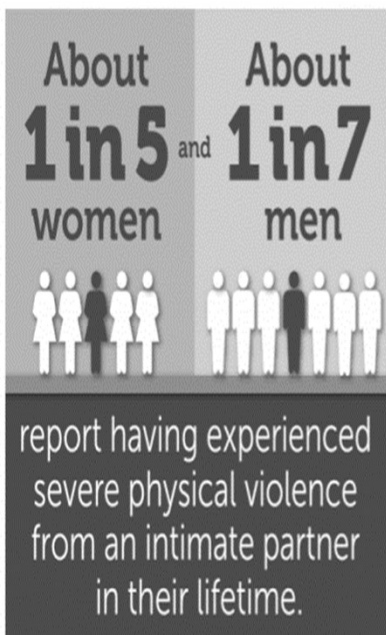


The **Nelrod** Company®

PROCESSING VAWA RELATED INCIDENTS

Presented by Derek Antoine

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<https://www.cdc.gov/injury/features/sexual-violence/index.html>

CENTERS OF DISEASE CONTROL & PREVENTION (CDC)

- About 41% of female intimate partner violence survivors and 14% of male intimate partner violence survivors sustain a physical injury from their abusers
- About 1 in 6 homicide victims are killed by their intimate partners
 - ✓ Nearly half of female homicide victims in the U.S. are killed by a current or former intimate partner

3

CENTERS OF DISEASE CONTROL & PREVENTION (CDC)

- Negative health outcomes associated with VAWA crimes, include higher risk of chronic conditions affecting the heart, digestive, reproductive, muscle and bones, and nervous systems
- Survivors can experience mental health problems such as depression and PTSD and are at a higher risk to engage in behaviors such as smoking, alcohol abuse, drug abuse, and risky sexual behaviors

4

PURPOSE OF VAWA

The Violence Against Women Reauthorization Act of 2013 protects tenants and applicants, and affiliated individuals who are victims of domestic violence, dating violence, sexual assault, or stalking (collectively **VAWA crimes**) from being denied, evicted, or terminated from housing assistance based on acts of such violence against them

5

IMPORTANT VAWA REFERENCES

FHEO 2023-01

*FHEO Enforcement Authority
and Procedures: VAWA 2022*

Federal Register

01/04/2023

*Violence Against Women
Reauthorization Act 2022*

Federal Register

11/16/2016

*Violence Against Women Act
(VAWA) Final Rule*

PIH Notice 2017-08

*Violence Against Women
Reauthorization Act of 2013
Guidance*

H Notice 2017-05

*Violence Against Women
Reauthorization Act of 2013 –
Additional Guidance for
Multifamily Owners and
Management Agents*

PIH Notice 2017-02

*Violence Against Women Act
(VAWA) Self-Petitioner
Verification Procedures*

6

FY 2022 APPROPRIATIONS VAWA REAUTHORIZATION

- Establishes within HUD a Gender-Based Violence Prevention Office with a VAWA Director who will oversee the implementation of the VAWA housing title within HUD, in coordination with other federal agencies;
- Protects the rights of survivors to report crime and emergencies from their homes without fear of punishment or eviction;

7

FY 2022 APPROPRIATIONS VAWA REAUTHORIZATION

- Expands the current definition of homelessness to reflect accurately the experiences and realities of sexual assault survivors;
- Provides for VAWA housing related training and technical assistance;
- Creates a review process of covered housing providers' compliance with VAWA to improve implementation of the Act's existing protections.

8

IMPORTANT CFR PARTS

PART 5, Subpart L

Protections for Victims of
VAWA Crimes

PART 880

Section 8 Housing
Assistance Payments
Program for New
Construction

PART 982

Section 8 Tenant-Based
Assistance: Housing
Choice Voucher Program

PART 983

Project-Based Voucher
(PBV) Program

PART 960

Admission to, and
Occupancy of, Public
Housing

PART 966

Public Housing Lease and
Grievance Procedures

9

VAWA FORMS

HUD-5380 | Notice of Occupancy Rights

HUD-5381 | Model Emergency Transfer Plan

HUD-5382 | Certification Form

HUD-5383 | Emergency Transfer Request

10



DEFINITIONS

DOMESTIC VIOLENCE

Includes felony or misdemeanor crimes of violence committed by:

A current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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.

DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

13

SEXUAL ASSAULT

Means nonconsensual sexual act described by Federal, Tribal, or State Laws, including when the victim lacks capacity to consent

14

STALKING

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

- Fear for the person's individual safety or the safety of others; or suffer substantial emotional distress

15

TENANT

For VAWA, the term "tenant" refers to an assisted family and the members of the household on their lease

- Does not include guests or unreported members of the household, Live-in aide or caregiver is not a tenant, unless is an applicant for HUD assistance
- Federal Register 11/16/16 page 80730

16

APPLICANT

A person or a family that has applied for housing assistance

17

AFFILIATED INDIVIDUAL

With respect to an individual, means:

- 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
- Any individual, tenant, or lawful occupant living in the household of that individual

18

SPOUSE OR INTIMATE PARTNER

Includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by:

- The length of the relationship,
- The type of the relationship, and
- The frequency of interaction between the persons involved in the relationship

19

SELF-PETITIONER

Is an individual who claims to be a victim of battery or extreme cruelty. VAWA covers the following types of battery or extreme cruelty:

- Domestic Violence
- Dating Violence
- Sexual Assault
- Stalking

20

SELF-PETITIONER

- A PHA may receive a request (self-petition) for VAWA protection resulting from a VAWA crime
- Once the PHA receives the self-petition (INS form I-130 or INS form 797), the PHA is prohibited from requesting any additional information from the VAWA self-petitioner

21

LIVE-IN AIDE

A live-in aide is a person who resides with one or more elderly persons, or near-elderly persons, or persons with disabilities who:

- Is determined to be essential to the care and well being of the persons; and
- Is not obligated for the support of the persons; and
- Would not be living in the unit except to provide the necessary supportive services

22

LIVE-IN AIDE

A live-in aide is eligible for VAWA protections if the live-in aide is an applicant applying for housing assistance or affiliated individual

23

ACTUAL & IMMINENT THREAT

Refers to 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, and the nature and severity of the potential harm,
 - The likelihood that the potential harm will occur,
 - The length of time before the potential harm would occur

24

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.

25

COVERED HOUSING PROVIDER

Refers to the individual or entity under a covered housing program, and as defined by each program in its regulations, that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, managers, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities.

26

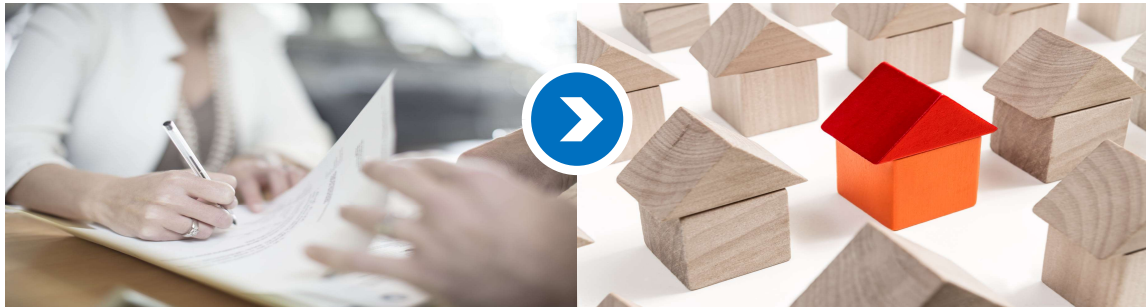
SAFE UNIT

A unit that the victim of a domestic violence, dating violence, sexual assault, or stalking believes is safe

27



**WHO CAN
RECEIVE VAWA
PROTECTIONS**



TENANT

For the purpose of VAWA the term **"tenant"** shall refer to the assisted family and the members of the household on the lease

Only tenants who are assisted by the PHA can invoke VAWA protections that apply solely to tenants

APPLICANT

Individuals are entitled to VAWA protections if the individual is an applicant for housing assistance

29

WHO IS ELIGIBLE FOR VAWA PROTECTIONS

- Provided to victims regardless of sex, gender identity, sexual orientation or age
- Covers conduct when the victim and perpetrator are of the same sex
- Provided to victims regardless of citizenship[or immigration eligibility

WHO IS ELIGIBLE FOR VAWA PROTECTIONS

- Youth under the age of 18 living in an assisted household may exercise VAWA protections if the youth is a victim of a VAWA crime
- Victims cannot be discriminated against based on any protected class, including:
 - ✓ Race, Color, National Origin, Religion, Sex, Familial Status, Disability or Age

WHO IS INELIGIBLE FOR VAWA PROTECTIONS

- Live-in aides, guests, and unassisted members of the family are ineligible for VAWA protections that are available only to tenants
- In cases where a guest or unassisted member is a victim of a VAWA crime, a tenant **cannot** be evicted or have assistance terminated on the basis of the VAWA crime of the guest or unassisted member
- Unassisted members who are also on the lease may qualify by way of the lease for VAWA protections

VAWA PROTECTIONS

An applicant for assistance or tenant assisted **may not** be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a **direct result** of the fact that the applicant or tenant is or has been a victim of a VAWA crime, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy

33

VAWA PROTECTIONS

- PHAs must not consider an incident of an actual or threatened VAWA crime as:
- ✓ A serious or repeated violation of the lease executed by the victim or threatened victim of such incident; or
 - ✓ Good cause for terminating the assistance, tenancy, or occupancy rights of the victim or threatened victim of such incident

34

VAWA PROTECTIONS

- PHA must not deny tenancy, or the occupancy rights solely based on criminal activity directly relating to a VAWA crime if:
 - ✓ The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant; **and**
 - ✓ The tenant or an affiliated individual of the tenant is the victim of a VAWA crime

35

ADVERSE FACTORS

PHAs are also prohibited from denying assistance or admission, terminating participation in, or evicting a tenant based on an adverse factor, **if the adverse factor is determined to be a direct result** of the fact that the applicant/tenant is or has been a victim of a VAWA crime

36

VAWA PROTECTIONS

- If a denial, termination of assistance, or eviction is required by a federal statute, based on a particular adverse factor, the PHA **MUST** deny, terminate, or evict, even if the adverse factor is a direct result of a VAWA crime

Example: an applicant who is subject to a lifetime state registration as a sex offender

37

ADVERSE FACTORS

- Many adverse factors appear to be unrelated to a VAWA crime and may present legitimate reasons for the denial or termination
- The presence of an adverse factor may be due to an underlying experience of a VAWA crime
- **An adverse factor may only present itself when the victim is attempting to leave, or has left, the abusive relationship**

38

EXAMPLES OF ADVERSE FACTORS



**POOR CREDIT
HISTORY**



**POOR RENTAL
HISTORY**



**CRIMINAL
RECORD**



**FAILURE TO
PAY RENT**

39

DETERMINING AN ADVERSE FACTOR

IT IS THE RESPONSIBILITY OF THE APPLICANT/TENANT TO:

- ✓ Inform the PHA that they are a victim of a VAWA Crime
- ✓ Provide enough information for the PHA to decide that the adverse factor they are claiming was direct result of a VAWA Crime

40

DIRECT RESULT ANALYSIS

- If an applicant/tenant fails to request VAWA protections, the PHA is **NOT** required to identify whether adverse factors are the direct result of a VAWA crime
- If PHA believes any information is not clear, the PHA should speak to the victim and try to clarify the information

41

NOTIFICATION

The PHA must notify the applicant/tenant if the PHA determines that the denial of admission, denial assistance under, termination from participation in, or eviction from housing is not a “direct result” of being a victim of a VAWA crime

42

CONSIDERATIONS

- In the case of a termination or eviction, PHAs must not subject the tenant, who is or has been a victim of a VAWA crime, or is affiliated with an individual who is or has been a victim of a VAWA crime, to a more demanding standard than other tenants in determining whether to evict or terminate assistance
- If the direct result prohibition does not apply, PHA **cannot** use that violation to terminate or evict a tenant who is a victim of a VAWA crime, if PHA does not ordinarily terminate or evict tenants for that violation

43



CERTIFYING & DOCUMENTING VAWA CRIMES

NOTICE OF OCCUPANCY RIGHTS & VAWA CERTIFICATION FORM

→ PHA must provide **each adult applicant** and **each adult tenant** the Notice of Occupancy Rights and VAWA Certification form:

- ✓ When an applicant is denied assistance or admissions; and
- ✓ At the time the individual is provided assistance or admission
- ✓ When the PHA terminates assistance
- ✓ During the 12-month period following 12/16/2016

45

FORM HUD-5380 NOTICE OF OCCUPANCY RIGHTS



Explains the VAWA protections including the rights to confidentiality and any VAWA protection limitations

46

FORM HUD-5380

NOTICE OF OCCUPANCY RIGHTS

- PHAs must customize the Notice of Occupancy Rights to reflect:
 - ✓ The specific housing assistance provided;
 - ✓ The name of the PHA, and any additional information; or
 - ✓ Terminology used that makes the Notice of Occupancy Rights more meaningful to the applicant/tenants

47

FORM HUD-5382

THE VAWA CERTIFICATION

- The Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternative Documentation (form HUD-5382) is to be completed by the victim to document an incident of a VAWA crime and states that:
 - ✓ The applicant/tenant is a victim of a VAWA crime;
 - ✓ The incident of the VAWA crime is the ground for protection and meets the definition for the incident; and
 - ✓ Includes the name of the individual who committed the VAWA crime, if known and safe to provide

48

VERBAL STATEMENT

- PHAs are not required to ask for documentation when an individual presents a claim for VAWA protections
- PHAs may chose to provide VAWA protection based on the individual's verbal statement or other corroborating or supporting evidence (*PHA is aware of abuse*)
- PHAs should develop written policies for how and under what circumstances a verbal statement will be accepted
- Document the statement or other corroborating evidence

49

WRITTEN DOCUMENTATION

- PHA may request the victim requesting VAWA protections to document the claim of a VAWA crime
- PHA's request for this documentation MUST be in writing
- PHA may require the documentation be submitted within **14 business days** after the date that individual received the request for the documentation
- During the 14-business day period and any granted extension, the PHA **must not** take an adverse action against the individual requesting the VAWA protection

50

TIME TO SUBMIT WRITTEN DOCUMENTATION

- In determining whether to extend the 14-business day period, PHAs should consider the following factors that may contribute to the victim's inability to provide the documentation in a timely manner
 - ✓ Cognitive limitations, Disabilities, Limited English proficiency, absence from the unit due to hospitalization, time in an emergency shelter, administrative delays in obtaining police or court records, the danger of further violence, and the victim's need to address health or safety issues

51

TIME TO SUBMIT WRITTEN DOCUMENTATION

- PHAs must grant reasonable accommodations for persons with disabilities
- Because of these factors, the PHA may not be contacted by the victim for an extension until after the 14-day period has passed

52

PERMISSIBLE DOCUMENTATION

- It is at the discretion of the applicant/tenant of which of the following forms of documentation to submit:
- a) The Certification Form (HUD-5382)
 - b) Record of a federal, state, tribal, territorial, or local law enforcement agency (may include a police report), court, or administrative agency
 - c) At the discretion of the PHA, a statement or other evidence provided by the applicant or tenant; or

53

PERMISSIBLE DOCUMENTATION (continued)

- d) A document:
 - ✓ Signed by an employee, agency, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional from whom the victim has sought assistance relating to a VAWA crime or the effects of abuse; signed by the applicant or tenant; that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of the VAWA crime is the grounds for protection and remedies under the VAWA Final Rule, and that the incident met the applicable definitions of domestic violence, dating violence, sexual assault, or stalking

54

ACCEPTING THE PERMISSIBLE DOCUMENTS

- PHAs must accept the **A**, **B**, and **D** permissible documents
- PHAs have the discretion to accept the statement or other evidence in **C** - PHAs are encouraged to:
 - ✓ Develop written policies as to whether the PHA will exercise discretion for this documentation
 - ✓ Develop written policies of whether a statement or other evidence will be accepted
 - ✓ Define what is acceptable evidence

55

ACKNOWLEDGING THE RECEIPT OF THE DOCUMENTATION

Once a victim provides documentation of the VAWA crime, the PHA should acknowledge the receipt of the documentation in a confidential and timely manner

56

FAILURE TO PROVIDE DOCUMENTATION IN A TIMELY MANNER

- If the applicant/tenant fails to provide documentation within 14 business days after receiving the written request for that documentation, or within the designated extension period, the PHA may:
 - ✓ Deny admission by the applicant;
 - ✓ Deny assistance to the applicant/tenant;
 - ✓ Terminate the participation of the tenant; or
 - ✓ Evict the tenant, or a lawful occupant that commits a violation of a lease

57

DENIAL OF VAWA PROTECTIONS

- If an individual fails to provide the documentation, the individual does not waive their rights to challenge the denial of assistance or termination of assistance, nor does it preclude the individual's ability to raise an incident of a VAWA Crime at the eviction or termination proceedings
- PHAs must follow established procedures for informal reviews/hearings

58



THIRD-PARTY DOCUMENTATION

- PHAs are prohibited from requiring third-party documentation of a victim's status **unless**:
 - ✓ More than one applicant/tenant provides documentation to show they are victims of a VAWA crime and the information in one person's documentation conflicts with the information in another person's documentation; or
 - ✓ The submitted documentation contains information that conflicts with existing information already available to the PHA

THIRD-PARTY DOCUMENTATION

- If third-party verification is requested, the applicant/tenant may submit the Permissible documents except the VAWA Certification form (HUD-5382)
- The applicant/tenant must be given **30 calendar days** from the date of the PHA written request to provide the third-party documentation

61

THIRD-PARTY DOCUMENTATION

- If received timely, and the documentation meets the criteria and supports the request for VAWA protections, PHAs are prohibited from requiring further documentation of the status of a victim of a VAWA crime
- If not received timely or documentation does not meet the criteria, PHAs may, but are not required to, accept the applicant's/tenant's assertion that they are a victim of a VAWA crime

62

THIRD-PARTY DOCUMENTATION

- If not received, PHAs may, deny the VAWA protections
 - ✓ Must notify the applicant/tenant
 - ✓ Must comply with PIH Notice 2015-19: Guidance for PHAs and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions
 - ✓ If results in tenant termination from housing assistance, must provide for opportunity for an informal hearing

63

THIRD-PARTY DOCUMENTATION CONSIDERATIONS

- Perpetrators sometimes obtain temporary restraining orders (TROs) or file police reports against victims as a form of retaliation
- Victims may be unable to access courts or law enforcement due to language barriers, disabilities, cultural norms, or fear for their safety
- **The fact that only one party submitted third-party documentation is not always a reliable indicator of a VAWA crime**

64

THIRD-PARTY DOCUMENTATION

- PHAs are prohibited to conducting "fact findings" for the purpose of trying to verify the validity of an applicant's/tenant's victim status - *cannot contact neighbors or employers*
- Doing so would be in violation of the documentation requirements and may result in violation of the victim confidentiality requirements

65

THIRD-PARTY DOCUMENTATION CONSEQUENCES

- Any allegations made by one individual against another are made with the understanding that there are consequences if the allegations are false
- The Certification Form advises the submission of false information may be a basis for denial of admission, termination of assistance, or eviction

66



VICTIM CONFIDENTIALITY



Any information submitted to PHA, including the fact that an individual is a victim of a VAWA crime, must be kept and maintained in the strictest confidence

VICTIM CONFIDENTIALITY

→ The PHA and Owners Shall Not

- ✓ Allow PHA employees, owners/management agents, contractors to have access to VAWA information unless authorized by the PHA for reasons that specifically warrant these employees to have access to the information
- ✓ The information shall not be entered into any shared database or disclosed to any other entity or individual

69 69



**COMMUNICATION
WITH VICTIMS
OF VAWA CRIMES**

ACCESS TO INFORMATION & SERVICES

- PHAs are obligated to take reasonable steps to ensure meaningful access to the information and services provided
- Documents should be available in other languages as identified in the PHA's Language Assistance Plan (LAP)
- In accordance with Executive Order #13166, PHAs must make available the Notice of Occupancy Rights and Certification form in multiple languages

71

LANGUAGE/ALTERNATE COMMUNICATION FORMS

- If a person with disabilities requires assistance or a form of communication other than written due to a disability, the PHA should provide the assistance or accommodate that special need
- PHAs must provide reasonable accommodations, when necessary, such as aiding in completing the form, for persons with disabilities

72

COMMUNICATING WITH THE VICTIM

- PHAs must take precautions when communicating with victims of a VAWA crime
- **DO NOT** send mail (including emails) or leave messages (including voicemail messages) that contain confidential VAWA information, refer to VAWA, VAWA protections, references that an individual is a victim of a VAWA crime, or any VAWA definition with other individuals, including members of the household
 - ✓ Leaving a voicemail message for the victim to contact the PHA, without any reference to VAWA, is not prohibited

73

COMMUNICATING WITH THE VICTIM

- **DO NOT** send mail especially the written request for the Certification Form, or granting a written extension for the Certification Form, as the perpetrator may reside at the unit or may have access to the victim's mail
 - ✓ Make arrangements to deliver and return the Certification Form

74

COMMUNICATING WITH THE VICTIM

- If safe to do so, obtain written permission from the victim for their approved preferred method of contact (office visits, mail, voicemail, email, text message, or another method)
- ✓ Make note in the victim's file of the method of communication approved by the victim
- ✓ Written approval method is to be kept confidential

75

COLLECTING INFORMATION & AVOIDING UNINTENTIONAL DISCLOSURE

The following slides outline best practices designed to address the challenges of collecting information from and communicating with a victim of a VAWA crime while meeting the confidentiality requirements

Conduct the intake session in a private room, where the individual and staff person can talk without the risk of other staff or clients overhearing

Explain the PHA's information sharing policies

Communicate to the individual who in the PHA is responsible for handling questions or complaints about confidentiality

Provide adequate time for the individual to review and sign forms

Post confidentiality notices in the intake room and around the PHA

77

Ensure relevant staff understand confidentiality policies and procedures through regular staff training

Post notices about the importance of maintaining confidentiality throughout the office and PHA-property

Direct staff to respond to third-party inquiries only after verifying that written client consent has been obtained

Clarify information sharing policies with referring/referral agencies and other service and business partners

Maintain distinct phone lines for certain purposes

78

Avoid using language referencing domestic violence or sexual assault in agency names, program names, organization names, and staff titles

Use a PHA post office box to receive written correspondence

Serve individuals off-site as needed or when appropriate

Provide interpretation and/or documents translated into the appropriate language when necessary

Provide accessible documents or assistance filling out forms for individuals with disabilities

79



EMERGENCY TRANSFERS

- PHAs must have adopted an Emergency Transfer Plan no later than **June 14, 2017**
- The Emergency Transfer Plan allows tenants who are victims of a VAWA crime to make an internal or external emergency transfer under VAWA to a safe unit

Safe Unit - is a unit the victim of a VAWA crime believes to be safe

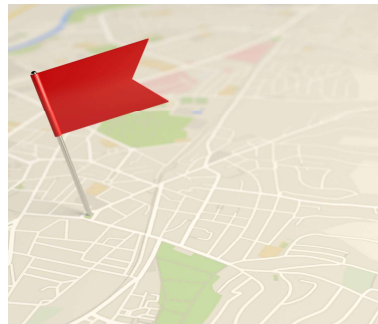
81

TYPES OF EMERGENCY TRANSFERS



INTERNAL EMERGENCY TRANSFERS

The relocation of a victim of a VAWA crime to another unit where the victim would not be categorized as a new applicant



EXTERNAL EMERGENCY TRANSFERS

The relocation of a victim of a VAWA crime to another unit where the victim would be categorized as a new applicant

82

EMERGENCY TRANSFERS

RECORD KEEPING & REPORTING REQUIREMENTS

- PHAs must keep confidential all records under its Emergency Transfer Plan regarding:
 - ✓ The emergency transfers requested
 - ✓ Outcomes of the requests

83

EMERGENCY TRANSFERS

RECORD KEEPING & REPORTING REQUIREMENTS

- Must report the requests and outcomes to HUD annually
 - ✓ This reporting requirement is not in effect until:
 - PHAs begin to provide emergency transfers, and
 - HUD completes the Paperwork Reduction Act requirement
- Must retain records for a period of 3 years

84



EMERGENCY HOUSING VOUCHER (EHV)

EHV ELIGIBILITY

- Must report the requests and outcomes to HUD annually
 - ✓ This reporting requirement is not in effect until:
 - PHAs begin to provide emergency transfers, and
 - HUD completes the Paperwork Reduction Act requirement
- Must retain records for a period of 3 years

EMERGENCY TRANSFERS

RECORD KEEPING & REPORTING REQUIREMENTS

→ In order to be eligible for an EHV, an individual or family must meet one of four eligibility categories:

- ✓ Homeless
- ✓ At risk of homelessness
- ✓ Fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or human trafficking
- ✓ Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability

87

EHV DEFINITION

DOMESTIC VIOLENCE

Domestic violence includes felony or misdemeanor crimes of violence committed by:

- a) Current or former spouse or intimate partner of the victim (the term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship),
- b) Person with whom the victim shares a child in common,

88

EHV DEFINITION

DOMESTIC VIOLENCE (continued)

- c) Person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- d) Person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
- e) 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

89

EHV DEFINITION

DATING VIOLENCE

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:
 - 1. The length of the relationship;
 - 2. The type of relationship; and
 - 3. The frequency of interaction between the persons involved in the relationship.

90

EHV DEFINITION

SEXUAL ASSAULT

Sexual assault means any nonconsensual sexual act proscribed by Federal, Tribal, or State law, including when the victim lacks capacity to consent.

91

EHV DEFINITION

STALKING

Stalking means 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

92

EHV DEFINITION HUMAN TRAFFICKING

Human trafficking includes both sex and labor trafficking, as outlined in the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. § 7102). These are defined as:

- ✓ Sex trafficking means the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act, in which the commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; **and**
- ✓ Labor trafficking means the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery

93

HCV WAITLIST | VAWA PREFERENCE

→ PHA MUST refer applicants that qualify for this preference to the CoC or applicable partnering referral agency

94

VAWA CASES & CONCILIATIONS

<https://www.nhlp.org/initiatives/protections-for-survivors-of-domestic-and-sexual-violence/>

DICKINSON ET AL V. ZANESVILLE METROPOLITAN HOUSING AUTHORITY ET AL

(U.S. DISTRICT COURT, SOUTHERN DISTRICT OF OHIO, EASTERN
DIVISION, 2013 WL 5487101 - SEPT. 30, 2013)

CLAIM OF SEX DISCRIMINATION UNDER THE
FAIR HOUSING ACT (FHA) AGAINST THE HOUSING
AUTHORITY -ALLEGING THAT IT FAILED TO RESPOND
TO HER CALLS FOR HELP AND INSTEAD BLAMED,
REPRIMANDED, CREATED INACCURATE RECORDS, AND
ATTEMPTED TO EVICT HER

FUENTES VS REVERE HOUSING AUTHORITY,

(MASS. APP. CT. NOV. 8, 2013)

PLAINTIFF WAS BEHIND ON HER RENT AND SECURITY DEPOSIT. SHE EXPLAINED THAT SHE WAS UNABLE TO MAKE RENTAL PAYMENTS FOR A PERIOD OF APPROXIMATELY ONE YEAR BECAUSE SHE WAS IN AN ABUSIVE RELATIONSHIP WITH THE FATHER OF HER YOUNGER CHILDREN, AND HE ROUTINELY THREATENED HER IF SHE DID NOT GIVE HIM MONEY.

MORRIS VS HAHN,

(SUPERIOR COURT OF THE STATE OF WASHINGTON IN AND FOR THE COUNTY OF KING; NO. 13-2-04804-3 SEA)

PLAINTIFF'S RENT AND SECURITY DEPOSIT WAS INCREASED AFTER REPORTING A VAWA CRIME AGAINST THEM, AS WELL AS BEING ASKED TO PAY FOR DAMAGES CAUSED BY ASSAILANT.

BEACON RESIDENTIAL MANAGEMENT, LP v. Pipkin,

(81 N.E.3d 714, Mass. 2017)

A DOMESTIC VIOLENCE SURVIVOR COULD INTERVENE
ON BEHALF OF HER MINOR CHILDREN IN A
PROCEEDING TO EVICT THEM FROM THEIR HCV UNIT,
AFTER THE ABUSER (HOH) LEFT THE FAMILY. SHE
WAS CONSIDERED AN AFFILIATED INDIVIDUAL.

JOHNSON v. PALUMBO,

60 N.Y.S.3d 472 (N.Y. App. Div., 2d Dept. 2017)

TERMINATION WAS REVERSED BECAUSE VAWA
PROTECTIONS APPLIED SO THE SURVIVOR WAS NOT
REQUIRED TO ADD THE ABUSER, WHO WAS ILLEGALLY
RESIDING IN THE UNIT WITHOUT PERMISSION
FROM THE SURVIVOR.

**PITTMAN VS DAKOTA COMMUNITY
DEVELOPMENT AGENCY,**

(STATE OF MINNESOTA IN COURT OF APPEALS Z09-1160 - JUNE 15, 2021)

PLAINTIFF'S HOUSING ASSISTANCE WAS TERMINATED
FOR ALLOWING BOYFRIEND TO STAY IN UNIT UNREPORTED.



**VICTIM
ASSISTANCE**

DOMESTIC & DATING VIOLENCE ASSISTANCE


INDIVIDUALS IN IMMEDIATE DANGER SHOULD CALL 911

Victims of domestic violence and dating violence can get help by calling the **National Domestic Violence Hotline**:

1-800-799-SAFE (7233) or 800-787-3224 (TTY)

Chat live option | www.thehotline.org

To quickly leave the website:

Click the "escape"  icon; or Press the  key twice

103

TEEN DATING VIOLENCE HOTLINE



INDIVIDUALS IN IMMEDIATE DANGER SHOULD CALL 911

Victims of teen dating violence can get help by calling the **Love is Respect Hotline**:

1-866-331-9474 or text Loveis to 22522

www.loveisrespect.org

To quickly leave the website:

Click the "escape"  icon; or Press the  key twice

104

SEXUAL ASSAULT ASSISTANCE

Victims of sexual assault may contact the **Rape, Abuse & Incest National Network (RAINN)** which operates the **National Sexual Assault Hotline**

800-656-HOPE (4673)

Live chat option | www.rainn.org

**SAFETY ALERT
MESSAGE**

Your safety is important. If you are in immediate danger, call 911.

105

STALKING ASSISTANCE

Victims of stalking may visit the **National Center for Victims of Crime's Stalking Resource Center**

1-855-4-VICTIM (855-484-2846)

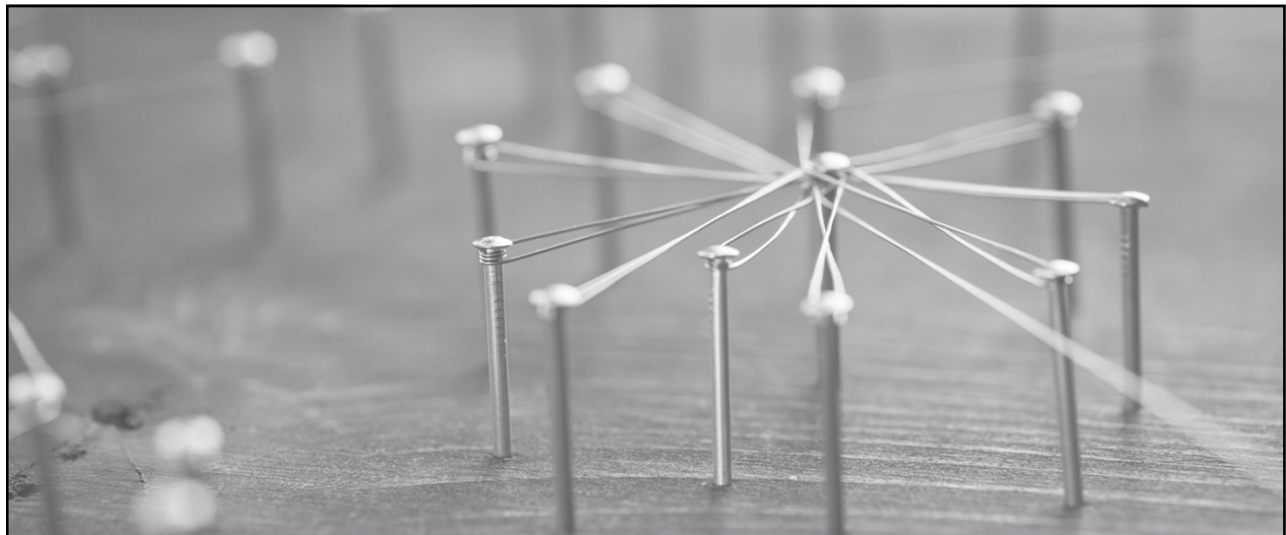
Chat option | www.victimconnect.org

To quickly leave the website:

X Quick Exit

If you are in immediate danger,
CALL 911

106



VAWA SUMMARY

THERE ARE NO LIMITATIONS ON THE NUMBER OF OCCASIONS
A VICTIM CAN INVOKE VAWA PROTECTIONS



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