



FAQ

Rural Rental Housing Options for Survivors of Domestic Violence

Question: What is the difference between 515 and 521?

Answer: The USDA Rural Development (RD) Section 515 multifamily housing program is a direct loan program. Eligible borrowers use these loans as a resource to develop new or rehabilitate existing rural multifamily rental housing. Multifamily housing secured through this resource is specifically for low-income individuals and families in rural areas.

The USDA Rural Rental Assistance Section 521 program provides rental assistance to low-income renters living in 515 properties so that they are paying no more than 30% of their income toward rent. [1]

[1] <https://crsreports.congress.gov/product/pdf/R/R47044>



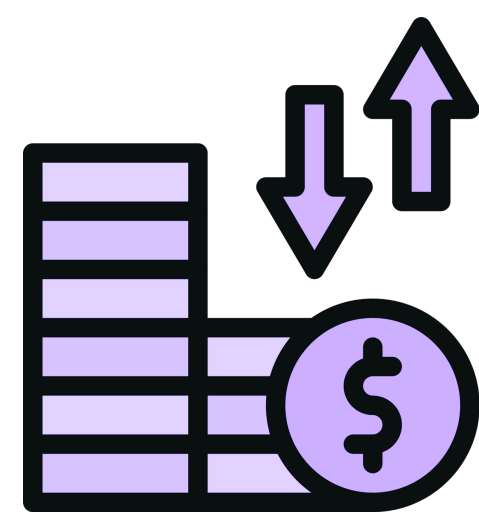
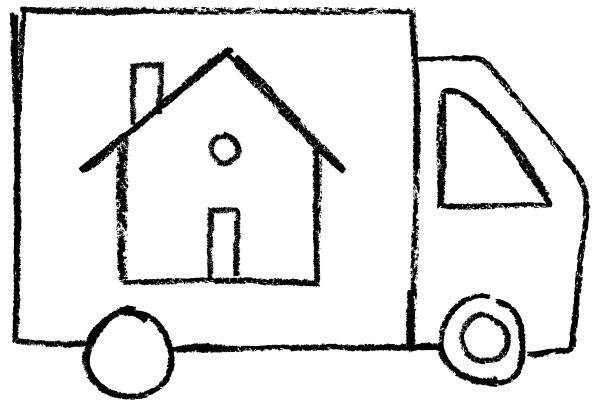
Question: Is a social security number (SSN) required to be eligible for 515 housing

Answer: A social security number is not required to be eligible for 515 housing. To be eligible for 515 housing, applicants must meet the income eligibility requirements, which is (income less than 80% of area median income + \$5500). In addition, landlords can set their own non-discriminatory, tenant selection criteria. If an owner has a policy that requires disclosure of a social security number, they must adjust that policy for survivors where there are safety concerns. See HUD Conciliation Agreement between Complainant and Valencia Village Partners, et al. (FHEO Case No. 04-11-0574-8).



Question: Does an emergency transfer request from a Section 515 multifamily housing unit have to be in writing?

Answer: Each Section 515 multifamily housing program Borrower/landlord must have an Emergency Transfer Plan. A Borrower must specify in their Emergency Transfer Plan whether a verbal statement, self-certification, or written request is needed to initiate a request for emergency transfer.

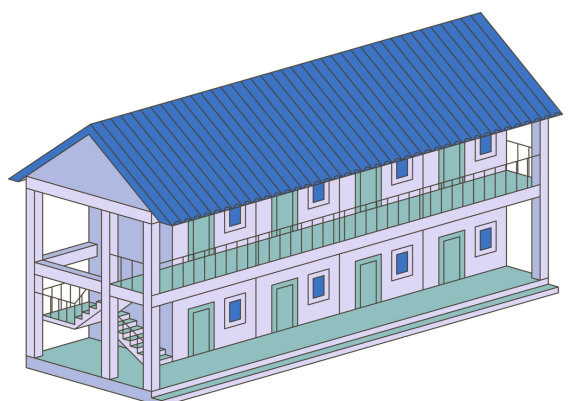


Question: Low-Income Housing Tax Credit (LIHTC) properties generally cater to higher-income households (60%), so how does LIHTC cater to low-income requirements under the 515?

Answer: The rents in a Section 515 property may be set at LIHTC rents where tax credits were used to rehab or construct the project. LIHTC rents are not income based but are set based on area median income. As such, LIHTC rents tend to be below market rents, but not by a significant amount. However, over 75% of RD tenants also receive rental assistance, which caps the tenant's housing costs at 30% of income. This is how the RD program achieves affordability for low-income tenants, even where they may be charging LIHTC rents.

Question: We don't have USDA housing in my community, does that mean it is supposed to be available at our local USDA? Can our non-profit apply for this housing since we operate a housing program?

Answer: While 87% of counties in the US have at least one Section 515 property, they are not located in all rural communities. Loans for the construction of new Section 515 multifamily housing properties have not been issued since the federal fiscal year 2011. Currently, Section 515 resources have placed a greater focus on preserving existing 515 properties. New funding for the Section 515 housing program is competitive and is awarded through the NOSA process. Funding for the 515 program is not currently open but is expected to open later this year. Visit USDA's website to learn more about available funding, <https://www.rd.usda.gov/programs-services/multifamily-housing-programs/multifamily-housing-direct-loans>



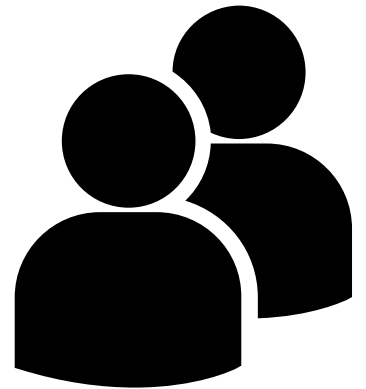


Question: If new migrant people or families have been trafficked, are they covered by VAWA?

Answer: Yes, if they are the victim/survivor of domestic violence, dating violence, sexual assault, or stalking and a recipient of assistance under or tenant of a covered housing program, they are covered by VAWA's protections. While human trafficking is not a protected group under VAWA, many survivors of human trafficking have also experienced domestic violence, dating violence, sexual assault, or stalking. This means that they may be protected under VAWA as applicants and/or as tenants.

Question: When situations result in the survivor getting criminal charges, how does the housing provider determine whether the person claiming VAWA protections is truly the survivor and not the person using violence?

Answer: A person in a covered housing program cannot be denied tenancy or occupancy rights based solely on criminal activity that is directly related to domestic violence, dating violence, sexual assault, or stalking. Landlords are not required to ask for documentation and can take an applicant's or tenant's word that they are a survivor of domestic or sexual violence. Alternatively, landlords may request, in writing, documentation from the person that proves violence. However, the landlord cannot engage in additional fact-finding to determine whether someone is the victim. The person gets to select the form of documentation that is submitted. A person has 14 business days from the time of the landlord's request to submit the documentation. A landlord has the discretion to extend this submission deadline when needed by the person claiming the VAWA protection.



Question: What if both parties are filing VAWA claims?

Answer: Where both parties claim that they are entitled to VAWA protections, the housing provider can ask for third-party documentation. Housing providers can require the parties to submit third-party documentation within 30 days and are allowed to grant an extension of time to submit the documentation.

Question: Where the survivor moves pursuant to an emergency transfer, is the survivor responsible for damages from the former unit as they move into a new unit?

Answer: While VAWA does not explicitly address who bears the cost of property damage, the general prohibition against adverse actions against survivors means that no negative action should be taken against the survivor. Doing so could constitute discrimination that violates the Fair Housing Act. Several state and local laws require that the person who is abusive bear the cost of the property damage. In addition, the Rural Development VAWA guide advises that the borrower/landlords should bear the costs associated with an emergency transfer where possible.



Question: Can a Housing Choice Voucher (HCV) port across state lines?

Answer: Yes, a HUD Section 8 voucher holder can transfer or "port" their voucher to lease a unit anywhere in the United States where there is a Public Housing Authority (PHA) operating a voucher program. If a survivor moves before having permission to "port" their voucher, they can maintain their assistance as noted in 24 Code of Federal Regulation 982.354.

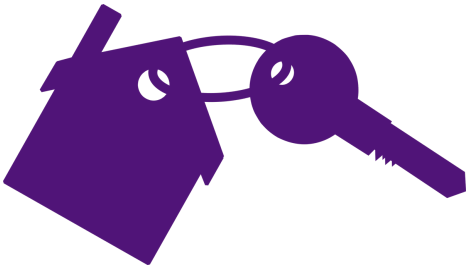
Question: So, are you saying the HCV is tied to a specific person as opposed to a family?

Answer: A Section 8 voucher is assigned to a family. When a family break up occurs due to domestic or sexual violence, the housing authority that administers the voucher must ensure that the victim retains the assistance.

FAMILY

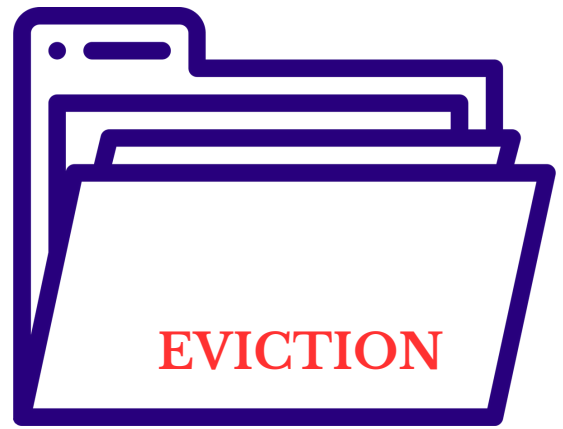
Question: Can the abuser voluntarily surrender rights to the lease?

Answer: Yes, the abuser can agree to voluntarily be removed from the lease. However, if the abuser is the sole tenant eligible to receive the housing assistance, the PHA or landlord must provide the remaining resident 90 days or until lease expiration (with a possible 60-day extension) to move or establish eligibility for another covered housing program.



Question: Can these programs help a resident/client who has an eviction on their record find housing?

Answer: VAWA protections cover applicants when they are applying for admission to a covered housing program. VAWA protects an applicant from being denied housing based on an eviction that was the direct result of being a victim of domestic violence, dating violence, sexual assault or stalking. The applicant would need to tell the housing provider they are entitled to VAWA protections.



LIST OF VAWA-COVERED HOUSING PROGRAMS

Below is a list of housing programs covered by VAWA 2022 by federal agency. In addition, VAWA 2022 added a “catch-all” provision, so that “any other Federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted rents or rental assistance, or more generally providing affordable housing opportunities, as identified by the appropriate agency through regulations, notices, or any other means” could be subject to VAWA.

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

- Public Housing
- Section 8 Housing Choice Voucher Program
- Project-based Section 8 Housing
- Section 202 Supportive Housing for the Elderly
- Section 202 Direct Loan Program
- Section 811 Supportive Housing for Persons with Disabilities
- Section 236 Multifamily Rental Housing
- Section 221(d)(3) Below Market Interest Rate Housing (BMIR)
- HOME Investment Partnerships Program (HOME)
- Housing Opportunities for Persons with AIDS (HOPWA)
- McKinney-Vento Act Programs
- National Housing Trust Fund
- Transitional Housing Assistance Grants for victims of domestic violence, dating violence, sexual assault, and stalking

U.S. DEPARTMENT OF VETERANS AFFAIRS

- Supportive Services for Veteran Families (SSVF)
- Veterans Affairs Supportive Housing (VASH)
- Transitional Housing Assistance for Homeless Veterans
- Grant Programs for Homeless Veterans with Special Needs

U.S. DEPARTMENT OF AGRICULTURE

- Rural Development Voucher Program
- Section 514 Farm Labor Rental Housing
- Section 515 Multifamily Rental Housing
- Section 516 Farm Labor Housing Grant Program
- Section 533 Housing Preservation Grant Program
- Section 538 Multifamily Rental Housing

U.S. DEPARTMENT OF THE TREASURY

- Low-Income Housing Tax Credit program (LIHTC)

RESOURCES

- USDA Rural Housing Programs: An Overview
- Guide for Administering and Complying with the Violence Against Women Reauthorization Act of 2013 Rural Development Multifamily Housing, [HB-2-3560](#), Attachment 6-K.
- HUD Conciliation Agreement between Complainant and Valencia Village Partners, et al. ([FHEO Case No. 04-11-0574-8](#))

This publication is supported by Grant Number #90EV0538-01-00 to the National Resource Center on Domestic Violence from the Administration on Children, Youth and Families, Family and Youth Services Bureau, U.S. Department of Health and Human Services and Grant Number 15JOVW22GK03996MUMU awarded to the National Housing Law Project by the Office on Violence Against Women, U.S. Department of Justice.

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