse. The Guide also

¹ 42 U.S.C. § 1490r; 82 Fed. Reg. 21972 (May 11, 2017).

² *Id.*

³ Consolidated Appropriations Act, Pub. L. No. 118-42, § 6, 138 Stat. 25, 83 (2024), available at <https://www.congress.gov/118/plaws/publ42/PLAW-118publ42.pdf>.

⁴ USDA, RD Fiscal Year 2023 Multifamily Housing Annual Occupancy Report (Feb. 20, 2024).

⁵ HB-2-3560 MFH Asset Management Handbook, Attachment 6-K.

reflects the new VAWA protections, including prohibiting retaliation for exercising rights under VAWA, the right to call emergency services and report crime, and the ability to file complaints with HUD's Fair Housing and Enforcement Office if someone's VAWA rights have been violated. The updates also include the RD Voucher Program in the list of covered housing programs. However, the revisions do not provide any program-specific guidance for complying with VAWA under the newly covered housing programs. This may be due, in part, to the fact that the existing guidance on VAWA compliance is generally transferable to the newly covered programs.

Survivors and their advocates should be able to use the policies and procedures outlined in the RD VAWA Guide to enforce a survivor's housing rights. In addition, if the property is covered by multiple VAWA-covered housing programs, the tenant can take advantage of the VAWA protections that are most beneficial to them. Finally, survivors and their advocates can continue to use HUD notices and guidance to address issues that survivors face that the RD VAWA Guide does not address.⁶

⁶ *E.g.*, HUD Notice PIH-2017-08 (HA), Violence Against Women Reauthorization Act of 2013 Guidance, <https://www.hud.gov/sites/documents/17-08pihn.pdf>; HUD Notice H 2017-05, Violence Against Women Act (VAWA) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents, <https://www.hud.gov/sites/documents/17-05hsgn.pdf>.