

Dear NAHMA Member,

NAHMA received the following message from the Assistance Secretary of the Office of Fair Housing and Equal Opportunity regarding implementation of the Violence Against Women Act Reauthorization of 2013 (VAWA).

The proposed rule for implementation may be found [here](#). It will also soon be published in the Federal Register and will be open to public comment for 60 days. NAHMA will work with its Regulatory Affairs Committee in developing our comments.

From: AssistantSecretaryGustavoVelasquez [<mailto:AssistantSecretaryGustavoVelasquez@HUD.GOV>]

Sent: Tuesday, March 24, 2015 4:13 PM

To: FHEO-NEWS-L@HUDLIST.HUD.GOV

Subject: FW: SECRETARY CASTRO ANNOUNCES PROPOSED RULE IMPLEMENTING VAWA 2013

Dear Friends and Colleagues,

I wanted to let you all know that today Secretary Castro announced HUD's proposed regulation implementing the Violence Against Women Act Reauthorization of 2013 (VAWA 2013). You may watch the Secretary's announcement [here](#) and read the press release [here](#).

As you know VAWA 2013 expanded the housing protections for victims of domestic violence previously authorized in 2005 in several ways, including [applying VAWA to all HUD housing](#), as well as USDA rural housing and Low-Income Housing Tax Credit properties. While the core protections of VAWA 2013—prohibition on denying or terminating housing assistance on the basis that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking—apply without rulemaking, other requirements of VAWA 2013 must first be submitted for public comment, and this proposed rule addresses those requirements.

The proposed rule, among other things, would:

- Include “sexual assault” as an action covered by VAWA protections;
- Establish a definition for “affiliated individual”;
- Apply VAWA protections to the Housing Trust Fund;
- Establish a reasonable period of time during which a tenant (in situations where the tenant is not the perpetrator) may establish eligibility to remain in housing, where the tenant's household is divided due to domestic violence, dating, violence, sexual assault, or stalking, and where the tenant was not the member of the household that previously established eligibility for assistance;
- Establish what constitutes a safe and available unit to which a victim of domestic violence, dating violence, sexual assault, or stalking can be transferred on an emergency basis; and
- Establish what documentation requirements, if any, should be required of a tenant seeking an emergency transfer to another assisted unit.

Having a safe, stable home is critical to help survivors of domestic violence start a new chapter of their lives, free from violence. HUD has been a leader in this area for a number of years, working to investigate and resolve cases that may violate existing authority under the Fair Housing Act. In 2011, [HUD issued guidance](#) outlining when the Fair Housing Act is applicable.

Since that time, HUD has resolved or charged a number of cases involving victims of domestic violence under the Fair Housing Act. [Just last month, the Department reached agreement with the City of Berlin, NH](#) after filing a complaint alleging a Fair Housing Act violation. Berlin had enacted an ordinance requiring landlords to evict tenants cited three or more times for “disorderly action,” which included domestic violence incidents. This caused the perverse outcome that victims of domestic violence who contacted the police would put themselves in jeopardy of losing their homes. As a result of HUD’s settlement, the city amended its ordinance to make it clear that the ordinance is not to be used against victims of reported incidents of domestic violence

You can find the [proposed rule on this webpage](#) and the [press release here](#). The proposed rule will be published in the Federal Register soon. For more on the housing protections in VAWA 2013, see this [Fact Sheet](#) or [HUD’s 2013 Notice](#).

I want to thank you for your leadership in promoting housing rights for all, especially victims of domestic violence, and encourage you strongly to comment on the proposed rule as soon as it is available in the Federal Register. As Secretary Castro says in this [announcement video](#), “Everyone has the right to live free from violence.”

Sincerely,

Gustavo

Gustavo F. Velasquez

Assistant Secretary

Fair Housing and Equal Opportunity

U.S. Department of Housing and Urban Development

