

## **VAWA'S NEW PROTECTIONS FOR LANDLORDS, TENANTS, AND OTHERS IMPACTED BY CRIME-FREE PROGRAMS AND NUISANCE PROPERTY LAWS.**

**SECTION 603 OF VAWA – AN OVERVIEW.** Under Section 603 of the Violence Against Women Reauthorization Act of 2022, landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing have the right:

- to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance; and
- not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities.

The types of penalties that Section 603 prohibits imposing against landlords, homeowners, tenants, residents, occupants, guests, and applicants, include: actual or threatened monetary or criminal penalties, fines, or fees; actual or threatened eviction; actual or threatened refusal to rent or renew tenancy; actual or threatened refusal to issue an occupancy permit or landlord permit; and actual or threatened closure of the property, or designation of the property as a nuisance or a similarly negative designation. This section applies to state and local governments receiving Community Development Block Grant (“CDBG”) funding.

The law was enacted in response to [crime-free programs and nuisance laws](#). Crime-free programs and nuisance laws often mandate that landlords evict tenants when the police are called to their home, whether or not they are the crime victim, in need of emergency assistance, or otherwise not at fault. These laws and programs [disproportionately harm, discriminate, and risk the housing](#) of survivors of violence, persons with disabilities, and communities of color.

**THE LAW PROTECTS ALL INDIVIDUALS AND HOUSING TYPES.** Unlike the other housing sections of VAWA, which protect survivors of domestic violence, dating violence, sexual assault, and stalking, Section 603 extends to landlords, homeowners, tenants, residents, occupants, guests, and housing applicants, whether or not they have also experienced violence. As well, any type of housing, including private market rental and single-family homes, are protected under the law.

### **THE OBLIGATIONS OF STATE AND LOCAL GOVERNMENTS WITH CRIME-FREE PROGRAMS AND NUISANCE ORDINANCES OR PROVISIONS.**

Under Section 603, state and local governments receiving CDBG funding must not, as of October 1, 2022, engage in any practices that violate the right to report provided for in Section 603. After HUD issues additional rulemaking, they must also conduct the required review and reporting of their laws and policies (and that of their subgrantees) to ensure that their laws and policies do not conflict with the statutory right to report. However, state and local governments receiving CDBG funds should be evaluating their policies, laws, and programs now to determine if they conflict with Section 603.

**HOW TO ADDRESS A VIOLATION OF SECTION 603.** Effective October 1, 2022, HUD’s Office of Fair Housing and Equal Opportunity (FHEO) will investigate complaints for VAWA violations, including Sec. 603. [FHEO Notice 2023-01](#) explains the process for filing a HUD complaint.

**For more information, please contact Kate Walz, National Housing Law Project at**

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