



VAWA COMPLIANCE

SONJA HORN – DASH COMPLIANCE

46th Annual AHMA-PSW Conference & Expo
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WHAT IS VAWA

Goal is to provide a systemic government response to the threat of domestic violence that will reduce the threat where government funded agencies have the power to do so

Applies to all victims of:

Domestic violence

Dating violence

Sexual assault

Stalking

Regardless of sex, gender identity or sexual orientation

SOME RECENT CHANGES

Added economic and technological abuse in its definitions

Added prohibition against retaliation

Adds protection to report crime and emergencies from one's home (prohibits penalizing or threatening to penalize because they request assistance)

New memo requires that HUD collect the following information:

- Compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of VAWA
- Compliance with confidentiality requirements
- Compliance with notification requirements
- Compliance with provisions for accepting documentation
- Compliance with emergency transfer requirements
- Compliance with prohibition against retaliation

- We will get further guidance on this

HUD COMPLIANCE REVIEW

HUD POTENTIAL CHANGES

- Revisions to forms:
- 5380 – Notice of Occupancy Rights
- 5381 – Model Emergency transfer plan
- 5382 – Certification
- 5383 – Emergency Transfer Request
- Establishment of VAWA Director
- Anticipating additional guidance from HUD

**WHAT IS
VAWA**

SCENARIO

Jane fled her Section 8 apartment unit because her boyfriend was beating her and her children up repeatedly. She told her landlord she had moved and why. Management charges her for damages to her unit. She reapplies for housing after the dust settles and when her name comes up, the new manager denies her due to unpaid damages.

Did management violate VAWA?

- New certification required by HUD to be given in the following instances:
 - When an applicant is denied
 - When an applicant moves in
 - When a resident is given notice of eviction or termination of assistance
 - Whenever else your policies indicate

NOTICE OF OCCUPANCY RIGHTS

SCENARIO

Margie applies for your property

You check her landlord history and she has an eviction from her last apartment; you send her a rejection notice.

Is this a VAWA situation?

What would make it a VAWA situation?

Do not terminate or deny if:

Criminal activity is engaged in by a member of the household or any guest under control of resident as the result of domestic violence

Resident is the victim or threatened victim of domestic violence (all definitions)

Can not consider it a serious or repeated lease violation or other good cause

PROTECTIONS

SCENARIO

Amanda lives at a senior 202 community; her adult son, John, cut himself while breaking into her unit. Security responded and a report was made.

Amanda received an eviction notice for nuisance due to “several domestic disputes between you and John”; she had several police reports and a restraining order against John.

Are you prohibited from evicting Amanda under VAWA?

EMERGENCY TRANSFER PLAN



Required to have been adopted by
June 14, 2017



Internal Emergency Transfer:
emergency relocation to a safe
unit where they do not have to go
through application process (likely
another unit on your property)



External Emergency Transfer:
emergency relocation to a safe
unit where they will be considered
a new applicant and processed as
such (probably somewhere in the
area)

WHAT IS A SAFE UNIT?

A unit that the VICTIM
believes is safe

Expressly requests the transfer – AND:

Resident reasonably believes that there is a threat of **imminent danger** if they remain in the current unit

WHEN IS
A
VICTIM
ELIGIBLE
?

- Sexual Assault Victims: reasonably believes there is a threat of imminent harm OR – the sexual assault occurred on the premises during the 90 calendar day period preceding the request of the transfer

**WHEN IS
A VICTIM
ELIGIBLE**

WHAT IS IMMINENT DANGER?

A physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm

This is not “he yells at me” or “I’m afraid of her”

This is “he told me he knows where I live and has a gun”

- These should not be “cookie cutter”
- They should apply specifically to your community
- They should be thought out and provide viable responses to aid a victim
- Will be reviewed during an MOR

EMERGENCY TRANSFER PLANS



Give in detail what priority is given to residents who qualify for an emergency transfer



Incorporate STRICT confidentiality measures to ensure that the location of the new unit is not disclosed



Allow a resident to make an “internal emergency transfer” when a safe unit is immediately available



Describe policies for assisting the resident when a safe unit is NOT immediately available

Policies MUST ensure that such requests are given additional priority

WHAT IS REQUIRED IN THE PLAN?

INTERNAL TRANSFERS

Be specific about how the request will be handled



WHO will take the request



HOW will it be documented



WHERE will the documentation go



WHEN can you get the victim transferred

EXTERNAL TRANSFERS

- Include reasonable efforts that will be taken to assist a resident to make an “external emergency transfer”
 - HOW much will you help
 - WHO will you refer them to
 - WHEN can you get them moved
- Include policies for assisting resident with such transfers – including how you will deal with residents that have assistance and need assistance

EXTERNAL TRANSFER POLICIES

It is important that as part of your external transfer policy you:

- Give detail of any arrangements your community has with other housing providers
- Explain outreach activities to organizations that provide assistance to such victims
- ALSO consider your Resident Selection Criteria and will preference be given to victims of VAWA over other preferences

EMERGENCY TRANSFERS

Residents can seek both internal and external emergency transfers at the same time if a safe unit is not readily available

Be sure your VAWA Emergency Transfer Plan is posted and available for the public to view

EMERGENCY TRANSFER DOCUMENTATION



Can require documentation from resident – HOWEVER: The resident's written request and certification is sufficient documentation



Ask the resident seeking the transfer to document the occurrence for which the transfer is being requested (if not already provided)



NO OTHER DOCUMENTATION CAN BE REQUIRED

PROPOSED FORMAT OF EMERGENCY TRANSFER PLAN

Explain who is eligible to request

Resident must show they are a victim (complete form 5832)

Certify they are in current imminent danger or victim within the last 90 days of sexual assault

Description of process of request, approval and move

Internal /External Transfer Rules

Priority of resident transfers

Consideration of other types of transfers (reasonable accommodations)

Who pays for transfer

Community Resources available to victim

Have in your office a list of local resources that can provide assistance to victims of domestic violence, dating violence, sexual assault and/or stalking

Contact local agencies so you can provide good information when needed

VAWA RESOURCES



DOCUMENTATION

Can request written documentation within 14 days

Can use HUD form provided or:

Certification that is signed by volunteer or employee at victim service provider, attorney, or medical professional; signed by resident; and specifies under penalty of perjury that the professional believes the incident is covered under VAWA

DOCUMENTATION

- Can also be record of law enforcement
- Or, at your discretion a statement or other evidence by the applicant or resident

IT IS THE RESIDENT/APPLICANT'S CHOICE! NOT YOURS

If you get CONFLICTING information (for example, two or more members of one household claim to be victims) you may require third party documentation

CONFIDENTIALITY

- ANY information submitted must be maintained in strict confidence
- Can't allow anyone to have access to this confidential information unless explicitly authorized and there is specific need
- Can't enter any of this information into a database or disclose to any other entity except:
 - With written consent by resident (time limited release)
 - If required for use in eviction or hearing
 - Otherwise required by law



HOW TO REACH US...

For help with MOR prep

For assistance with reviewing
and tracking EIV reports

For file review – one time or
ongoing

Training and so much more

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