



## VAWA 2022 Reauthorization

*by Amanda Lee Gross, US Housing Consultants*

After years of waiting, in March 2022, the Violence Against Woman (VAWA) Act was finally reauthorized.

The last authorization was in 2013. Although the VAWA Reauthorization accomplished many things, this article will focus on the reauthorization changes related to multifamily housing.

### **New Covered Housing Programs – Opening New Doors**

Although most major affordable housing programs were listed as covered housing programs in the 2013 Reauthorization, the 2022 Reauthorization added two programs:

- USDA Rural Development (RD) Voucher Program
- Title 38 Housing Assistance Program

Although HUD previously clarified in 2016 that the National Housing Trust Fund program was considered a covered housing program, it was officially added as a covered housing program in 2022.

The 2022 Act was also forward-thinking in its writing to ensure that any newly created federal affordable housing programs that provide income and rent-restricted housing to low- or moderate-income households are automatically deemed as a covered housing program under the Act. In doing this, the Act ensures that applicants and tenants who apply at a property under a newly created affordable housing program, will not have to wait until the next reauthorization in order to receive the protections afforded under the Act.

### **VAWA Compliance Reviews – The Missing Piece**

Although the 2013 Reauthorization clearly stipulated that housing providers operating covered housing programs are required to comply with the Act, there was no stipulation within VAWA that required federal agencies to monitor and enforce compliance with the Act.

This hole in the Act became more apparent as advocates began reporting that many housing providers were not complying with VAWA, by not providing the VAWA Notice of Occupancy Rights at denial or termination of tenancy, or by not accommodating emergency transfers, even when permitted by the housing program.



The 2022 Reauthorization added a new section aimed to fill this gap by requiring each “appropriate agency” (i.e., HUD, RD, IRS) to issue regulations to define VAWA standards of compliance, require housing providers supply detailed reporting regarding VAWA emergency transfers, and institute corrective action plans when noncompliance is discovered.

Such program regulations are to be issued within two years from the date of the 2022 Reauthorization.

It is important to note that the Act stipulates that when developing VAWA regulations, appropriate agencies are to engage in consultation with individuals and organizations with expertise in the housing needs and experiences of survivors, and with individuals and organizations with expertise in the administration and management of the covered housing program.

### **Monitoring and Enforcement Regulations**

Each appropriate agency’s VAWA monitoring and enforcement regulations must address the following:

- Define the standards of VAWA compliance that housing providers must maintain;
- Detail reporting requirements, including the number of emergency transfers requested and granted, as well as the length of time needed to process emergency transfers; and
- Define standards for corrective action plans where it is determined that a housing provider did not meet the VAWA compliance standards issued by the appropriate agency.

### **Elements & Timing of VAWA Compliance Reviews**

The Act states that where possible, the VAWA review should be incorporated into existing compliance reviews conducted under the applicable housing program’s regulations and should be conducted on a regular basis as determined by the appropriate agency.

The VAWA review conducted must examine:

- Denial of tenancy based on VAWA-covered crime
- Termination of tenancy based on VAWA-covered crime
- Confidentiality provisions utilized to protect the identity and location of the survivor
- Compliance with VAWA notification requirements
- Compliance with acceptable VAWA documentation requirements



- Compliance with Emergency Transfer Requests
- Compliance with the prohibition of retaliation

### **Office of Gender-Based Violence Prevention – New Office, New Role**

Under the 2022 Reauthorization, HUD is required to establish an “Office of Gender-Based Violence Prevention” as well as a “Violence Against Woman Act Director.”

This vital role will fulfil the following responsibilities:

- Support implementation of the new VAWA provisions;
- Coordinate with federal agencies on legislation, implementation and other issues affecting the VAWA housing provisions, as well as other issues related to advancing housing protections for survivors of VAWA crimes;
- Coordinate with state and local governments and agencies, including state housing finance agencies, regarding advancing housing protections for survivors of VAWA-crimes;
- Ensure that technical assistance and support are provided to each appropriate agency and housing providers regarding implementation of this Reauthorizations, as well as other issues related to advancing housing protections for survivors of VAWA crimes;
- Implement internal systems to track, monitor and address compliance failures; and
- Address the housing needs and barriers faced by victims of sexual assault, as well as sexual coercion and sexual harassment by a public housing agency, or housing owner or manager of housing under a covered housing program.

### **Prohibition on Retaliation – A New Protection**

The 2022 Reauthorization makes it expressly clear that covered housing agencies and providers are prohibited from retaliating against an applicant or tenant who has or is requesting the protections afforded to them under the Act. Further, the Act prohibits housing agencies and providers from discriminating or retaliating against any person that assists in, testifies in, or otherwise participates in any matter related to the requirements and protections under VAWA.

### **Right to Report Crime & Emergencies – An Emergency is Not a Nuisance**

To combat discriminatory nuisance ordinances, the Act prohibits the assessment of fees or penalties when an individual requests law enforcement or emergency assistance because of a criminal activity that occurred on a property.

A nuisance ordinance is an ordinance created by a city that labels a property as a nuisance when police are called to the property a set number of times within a specified time frame (i.e., three



times in six months). Along with the nuisance label comes violations, fines and other penalties assessed to the property owner.

In order to avoid this label, many housing providers are penalizing tenants for calling 911 by terminating tenancy, non-renewal of the tenant's lease, or passing on fees to the tenants. As a result, tenants are discouraged from calling 911 when an emergency happens at the property.

This new prohibition under the Act prevents cities and municipalities from imposing fees or penalties on landlords, home owners, residents, guests of a resident or applicants for requesting law enforcement. Specifically, the prohibited penalties include:

- Assessing or threatening to assess monetary or criminal penalties, fines, or fees;
- Evicting or threatening to evict a tenant;
- Refusing to rent or renew, or threatening to not rent or renew;
- Refusing, or threatening to refuse, to issue an occupancy permit or landlord permit; and
- Designating or threatening to designate the property as a nuisance or other type of similar derogatory designation.

### **Transitional Housing Assistance Grants & Homelessness Definition**

- Increased the minimum amount of fiscal year appropriations for U.S. Territories, United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands, from 25% to 50%
- Amended the definition of a homeless individual or family as one who "is experiencing trauma or lack of safety" resulting to a VAWA-related circumstance.

### **More than Words**

In closing, it is important to remember that VAWA isn't just rules that need to be enforced, a policy that needs to be followed; it is an Act that has saved lives and helped survivors start over.

To show our commitment to affordable housing and VAWA, US Housing Consultants is offering a free VAWA webinar on Oct. 6, 2022. In addition to offering this webinar for free, , US Housing Consultants will donate \$5 to the National Domestic Violence Hotline for every person who attends the webinar.

Registration opens Sept. 14, 2022. If you would like to be reminded when registration opens, [sign up for our newsletter](#).

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