



VAWA Requirements for CoC Projects March 7, 2024

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HOUSING INNOVATIONS

Agenda



- VAWA Overview
- Who is eligible for protections?
- Responsibilities of CoC Providers
- Documentation Requirements
- Prohibition on Retaliation
- Right to Report
- VAWA Eligible Activities



Who Is With Us Today? – Zoom Poll

What type(s) of CoC projects do you work in?

How familiar are you with VAWA requirements and protections?

If you have a particular question you want to get answered today, please put it in the chat.

Violence Against Women Act (VAWA)

VAWA is a federal law. It provides housing protections for people applying for or living in housing units subsidized by the federal government who have experienced domestic violence, dating violence, sexual assault, or stalking. It helps to keep them safe and reduces their chances of experiencing homelessness.

VAWA protections apply regardless of sex, sexual orientation, gender identity, or gender expression.



Why are VAWA protections important?



- Many people we serve have acute safety needs.
- Expansion of housing protections increases safety.
- Safe housing reduces the risk of homelessness and supports healing.
- Protections can decrease evictions, denials of housing assistance, and instances of survivors experiencing violence in their homes
- Helping people to feel safe in their homes builds trust.

Section 202/811

Housing
Opportunities for
Persons with AIDS
(HOPWA)

Continuum of Care
and Emergency
Solutions Grant

HOME Investment
Partnerships

Housing Trust Fund

Housing Choice
Vouchers

Public housing

Multifamily rental
housing

VAWA Covered HUD Housing Programs

VAWA Covered HUD Housing Programs (2)

Continuum of Care (CoC)

- Rapid Re-housing
- Transitional Housing
- Permanent Supportive Housing

Emergency Solution Grant (ESG)

- Homelessness Prevention
- Rapid Re-housing

VAWA Housing Protections



Non-discrimination based on status as a victim of VAWA violence/abuse or on “adverse factors”

Emergency Transfer

Lease Bifurcation

Prohibition on retaliation

Right to report crimes and emergencies

Eligibility for VAWA protections



Applicants for and participants in HUD housing programs who are victims of domestic violence, dating violence, sexual assault, or stalking

Who else might be eligible?



Guests, unassisted/unreported household members, and live-in aides may be eligible for protections

Guests are protected by the Right to Report

A tenant can seek protection for a live-in aide including emergency transfer

People who are 'affiliated' with a tenant facing adverse housing decisions as a result of VAWA violence may be protected



Definition of Domestic Violence

- Includes misdemeanors and felonies by a current or former spouse or intimate partner of the victim
- Includes abuse which may not constitute a crime:
 - *Verbal*
 - *Psychological*
 - *Economic – examples: restricting access to money, assets, credit or financial information; unfairly using resources; exerting undue influence over financial decisions*
 - *Technological – using technology to threaten, control, harass, impersonate, exploit, monitor*

Definition of Domestic Violence (2)

- May be committed by someone :
 - Who is co-habiting or has *co-habitated with the victim as a spouse or intimate partner*
 - *Shares a child with the victim; or*
 - *Commits acts against a youth or adult victim who is protected from those acts under CT's family or domestic violence laws*





Poll

- True or False: The Violence Against Women Act only protects women.
- Which of these types of CoC Projects are covered under VAWA? PSH, RRH, TH, Street Outreach
- True or False: To be eligible for protections under VAWA a CoC tenant must have been the victim of a crime.

Responsibilities of Housing Provider



Proactively
recognize
when VAWA
housing
protections
may be
available



Educate
tenants on
VAWA
protections –
provide
notifications
as required



Assist
survivors in
requesting
protections
such as
Emergency
Transfers



Identify
appropriate
referrals for
supportive
and legal
services

Proactively recognize when VAWA housing protections may be available

**Be
Proactive**



NOT

Reactive



CT Safe Connect: Is it abuse?

Provide Referrals for Services & Legal Assistance

Services available by:

- phone or text at (888)774-2900
- email at safeconnect@ctcadv.org
- chat

Information and Referrals, including legal

Visit [CT Safe Connect](#)



CTSafeConnect

Educate on VAWA Protections & Provide Notices

Notice of Occupancy Rights ([HUD 5380](#)) and Incident Certification ([HUD 5382](#))
MUST BE PROVIDED:

When admitted to
CoC housing or
begin receiving
assistance

When denied CoC
housing or
assistance

When a participant
receives notice of
eviction

When a participant
is notified of
termination of
assistance

Assist Survivors in Accessing Protections



Emergency Transfer

Agencies with Covered Projects (see slide #7) must have an Emergency Transfer Plan.

[Sample Provider Emergency Transfer Plan](#)

Survivors of a VAWA defined crime must be allowed to transfer to a safe dwelling unit if:

The survivor requests a transfer

AND reasonably believes they are threatened with imminent harm in that unit

OR, in the case of sexual assault, it occurred on premises within 90 days of request



Participants who qualify for emergency transfer must be allowed to move to another unit in same project – if available – where none are available, help participant move to new project

Prioritization for Emergency Transfers

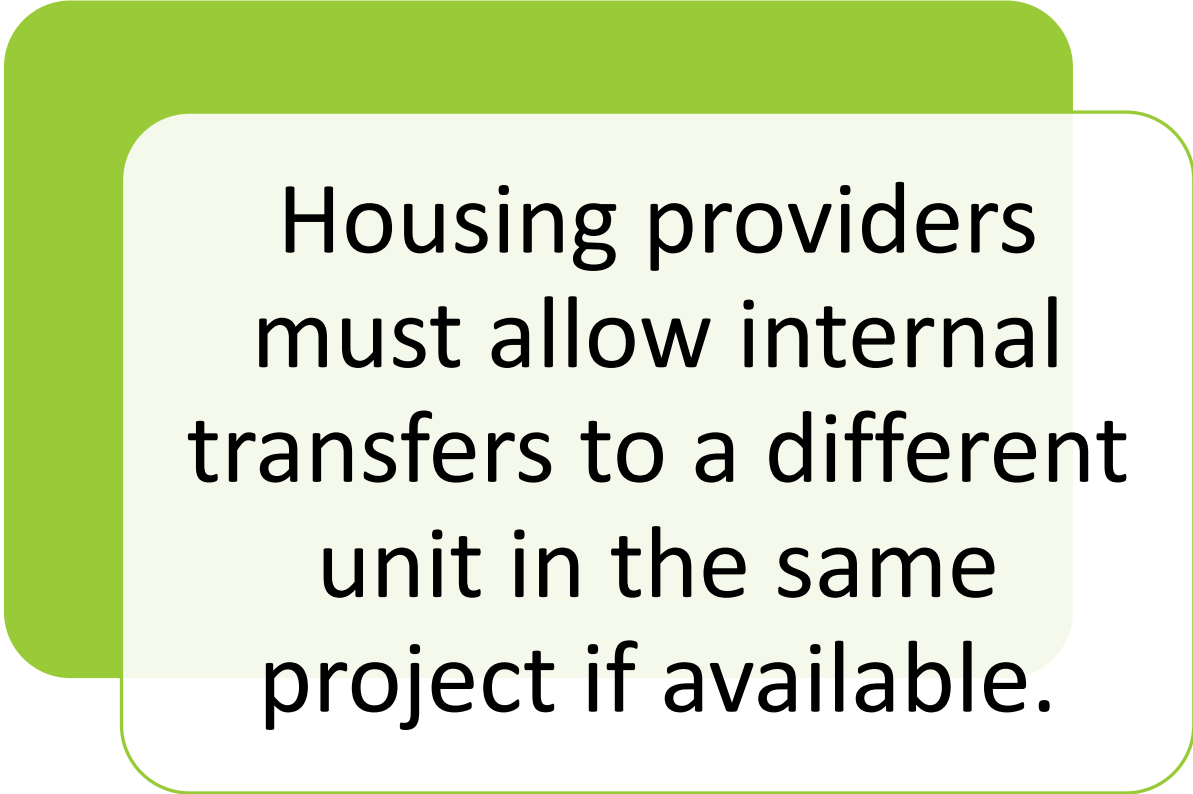


Emergency transfer plans must describe prioritization for providers – internally within organization and within coordinated entry

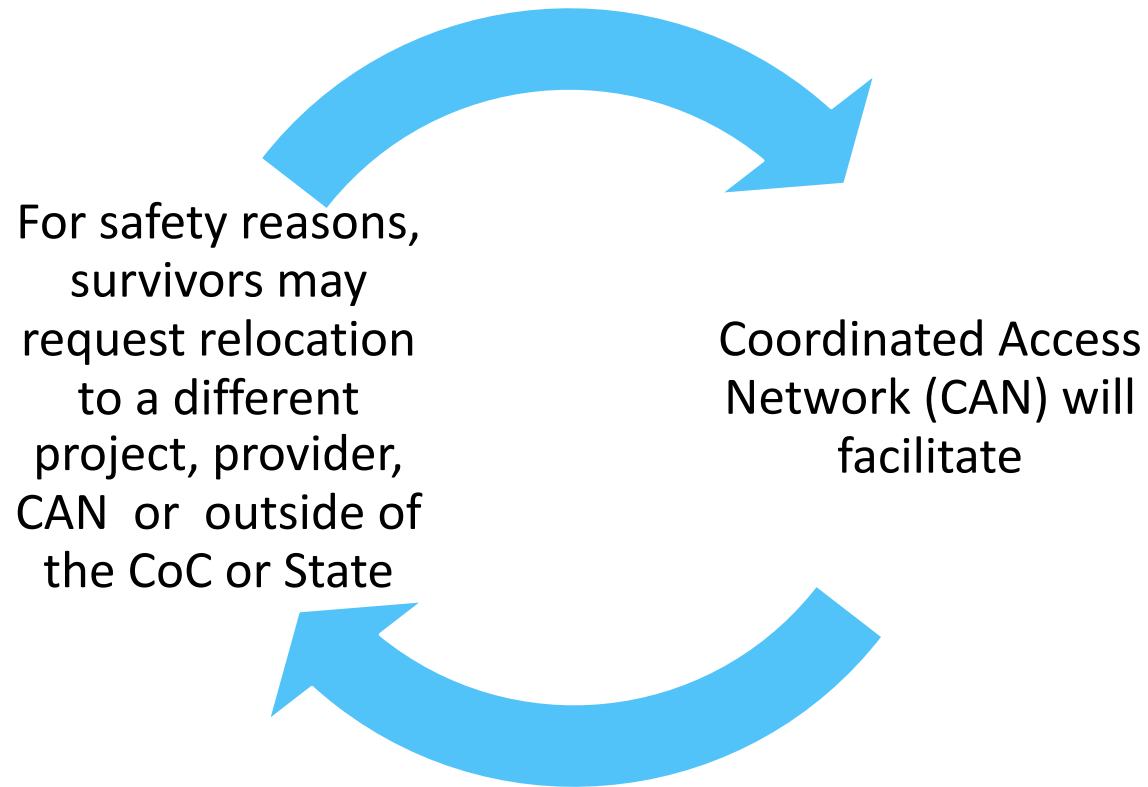


Transfer requests should be prioritized before all other admissions

Internal Emergency Transfer



Housing providers
must allow internal
transfers to a different
unit in the same
project if available.



External Emergency Transfer

Prohibited Considerations for Emergency Transfers



Housing providers can only assess participant's eligibility for a transfer based on the need identified by the participant.

They are not allowed to consider the participant's gender, mental health status, perceived reliability, family composition, etc.



What is a safe unit?

- “a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe”
- Not constrained by anyone else’s opinion about what is or is not ‘safe’
- Participants cannot be required to accept a specific unit.

- 1) Read the notice and insert the information that is specific to your project.
- 2) Give the notice to all households who are asking for help or already receiving it. Do this when they first apply, when they enter your project, and at least once each year.
- 3) Go over the notice with the people who are asking for or getting services. This will help them know and understand their rights.

Do these things for every applicant and participant even if you don't think they are a survivor.

Emergency Transfer Rights Notice

Info for Residents -
Emergency Transfer
Plan





Documentation of Transfers

Housing providers must retain records of all emergency transfer requests and the outcomes.

Providers must annually report outcomes to HUD.

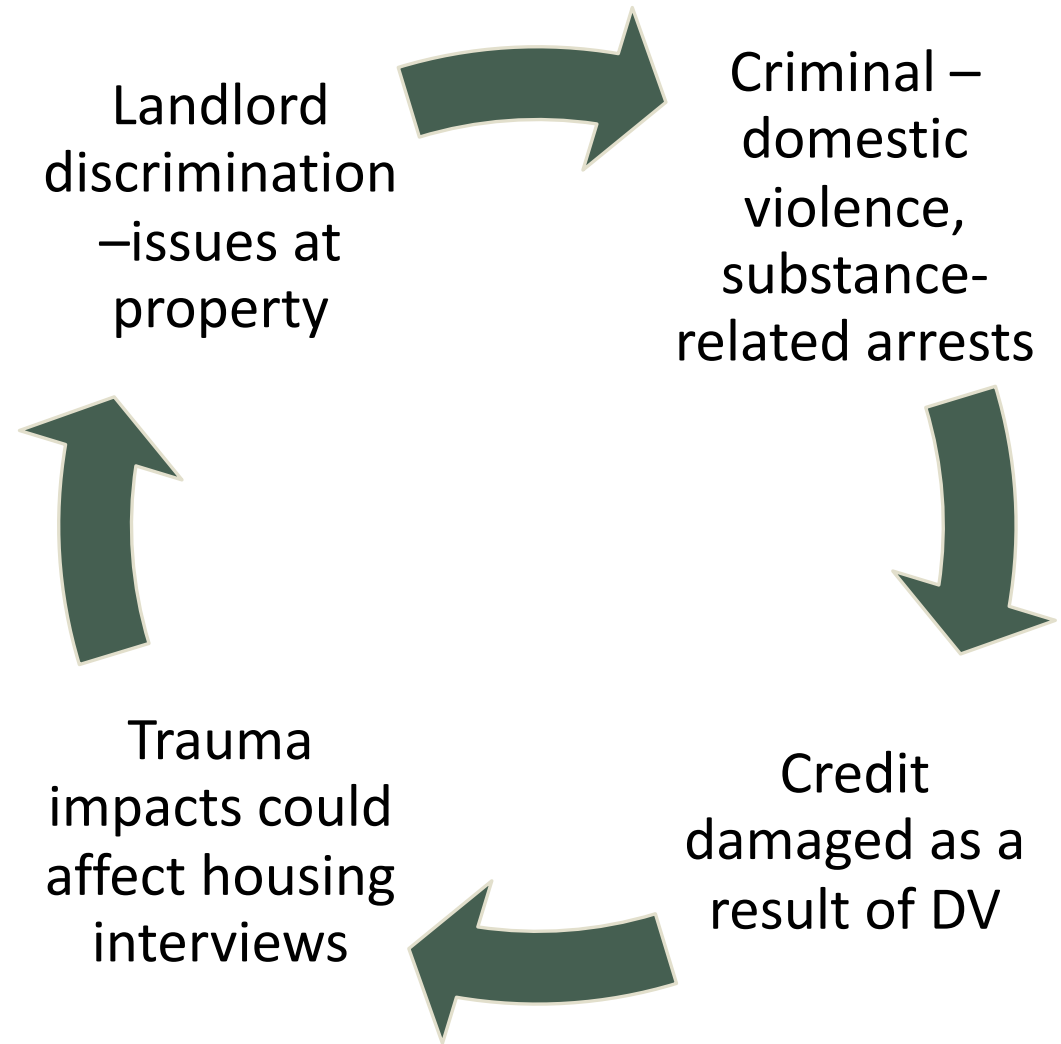
Records on emergency transfers must be retained for at least 5 years.



Poll

- True or False: It's up to participants to ask for VAWA protections if they need them.
- True or False: Emergency transfer requests must be prioritized over all other admissions.
- At which of these times is it required to give the Notice of Emergency Transfer Rights:
 - upon application
 - at project entry
 - at annual recertification

Survivors may face additional barriers to housing



Prohibition Against Eviction and Denial of Admission or Support

An applicant for assistance or tenant assisted under a covered housing program may not be **denied admission** to, **denied assistance** under, **terminated** from participation in, or **evicted** from the housing on the basis or **as a direct result of the fact that the applicant or tenant is or has been a victim of VAWA violence/abuse**, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. 24 CFR 5.2005(b)(1)

Non-Discrimination Requirements

Cannot deny admission based on an 'adverse factor' if that factor is a direct result of the applicant having been a victim of domestic violence, dating violence, sexual assault, or stalking

Access to housing cannot be denied because of landlord concerns that dating violence may cause problems

Cannot evict a tenant because of noise or other disturbances if those are a direct result of VAWA violence/abuse

Examples:
Adverse
factors
cannot be
used to deny
support or
evict

Poor credit history

- Unauthorized or forced use of the survivor's credit card, checking account
- Coercing survivor into accessing credit
- Job loss related to DV

Bad rental/eviction history

- Noise
- Property damage
- Threats
- Harassment

Criminal Record

- Dual arrests in DV
- Disorderly conduct
- Crimes related to sex work
- Financial crimes

Examples:
Adverse
factors
cannot be
used to deny
support or
evict (2)

Failure to pay rent

- Survivor is injured & cannot work
- Wage earner is arrested
- Abuser prevents obtaining/maintaining employment
- Lost wages due to court hearings, counseling appointments
- Significant Medical expenses resulting from abuse



An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking **shall not be construed** as:

(1) A serious or repeated violation of a lease; or

(2) Good cause for terminating the assistance, tenancy, or occupancy rights

VAWA Lease Language



All leases assisted through CoC/ESG must include protections afforded to survivors

[VAWA Lease Addendum](#)

Lease Bifurcation



Can bifurcate a lease to remove or terminate assistance to an abuser while allowing the victim to remain

If the tenant being removed was the 'eligible' tenant – the remaining members of the household may either establish CoC eligibility and remain in the unit or relocate to alternative housing within the term of the lease

The tenant being removed from the lease has up to 90 days to establish eligibility under CoC/ESG or under any covered housing program. Can be extended 60 days but not beyond the lease term.



Susan

Susan is the qualified CoC participant in PSH. There have been multiple DV incidents with her romantic partner, and who is the aggressor varies. Following the most recent incident there is a protective order that says Susan cannot return to the unit. Staff has provided support, resources and education.



Susan (2)

Can Susan be removed from the unit and her partner allowed to stay? *Yes.*

Can the CoC project continue to assist Susan? *The PSH project should continue to provide CoC supportive services and rental assistance to Susan regardless of whether she is the perpetrator or the victim. Staff can help her to locate a new unit where she can use her CoC rental assistance.*

Can the CoC project provide rental assistance to Susan's partner? *If Susan's partner remains in the CoC assisted unit, then, they must be provided until the end of the lease the opportunity to establish eligibility under the CoC program, establish eligibility under another kind of subsidy program or find alternative housing. The project may continue rental assistance for up to 30 days from the end of the month in which Susan vacates the unit. The project may continue rental assistance beyond 30 days only if the other person is determined to be qualified for CoC assistance.*

Documentation Requirements

Requests for VAWA Protections



- When someone requests VAWA protections, providers may:
 - ✓ Provide the protections based just on the request; or
 - ✓ Choose to ask for documentation - applicant or participant can choose which type to provide

Acceptable
methods for
documentation
- applicant or
participant can
choose any of
these:

HUD self-certification form (Form 5382)
or another form of self-certification

Law enforcement, court, or
administrative agency record

Documentation from a professional

- From a victim services agency or professional from whom victim has sought assistance

Documentation



If a housing provider requests documentation, the request must be in writing and must allow 14 business days for response



Housing provider **MUST** accept whatever form of documentation survivor chooses to provide



Can only **require** documentation beyond self-certification if there is conflicting information – survivor has 30 days to provide documentation



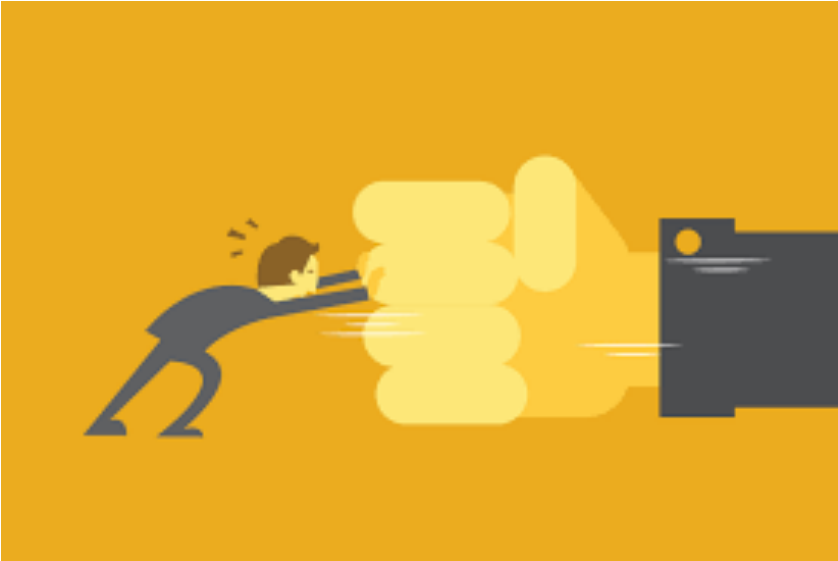
Confidentiality

Emergency transfer plan must ensure that the housing provider does not disclose the location of the dwelling unit.

Victim services providers are prohibited from entering personally identifiable information into shared databases including HMIS.



Prohibition on Retaliation – VAWA 2022



Applies to Public Housing Authorities (PHAs), owners and managers of Covered Housing Programs

Cannot discriminate against anyone for exercising VAWA rights

Cannot coerce, intimidate, threaten, interfere with because they exercised rights or encouraged someone else to do so

Right to Report – VAWA 2022



Protects the right to seek law enforcement or emergency assistance

Cannot penalize or take action against someone exercising these rights:

- 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 occupancy permit or landlord permit
- Actual or threatened closure of property, or designation of property as a 'nuisance'

Examples of non-compliant laws and actions

“Nuisance Property” ordinances and “Crime-Free” programs that:

Include fines or penalties for ‘excessive’ calls for emergency or ambulance and/or incidents of domestic violence

Do not provide exceptions for calls when the resident is a survivor of domestic violence or calls for emergency assistance by people with disabilities

Poll



Which of these is prohibited under VAWA:

1. A PHA is refusing to lease a unit because of previous property damage that happened when the applicant was being beaten by his husband.
2. A RRH tenant lost her job because her abuser kept showing up at work, and her landlord is now evicting her for non-payment.
3. A PSH property manager tells a tenant who is being abused by her daughter's father that she better watch herself because the management is unhappy about the fights between them.

VAWA 2022 Added CoC Eligible Activities



Facilitating and coordinating activities to ensure compliance with Emergency Transfer Plan requirement



Monitoring compliance with confidentiality protections



CoC funds can be expended on VAWA budget line for these activities

Emergency Transfer Facilitation – Eligible costs



Moving costs



Travel Costs – including outside of CoC



Security Deposits



Utilities – establishing service



Housing Fees – application, broker, pet fees (if needed for safety)



Technology to make unit safe (internet to connect system)



Case management



Housing Navigation

VAWA Confidentiality Compliance – Eligible costs



Monitoring and evaluating compliance

Developing strategies for corrective actions and remedies

Training on confidentiality requirements

Reporting on compliance

Staff time on maintaining confidentiality



New project application – request funding on VAWA line



Renewal application – request VAWA funding by shifting funds from existing budget lines



Existing CoC Grant – request contract amendment to include VAWA funds

Requesting Funding for VAWA Activities

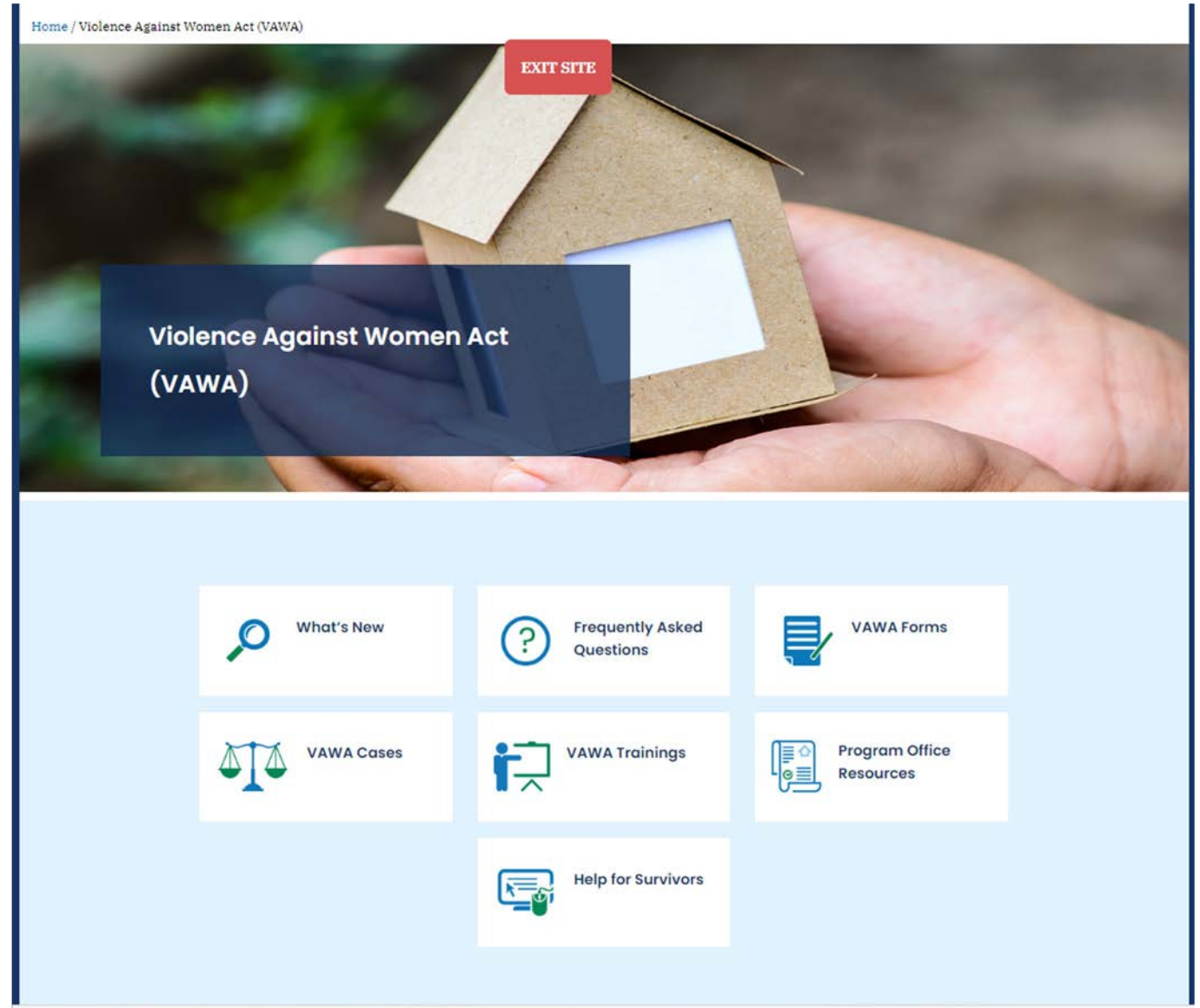


Questions/Suggestions

Violence Against Women Act (VAWA)
| HUD.gov / U.S. Department of
Housing and Urban Development
(HUD)

<https://www.hud.gov/VAWA#VAWA-Forms>

For additional resources, forms,
trainings, visit the VAWA page on
the HUD website





CT Balance of State Continuum of Care (CT BOS CoC) Onboarding Resources

[Onboarding Recommendations for New Staff](#)

Onboarding Webinars available on [CT BOS Training Page](#):

- Introduction to CT BOS CoC – Feb 2024
- Key Policies & Administrative Requirements – Jan 2024
- Participant Eligibility Documentation - Feb 2023
- Housing Requirements– 2 Sessions, May 2023
- Fiscal Requirements – 2 Sessions, June 2023
- Grant Management Requirements – Nov 2023
- DMHAS Training Catalog

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