

Updates on the Violence Against Women Reauthorization Act of 2022: New Interagency Statement on the Violence Against Women Act's Housing Provisions



The housing provisions of the Violence Against Women Act of 2022 (VAWA 2022), which went into effect October 1, 2022 unless otherwise noted, provide 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. A full list of the covered housing programs can be found [here](#). The federal agencies, through notice, regulations, or other means, could designate any other federal housing program providing affordable housing to low to moderate income households by means of rent restrictions, rental assistance, or more generally providing affordable housing, as subject to VAWA.

In September 2024, the Department of Housing and Urban Development, the Department of Justice, the Department of Agriculture, Department of the Treasury, and the Department of Veterans Affairs issued the **first ever interagency statement on VAWA's housing provisions**. This interagency statement provides an overview of VAWA's housing protections among all of the current covered housing programs.





This interagency statement on VAWA’s housing provisions is the first time two federal agencies have provided guidance on how their programs are subject to VAWA’s housing provisions, including the Treasury Department, which oversees the Low-Income Housing Tax Credit program; and the Department of Veterans Affairs, which oversees the HUD-Veterans Affairs Supportive Housing (VASH) Program, VA Grant and Per Diem (GPD) Program, and the Supportive Services for Veterans Families (SSVF) Program.

The interagency statement provides several scenarios to describe why VAWA’s housing protections are so necessary to survivors of domestic violence, dating violence, sexual assault, and stalking. These examples include scenarios covered housing providers may not always consider, including the experiences of survivors of sexual assault, sexual harassment, or sex trafficking, stalking survivors, and scenarios involving survivors who are children or identify as male, survivors with disabilities, and survivors with criminal records.

The interagency statement provides an overview of VAWA’s housing protections, including prohibitions on:

- Assistance denials or other denials of admission to a unit assisted or subsidized by a covered housing program due to a person’s status as a survivor;
- Eviction from a unit assisted or subsidized by a covered housing program due to a person’s status as a survivor;
- Admission or assistance denials, evictions, or terminations for reasons related to the domestic violence, dating violence, sexual assault, and stalking, such as an eviction record, criminal history, or bad credit history as a direct result of the violence committed against them. This language is consistent with HUD’s previous guidance which provided that covered housing providers, before terminating assistance, evicting, or denying admission, must consider adverse factors - such as poor credit, rental history, eviction history, or criminal history - that may be a direct result of the violence they experienced; and
- Evictions or terminations against survivor tenants and survivor-affiliated individuals if there is criminal activity directly related to domestic violence, dating violence, sexual assault, and stalking committed against them.



The interagency statement reminds covered housing providers of other important VAWA provisions including the right to:

- request an emergency transfer from a covered housing provider for safety reasons due to the domestic violence, dating violence, sexual assault, and stalking committed against them;
- to move, because of gender-based violence, with a Section 8 Housing Choice Voucher or Rural Development Voucher without losing or an interruption of that rental assistance;
- For all tenants and applicants, regardless of survivor status, to receive the **Notice of Occupancy Rights** Under the Violence Against Women Act (Form HUD-5380) and the **VAWA Self-Certification Form** (Form HUD-5382) from the covered housing provider at admission, admission denial, termination, or eviction. This is the first time all covered federal agencies are agreeing to use the same Notice of Occupancy Rights and Self-Certification form;
- Have information regarding their status as a survivor maintained in strict confidentiality; and
- request a lease bifurcation from the covered housing provider to remove the perpetrator from the lease or unit. Any bifurcation must be done consistent with federal, state, or local law and the requirements of the covered housing program.

The interagency statement also covers some of the newer VAWA 2022 provisions, including:

- Protections from covered housing providers discriminating, coercing, threatening, retaliating, intimidating, or interfering with a person's exercising or enjoying VAWA rights or another person's efforts to aid them in that effort; and
- Protections from penalties against persons, regardless of survivor status or if they reside in a covered housing program, who contact or seek help from law enforcement or other emergency assistance for themselves or others, or for criminal activity at which they are not at fault or not a victim.

Finally, the interagency statement notes that each federal agency is responsible for implementing the VAWA housing provisions. This includes the Self-Certification forms, the model emergency transfer plans, VAWA compliance reviews, provide a reasonable amount of time for a person to establish eligibility for the covered housing program, another covered housing program, or to move after a lease bifurcation resulted in the sole tenant eligible for the housing assistance being removed from the home, and issuing regulations.

The statement also reminds covered housing providers that potential violations of the VAWA housing provisions can be enforced through HUD's Office of Fair Housing and Equal Opportunity and HUD's Office of General Counsel. The Department of Justice, Civil Rights Division, Housing and Civil Enforcement Section enforces the housing provisions of VAWA for the Attorney General.

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