Violence Against Women’s Act [VAWA]
Provides protections for PEOPLE surviving crimes, INCLUDING domestic violence, stalking, sexual assault and dating violence.

Regardless of age, sex, gender, identity, race, national origin, familial status, disability or sexual orientation.

EXPANDS protections to individuals affiliated with the survivors, including parents, siblings, children and others living in the household.

Applies to BOTH COC AND ESG FUNDED UNITS.
Critical Components of 2016 Final Rule – low barrier certification process

- Continuation of Core Protections
- Emergency Transfers
- Protections Against the Adverse Effects of Abuse
Under VAWA...

a landlord cannot...

HOLD A TENANT WHO IS A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING TO A HIGHER STANDARD THAN OTHER TENANTS IN ANY WAY (NOISE, DAMAGE TO THE RENTAL UNIT, ETC).

HOWEVER, IF YOU HAVE A TENANT WHO IS A VICTIM OF DOMESTIC VIOLENCE, YOU CAN PROCEED WITH AN EVICTION IF EITHER OF THE FOLLOWING CIRCUMSTANCES EXISTS:

1. THE VIOLENCE POSES AN ACTUAL OR IMMEDIATE THREAT TO OTHER TENANTS OR EMPLOYEES IF THE VICTIM IS NOT EVICTED, OR
2. THE TENANT HAS VIOLATED THE LEASE IN A WAY THAT IS NOT RELATED TO DOMESTIC VIOLENCE, AND YOU WOULD EVICT ANY OTHER TENANT WHO COMMITTED THE SAME VIOLATION.
1. Emergency Transfer Plan
South Shore CoC – FBMS and OCY

- Eligibility for Emergency Transfers
- Required Documentation
- Confidentiality
- Timing and Availability
- Local, State and National Resources
2. Notice of Occupancy Rights

PROGRAM PARTICIPANT

- Must give to tenants to ensure that they are aware of their rights under VAWA

A. Effective July 1st, included in all CoC and ESG lease agreements
B. Accepted or Denied
C. Also offered anytime a person/family is served with an eviction notice
3. Certification of Domestic Violence
HUD FORM 5383

- Optional form that a participant may use WHEN SEEKING VAWA PROTECTIONS FROM THE HOUSING PROVIDER.
- The person, or someone on their behalf, may complete the optional form and submit to the housing provider
- Submit one piece of 3rd party documentation
4. Emergency Transfer Plan

HUD FORM 5382

- The survivor has to initiate the request and a decision has to be made on the remaining family members that are left behind, including perpetrator.
- Incident happened within last 90 days.
- The CoC must have another unit that available and safe.
- Survivor is subject to eligibility requirements.
- A non-HOH cannot move from a PSH unit to another PSH unit if they did not meet the definition of chronic homelessness at the time of entry.
- A request for emergency transfer is considered highest priority in the coordinated entry process.
Lease Agreements

- Right for the lease to be broken without penalty.
- If the survivor requires an emergency transfer, they are protected from being denied access to housing solely based on them being a survivor.
- These protections expire at the end of the rental assistance period.
- We can pay the landlord for the remainder of the lease agreement and start a new lease. Yes, this means that there will be two subsidies in play for the same household and HUD considers this an approved expense. This also means that the housing provider will need to identify a funding source for the 2nd voucher.