

The Violence Against Women Act (VAWA) 2013 Final Rule and Updates

PIH Notices / Statute

- Updated Policies to Reflect Changes in 2017 Notices- should revise Admin Plan
- PIH Notices and Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking
- Emergency Transfer Policy Model Plan HUD-5381
- Notice of VAWA Rights- HUD-5380
- Request for VAWA Emergency Transfer HUD-5383

Provisions Impact

- Provisions impact:
 - Selection
 - Lease terms regarding termination
 - Termination of assistance/eviction
 - Grievance Rights
 - HAP Contract
 - Definition of who is protected
 - Emergency Transfer Policy
 - Waiting List Management
 - Portability

New Forms

- HUD has published the following VAWA documents for housing providers:
 - Notice of Occupancy Rights (HUD-5380)
 - Victim Certification Form (HUD-5382)
 - Model Emergency Transfer Plan (HUD-5381)
 - Emergency Transfer Request (HUD-5383)
- Access these forms at:
https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hud_clips/forms/hud5a

PHA Requirements

- Include it in the five year and annual plan
 - Goals, objectives, policies or programs that intend to support or assist victims of:
 - Domestic Violence
 - Dating Violence
 - Sexual Assault
 - Stalking
 - Includes members of the victims family (affiliated individuals) from losing their HUD-assisted housing as a consequence of the abuse

Summary of Major Provisions

- Specifying “sexual assault” as a crime covered by VAWA in HUD covered programs
- Establishing a definition for “affiliated individual” based on the statutory definition and that is usable and workable for HUD covered programs
- Applying VAWA protections to all covered HUD programs as well as the Housing Trust Fund
- Ensuring that existing tenants, as well as new tenants, of all HUD covered programs receive notification of their rights under VAWA and HUD’s VAWA regulations

Summary of Major Provisions- continued

- Establishing reasonable time periods during which a tenant who is a victim may establish eligibility to remain in housing, where the tenant is displaced due to a VAWA crime, and where the tenant is not a member of the household that previously established eligibility for assistance
- Establishing that housing providers may, but are not required to request certain documentation from tenants seeking emergency transfers under VAWA

Summary of Major Provisions- continued

- Providing for period to complete an emergency transfer plan and provide emergency transfers, when requested, under the plan
- Revising and establishing new program-specific regulations for implementing VAWA protections in a manner that is workable for each HUD covered program

Further Updates to the Rule

- In developing this rule, HUD identified outdated terminology in its regulations (for example, the use of the term “alcohol abuser” in part 982). HUD will be issuing a future rule to update and correct such terms.

Additional Publications

- In addition to this final rule, HUD has published a notice titled the Notice of Occupancy Rights under the Violence Against Women Act (Notice of Occupancy Rights) that certain housing providers must give to tenants and applicants to ensure they are aware of their rights under VAWA and these implementing regulations,
- Model emergency transfer plan that may be used by housing providers to develop their own emergency transfer plans,
- Model emergency transfer request form that housing providers should provide to tenants requesting an emergency transfer under these regulations, and a new certification form for documenting incidents of domestic violence, dating violence, sexual assault, and stalking that must be used by housing provider

Purpose of the Rule

- This rule reflects the statutory changes made by VAWA 2013, as well as HUD's recognition of the importance of providing housing protections and rights to victims of domestic violence, dating violence, sexual assault, and stalking.
- By increasing opportunities for all individuals to live in safe housing, this will reduce the risk of homelessness and further HUD's mission of utilizing housing to improve quality of life.

Domestic Violence- Defined

- *Domestic violence* includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Cost and Benefits

- The benefits of HUD's rule include codifying in regulation the protections that VAWA 2013 provides applicants to and tenants of HUD programs covered by VAWA; strengthening the rights of victims of domestic violence, dating violence, sexual assault, or stalking in HUD-covered programs, including notification and confidentiality rights; and possibly minimizing the loss of housing by such victims through the bifurcation of lease provision and emergency transfer provisions.

Cost and Benefits- continued

- VAWA was enacted to bring housing stability to victims of domestic violence, dating violence, sexual assault or stalking.
- It was determined that legislation was needed to require protections for such victims because housing providers often responded to VAWA crimes occurring in one of their rental units or on their property by evicting the tenant regardless of whether the tenant was a victim of domestic violence, dating violence, sexual assault, or stalking, and dating violence, or stalking by denying or terminating assistance.

Final Rule Provisions

- Clarifies that, consistent with HUD's nondiscrimination and equal opportunity requirements, victims of domestic violence, dating violence, sexual assault, and stalking cannot be discriminated against on the basis of any protected characteristics (including race, color, religion, sex, disability, familial status, national origin, or age)
- HUD programs must also be operated consistently with HUD's Equal Access Rule (HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals and families without regard to actual or perceived sexual orientation, gender identity or marital status). (See § 5.2001(a).)

Expanded Programs

- Provides that in regulations governing short-term supported housing, emergency shelters, and safe havens, these forms of shelter are subject to the core protections of VAWA that prohibit denial of admission or eviction or termination to an individual solely on the basis that the individual is a victim of domestic violence, dating violence, or stalking, or sexual assault. (See §§ 574.604(a)(2), 576.409(f), and 578.99(j)(9).)

Affiliate Individual- expansion of definition

- Revises the definition of “affiliated individual” to incorporate situations where an individual has guardianship over another individual who is not a child. (See § 5.2003.)

Revises Definition of Domestic Violence

- Revises the definition of “domestic violence” to incorporate a definition of “spouse or intimate partner” rather than cross-reference to another definition of the term, and to eliminate the cross-reference to “crime of violence,” a more restricting term. (See § 5.2003.)

Notice of Occupancy Rights

- Provides that existing tenants in HUD-covered programs receive HUD's Notice of Occupancy Rights and accompanying certification form no later than one year after this rule takes effect, during the annual recertification or lease renewal process, if applicable, or through other means if there will be no annual recertification or lease renewal process for a tenant. (See § 5.2005(a)(2)(iv).)

Lease and Addendum Requirements

- Retains the provision of HUD's regulations implementing VAWA 2005, for those HUD programs covered by VAWA 2005, which states that the HUD-required lease, lease addendum, or tenancy addendum must include a description of the specific protections afforded to the victims of VAWA crimes. (See § 5.2005(a)(4).)

No Denial of Assistance for Victim

- Clarifies that applicants may not be denied assistance and tenants may not have assistance terminated under a covered housing program for factors resulting from the fact that the applicant or tenant is or has been a victim of a VAWA crime. (See § 5.2005(b)(1).)

Sexual Assault May Qualify for Emergency Transfer

- Emphasizes that victims of sexual assault may qualify for an emergency transfer if they either reasonably believe there is a threat of imminent harm from further violence if they remain in their dwelling unit, or the sexual assault occurred on the premises during the 90- calendar-day period preceding the date of the request for transfer. (See § 5.2005(e)(2)(ii).)

Emergency Transfer Plans

- Provides that emergency transfer plans must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of individuals seeking transfers or placement on waiting lists. (See § 5.2005(e)(3).)

No Need to Apply to Be On the List

- Provides that emergency transfer plans must allow for a tenant to transfer to a new unit when a safe unit is immediately available and the tenant would not have to apply in order to occupy the new unit (§ 5.2005(e)(5)).

Policies When Safe Unit is Not Available

- Provides that emergency transfer plans must describe policies for assisting tenants to make emergency transfers when a safe unit is not immediately available, both for situations where a tenant would not have to apply in order to occupy the new unit, and where the tenant would have to apply in order to occupy the new unit. (See § 5.2005(e)(6), § 5.2005(e)(7), and § 5.2005(e)(8)).

Allows for Certification- No Other Documents Required

- Provides that the emergency transfer plans must describe policies for assisting tenants who have tenant-based rental assistance to make emergency establish eligibility for an emergency transfer by submitting a written certification to their housing provider, and no other documentation is required for tenants who have established that they are victims of domestic violence, dating violence, sexual assault, or stalking to verify eligibility for a transfer. (See § 5.2005(e)(10).)

Emergency Plans Publicly Available

- Requires housing providers to make emergency transfer plans available upon request, and to make them publicly available whenever feasible. (See § 5.2005(e)(11).)

PHA Cannot Require More Than Regulations

- Emphasizes that tenants and applicants may choose which of the forms of documentation listed in the rule to give to housing providers to document the occurrence of a VAWA crime. (See § 5.2007(b)(1).)

Conflicting Evidence

- Provides that in cases of conflicting evidence, tenants and applicants who may need to submit third-party documentation to document occurrence of a VAWA crime have 30 calendar days to submit the third-party documentation. (See § 5.2007(b)(2).)

Bifurcation of Lease

- Provides that if a covered housing provider bifurcates a lease under VAWA, any remaining tenants who had not already established eligibility for assistance must be given either the maximum time permitted by statute, or, if there are no statutory prohibitions, at least 90 calendar days from the date of bifurcation of the lease or until expiration of the lease, depending on the covered housing program, to establish eligibility for a covered housing program, or find alternative housing (See § 5.2009(b)(2).)

Expansion of Programs and Rights Under VAWA

- Emphasizes that VAWA protections apply to eviction actions for tenants in housing under a HUD-covered housing program. (See 24 CFR 247.1(b).)

Other Multi-family Housing

- Clarifies who is the covered housing provider for HUD's multifamily Section 8 project-based programs and the Section 202 and Section 811 programs, by providing that the covered housing provider is the owner for the Section 8 Housing Assistance Payments Programs for New Construction (part 880), for Section 515 Rural Rental Housing Projects (part 884), and for Special Allocations (part 886), as well as for the Section 202 and Section 811 programs (part 891) and that PHAs and owners each have certain responsibilities as covered housing providers for the Section 8 Moderate Rehabilitation Program (part 882), and the Section 8 State Housing Agencies Program for State Housing Agencies (part 883).

Public Housing and HCV Program

- Updates various section 8 and public housing VAWA 2005 regulations to broadly state that VAWA protections apply, so that all tenants and applicants, and not only those determined to be victims of VAWA crimes, receive statutorily required notification of their VAWA rights. (See parts 880, 882, 883, 884, 886, 891, 960, 966, and 982.)

Mixed-financed Developments

- Clarifies that VAWA protections and requirements apply to mixed finance developments. (See § 905.100(g).)

May Establish Preferences

- Clarifies that public housing agencies (PHAs), like other covered providers may establish preferences for victims of dating violence, sexual assault, and stalking, in addition to domestic violence, consistent with their statutory authority. (See §§ 960.206(b)(4), 982.207(b)(4).)

HCV Compliance with VAWA Transfer Provisions

- Clarifies that for the Section 8 Housing Choice Voucher and Project- Based Voucher programs, the PHA is the housing provider responsible for complying with VAWA emergency transfer provisions. (See §§ 982.53(e), 983.3(b).)

HUD Clarifies “Tenant”

- Only tenants who are assisted by a covered housing program can invoke the VAWA protections that apply solely to tenants.
- Several provisions in VAWA 2013, including the prohibited basis for denial or termination of assistance or eviction and the emergency transfer protection, apply to “tenants,” a term that VAWA 2013 does not define.

“Tenant” Defined

- The term “tenant” refers to an assisted family and the members of the household on their lease, but does not include guests or unreported members of a household.
- In addition, a live-in aide or caregiver is not a tenant, unless otherwise provided by program regulations, and cannot invoke VAWA protections.

Applicants Qualify

- However, as is the case for anyone, a live-in aide or other service provider is entitled to VAWA protections if the person becomes an applicant for HUD assistance; that is, one does not have to have been a tenant in HUD subsidized housing to invoke VAWA protections in later applying to become a tenant in HUD subsidized housing.

Victim Status

- A live-in aide or a guest could be an affiliated individual of a tenant, and if that aide or guest is a victim of domestic violence, dating violence, sexual assault, or stalking, the tenant with whom the affiliated individual is associated cannot be evicted or have assistance terminated on the basis that the affiliated individual was a victim of a VAWA crime.

Victim of Abuse

- Moreover, where a live-in aide is a victim of domestic violence, dating violence, sexual assault, or stalking, and the tenant seeks to maintain the services of the live-in aide, the housing provider cannot require that the live-in aide be removed from the household on the grounds of being a victim of abuse covered by VAWA.

Status of Live-in Aide

- The live-in aide resides in the unit as a reasonable accommodation for the tenant with a disability.
- Indeed, to require removal of the live-in aide solely because the aide is a victim of abuse covered by VAWA likely would violate Section 504 of the Rehabilitation Act, the Fair Housing Act, and the Americans with Disabilities Act, as applicable, which require housing providers to permit such reasonable accommodations.

Emergency Transfer Provisions

- In addition, if a tenant requests and qualifies for an emergency transfer on the grounds that the live-in aide is a victim of domestic violence, dating violence, sexual assault, or stalking, the tenant's entire household, which includes the live-in aide, can be transferred.

Protection Under VAWA

- Section 5.2005(d)(2) of this final rule states that covered housing providers can evict or terminate assistance to a tenant for any violation not premised on an act of domestic violence.
- However, if an individual, who is a victim of domestic violence, has an unreported member residing in the individual's household and the individual is afraid of asking the unreported member to leave because of the individual's domestic violence experience, then terminating the individual's tenancy because of the unreported household member would be "premised on an act of domestic violence."

Eligible for Remedies Under VAWA

- Therefore, depending on the situation, a tenant who violates program regulations by housing a person not authorized to reside in the unit could be covered by VAWA's anti-discrimination provisions, and eligible for remedies provided under VAWA.

On the Basis

- HUD interprets the term “on the basis” in VAWA 2013’s prohibitions against denying admission to, denying assistance under, terminating a tenant from participation in, or evicting a tenant from housing “on the basis” that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, to include factors directly resulting from the domestic violence, dating violence, sexual assault, or stalking.

Mixed Housing

- VAWA 2013 and HUD's rule apply only to HUD-covered housing programs. Therefore, covered housing providers will be required to provide VAWA protections to tenants and applicants under the covered housing programs, but will not be required to provide such protections to other tenants and applicants.
- Although this rule only applies to tenants in and applicants to HUD-covered housing programs, housing providers may choose to offer VAWA protections and remedies to all tenants and applicants, where applicable.

Final Definition

- HUD revises the definition of “affiliated individual” in § 5.2003 to provide that affiliated individual, with respect to an individual, means:
 - (A) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual);
 - or (B) any individual, tenant, or lawful occupant living in the household of that individual.

Documentation

- HUD agrees that survivors do not have to contact authorities, such as police, or initiate legal proceedings against an abuser or perpetrator in order to qualify for VAWA protections.
- The statute has no such requirements and instead allows survivors to provide self- certification about the VAWA incident(s).

Emergency Transfer Documentation

- The final rule allows housing providers, at their discretion, to require that tenants requesting transfers submit a written request before a transfer occurs certifying that they meet the criteria for an emergency transfer under this rule.
- To minimize burden, HUD has created a model emergency transfer request.
- Housing providers may accept third-party documentation if that documentation is offered by tenants, but housing providers will not be allowed to require any third-party documentation in order to determine whether a tenant seeking an emergency transfer is eligible for an emergency transfer.

Documentation of Victim

- HUD clarifies in the final rule that housing providers may require tenants seeking emergency transfers to document an occurrence of domestic violence, dating violence, sexual assault, or stalking, in addition to documenting eligibility for an emergency transfer, consistent with the HUD requirement that individuals certify eligibility in order to establish that the tenant is a victim of domestic violence, dating violence, sexual assault, or stalking, if the individual has not already provided documentation of that occurrence.

Self-certification Acceptable

- HUD notes as part of certifying eligibility for VAWA protections an individual may provide self-certification in lieu of any other documentation to document an occurrence of a VAWA-protected incident.
- Because self-certification can be submitted fairly quickly, submission of a self-certification should not delay any requests for an emergency transfer.

Emergency Transfer Cost

- For HUD programs that have existing guidance related to paying costs of transfers, housing providers should follow that guidance and may follow any existing transfer policies and procedures they have, including those for repayment plans.
- Under the final rule, housing providers will not be required to bear moving costs that tenants and their household members generally pay, including application fees and deposits, in addition to costs to physically move households and their belongings.

Moving Cost- continued

- HUD understands that moving costs may be prohibitive for some victims of domestic violence, dating violence, sexual assault, or stalking, and encourages housing providers to bear these costs where possible, or to work with victims to identify possibilities for funding transfers.
- Local victim service providers may be able to provide help with funding transfers.

Other Funding Sources to Cover Cost of Move

- The U.S. Department of Justice (DOJ) administers programs that provide funding for victims covered by VAWA, and the Victims Crime Fund could be used to pay for relocation expenses of these victims, or to provide other sources of support, which could free up funding to pay for moving costs.

Confidentiality of Information

- HUD stresses the importance of strict confidentiality, and retains language in the model emergency transfer plan that the housing provider keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the housing provider written permission to release the information, or disclosure is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program.

Confidentiality in New Unit

- The confidentiality required includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant.

Confidentiality in Notice of Occupancy Rights

- HUD has added to the model emergency transfer form that tenants should see the Notice of Occupancy Rights Under the Violence Against Women Act for more information about a housing provider's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Transfers in the Same Development

- Regarding transfers within the same property, HUD understands that a transfer to a unit within the same development in which the perpetrator resides might not be safe for victims.
- However, if the unit in the same development is the only one available, the victim should be allowed to consider transferring to the unit.
- This option should not be foreclosed to the victim.
- The victim is in the best position to make this decision. Accordingly, HUD does not prohibit emergency transfers within the same property, but encourage housing providers to endeavor to identify an available unit in another property.

Reasonable Time to Establish Eligibility for Assistance or Find Alternative Housing

- If a covered housing provider exercises the option to bifurcate a lease and the individual who was evicted or for whom assistance was terminated was the eligible tenant under the covered housing program, the covered housing provider shall provide to any remaining tenant or tenants that were not already eligible a period of 90 calendar days from the date of bifurcation of the lease to:

Bifurcation Time to Establish Eligibility

- Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease; or
- Establish eligibility under another covered housing program; or
- Find alternative housing.

90 Day Period to Establish Eligibility

- The 90-calendar-day period provided will not be available to a remaining household member if the statutory requirements for the covered housing program prohibit it.
- The 90-day calendar period also will not apply beyond the expiration of a lease, unless this is permitted by program regulations.
- The 90-calendar-day period is the total period provided to a remaining tenant to establish eligibility under the three options provided in paragraphs (b)(2)(i)(A), (B), and (C) of this section.

90 day Extension to Determine Eligibility

- The covered housing provider may extend the 90-calendar-day period in paragraph (b)(2) of this section up to an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the covered program or unless the time period would extend beyond expiration of the lease.

Encouraged to Assist Family

- Covered housing providers are encouraged to undertake whatever actions permissible and feasible under their respective programs to assist individuals residing in their units who are victims of domestic violence, dating violence, sexual assault, or stalking to remain in their units or other units under the covered housing program or other covered housing providers, and for the covered housing provider to bear the costs of any transfer, where permissible.

Implementing Termination Clause

- May bifurcate the lease to remove occupant that engages in violence to family members
- PHA is authorized to honor court orders
- Nothing limits PHA from terminating for good cause
- PHA can terminate for an actual or imminent threat
- Nothing supersedes other laws that provide greater protection

VAWA Protections

Notice of Occupancy Rights (HUD-5380)

- Housing providers (HP) must distribute this HUD-approved to applicant and tenants to ensure they are aware of their VAWA rights, including confidentiality and any limitations on those protections (24 CFR 5.2005(a))

Victim Certification Form (HUD-5382)

- HP must also distribute the HUD-approved certification form, which serves as a means of documenting the incident or incidents of domestic violence, dating violence, sexual assault, and stalking (24 CFR 5.2005(a))

VAWA Protections - continued

- **Notice of Occupancy Rights and certification form** must be distributed to applicants/tenants no later than at the following times (24 CFR 5.2005(a)(2)):
 - When an applicant is denied assistance or admission;
 - When the individual is provided assistance or admission;
 - With any notification of eviction or notification of termination of assistance; and
 - During the **12-month period following December 16, 2016**, either during the annual recertification or lease renewal process, if applicable, or through other means if there will be no annual recertification or lease renewal process for a tenant.
- **The notice and the certification form must be made available in multiple languages, consistent with HUD's Limited English Proficiency**

VAWA Protections

Emergency Transfer Plan (24 CFR 5.2005(e))

- Provides that emergency transfer plans must allow for a tenant to transfer to a new unit **when a safe unit is immediately available** and the tenant **would not have to apply** in order to occupy the new unit
- Housing providers, **as identified in the final rule and program-specific regulations** for the covered housing program, must adopt an emergency transfer plan and be able to make transfers no later than **June 14, 2017**

Emergency Transfer Plan

Types of transfers - 24 CFR 5.2005(e)(1)

- Internal emergency transfer - an emergency relocation to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
- External emergency transfer - an emergency relocation to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.

Emergency Transfer Plan

Keep in mind...

- Transfers are contingent upon whether a HP has a safe and available unit available
- HUD does not prohibit emergency transfers within the same property
- HUD does not require HPs to bear or assist in paying for tenant moving costs
- HUD does not require units to be kept vacant after a victim has moved
- HUD does not mandate specific time periods for responding to transfer requests

HUD-5382

- Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking Form
- PHAs and Section 8 owners may request a tenant to certify that the individual is a **victim** of domestic violence, dating violence, sexual assault, or stalking and the incidence or threatened or actual abuse in the determination that VAWA is applicable

HUD-5382

- Common Form used in the assisted housing program
- Used the form to respond to the incident and request the individual (victim)
 - Participant/Tenant completes the form within 14 days of the request
 - HUD states PHA should be flexible on the period
 - Sign and submit it the PHA

HUD-5382

- Person certifies that he/she is a victim
- The incident or incidences are bona fide incidences of such actual or threatened abuse
- Shall provide the name of the perpetrator- only if the name is safe to provide and is known by the victim

HUD-5382

- In lieu of the certificate, the victim may supply the PHA/owner with
 - Federal, state, tribal, territorial, or local police or court record
 - Documentation signed and attested to by an employee, agent or volunteer of a victim service provider, attorney or medical professional from whom they have sought assistance that attests to the incident and that the person in question is a victim

Confidentiality

- All information provided to the PHA/owner relating to the incident, including the fact that they are a victim must be retained in confidence
- **Must not be entered into any shared data base nor provided to a related entity, except**
 - Requested or consented by the individual in writing
 - Required for eviction or termination
 - Otherwise required by law

Mixed Families

- Mixed Family members that do not have eligibility are also protected under VAWA
- PHA should try to assist them in finding other housing- if they are the only remaining member and are a victim under VAWA 2013.

PHAs Required Revisions

- Administrative Plan and ACOP
- Notices of Termination
- Eviction Notices
- PHA Plan
- Admission Forms
- Leases/Assistance Contracts
- Notice to Participants/Tenants/Owners

Continued Assistance

- PHA's administrative discretion is not dependent on the eviction by the owner
- PHA can have the removal of the individual from the lease, if the participant wants to continue receiving assistance

Portability for VAWA

- PHA should may not restrict portability if the individual is a victim of domestic violence
 - Family has complied with other obligations in the program and has moved to protect the health and safety of the individual
 - PHA may allow the move if the only basis for denial would be violating the lease agreement
 - Failure to complete the lease term
 - Failure to provide the required time before moving
 - PHA may request the HUD 5382 to verify the claim

Questions on VAWA

- Recommend the PHA review the Notice
- Place conditions in the Admin Plan and ACOP.