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# The Violence Against Women Act (VAWA) Affects all Homeless Services Providers

## February 28<sup>th</sup>, 2023

**Multidisciplinary Approaches to  
Ending Homelessness**

A Continuum of Care Webinar Series

*Please sign in by typing your full name, title, and organization into the webinar chat box.*

# About the Webinar Series

## **Purpose**

These webinars provide an opportunity to engage with local and regional experts on best practices, advocacy tools and resources available to prevent and end homelessness in Riverside County.

## **Recorded Webinars**

After the live webinar has taken place, the recording will be added to our website.

## **Upcoming Webinars**

We are working on securing speakers for future webinars and would love to feature you or your agency.

Email [CoC@rivco.org](mailto:CoC@rivco.org) if interested.

# Agenda for Today

**9:00 – 9:10 AM**

**Welcome & Introduction**

Karen Roper  
Continuum of Care Chair

**9:10 – 9:50 AM**

VAWA Affects all Homeless  
Services Providers by ICF

Gordon Levine,  
Lead Homeless Services Specialist

**9:50 – 10:00 AM**

**Q&A: Please type your questions in the chat box. We will answer as many questions as possible at the end of the webinar.**

*Please sign in by typing your full name, title, and organization into the webinar chat box.*



# The Violence Against Women Act (VAWA) Affects all Homeless Services Providers





# CONTENT WARNING

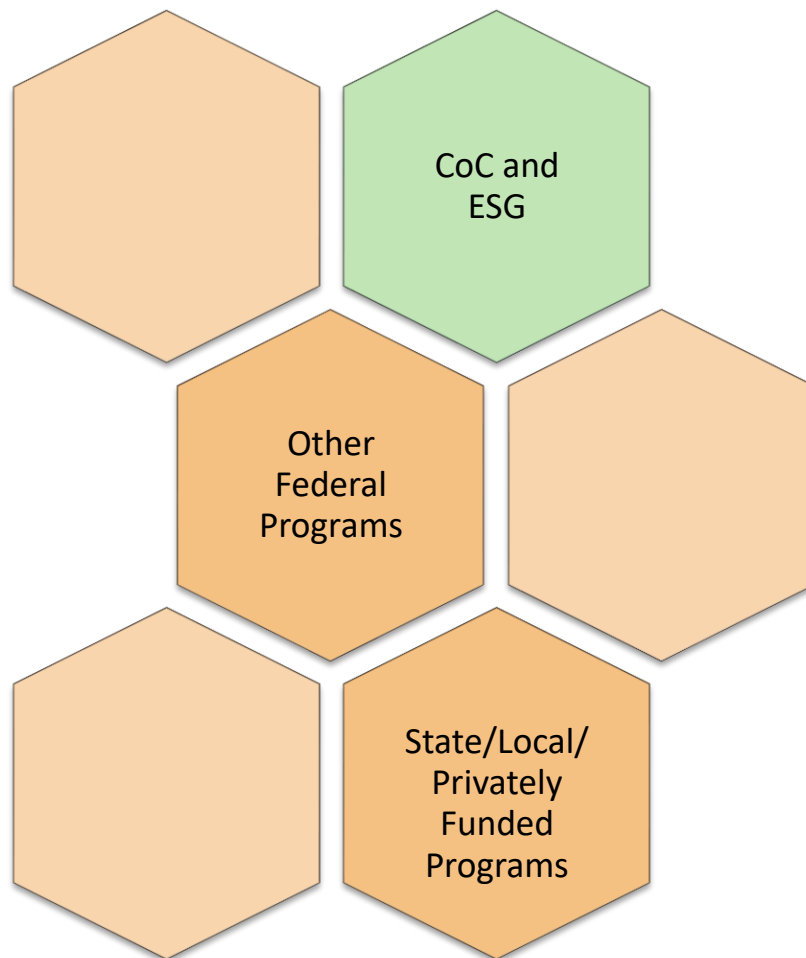
Please be aware that, because this presentation focuses on implementation requirements related to the Violence Against Women Act (VAWA), both slides and discussion will touch on **domestic violence** and subjects related to domestic violence, including but not limited to **sexual assault, stalking, dating violence**, and other forms of **intimate partner violence and victimization**

This presentation's slides do not contain explicit imagery or language; however, the presenters are aware that content does not need to be explicit to be triggering. **Attendees are encouraged to take breaks, disengage, or request information in a different format as needed.**



# Target Audience for this Presentation

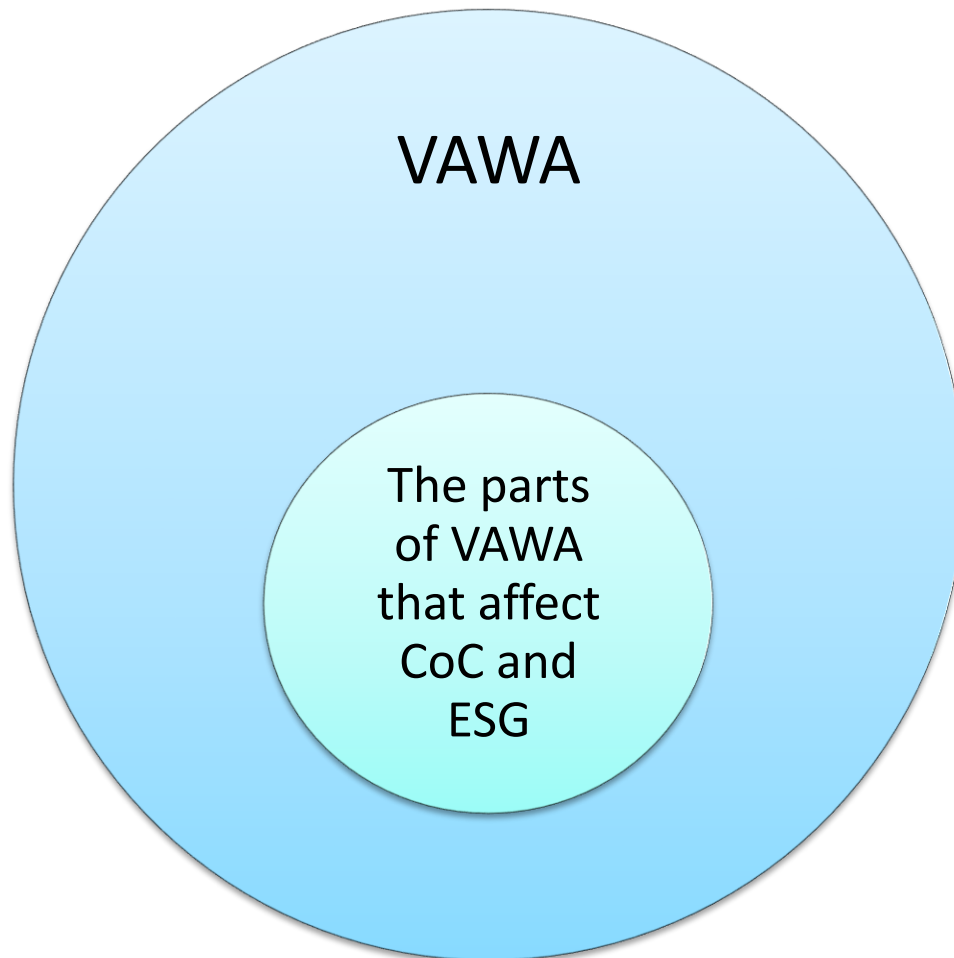
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# Key Concept: VAWA and Homeless Services

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# Key Concept: VAWA Applicability

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VAWA protections apply to **all CoC and ESG participants**, not just participants in DV-specific projects





# A Brief History of VAWA



- VAWA was originally passed in 1994 (and authored by then-senator Joe Biden)
- First federal legislation acknowledging domestic violence and sexual assault as crimes and providing federal resources to encourage coordinated community responses to violence against women
- VAWA must be renewed every 5 years; it was most recently renewed in 2022 (more on that later in this presentation)

- Creates a framework for defining domestic violence
- Establishes legal tools to combat domestic violence
- Funds services for victims of domestic violence and domestic violence survivors
- Funds a variety of other activities, including violence reduction programs, health care system response, and culturally specific activities—most of them outside the scope of this webinar

- Most recently reauthorized for 2022
- White House budget request for 2022 was \$1 billion (up from \$670 million in 2012)
- Homeless service providers are often most familiar with the \$200+ million that flows through the Department of Justice – Office on Violence Against Women (OVW)
- VAWA continues to directly impact homeless services providers and ESG recipients/subrecipients

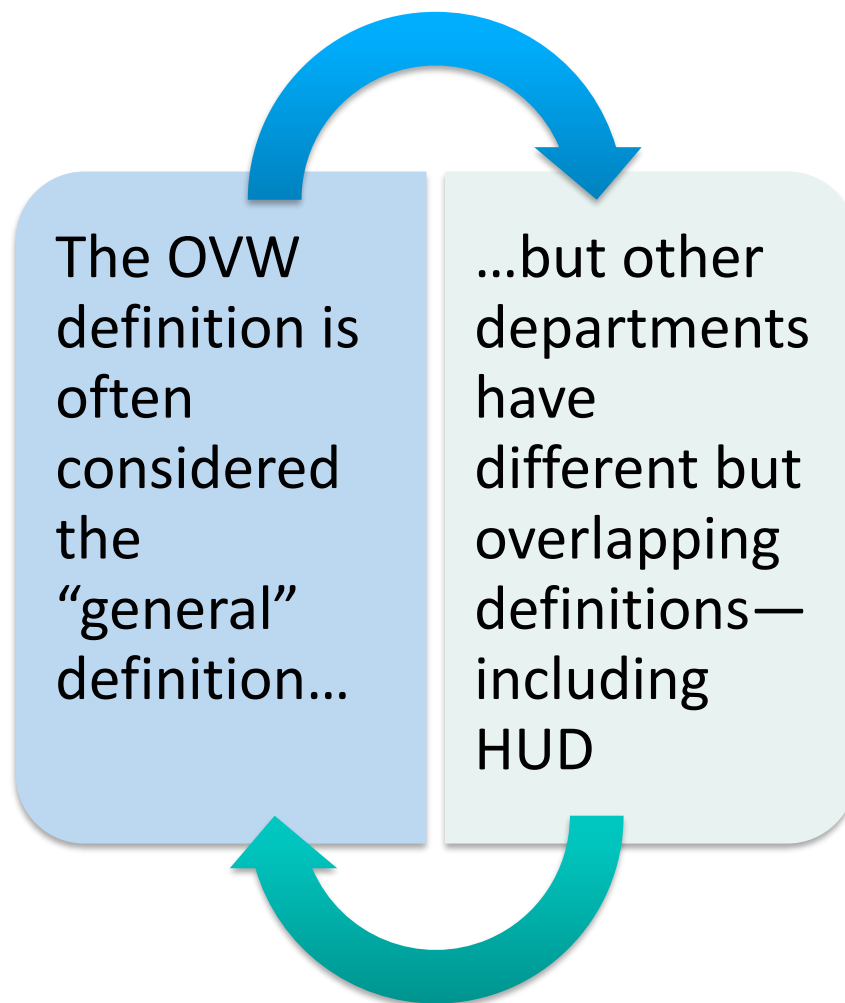
Source: White House: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/16/fact-sheet-reauthorization-of-the-violence-against-women-act-vaawa/>

# Definitions



# Key Concept: Different Definitions

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# Defining Domestic Violence: OVW

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Domestic violence is a pattern of abusive behavior in any relationship that is used by one partner to gain or maintain power and control over another intimate partner. Domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

- Physical abuse
- Sexual abuse
- Emotional abuse
- Economic abuse
- Psychological abuse
- Technological abuse



# Defining Domestic Violence: OVW (cont'd)

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- DV can happen to anyone regardless of race, age, sexual orientation, religion, sex, or gender identity; socioeconomic background or educational level; in same-sex or opposite-sex\* relationships, and to intimate partners who are married, living together, dating, or share a child
- DV also affects family members, friends, co-workers, other witnesses, the community at large, and particularly children

*Note:* the OVW definition expands on but does not replace the foundational definition in VAWA

Source: Department of Justice:

<https://www.justice.gov/ovw/domestic-violence>



# Defining Domestic Violence: HUD

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VAWA's housing safeguards apply to survivors of domestic violence, dating violence, sexual assault, and/or stalking.

**Domestic violence** includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who:

- Is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of a victim
- Is cohabitating or has cohabitated with the victim as a spouse or intimate partner
- Shares a child in common with the victim
- Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction

Source: White House: <https://www.whitehouse.gov/briefing-room/statements-releases/2022/03/16/fact-sheet-reauthorization-of-the-violence-against-women-act-vawa/>



# Defining Domestic Violence: HUD

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**Dating violence** means violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim, AND
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - Length of relationship
  - Type of relationship
  - Frequency of interaction between people in the relationship

**Sexual assault** is any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent\*

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to EITHER fear for their safety or the safety of others OR suffer substantial emotional distress

*Note:* the HUD definition focuses on elements of but does not replace the foundational definition in VAWA

## OVW

- Recognizes broader range of abuse
- Recognizes broader range of victims/survivors
- Not exclusively focused on criminal activities

## HUD

- Narrow focus: who qualifies for housing protections?
- Tighter definitions
- Exclusively focused on criminal activities

# Key Concept: Distinguishing Definitions

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A diagram consisting of two large, red, stylized arrows pointing in opposite directions. The left arrow points to the left and contains the text "Different definitions for different situations". The right arrow points to the right and contains the text "Requires some translation between victim services providers and homeless services providers". The two arrows are connected at their inner ends, forming a continuous shape.

Different definitions  
for different situations

Requires some translation  
between victim services  
providers and homeless  
services providers





# VAWA, ESG, and CoC





# Overview: VAWA Requirements

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- Who are Covered Housing Providers?
- HMIS comparable databases
- Prohibition on eviction/termination on the basis/as a result of domestic violence—housing
- Prohibition on eviction/termination on the basis/as a result of domestic violence—shelter
- Notification of Occupancy Rights under VAWA + Certification Form
- Lease bifurcation
- VAWA lease language
- Emergency Transfer Plan

A Covered Housing Provider (CHP) is any entity that meets any of the following criteria

- *For the purposes of Emergency Transfer Plan requirements: **they administer rental assistance***
- *With respect to the limitations on VAWA assistance under 24 CFR 5.2005(d): **they are a housing owner***
- *For the purposes of 24 CFR 5.2005(d)(2), which clarifies the circumstances under which a victim of domestic violence may/may not be evicted or have their assistance terminated: **they are a housing owner or they administer rental assistance***
- *For the purposes of 24 CFR 5.2007, which defines the procedures for documenting the occurrence of domestic violence: **they are a housing owner or they administer rental assistance***
  - NOTE: HCD and subrecipients may limit requests to document the occurrence of domestic violence in accordance with applicable section of CoC/ESG interim rules



# Prohibitions on Denial of Assistance or Admission, Termination or Removal

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## Emergency Shelter

If an applicant/participant would otherwise qualify for admission or occupancy:

- Applicants cannot be **denied admission** if they are or have been the victim of domestic violence
- Applicants cannot be **removed from shelter** if they are or have been the victim of domestic violence

## Housing (Any Project Type)

If an applicant/participant would otherwise qualify for admission or occupancy:

- Applicants cannot be **denied admission** if they are or have been the victim of domestic violence
- Participants cannot be **evicted from their housing** solely because they are a victim of domestic violence
- Participants cannot have their **housing assistance terminated** solely because they are a victim of domestic violence



# Occupancy Rights Under VAWA

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## Notice of Occupancy Rights Under VAWA and Certification Form

Each entity responsible for administering rental assistance is required to provide the following two forms to each project applicant and each project participant

- “Notice of Occupancy Rights Under VAWA” ([Form HUD-5380](#))
- “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation” ([Form HUD-5382](#))

These forms must be provided at each of the following times:

- When an applicant is denied rental assistance
- When an applicant’s application for a unit receiving PBRA is denied
- When a participant begins receiving assistance
- When a participant is notified of termination of rental assistance
- When a participant receives notice of eviction

## Lease Bifurcation Requirements

When a family receiving TBRA separates under the lease bifurcation clause of 24 CFR 5.2009(a), their TBRA and their utility assistance (if any) must continue for the family members who are not evicted/removed

When a family living in a PBRA unit separates under the lease bifurcation clause of 24 CFR 5.2009(a), the family members who are not evicted/removed can remain in the PBRA unit without interruption to the unit's rental assistance/utility assistance



## VAWA lease language requirements

Projects are required to ensure that the VAWA lease language requirements under 24 CFR Part 5, Subpart L, are included in all rental assistance agreements and leases.

If a landlord-provided lease includes all relevant protections, projects do not need to take any further action.

Under most circumstances, however, projects must attach a lease amendment including the necessary language. Projects should use or base their lease amendment on HUD's sample "Lease Addendum" (Form HUD-91067) and define their approach to VAWA lease language in their written standards and/or project policies and procedures.

## Emergency Transfer Plan (ETP) requirements

Projects that administer rental assistance must develop and implement an ETP. The purpose of the ETP is to enable participants who are victims of domestic violence to transfer from an existing unit to another safe unit without an interruption in their assistance.

- ETP takes effect when:
  - Qualifying participant requests it, and either:
    - Participant reasonably believes there is a threat of imminent harm from further violence if they remain within their current housing; or,
    - If the participant is a victim of sexual assault: either they meet the above criterion OR the sexual assault occurred on the premises of their unit within the 90-calendar-day period preceding the date of the ETP request
- For families receiving TBRA: must specify what will happen regarding the non-transferring family members
- For families receiving housing that is not TBRA: for ETP-qualifying participants, if a safe unit is not immediately available, the ETP-qualifying participants have priority over all over applicants for CoC/ESG housing
  - ...certain conditions apply; see relevant section of CoC/ESG interim rule

- Must incorporate prioritization information in relation to other housing applicants—*best practice: integrate this with coordinated entry*
- Must have strict confidentiality provisions
- Must allow participant to make an internal transfer when a safe unit is immediately available
- Must have provisions for internal transfers if a safe unit is not immediately available
- Must describe reasonable efforts CHP will take when a safe unit is not immediately available, including for external transfers—more details in 24 CFR 5.2005(e)(7)

- *May* require participant documentation, provided that all of the following are true:
  - Participant's written request to the CHP is sufficient to trigger the ETP
  - CHP may ask participants to document the occurrence of DV in accordance with 24 CFR 5.2007, *if* participant has not already provided documentation
  - No other documentation is required to qualify under the ETP
- ETP must be made available upon request and, when feasible, publicly available
- CHPs must keep records of all ETP requests and the outcomes of those requests

# Key Concept: ETP Applicability

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**All projects are required to have an ETP, and ETP protects all participants receiving housing assistance—not just VSP project participants**





# Questions & Discussion



# Questions & Comments

Next Webinar: March 16, 2023