



2023 VAWA Webinar

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Category 4 Eligibility

Current Definition:

- **Is feeling, or is attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, or life-threatening conditions that relate to violence against an individual or family member, including a child, that has either taken place within the individual's or family's primary nighttime residence or has made the individual or family afraid to return to their primary nighttime residence**
- **Has no other residence, and**
- **Lacks the resources or support networks to obtain other permanent housing**

Category 4 Eligibility

Updated Definition:

- Is *experiencing trauma or lack of safety related to*, or fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, *traumatic*, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized
- Has no other residence, and
- Lacks the resources or support networks to obtain other permanent housing

Definition of Domestic Violence – Added Terms

- **Technological Abuse**
 - means 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.
- **Economic Abuse**
 - means 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; or
 - (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.

VAWA Housing Protections

- **Prohibition Against Denial of Admission or Eviction**
 - Survivors cannot be denied or evicted from CoC- or ESG-assisted rental assistance projects solely due to their status as survivors of domestic violence, dating violence, sexual assault or stalking. This includes reasons related to the violence that they have experienced, such as bad rental or credit history or criminal history.
- **Emergency Transfer Plan**
 - Each CoC must develop a plan that determines how projects will respond to emergency transfer requests.
 - Subrecipients of state recipient ESG funds must develop their own plan or follow the CoC's established plan.
- **Lease Bifurcation**
 - Allows survivor to retain assistance without the perpetrator in the unit for a period of time to allow survivor to establish assistance on their own or find another unit.
- **Notification**
 - Must provide notification of VAWA protections to applicants who are denied housing, program participants who are admitted to housing, program participants who are facing eviction, and terminated participants.
- **Lease Addendum**
 - Must be included in the lease or rental agreement

Compliance Requirements

Prohibits the denial of assistance, tenancy, or occupancy rights on the basis of domestic violence, dating violence, sexual assault or stalking

Confidentiality

Notification Requirements

Documentation from Survivors

Following Emergency Transfer Plan

Prohibition on Retaliation

Prohibits covered housing providers from coercing, intimidating, threatening, or retaliating against a survivor for seeking or exercising VAWA rights.

Right to Report Crime and Emergencies

- Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for housing have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance
- Prohibits application of actual or threatened penalties to protected persons based on their request for assistance or based on criminal activity of which they are a victim of or otherwise not at fault under the laws or policies adopted or enforced by covered government entities

VAWA Forms

- **5380 – Notice of Occupancy Rights**
 - Required for All
 - Subrecipient must complete “name of rental assistance program” and contact information
- **5381 – Emergency Transfer Plan**
 - Provided if Client Experiences a DV incident
 - This form is a model; your CoC’s plan or your agency’s plan should be provided
- **5382 – Certification of Domestic Violence**
 - Form can be completed and used as documentation of domestic violence incident
 - Other third-party documentation can be used in place of this form
- **5383 – Emergency Transfer Request**
 - Provided upon request
 - Used to request an emergency transfer and certify eligibility for emergency transfer

HUD's VAWA Page and Filing a VAWA Complaint

https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA

https://www.hud.gov/vawa?utm_source=HUD+Exchange+Mailing+List&utm_campaign=199f74ff6c-VAWA_Resources_2.8.23&utm_medium=email&utm_term=0_199f74ff6c-%5BLIST_EMAIL_ID%5D

Contact Information

NC ESG Community Email

NCESG@DHHS.NC.GOV

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