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Violence Against Women Act (VAWA)

POLICIES & PROCEDURES

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Introduction

This guide is designed to assist grantees in complying with the Violence Against Women Act (VAWA) requirements. The Violence Against Women Act provides, among other things, housing protections for survivors of domestic violence, dating violence, sexual assault, and/or stalking. On March 15, 2022, VAWA was reauthorized and amended to require the U.S. Department of Housing and Urban Development (HUD) implement and enforce VAWA's housing rights and ensure program participants comply with those requirements.

The programs included within this guide are the Community Development Block Grant (CDBG) Program [including any related special purpose grants such as Disaster Recovery], the HOME Investment Partnerships (HOME) Program, Emergency Solutions Grant (ESG) Program, and the Continuum of Care (CoC).

For those grantees who may receive funding through the Housing Opportunities for People With AIDS (HOPWA) Program administered by the Pennsylvania Department of Health (DOH) and the national Housing Trust Fund (HTF) Program administered by the Pennsylvania Housing Finance Agency (PHFA), each agency maintains its own VAWA policies and procedures. Therefore, please work with the respective agency to ensure compliance.

Definitions

Actual and Imminent Threat [24 CFR 5.2003 "Actual and imminent threat"]

A physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated Individual [24 CFR 5.2003 "Affiliated individual"]

With respect to an individual, means:

- 1) 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
- 2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate [24 CFR 5.2003 "Bifurcate"]

To divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Covered Housing Program [24 CFR 5.2003 "Covered housing program"]

The following HUD programs:

1. Section 202 Supportive Housing for the Elderly ([12 U.S.C. 1701q](#)), with implementing regulations at [24 CFR part 891](#).
2. Section 811 Supportive Housing for Persons with Disabilities ([42 U.S.C. 8013](#)), with implementing regulations at [24 CFR part 891](#).
3. Housing Opportunities for Persons With AIDS (HOPWA) program ([42 U.S.C. 12901 et seq.](#)), with implementing regulations at [24 CFR part 574](#).
4. HOME Investment Partnerships (HOME) program ([42 U.S.C. 12741 et seq.](#)), with implementing regulations at [24 CFR part 92](#).
5. Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act ([42 U.S.C. 11360 et seq.](#)), including the Emergency Solutions Grants program (with implementing regulations at [24 CFR part 576](#)), the Continuum of Care program (with implementing regulations at [24 CFR part 578](#)), and the Rural Housing Stability Assistance program (with regulations forthcoming).
6. Multifamily rental housing under section 221(d)(3) of the National Housing Act ([12 U.S.C. 17151\(d\)](#)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at [24 CFR part 221](#).
7. Multifamily rental housing under section 236 of the National Housing Act ([12 U.S.C. 1715z-1](#)), with implementing regulations at [24 CFR part 236](#).
8. HUD programs assisted under the United States Housing Act of 1937 ([42 U.S.C. 1437 et seq.](#)); specifically, public housing under section 6 of the 1937 Act ([42 U.S.C. 1437d](#)) (with regulations at [24 CFR Chapter IX](#)), tenant-based and project-based rental assistance under Section 8 of the 1937 Act ([42 U.S.C. 1437f](#)) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at [24 CFR part 882, subpart H](#)).
9. The Housing Trust Fund ([12 U.S.C. 4568](#)) (with implementing regulations at [24 CFR part 93](#)).

Covered Housing Provider [\[24 CFR 5.2003 “Covered housing provider”\]](#)

The individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes Public Housing Authority (PHAs), sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there may be more than one covered housing provider; that is, depending upon the VAWA duty or responsibility to be performed by a covered housing provider, the covered housing provider may not always be the same individual or entity.

Dating Violence [\[24 CFR 5.2003 “Dating violence”\]](#)

Violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. 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; and
 - iii. The frequency of interaction between the persons involved in the relationship.

Domestic Violence [\[34 USC §12291\(a\)\(12\)\]](#)

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 youth¹ or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

Economic Abuse [\[34 U.S.C. 12291\]](#)

Behavior that is coercive, deceptive, or unreasonably controls or restrains a person’s ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to—

- (A) Restrict a person’s access to money, assets, credit, or financial information;
- (B) Unfairly use a person’s personal economic resources, including money, assets, and credit, for one’s own advantage;
- (C) Exert undue influence over a person’s financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

Sexual Assault [\[24 CFR 5.2003 “Sexual assault”\]](#)

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

¹ Youth means a person who is 11 to 24 years old, according to [34 USC §12291\(a\)\(52\)](#)

Stalking [\[24 CFR 5.2003 “Stalking”\]](#)

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for the person's individual safety or the safety of others; or
2. Suffer substantial emotional distress.

Technological Abuse [\[34 U.S.C. 12291\]](#)

An act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, or communication technologies, or any other emerging technologies.

VAWA [\[24 CFR 5.2003 “VAWA”\]](#)

The Violence Against Women Act of 1994, as amended ([42 U.S.C. 13925](#) and [42 U.S.C. 14043e et seq.](#)).

Victim Service Provider

A private nonprofit organization whose primary mission is to provide direct services to victims of domestic violence. This term includes permanent housing providers—including rapid rehousing, domestic violence programs (shelters and non-residential), domestic violence transitional housing programs, dual domestic violence and sexual assault programs, and related advocacy and supportive services programs.

Who is Covered by VAWA?

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 experience the violence. In addition, 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 homelessness assistance program or federal affordable housing program.

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.

HUD Programs Covered by VAWA

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 (ESG);
- Continuum of Care (CoC);
- Section 221(d)(3)/(d)(5) Below-market Interest Rate (BMIR), Multifamily Rental Assistance;
- Section 236 Multifamily Assistance;
- National Housing Trust Fund

What are VAWA's Housing Protections?

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

- 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 (i.e. police report) 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, intimidated, 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.

Prohibition on Retaliation and Coercion

It is illegal for a public housing authority (PHA) or owner or manager of covered housing to discriminate against any person because that person has opposed any act or practice made unlawful by VAWA's housing provisions, or because that person testified, assisted, or participated in any related matter. Also, it is illegal for a PHA or owner or manager of covered housing to coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA's housing provisions.

Confidentiality Requirements

Any information submitted to a covered housing provider, including the fact that an individual is a victim of domestic violence, economic abuse, technological abuse, dating violence, sexual assault, or stalking, shall be maintained in strict confidence by the covered housing provider.

- The covered housing provider shall not allow any individual administering assistance on behalf of the covered housing provider or any persons within their employ (e.g. contractors) or in the employ of the covered housing provider to have access to confidential information unless explicitly authorized by the covered housing provider for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.
- The covered housing provider shall not enter confidential information into any shared database or disclose such information to any other entity or individual, except to the extent that the disclosure is:
 - Requested or consented to in writing by the individual in a time-limited release, or
 - Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program; or
 - Otherwise required by applicable law

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
- Dating violence
- Economic Abuse
- Sexual Assault
- Stalking
- Technological Abuse

Right to Report Crime and Emergencies from One's Home

The Violence Against Women Act or VAWA was passed by Congress in 1994 and its purpose was to create and support responses to domestic violence, dating violence, sexual assault, and stalking. VAWA is reauthorized every five years to strengthen and enhance protections and programs to better meet survivor needs. VAWA contains housing protections to help survivors overcome barriers to accessing and maintaining federally subsidized housing and homeless assistance.

The 2022 reauthorization of VAWA included a new Right to Report Crime and Emergencies From One's Home provision that can be found at [34 U.S.C. 12495](#). This new law (referred to as the "Right to Report law") addresses the discriminatory practice of penalizing survivors and other individuals, including tenants, applicants, guests, and landlords, who seek law enforcement or emergency assistance for protection.

The Right to Report law seeks to eliminate how nuisance ordinances and crime-free programs negatively impact survivors. These impacts include:

- Dissuading survivors from contacting law enforcement and emergency services for fear of fines, fees, and eviction.
- Experiencing homelessness and possibly the loss of children as a result of eviction.
- Compromising future rental eligibility because of an eviction history or criminal history due to a wrongful domestic violence arrest
- Discriminatory policing disparately impacting survivors in immigrant communities and communities of color due to low thresholds for nuisance enforcement.
- The adverse impact on survivors with disabilities who may require emergency services with some frequency.

Programmatic Requirements

The following section will detail the responsibilities under VAWA for those who receive funds through the following HUD Programs from the Pennsylvania Department of Community and Economic Development, the Pennsylvania Department of Health, and the Pennsylvania Housing Finance Agency:

- Community Development Block Grant Program (CDBG)
- HOME Investment Partnerships Program (HOME)
- Emergency Solutions Grant Program (ESG)
- Continuum of Care (CoC)
- Housing Opportunities for Persons with AIDS (HOPWA)
- National Housing Trust Fund (HTF)

Applicability [[24 CFR 5.2001](#)]

VAWA protections are not limited to women but cover victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. Consistent with the nondiscrimination and equal opportunity requirements at [24 CFR 5.105\(a\)](#), victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability or age. In addition, the Pennsylvania Human Relations Act also extends protection to include ancestry, the use of a guide or support animal because of blindness, deafness, or physical handicap of the user or because the user is a handler or trainer of support or guide animals.

HUD programs must also be operated consistently with HUD's Equal Access Rule at [24 CFR 5.105\(a\)\(2\)](#), which requires that HUD-assisted and HUD-insured housing are made available to all otherwise eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status.

There are two types of assistance that trigger compliance with VAWA (one or both may be provided): Tenant-based rental assistance, which is rental assistance that is provided to the tenant; and project-based assistance, which is assistance that attaches to the unit in which the tenant resides. For project-based assistance, the assistance may consist of such assistance as operating assistance, development assistance, and mortgage interest rate subsidy.

Community Development Block Grant Program

The Violence Against Women Act (VAWA) Reauthorization of 2022, effective October 1, 2022, included a new requirement for the U.S. Department of Housing and Urban Development (HUD) recipients to support an individual's right to seek law enforcement or emergency assistance. Grantees of Community Development Block Grant funding will have additional requirements to report non-compliant local laws and ordinances. Additional information will be provided when HUD provides further guidance.

The law requires CDBG grantees to:

- Report on the existence of laws or policies adopted that impose penalties based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a covered property.

Examples of Local Laws

- Nuisance property ordinances that include fines for an “excessive” number of calls for emergency or ambulance services and/or incidents of domestic violence.
- Laws that lack exceptions for cases where the resident or tenant is a survivor of domestic violence or another crime, or for calls for emergency assistance by persons with disabilities.
- Laws that do not specify violence as a nuisance but penalize survivors due to having a broad definition of “nuisance activities” (e.g., disturbing the peace, excessive noise, disorderly conduct, or “excessive” calls to emergency services).
- Laws that require or encourage denial of an applicant with any criminal record, including arrests or misdemeanors.

HOME Investment Partnerships Program (HOME)

The Violence Against Women Act (VAWA) requirements apply to the HOME Program as it is a considered a covered program under the law.

Notification Requirements [\[24 CFR 92.359\(c\)\]](#)

The grantee must provide a notice and certification that meet the requirements of [24 CFR 5.2005\(a\)](#) to the owner of HOME-assisted rental housing.

HOME-Assisted Units

The owner of HOME-assisted rental housing must provide [the notice and certification form](#) to the applicant for a HOME-assisted unit at the time the applicant is admitted to a HOME-assisted unit, or denied admission to a HOME-assisted unit based on the owner’s tenant selection policies and criteria. The owner of HOME-assisted rental housing must also provide the notice and certification form described 24 CFR 5.2005 with any notification of eviction from a HOME-assisted unit.

HOME Tenant-Based Rental Assistance

The grantee must provide [the notice and certification form](#) to the applicant for HOME tenant-based rental assistance when the applicant’s HOME tenant-based rental assistance is approved or denied. The grantee must also provide the notice and certification form to a tenant receiving HOME tenant-based rental assistance when the grantee provides the tenant with notification of termination of the HOME tenant-based rental assistance, and when the grantee provides the tenant with notification of the HOME tenant-based rental assistance, and when the grantees

learns that the tenant's housing owner intends to provide the tenant with notification of eviction.

Notice of Occupancy Rights under the Violence Against Women Act and Certification Forms

1. Notice of Occupancy Rights under the Violence Against Women Act [Form HUD-5380], available here: <https://www.hud.gov/sites/documents/5380.docx>
2. Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation [Form HUD-5382], available here: <https://www.hud.gov/sites/documents/5382.docx>

Bifurcation of Lease Requirements [\[24 CFR 92.359\(d\)\]](#)

1. If a family is living in a HOME-assisted rental unit separates under [24 CFR 5.2005 \(a\)](#), the remaining tenant(s) may remain in the HOME-assisted unit.
2. If a family who is receiving HOME tenant-based rental assistance separates under [24 CFR 5.2005 \(a\)](#), the remaining tenant(s) will retain the HOME tenant-based rental assistance. The grantee must determine whether the tenant that was removed from the unit will receive HOME tenant-based rental assistance.

VAWA Lease Term/Addendum [\[24 CFR 92.359\(e\)\]](#) & [24 CFR Part 5 Subpart L](#)

The grantee must develop a VAWA lease term/addendum to incorporate all requirements that apply to the owner or lease under both 24 CFR 92.359(e) and 24 CFR Part 5 Subpart L.

The VAWA lease term/addendum must provide that the tenant may terminate the lease without penalty if the grantee determines the tenant has met the conditions for an emergency transfer under [24 CFR 5.2005\(e\)](#). When HOME tenant-based rental assistance is provided, the lease term/addendum must require the owner to notify the grantee before the owner bifurcates the lease or provides notification of eviction to the tenant. If HOME tenant-based rental assistance is the only assistance provided (i.e., the unit is not receiving project-based assistance under a covered housing program, as defined in [24 CFR 5.2003](#)), the VAWA lease term/addendum may be written to expire at the end of the rental assistance period.

Period of Applicability

For HOME-assisted rental housing, the requirements of this section shall apply to the owner of the housing for the duration of the affordability period.

For HOME tenant-based rental assistance, the requirements of this section shall apply to the owner of the tenant's housing for the period for which the rental assistance is provided.

Emergency Transfer Plan

The grantee must develop and implement an emergency transfer plan and must make the determination of whether a tenant qualifies under the plan. The plan must meet the requirements in [24 CFR 5.2005\(e\)](#).

The required policy must specify that for tenants who qualify for an emergency transfer and who wish to make an external emergency transfer when a safe unit is not immediately available, the grantee must provide a list of properties in the jurisdiction that include HOME-assisted units. The list must include the following information for each property:

- The property's address
- Contact information
- The unit sizes (number of bedrooms) for the HOME-assisted units
- Any tenant preferences or eligibility restrictions for the HOME-assisted units

The grantee may:

1. Establish a preference under the grantee's HOME program for tenants who qualify for emergency transfers under [24 CFR 5.2005\(e\)](#);
2. Provide HOME tenant-based rental assistance to tenants who qualify for emergency transfers under [24 CFR 5.2005\(e\)](#); or
3. Coordinate with victim service providers and advocates to develop the emergency transfer plan, make referrals, and facilitate emergency transfers to safe and available units.

HUD's Model Emergency Transfer Plan:

<https://www.hud.gov/sites/documents/5381.docx>

Emergency Solutions Grant (ESG) Program

The Violence Against Women Act (VAWA) requirements apply to the ESG Program as it is considered a covered program under the law.

Overview

The ESG Program's primary regulatory body is 24 CFR 576, the ESG Program Interim Rule. The ESG Program Interim Rule provides various protections for victims of domestic violence (which includes domestic violence, dating violence, sexual assault, stalking, and human trafficking). These protections and their associated requirements are enumerated in this section of the policy.

Prohibition on Denial or Termination of Assistance or Eviction on the Sole Basis of Domestic Violence—Housing

An ESG applicant or participant cannot be denied assistance, have their assistance terminated, or be evicted from their housing solely because they are a victim of domestic violence.

Prohibition on Denial of Admission or Removal on the Basis or as a Result of Domestic Violence—Emergency Shelter

An ESG applicant or participant cannot be denied admission to or removed from an emergency shelter on the basis or as a direct result of the fact that the applicant/participant is or has been a victim of domestic violence if they would otherwise qualify for admission or occupancy.

Notice of Occupancy Rights under the Violence Against Women Act and Certification Form

Each grantee that determines eligibility for or administers ESG rental assistance is responsible for providing the following two forms to each applicant for ESG rental assistance and each participant receiving ESG rental assistance:

- Notice of Occupancy Rights under the Violence Against Women Act [Form HUD-5380], available here: <https://www.hud.gov/sites/documents/5380.docx>
- Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation [Form HUD-5382], available here: <https://www.hud.gov/sites/documents/5382.docx>

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

- When an applicant is denied ESG rental assistance
- When an applicant's application for a unit receiving project-based rental assistance is denied
- When a participant begins receiving ESG rental assistance
- When a participant is notified of termination of ESG rental assistance
- When a participant receives notification of eviction

Bifurcation

When a family receiving tenant-based rental assistance separates under the lease bifurcation clause of [24 CFR 5.2009\(a\)](#), the family's tenant-based rental assistance and utility assistance, if any, shall continue for the family member(s) who are not evicted or removed.

If a family living in a unit receiving project-based rental assistance separates under the lease bifurcation clause of [24 CFR 5.2009\(a\)](#), the family member(s) who are not evicted or removed can remain in the assisted unit without interruption.

VAWA Lease Language

Grantees are required to ensure the requires listed under [24 CFR Part 5, Subpart L](#), are included or incorporated into all leases and rental assistance agreements for units that receive ESG-funded short-term or medium-term rental assistance.

Leases

Under most circumstances, grantees will need to provide and require a lease amendment including the necessary language. Grantees may choose between two options for VAWA lease amendments:

- Use the sample “Lease Addendum” [Form HUD-91067], available here: <https://www.hud.gov/sites/documents/91067.doc>
- Create their own lease addendum, which must incorporate all protections listed in [24 CFR Part 5, Subpart L](#)

Rental Assistance Agreements

Grantees will need to incorporate the necessary language into all rental assistance agreements.

Grantees should define their approach to ensuring VAWA protections are included in all rental assistance agreements and leases in their project policies and procedures. For more information, including the applicability of protections under different rental/leasing models, please refer to [24 CFR 576.106\(e\)](#) and [24 CFR 576.106\(g\)](#).

Emergency Transfer Plan

Each grantee that administers ESG assistance is required to develop and implement an Emergency Transfer Plan (ETP). An ETP provides the subrecipients and other Covered Housing Providers (CHPs) in the grantee’s funding stream with a process that enables participants who are victims of domestic violence to transfer from their existing unit to another safe unit without losing their ESG assistance. Participants who are victims of domestic violence qualify for an emergency transfer under an ETP if:

- They expressly request the transfer; and,
- Either of the following is true:
 - They believe there is a threat of imminent harm from further violence if they remain within their existing unit; or,
 - *Only if they are a victim of sexual assault:* if the sexual assault occurred on the premises of their existing unit within the 90-calendar-day period preceding the participant’s transfer request

Emergency Transfer Plans must:

- Meet all the requirements listed in [24 CFR 5.2005\(e\)](#)
- Be modeled on HUD’s “Model Emergency Transfer Plan for Victims of Domestic Violence,” available here: <https://www.hud.gov/sites/documents/5381.docx>

Grantees are encouraged to customize HUD’s model ETP based on local needs and resources. Potential considerations include but are not limited to:

- What are the minimum and maximum periods of time a project must consider an internal transfer before moving onto an external transfer?
- Is the grantee’s ESG ETP substantially like the CoC ETP? Can they be the same (or substantially similar)? Do they contradict, and if so, how can those contradictions be resolved?

- How does the ETP ensure external transfer candidates are referred before all other participants in the Coordinated Entry system?
- During an external transfer: which agency is responsible for inspecting units to ensure they meet the relevant program's quality standards during an external inspection?
- What local non-housing resources are available and commonly needed or accessed by ETP candidates? How does the ETP streamline connecting ETP candidates to those resources?
- Can the grantee's approach to housing ETP candidates integrate permanent housing offerings from other providers, including but not limited to CoC Program recipients, Supportive Services for Veteran Families (SSVF) recipients, and public housing authorities (PHAs)?

Continuum of Care (CoC)

Program Overview

The CoC Program is designed to assist individuals (including unaccompanied youth) and families experiencing homelessness and to provide the services needed to help such individuals move into transitional and permanent housing, with the goal of long-term stability.

Applicability

VAWA applies to all permanent housing and transitional housing for which Continuum of Care program funds are used for acquisition, rehabilitation, new construction, leasing, rental assistance, or operating costs. The requirements also apply where funds are used for homelessness prevention, but only where the funds are used to provide short- and/or medium-term rental assistance.

Notification Requirements

The recipient or subrecipient must provide each individual or family applying for permanent housing and transitional housing and each program participant the notice and the certification form at each of the following times:

- When an individual or family is denied permanent housing or transitional housing;
- When a program participant is admitted to permanent housing or transitional housing;
- When a program participant receives notification of eviction; and
- When a program participant is notified of termination of assistance .

When grant funds are used for rental assistance, the recipient or subrecipient must ensure that the owner or manager of the housing provides the notice and certification form to the program participant with any notification of eviction. This commitment and the confidentiality requirements under [24 CFR 5.2007\(c\)](#) must be set forth in a contract with the owner or landlord.

Contract, Lease, and Occupancy Agreement Provisions

Grantees and subrecipients must include in any contracts and leases between the grantee or subrecipient, and an owner or landlord of the housing:

- The requirement to comply with [24 CFR Part 5, Subpart L](#); and
- Where the owner or landlord of the housing will have a lease with a program participant, the requirement to include a lease provision that will include all requirements that apply to tenants, the owner or the lease under 24 CFR [5.2005\(b\)](#) and [24 CFR 5.2005\(c\)](#).

The grantee or subrecipient must include in any lease, sublease, and occupancy agreement with the program participant a provision that include all requirements that apply to tenants, the owner or the lease including the prohibited bases for eviction and restrictions on construing lease terms under [24 CFR 5.2005\(b\)](#) and [24 CFR 5.2005\(c\)](#). The lease, sublease, and occupancy agreement may specify that the protections under [24 CFR Part 5, Subpart L](#), apply only during the period of assistance under the Continuum of Care Program. The period of assistance for housing where grant funds were used for acquisition, construction, or rehabilitation is 15 years from the date of initial occupancy or date of initial service provision.

Tenant-Based Rental Assistance Requirements

Grantees and subrecipients must require that any lease, sublease, or occupancy agreement with a program participant permits the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the recipient or subrecipient determines that the program participant qualifies for an emergency transfer under the emergency transfer plan.

The grantee or subrecipient must enter a contract with the owner or landlord of the housing that:

- Requires the owner or landlord of the housing to comply with the provisions of [24 CFR Part 5, Subpart L](#); and
- Requires the owner or landlord of the housing to include a lease provision that include all requirements that apply to tenants, the owner or the lease including the prohibited based for eviction and restrictions on construing lease terms under [24 CFR 5.2005\(b\)](#) and [24 CFR 5.2005\(c\)](#). The lease may specify that the protections under [24 CFR Part 5, Subpart L](#) only apply while the program participant receives tenant-based rental assistance under the Continuum of Care Program.

Lease Bifurcation [\[24 CFR 578.99\(j\)\(7\)\]](#)

The following requirements shall apply:

- If a family who is receiving tenant-based rental assistance separates, the family's tenant-based rental assistance and any utility assistance shall continue for the family member(s) who are not evicted or removed.
- If a family living in permanent supportive housing separates and the family's eligibility for the housing was based on the evicted individual's disability or chronically homeless status, the remaining tenants may stay in the project. Otherwise, if a family living in a project funded under this part separates, the remaining tenant(s) will be eligible to remain in the project.

Emergency Transfer Plan [\[24 CFR 578.99\(j\)\(8\)\]](#)

The Continuum of Care must develop an emergency transfer plan for the Continuum of Care, and grantees and subrecipients in the Continuum of Care must follow the plan. The plan must comply with [24 CFR 5.2005\(e\)](#) and include the following program requirements:

- For families receiving tenant-based rental assistance, the plan must specify what will happen with respect to the non-transferring family member(s), if the family separates in order to effect an emergency transfer.
- For families living in units that are otherwise assisted under this part (assisted units), the required policies must provide that for program participants who qualify for an emergency transfer but a safe unit is not immediately available for an internal emergency transfer, the individual or family shall have priority over all other applicants for rental assistance, transitional housing, and permanent supportive housing projects funded under this part, provided that: The individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA; and the individual or family meets any additional criteria or preferences established in accordance with [§ 578.93\(b\)\(1\), \(4\), \(6\), or \(7\)](#). The individual or family shall not be required to meet any other eligibility criteria or preferences for the project. The individual or family shall retain their original homeless or chronically homeless status for the purposes of the transfer.

Protections With Respect to Safe Havens [\[24 CFR 578.99\(j\)\(9\)\]](#)

The following requirements apply to safe havens funded under this part:

- No individual may be denied admission to or removed from the safe haven on the basis or as a direct result of the fact that the individual is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the individual otherwise qualifies for admission or occupancy.
- The terms "affiliated individual," "dating violence," "domestic violence," "sexual assault," and "stalking" are defined in [24 CFR 5.2003](#).

RESOURCES TO ASSIST WITH VAWA COMPLIANCE

- [Notice of Occupancy Rights under VAWA \[Form HUD-5380\]](#)
 - [Spanish Version](#)
- [Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking \[Form HUD-5381\]](#)
 - [Spanish Version](#)
- [Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation \[Form HUD-5382\]](#)
 - [Spanish Version](#)
- [Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking \[Form HUD-5383\]](#)
 - [Spanish Version](#)
- [HUD Violence Against Women Act website](#)
- [Pennsylvania Coalition Against Domestic Violence website](#)
- [HUD VAWA Complaint Website](#)

VIOLENCE AGAINST WOMEN ACT (VAWA) CERTIFICATION

I certify that _____ is in compliance with the Violence Against Women Reauthorization Act of 2022. _____ has reviewed all of the ordinances, local regulations, and policies (collectively referred to as “policies”) adopted by _____ and currently in effect, with the following results:

☐ No policies were identified that contain any financial or regulatory penalty imposed on property owners or residents as a result of any use of emergency services.

Or

☐ The following policies were identified that may contain financial or regulatory penalties imposed on property owners or residents as a result of any use of emergency services (If more space is needed, please use the attached sheet):

Policy#1: _____

Purpose of policy: _____

Financial or regulatory penalty (or potential penalty): _____

Policy#2: _____

Purpose of policy: _____

Financial or regulatory penalty (or potential penalty): _____

The Grant Recipient commits to re-evaluating and addressing any policies identified above as follows:

_____ understands that any policies identified above must be re-evaluated and addressed within the grant agreement period.

- A summary of efforts to evaluate alternative policies that do not impede the Right to Report Crime and Emergencies from One’s Home and a timeline for action on one or more alternatives must be submitted prior to the release of grant funds for construction.
- The timeline for implementation of alternative policies is subject to DOH review and approval; grant funds will be placed on hold if _____ fails to comply with the requirements of this VAWA certification.

Chief Elected Official Name

Date

Chief Elected Official Signature

Additional Space for Addressing Identified Policies (If Needed)