

# NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

## *The impact of the Violence Against Women Reauthorization Act of 2013 on the housing rights of survivors of domestic violence*

### **Frequently Asked Questions**

The federal Violence Against Women Reauthorization Act of 2013 (VAWA 2013) (Pub. L. 113-4), signed into law on March 7<sup>th</sup>, 2013 improves upon lifesaving services for all survivors of domestic violence and includes critical protections for immigrants, individuals who identify as LGBT, native women, college students and youth, and public housing residents. VAWA 2013 expands on the landmark housing protections passed in the 2005 reauthorization by including nine additional federally subsidized housing programs, explicitly protecting survivors of sexual assault, and mandating that housing agencies create and implement emergency housing transfer options.

### **Overview**

#### **What new housing protections are in VAWA 2013?**

- ❖ VAWA 2013 continues to bar eviction and termination due to a tenant's status as a survivor, and requires landlords to maintain survivor-tenant confidentiality. It also continues to prohibit a tenant who is a survivor of domestic violence from being denied assistance, tenancy or occupancy rights based solely on criminal activity related to an act of domestic violence committed against them.
- ❖ New housing protections in VAWA 2013 includes the requirement that each appropriate agency develop a notice of rights under VAWA for tenants and provide such notice at the time a person applies for housing, when a person is admitted as a tenant of a housing unit, and when a tenant is threatened with eviction or termination of housing benefits.
- ❖ Additionally, it requires each appropriate agency to adopt a model transfer plan for use by public housing agencies and owners or managers of housing. Tenants must explicitly request the transfer and reasonably believe that they are threatened with imminent harm from further violence if the tenant remains within the same unit.

#### **Who is covered by the new protections in these amendments?**

- ❖ VAWA 2013 now expressly extends housing protections to survivors of sexual assault, and adds "intimate partner" to the list of eligible relationships in the domestic violence definition.
- ❖ VAWA protections continue to cover survivors of domestic violence, dating violence, and stalking who are tenants in the specified housing program. The protections also continue to cover an "affiliated individual," which includes any

person living with the survivor and related to him or her by blood or marriage including the survivor's spouse, parent, brother, sister, child, or any person to whom the survivor stands in loco parentis.

**What new housing programs are protected in VAWA 2013?**

- ❖ VAWA 2013 maintains protections for public housing, Section 8 vouchers, and project based Section 8, and also expands the housing protections from VAWA 2005 to extend to the following new housing programs:
  - Low-Income Housing Tax Credit properties (26 USC §42 (h) & (i))
  - USDA Rural Housing properties (42 USC §1471)
  - HOME Investment Partnerships program (42 USC §12755)
  - § 202 supportive housing for the elderly (12 USC §1701q)
  - Section 236 Rental Program (12 USC §1715z-1b)
  - § 811 supportive housing for people with disabilities (42 USC §8013)
  - Section 221(d)(3) Below Market Interest Rate (BMIR) Program (12 USC §1715z-1b)
  - HOPWA housing program (12 USC §17151(d))
  - HUD's McKinney-Vento homeless programs (42 USC §§11375; 11386; 11408)

**Who are the government entities who must comply with the housing protections?**

- ❖ The Department of Housing and Urban Development (HUD), the US Department of Agriculture (USDA), and the Department of the Treasury's Internal Revenue Service (IRS).

**When did the new VAWA housing provisions become effective?**

- ❖ VAWA 2013 became effective on March 7<sup>th</sup>, 2013 when the bill was signed into law.

**Where are the housing provisions in the new law and where can I find a copy of the new law?**

- ❖ Title VI of VAWA 2013, entitled "Safe Homes for Survivors of Domestic Violence, Dating Violence, Sexual Assault, and Stalking" addresses housing. Copies of the legislation are available at <http://thomas.loc.gov> by clicking on "Public Laws."

*For additional information, please contact:*

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