

The Violence Against Women Reauthorization Act of 2022: Q&A for Advocates

October 2022

Overview

What is the Violence Against Women Reauthorization Act of 2022 (VAWA 2022), and how is it different from the Violence Against Women Act of 2013 (VAWA 2013)?

VAWA 2022 is a law that provides protections for survivors of domestic violence, dating violence, sexual assault, and stalking who are seeking to access or maintain federally-assisted housing. VAWA 2022 continues VAWA 2013's housing safeguards (as well as the safeguards developed under VAWA 2005) and expands housing protections for survivors.

Key VAWA 2022 changes include covering more federal housing programs, including providing a “catch-all” provision for current or later federally assisted housing programs for low- and moderate-income populations, protecting the right of tenants, landlords, and others to report crime or seek emergency assistance in jurisdictions receiving Community Development Block Grant funding, requiring the federal agencies with housing programs subject to VAWA to establish a process to review compliance with VAWA requirements by covered housing providers, and protecting tenants and program participants exercising their rights or participating in processes related to VAWA housing protections from retaliation by their landlords. VAWA 2022 also establishes a Gender-based Violence Prevention Office with a VAWA Director.

VAWA 2022 also reauthorized funding for fiscal years 2023 through 2027 for transitional housing grants for victims of domestic violence, dating violence, sexual assault, or stalking. It also made funding available to population-specific organizations and makes technical assistance funding consistent with other VAWA programs. VAWA 2022 also amended the definition of homelessness under the McKinney-Vento Homeless Assistance Act to better address the needs of sexual assault survivors and permits additional VAWA-related activities under McKinney-Vento Homeless Assistance Grants. VAWA 2022 reauthorizes funding for fiscal years 2023 through 2027 for collaborative grants to increase the long-term stability of victims who are homeless or at risk of becoming homeless and grants to combat violence against women in public and assisted housing and also authorized funds for fiscal years 2023 through 2027 for training and technical assistance to support implementation of the VAWA housing provisions. Finally, VAWA 2022 requires the HUD Secretary to conduct a study assessing the availability and accessibility of housing and services for individuals experiencing homelessness or housing instability who are survivors of trafficking or at risk of being trafficked.

When does VAWA 2022 become effective?

VAWA 2022 went into effect on October 1, 2022, unless otherwise provided.

Who is required to comply with the law?

Public housing authorities and owners and managers of housing programs covered by VAWA must comply with the law.

Coverage

Who does VAWA protect?

VAWA protects anyone who is: (a) a victim of actual or threatened domestic violence, dating violence, sexual assault, or stalking, or an “affiliated individual” of the victim; AND (b) living in, or seeking admission to, a federally assisted housing unit covered by VAWA. *See generally* 34 U.S.C.A. § 12491.

How does VAWA define “domestic violence,” “dating violence,” “sexual assault,” and “stalking”?

The definitions of domestic violence, dating violence, sexual assault, and stalking remain unchanged under VAWA 2022.

- “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
 - A current or former spouse or intimate partner of the victim;
 - A person with whom the victim shares a child;
 - A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
 - A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
 - Any other person who committed a crime against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction. 34 U.S.C.A § 12291(a)(12).

- “Dating violence” is violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - The existence of such a relationship is determined based on the following factors:
 - Length of the relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship. 34 U.S.C.A. § 12291(a)(11).

- “Sexual assault” means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent. 34 U.S.C.A. § 12291(a)(35).
- “Stalking” is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
 - Fear for his or her safety or others; or
 - Suffer substantial emotional distress. 34 U.S.C.A. § 12291(a)(36).

Who is an “affiliated individual” for the purposes of VAWA?

An “affiliated individual” also remains unchanged under VAWA 2022 and can be: a survivor’s spouse, parent, sibling, or child; an individual to whom that survivor “stands in loco parentis”; or an “individual, tenant, or lawful occupant” living in the survivor’s household. 34 U.S.C.A. § 14291(a)(1)(A),(B). Under VAWA 2013, “affiliated individuals” do not necessarily have to be related to the survivor by blood or marriage.

What types of housing does VAWA 2022 cover?

Like VAWA 2013, the law only provides protections for federally-subsidized housing units, and does not apply to private housing without federal subsidies. VAWA 2022 expanded the list of federal housing programs covered by the statute. The following is a list of housing programs covered by VAWA 2022:

- 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
 - Housing Opportunities for Persons with AIDS (HOPWA)
 - McKinney-Vento Act programs
 - Transitional Housing Assistance for Homeless Veterans*
 - Grant programs for homeless veterans with special needs*
 - Supportive Services for Veteran Families (SSVF)*
 - Veterans Affairs Supportive Housing (VAISH)*
 - National Housing Trust Fund*
 - Transitional Housing Assistance Grants for victims of domestic violence, dating violence, sexual assault, and stalking*
- U.S. Department of Agriculture

- Rural Development (RD) multifamily housing programs, including the Rural Development Voucher program (514, 515, 516, 533, 538, and 542 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, 1490p-2, 1490r)*)
- U.S. Department of the Treasury
 - Low-Income Housing Tax Credit program (LIHTC)

As well, VAWA provides 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.

What is the new Gender-Based Violence Prevention Office at HUD?

The new Gender-Based Violence Prevention Office at HUD should help to advance broad, interagency strategies and housing or other solutions towards ending gender-based violence in the United States. The VAWA Director will more specifically work on the implementation of VAWA’s housing provisions.

How are survivors protected from retaliation by their landlords?

Tenants or program participants who exercise their rights under VAWA or participate in processes related to VAWA, as well as individuals who are aiding or encouraging tenants and program participants to exercise their VAWA rights or protections, are protected from retaliation by covered housing providers. This includes a covered housing provider’s actions that amount to coercion, intimidation, threatening actions, interference, or retaliation. HUD and the Attorney General will implement this provision and enforce it consistent with the rights and remedies available to individuals seeking relief under the federal Fair Housing Act.

What are VAWA compliance reviews?

Compliance reviews will be conducted by the federal agencies, HUD, The Department of the Treasury, and the United States Department of Agriculture’s Rural Development program, to determine whether a housing provider subject to VAWA is complying with VAWA’s requirements. Within two years of the date of enactment, the federal agencies will issue regulations setting forth the process to evaluate VAWA compliance.

How does VAWA 2022 protect the right to report crime or seek emergency assistance?

VAWA protects the right of landlords, homeowners, tenants, residents, occupants, guests, and applicants to report crimes and emergencies and prohibits covered governmental entities receiving federal community development grants from imposing penalties based on requests for assistance or based on criminal activity of which they are a victim or not at fault. State and local governments receiving Community Development Block Grant funding (either as an entitlement jurisdiction or subrecipient) must report any laws or policies that involve prohibited penalties and certify compliance or describe compliance efforts as part of their annual planning requirements to HUD.

Resources

- NHLP has a summary of the key provisions of VAWA 2013, which remain in effect now and will not change other than as noted above. To see the full article, please visit: [http://nhlp.org/files/VAWA%202013%20Bulletin%20Article%20\(Jan%202014\).pdf](http://nhlp.org/files/VAWA%202013%20Bulletin%20Article%20(Jan%202014).pdf)
- For additional questions, please contact Kate Walz, Associate Director of Litigation, National Housing Law Project, kwalz@nhlp.org.

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