**Violence Against Women Act**

<https://www.hud.gov/vawa>

The Violence Against Women Act (VAWA) is a federal law that, in part, provides housing protections for people applying for or living in units subsidized by the federal government and who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness.

**Frequently Asked Questions about the Violence Against Women Act (VAWA)**

***What are VAWA’S Housing Protections?***

Under VAWA, someone who has experienced domestic violence, dating violence, sexual assault, and/or stalking (VAWA violence/abuse):

Cannot be denied admission to or assistance under a HUD-subsidized or assisted unit or program because of the VAWA violence/abuse committed against them.

Cannot be evicted from a HUD-subsidized unit nor have their assistance terminated because of the VAWA violence/abuse committed against them.

Cannot be denied admission, evicted, or have their assistance terminated for reasons related to the VAWA violence/abuse, such as having an eviction record, criminal history, or bad credit history.

Must have the option to stay in their HUD-subsidized housing, even if there has been criminal activity directly related to the VAWA violence/abuse.

Can request an emergency transfer from the housing provider for safety reasons related to the VAWA violence/abuse committed against them.

Must be allowed to move with continued assistance, if the survivor has a Section 8 Housing Choice Voucher.

Must be able to provide proof to the housing provider by self-certifying using the HUD VAWA Self-certification (Form HUD-5382), and not be required to provide more proof unless the housing provider has conflicting information about the violence/abuse.

Must receive HUD's Notice of VAWA Housing Rights (Form HUD-5380) and HUD's VAWA Self-certification Form (Form HUD-5382) from the housing provider, when they are denied admission to a HUD-subsidized unit or HUD program, when they are admitted to a HUD-subsidized unit or HUD program, and when they receive a notice of eviction from a HUD-subsidized unit or notice of termination from a HUD program.

Has a right to strict confidentiality of information regarding their status as a survivor.

Can request a lease bifurcation from the owner or landlord to remove the perpetrator from the lease or unit, and if the housing provider bifurcates, it must be done consistent with applicable federal, state, or local laws and the requirements of the HUD housing program.

Cannot be coerced, intimated, threatened, or retaliated against by HUD-subsidized housing providers for seeking or exercising VAWA protections.

Has the right to seek law enforcement or emergency assistance for themselves or others without being penalized by local laws or policies for these requests or because they were victims of criminal activity.

***Who is Covered Under the Violence Against Women Act?***

VAWA’s housing protections, in part, are available to someone who has previously or is currently experiencing domestic violence, sexual assault, dating violence, or stalking. The survivor does NOT have to be married to, related to, or living with the perpetrator to be protected by VAWA. It does not matter how long ago the survivor experienced the violence. A survivor’s immigration status in itself does not impact a survivor’s right to VAWA’s housing protections.

VAWA's housing protections, in part, apply to a survivor if they are applying for or living in shelter, transitional housing, or permanent housing that is subsidized by a federal homeless assistance program or federal affordable housing program. See below for a list of HUD programs covered by VAWA.

**VAWA protects survivors, regardless of their sex, gender identity, or sexual orientation AND regardless of the sex, gender identity or sexual orientation of the person who caused harm.**

***What HUD Programs Does the Violence Against Women Act apply to?***

VAWA applies to these HUD programs:

Public Housing;

Housing Choice Voucher;

Project-based Section 8;

Section 8 Moderate Rehabilitation Single Room Occupancy (SRO);

Section 202 Supportive Housing for the Elderly;

Section 202 Direct Loan;

Section 811 Supportive Housing for Persons with Disabilities;

Housing Opportunities for Persons With AIDS (HOPWA);

HOME Investment Partnerships (HOME);

Emergency Solutions Grants;

Continuum of Care;

Section 221(d)(3)/(d)(5) Below-market Interest Rate (BMIR), Multifamily Rental Assistance;

Section 236 Multifamily Assistance;

Housing Trust Fund

***What Forms of Violence Are Covered?***

VAWA’s housing safeguards apply to survivors of domestic violence, dating violence, sexual assault, and/or stalking. These forms of violence (collectively called “VAWA violence/abuse”) are defined below.

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 —

(A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim;

(B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;

(C) shares a child in common with the victim; or

(D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Dating violence means violence committed by a person—

(A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and

(B) where the existence of such a relationship shall be determined based on a consideration of the following factors:

(i) The length of the relationship.

(ii) The type of relationship.

(iii) The frequency of interaction between the persons involved in the relationship.

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

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to— (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

***Filing VAWA Complaints***

If you believe your VAWA rights have been violated, you can visit this link: (<https://www.hud.gov/fairhousing/fileacomplaint>) to file a complaint with HUD’s Office of Fair Housing and Equal Opportunity (FHEO). You can also find out more about the complaint process. These sites provide information in multiple languages and include instructions for filing a complaint online on HUD’s website and by email, mail, or telephone.

Note: HUD is currently updating its complaint form to include VAWA protections. However, you may still use the current complaint form to file a VAWA complaint. On the complaint form, please explain in the narrative section why you believe your VAWA rights were violated.

HUD’s Office of Fair Housing and Equal Opportunity (FHEO) works to eliminate housing discrimination and promote civil rights and economic opportunity through housing. FHEO enforces VAWA and other fair housing and civil rights laws, and one of its roles is to investigate complaints of housing discrimination.

It is unlawful to retaliate against someone who has made a complaint or participated in any manner in a proceeding involving HUD’s complaint process or investigation, or who has reported a discriminatory practice to a housing provider or other authority.