

The Violence Against Women Reauthorization Act of 2022: *NEW* Complaint Process, Domestic Violence Definition, and Resources



The housing provisions of the Violence Against Women Act of 2022 (VAWA 2022), which went into effect October 1, 2022, unless otherwise noted, 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.

HUD has provided important updates in accordance with new law, including:

- A [new complaint process](#) for survivors experiencing violations of their VAWA housing rights;
- A [new, more expansive definition of domestic violence](#) to include economic and technological abuse;
- And a [new landing page on HUD's website](#) that is dedicated to providing information on VAWA to survivors, advocates, and housing providers.

NEWSLETTER HIGHLIGHTS

VAWA 2022 *New*
Complaint Process

New Definition of
Domestic Violence

New HUD landing page
dedicated to survivors
and housing

VAWA 2022 *New* Complaint Process

Prior to VAWA 2022, survivors who had their VAWA rights violated had limited options for redress. Survivors could raise VAWA defenses in eviction court or federal housing assistance termination proceedings, attempt to get the responsible federal agency to intervene, frame the VAWA violations as sex discrimination under the Fair Housing Act, or try to bring an affirmative suit in federal court. The lack of a reliable and consistent path for relief left many survivors homeless, and further victimized and traumatized them. It also meant that covered housing providers continued to have policies and practices in violation of VAWA.

Effective October 1, 2022, HUD's Office of Fair Housing and Equal Opportunity (FHEO) will investigate complaints for VAWA violations. FHEO Notice 2023-01 outlines this process, explaining that these complaints will be investigated using HUD's existing Fair Housing Act complaint process.

Individuals who believe they have been injured by a VAWA violation or will be injured by such a violation may file a VAWA complaint using FHEO's online complaint form which is available in multiple languages. As with Fair Housing Act complaints, FHEO will also accept VAWA complaints via mail, email, or telephone.

FHEO has an obligation to investigate the allegations. If there is a violation that began prior to a year before the complaint is filed, but the violation is continuing, FHEO will also accept the complaint. However, if a complaint is filed more than one year after the alleged violation occurred (and the unlawful conduct is not continuing), FHEO may, but is not required to, investigate the allegations.

Who Can File a Complaint

A survivor can file a complaint. Organizations may also be able to file a complaint, including organizations who have invested time and resources to investigate the VAWA (and potentially other) violations or a group trying to protect its members or clients from VAWA violations. This could include but is not limited to a local domestic violence or sexual assault program whose clients and/or housing programs are impacted by a covered housing provider's VAWA violations, a tenant association at a VAWA covered property accused of committing VAWA violations, or a local fair housing program who investigates and devotes resources to stopping VAWA violations.



Guide To Completing the VAWA 2022 Complaint Form

HUD is in the process of updating the complaint form to include VAWA specific information. Until that happens, HUD's current complaint form maybe confusing for a survivor (or others) attempting to fill out the complaint form. Survivor advocates can support survivors by helping them fill out the complaint form. Here are guide tips to completing the complaint form:

1

THE FIRST QUESTION ASKS "WHY DO YOU BELIEVE SOMEONE DISCRIMINATED AGAINST YOU, SOMEONE YOU LIVE WITH, OR SOMEONE YOU SOUGHT TO LIVE WITH?" AND ASKS WHAT UNLAWFUL REASON THERE IS FOR THE DISCRIMINATION.

SELECT "OTHER" AND SIMPLY NOTE "VAWA VIOLATION" OR "DISCRIMINATION DUE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING." IF THERE ARE ALSO OTHER FORMS OF DISCRIMINATION, SUCH AS RACE, COLOR, RELIGION, NATIONAL ORIGIN, FAMILY STATUS, DISABILITY, OR SEX (INCLUDING GENDER IDENTITY OR SEXUAL ORIENTATION) DISCRIMINATION, YOU CAN ALSO SELECT THOSE REASONS.

2

THE SECOND QUESTION ASKS "WHO DISCRIMINATED AGAINST YOU?"

NAME, IF YOU KNOW, THE COVERED HOUSING PROVIDER OR LANDLORD, OR THE NAME OF THEIR HOUSING DEVELOPMENT OR PROJECT. HUD MAY BE ABLE TO HELP DETERMINE WHO ACTUALLY OWNS OR MANAGES A VAWA COVERED PROPERTY.

3

THE THIRD QUESTION ASKS, "WHERE DID THE DISCRIMINATION HAPPEN?"

REPORT WHERE THE VIOLATION OCCURRED TO THE BEST OF YOUR KNOWLEDGE. IF FOR EXAMPLE, THE COVERED HOUSING PROVIDER DENIED A SURVIVOR'S HOUSING APPLICATION, PROVIDE THE COVERED HOUSING PROVIDER'S ADDRESS. IF THE SURVIVOR WAS THREATENED WITH EVICTION BY PROPERTY MANAGEMENT STAFF, PROVIDE THE ADDRESS OF PROPERTY MANAGEMENT OR THE SURVIVOR'S ADDRESS.

4

THE FOURTH QUESTION ASKS, “WHEN DID THE DISCRIMINATION HAPPEN?” (AND ASKS YOU TO PROVIDE THE MOST RECENT DATE.)

EXAMPLES OF A MOST RECENT DATE WOULD BE THE DAY YOU RECEIVED NOTICE OF THE FILING OF AN EVICTION CASE IN VIOLATION OF VAWA. EVEN THOUGH THERE WAS LIKELY A NOTICE OF TERMINATION OF TENANCY ISSUED PRIOR TO THE COURT CASE BEING FILED, THE MOST RECENT VIOLATION IS THE EVICTION CASE FILING. YOU SHOULD ALSO CHECK THE BOX IF THE DISCRIMINATION IS ONGOING. AN EXAMPLE OF ONGOING DISCRIMINATION WOULD BE WHEN THE PROVIDER IS NOT MAINTAINING YOUR CONFIDENTIALITY UNDER VAWA AND CONTINUES TO SHARE YOUR INFORMATION WITH OTHERS.

5

THE FIFTH QUESTION ASKS, “WHAT HAPPENED?”

THIS IS A CHANCE TO EXPLAIN HOW A SURVIVOR’S VAWA RIGHTS (AND OTHER CIVIL RIGHTS) WERE VIOLATED. BRIEFLY DESCRIBE THE INCIDENT THAT LED TO THE VIOLATIONS, I.E., THREATENED WITH EVICTION DUE TO PROPERTY DAMAGE CAUSED BY THE PERPETRATOR, AND NOTE IF THERE ARE ANY WITNESSES. WITNESSES COULD BE, FOR EXAMPLE, A SURVIVOR ADVOCATE WHO SPOKE WITH THE COVERED HOUSING PROVIDER AND CONFIRMED THAT THE REASON THE COVERED HOUSING PROVIDER WAS INITIATING AN EVICTION VIOLATED VAWA. LET FHEO KNOW IF THERE IS ANY DOCUMENTATION, SUCH AS EMAILS FROM THE COVERED HOUSING PROVIDER, A TERMINATION NOTICE, EVICTION FILING, OR DENIAL OF AN EMERGENCY TRANSFER REQUEST.

FHEO

FHEO RESPONSE:

FHEO WILL FIRST DETERMINE IF IT CAN ACCEPT THE COMPLAINT. IF THERE IS CAUSE TO BELIEVE VAWA HAS BEEN VIOLATED, FHEO WILL FURTHER ASSESS WHETHER PROMPT ACTION IS NEEDED TO ADDRESS CONCERNS SUCH AS AN IMPENDING EVICTION AND MAY REFER THE MATTER TO THE DEPARTMENT OF JUSTICE. IT IS IMPORTANT THEN TO MAKE CLEAR ON THE COMPLAINT INTAKE FORM IF THERE IS A CONCERN THAT THE SURVIVOR IS BEING DENIED HOUSING OR THREATENED WITH TERMINATION OR EVICTION.

New Definition of Domestic Violence

HUD's January 4, 2023 initial implementation guidance highlights the key changes made by VAWA 2022 and provides an overview of key provisions applicable to HUD programs, and explains HUD's plans to issue rules or guidance to implement VAWA 2022. Importantly, HUD noted that it is interpreting its existing regulations defining the term "domestic violence," to address the evolving ways that people cause harm through domestic violence, including as a result of economic and technological abuse. For a number of reasons, many survivors do not willingly engage with law enforcement or the criminal legal system in the aftermath of abuse. HUD's broader definition of domestic violence, especially focused on coercive control and not dependent on determining criminal acts, will help educate covered housing providers and other stakeholders about the dynamics of abuse and improve access to VAWA's protections for survivors. HUD may issue further guidance on this expanded definition but covered housing providers must use this broader definition now.

New HUD landing page dedicated to survivors and housing

For the first time, HUD has dedicated a new landing page on its website to centralizing information on VAWA and the housing rights of survivors. This new landing page includes information on how survivors can access emergency help, learn about VAWA's housing protections, provides links to the VAWA complaint process, VAWA trainings, and HUD VAWA guidance and regulations, and provides information regarding programs and organizations that can support survivors.



For additional questions, please contact
Kate Walz, Associate Director of Litigation,
National Housing Law Project,
kwalz@nhlp.org.



This project was supported by Grant No. 15JOVW22GK03996MUMU, awarded by the Office on Violence Against Women, U.S. Department of Justice. The opinions, findings, conclusions, and recommendations expressed in this publication/program/exhibition are those of the author(s) and do not necessarily reflect the views of the Department of Justice, Office on Violence Against Women.