

RHIIP Listserv #371 - Violence Against Women Reauthorization Act of 2013 (VAWA) Final Rule

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Welcome to the MULTIFAMILY HOUSING RENTAL HOUSING INTEGRITY IMPROVEMENT PROJECT (RHIIP) LISTSERV that brings you up-to-date RHIIP related publications, news, information and occupancy tips in an effort to help reduce errors in rent determinations and subsidy calculations.

Violence Against Women Reauthorization Act of 2013 (VAWA) Final Rule

The U.S. Department of Housing and Urban Development's final rule regarding the implementation of housing protections authorized in the Violence Against Women Reauthorization Act of 2013 (VAWA) [was published in the Federal Register](#) on November 16, 2016. This final rule is a critical step in protecting housing of survivors of domestic and dating violence, sexual assault, and stalking.

The rule affects all owners/agents of properties under Multifamily's rental assistance programs and becomes effective 30 days after publication, on December 16, 2016. Please note covered housing providers will have 180 days from the effective date to develop emergency transfer plans. Emergency transfer provisions will become effective June 14, 2017.

HUD Secretary Julián Castro stated, "Nobody should have to choose between an unsafe home and no home at all. Today we take a necessary step toward ensuring domestic violence survivors are protected from being twice victimized when it comes to finding and keeping a home they can feel safe in."

Some of the critical components of the final rule include:

- **Continuation of the core protections** – The rule codifies the core protection across HUD's covered programs ensuring survivors are not denied assistance as an applicant, or evicted or have assistance terminated due to having been a victim of domestic violence, dating violence, sexual assault, and stalking, or for being affiliated with a victim.
- **Emergency transfers** – One of the key elements of VAWA's housing protections are emergency transfers which allows for survivors to move to another safe and available unit if they fear for their life and safety. The final rule includes a model emergency transfer plan, which was required in VAWA 2013, and an emergency transfer request form.
- **Protections against the adverse effects of abuse** – Domestic violence can often have negative economic and criminal consequences on a survivor. The perpetrator may take out credit cards in a survivor's name, ruining their credit history, or causing damage to survivor's property causing eviction and poor rental

history. The perpetrator may force a survivor to participate in criminal activity or a survivor may be arrested as part of policies that require arresting of both parties in a domestic disturbance. The final rule ensures that covered housing providers do not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a survivor.

- **Low-barrier certification process** – The final rule makes it clear that under most circumstances, a survivor need only to self-certify in order to exercise their rights under VAWA, ensuring third-party documentation does not cause a barrier in a survivor expressing their rights and receiving the protections needed to keep themselves safe. The rule includes a certification form that may be used by covered housing providers.

Please contact [Carissa Janis](#) with any questions.