

# **Empowering CoC & ESG Grantees: Navigating VAWA 2022**

**THN Conference  
September 2023**



# Learning Objectives for this Session

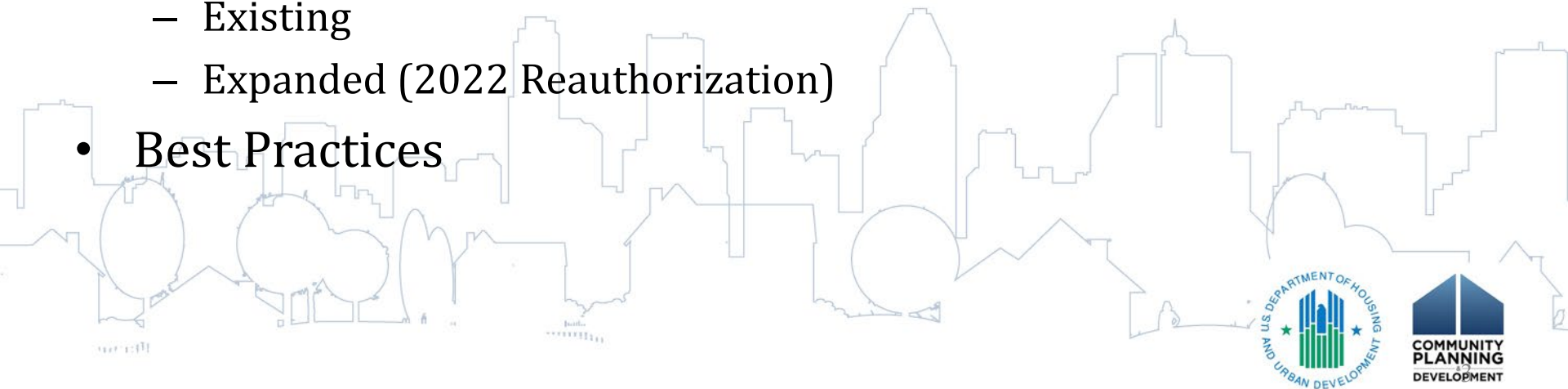
Attendees will:

- Learn about VAWA housing provisions that apply to Continuum of Care (CoC) and Emergency Solutions Grants (ESG) grantees
- Learn about VAWA 2022 updated definitions and provisions as outlined in the VAWA letter to CoC/ESG program recipients
- Learn about additional resources on VAWA 2022 that support and empower CoC and ESG grantees to better serve survivors and help them rebuild their lives.



# Agenda

- Welcome
- Learning Objectives
- Overview of the Violence Against Women Act
  - What is it?
  - Who is covered?
  - Who must comply?
- VAWA Provisions
  - Existing
  - Expanded (2022 Reauthorization)
- Best Practices

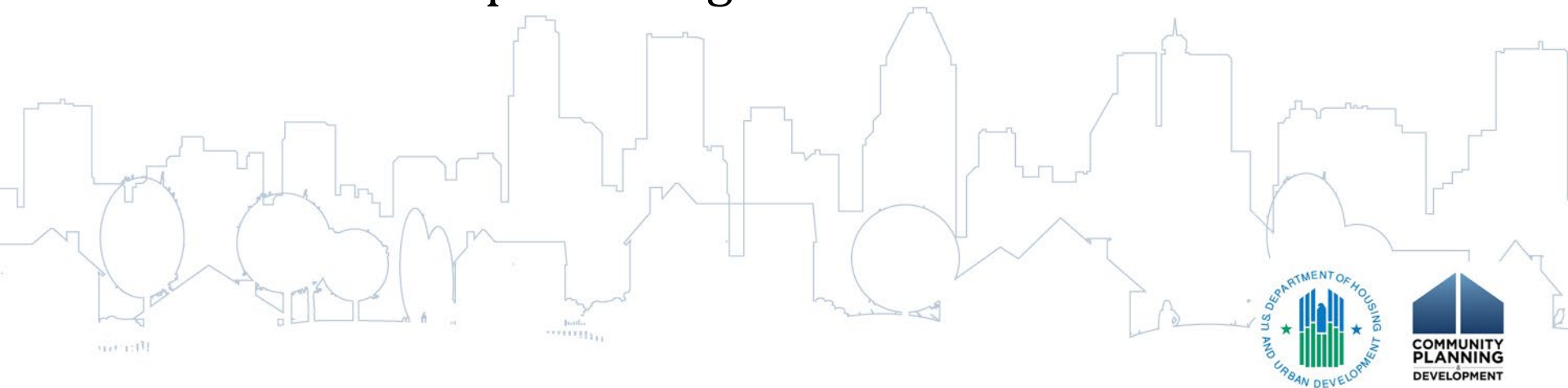


# POLL



# Violence Against Women Act (VAWA)

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



# Opportunities for CoC and ESG grantees

- Enhance their work on domestic and sexual violence.
- Emphasizes the importance of collaboration among organizations working to address domestic and sexual violence.
- Engage in partnerships with other organizations to better serve survivors.



# VAWA – Who is Covered?

VAWA protects any person who is **BOTH**—

- an applicant or tenant of a covered project;  
**AND**
- a survivor of
  - Domestic violence,
  - Dating violence,
  - Sexual assault, or
  - Stalking



# VAWA – Who Must Comply\*

## Covered Housing Programs – **Continuum of Care and Emergency Solution Grants**

VAWA applies to:

- **CoC**

- \*RRH

- \*TH

- \*PSH

- **ESG**

- \*HP

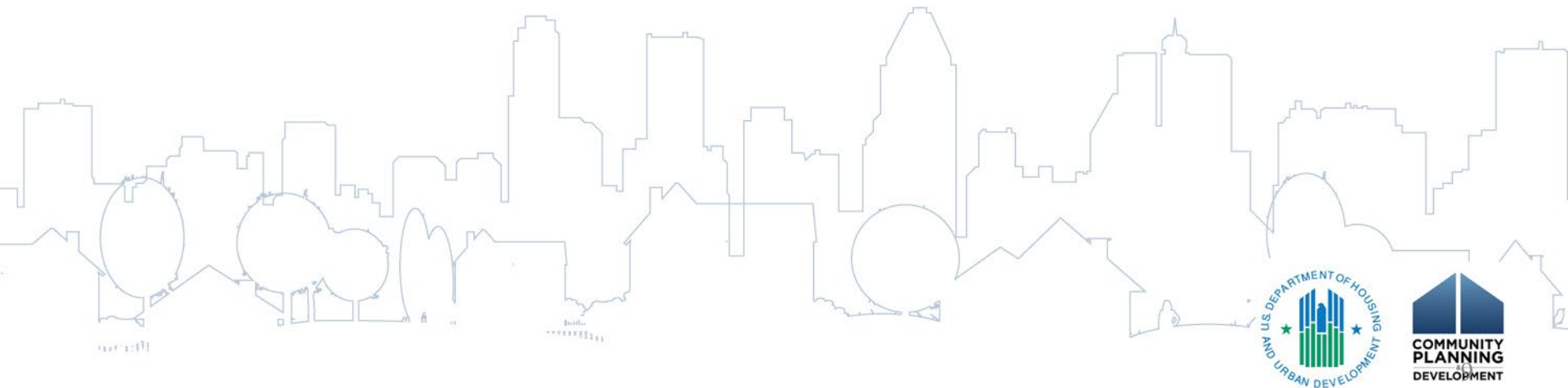
- \*RRH





# VAWA – Who Must Comply\*

- ESG
  - ESG recipients and subrecipients
- CoC
  - CoC grant recipients
  - CoC grant subrecipients



# Existing VAWA Protections

- Prohibition Against Entering Personally Identifying Information (PII) in Shared Databases
- Emergency Transfer Plans
- Documentation Requirements
- Notification
- Prohibition Against Denial of Admission and Eviction
- Lease Addendums
- Lease Bifurcations



# Existing VAWA Protections

- **Prohibition Against Entering PII in Shared Databases**

- VAWA TBD reauthorization prohibited victim service providers from entering PII in HMIS

- VSPs use a comparable database

- Decision Tool on HUD Exchange - [Homeless Management Information System \(HMIS\): When to Use a Comparable Database](https://www.hudexchange.info) ([hudexchange.info](https://www.hudexchange.info))

- **Emergency Transfer Plans**

- VAWA Emergency Transfer Plans govern how projects will respond to requests for emergency transfers from survivors.



# Existing VAWA Protections

## Documentation Requirements

If an applicant or participant requests protection under VAWA, the covered housing provider may

- provide the requested protection based solely on the applicant or tenant's (verbal) request, or
- ask the applicant or tenant to provide supporting documentation, but is not required to do so
- Survivor chooses which documentation they want to provide
- Only ONE form of documentation\*



# Existing VAWA Protections

## Documentation Requirements (Continued)

Request for documentation of victim status must be in writing and allow for submission within 14 business days.

Applicant or participant may choose to submit any of the following documents:

- VAWA self-certification form (completed by applicant or tenant)
- A professional's statement that meets § 5.2007(b)(1)(ii)
- Record of a court or law enforcement agency
- Another type of statement or other evidence, if allowed by the covered housing provider



# Existing VAWA Protections

- **Notification**

- When a program participant is admitted or receiving assistance;
- When a program applicant is denied admission or assistance;
- When a program participant receives notification of eviction; and
- When a program participant is notified of termination of assistance.



# Existing VAWA Protections

## **Prohibition Against Denial of Admission and 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.

## **Lease Addendum**

- Grantees must develop a VAWA lease addendum to incorporate applicable requirements

## **Lease Bifurcation**

- Program participants may request to bifurcate a lease – when receiving CoC or ESG assistance



# VAWA Lease Language

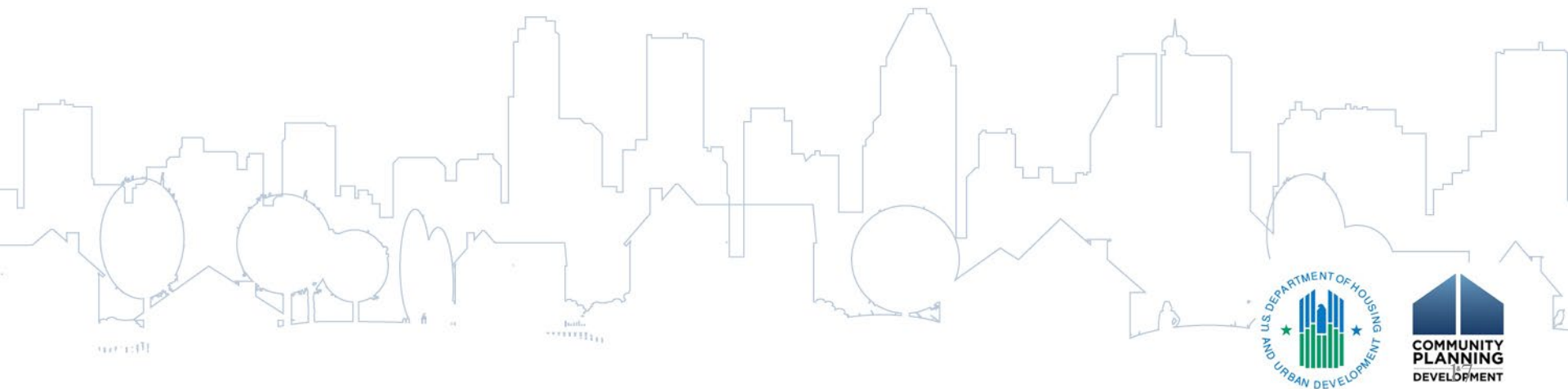
- All leases must include a description of specific protections afforded to the victims of domestic violence, dating violence, sexual assault, or stalking as described in 24 CFR 5.2005
- This is accomplished via a lease addendum or tenancy addendum, as appropriate





# VAWA 2022

## Expanded VAWA 2022 Provisions



# Expanded VAWA 2022 Provisions

- Definition of domestic violence**
- Prohibition on Retaliation**
- Right to Report Crime and Emergencies**
- Changes to the McKinney-Vento Homeless Assistance Act Definition of Homelessness**
- CoC Program Eligible Activities**
- Compliance Review Process**
- New Enforcement Authority**
- New GBV Office and VAWA Director**
- VAWA Training and Technical Assistance**
- Study on Housing & Service Needs of Survivors of Trafficking**



# Expanded VAWA 2022 Provisions

## Definition of Domestic Violence

- Includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding
- Includes verbal, psychological, **economic,** or **technological** abuse that may or may not constitute criminal behavior



# Expanded VAWA 2022 Provisions

## Prohibition on Retaliation

- VAWA 2022 adds a new section to VAWA, which prohibits retaliation in covered housing for a PHA or owner or manager of covered housing prohibits retaliation against persons exercising their rights or participating in processes related to VAWA housing protections.



# Expanded VAWA 2022 Provisions

## **Right to Report Crime & Emergencies**

- Protects the right to seek law enforcement or report a crime and emergencies
- It is illegal to penalize or threaten to penalize a for requesting assistance or criminal activity
- Victim or not at fault
- protection applies to everyone, not just survivors



# Expanded VAWA 2022 Provisions

## VAWA 2022 Amendment to McKinney-Vento Definition of Homeless

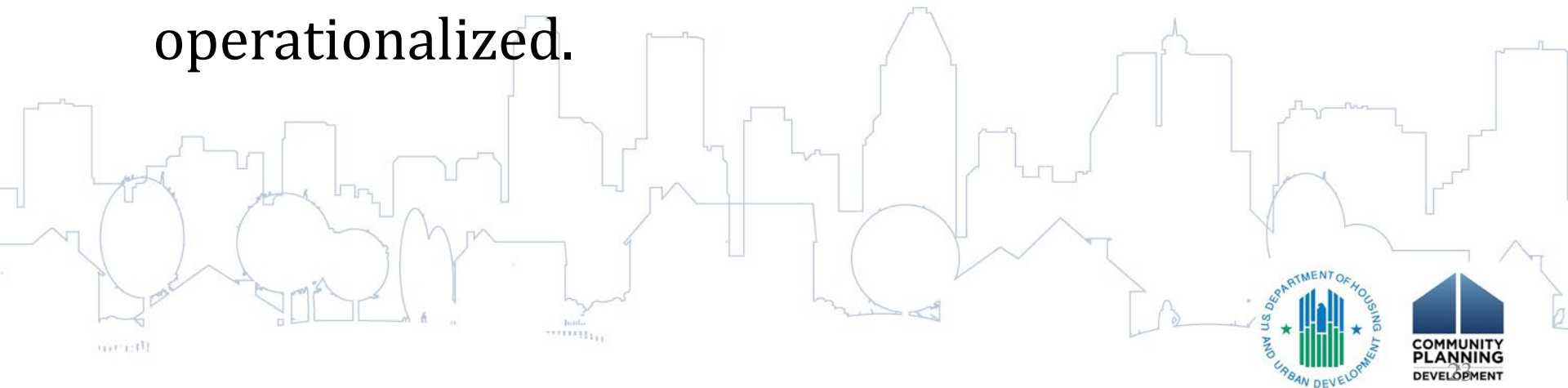
- (1) is **experiencing trauma** or a **lack of safety** related to, or fleeing or attempting to flee, domestic violence, dating violence, sexual assault, stalking, or other dangerous, **traumatic**, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized.
- (2) has no other **safe** residence
- (3) lacks the resources to obtain other **safe** permanent housing



# Expanded VAWA 2022 Provisions

## **VAWA 2022 Amendment to McKinney-Vento Definition of Homeless (continued)**

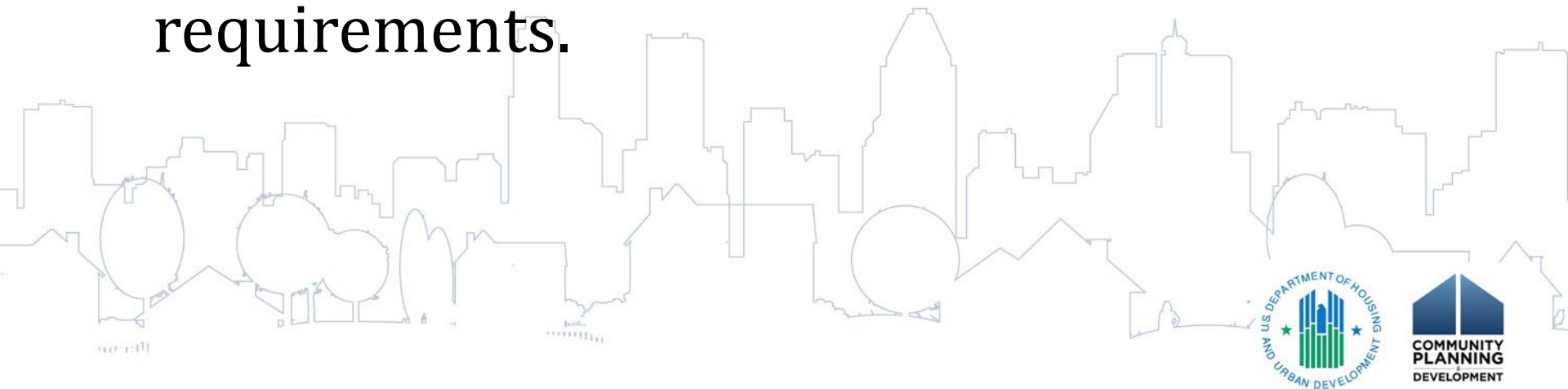
- may use the definition before HUD has completed rulemaking.
- must update their written standards to reflect how the new category 4 definition will be operationalized.



# Expanded VAWA 2022 Provisions

## **New Eligible CoC Program Activities:**

- Facilitating and coordinating activities to ensure compliance with the emergency transfer plan requirements
- Monitoring compliance with confidentiality requirements.





# Expanded VAWA 2022 Provisions

## **Compliance Review Processes**

- HUD will establish a process to review compliance

## **Enforcement Authority for Housing Protections**

- HUD's Office of Fair Housing and Equal Opportunities (FHEO) and the Office of General Counsel will enforce the housing protections of VAWA

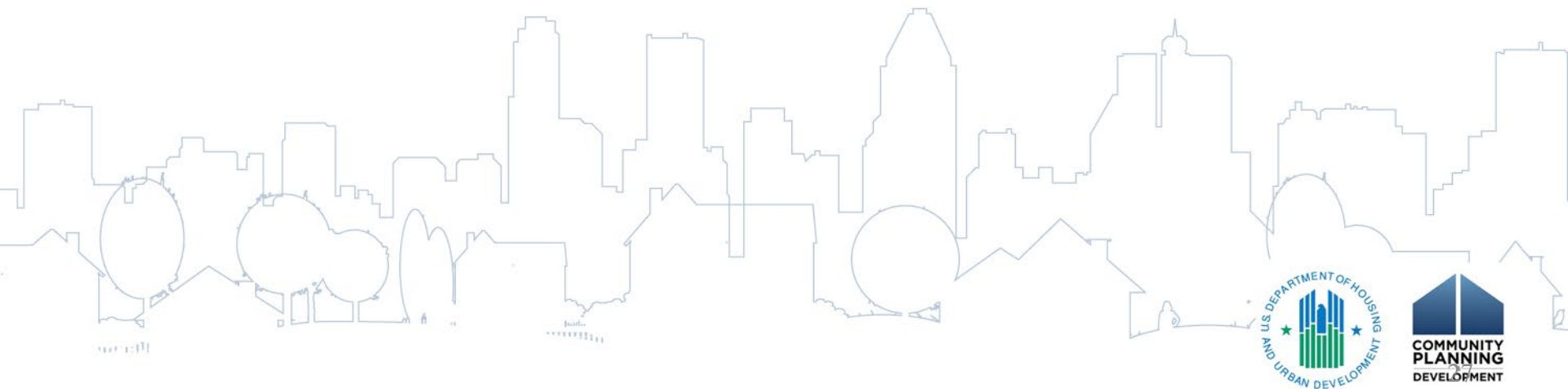


# Additional VAWA 2022 Updates

- HUD's Gender-based Violence Prevention Office
- VAWA Training and Technical Assistance
- Study on Housing and Service Needs of Survivors of Trafficking

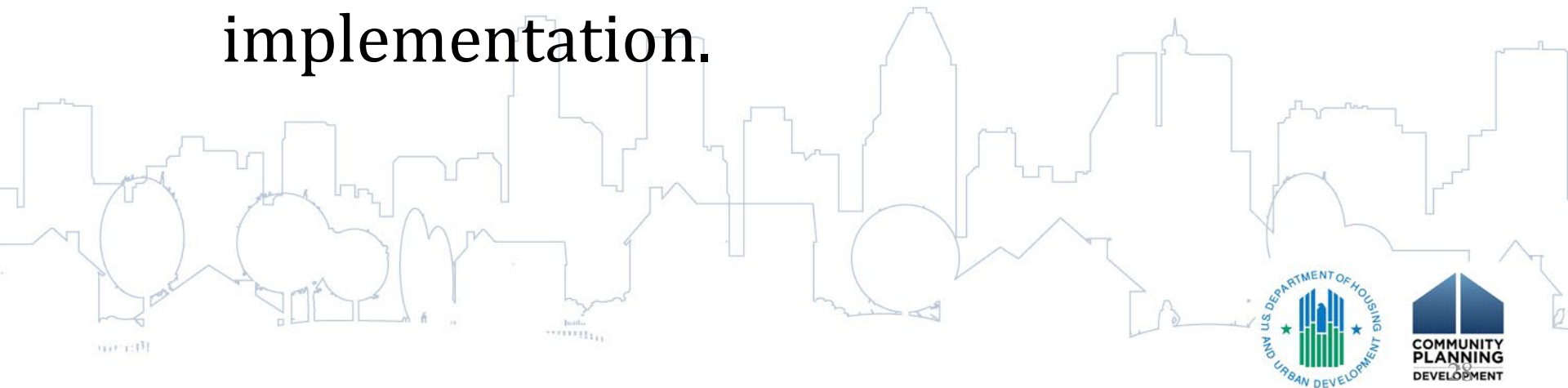


# Best Practices for Implementing VAWA 2022



# Best Practices for Implementing VAWA 2022

- **Develop a comprehensive plan:**
  - This plan should include timelines, responsibilities, and measurable goals.
  - Make sure all stakeholders are aware of the plan and their roles in its implementation.



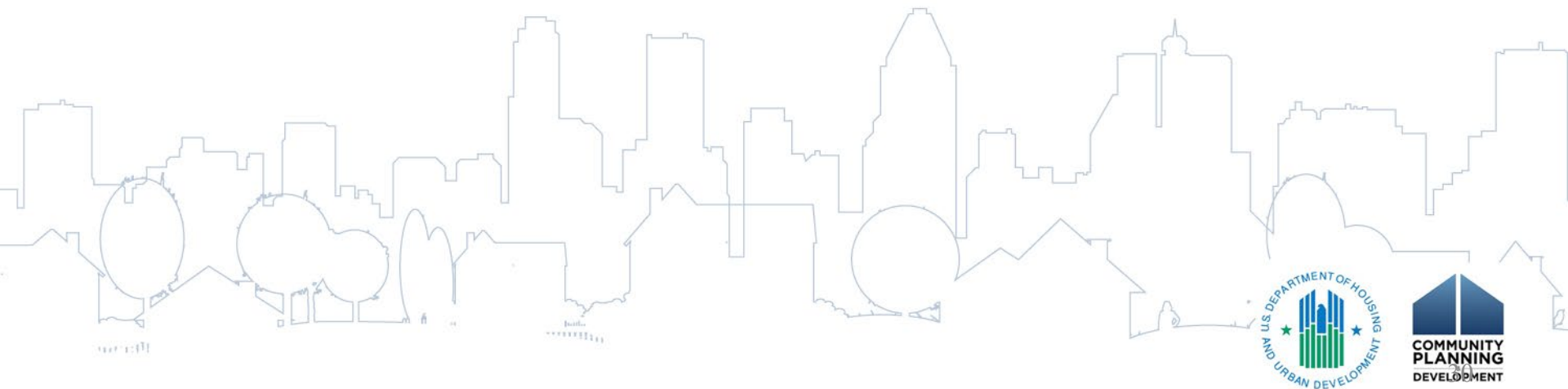
# Best Practices for Implementing VAWA 2022

- **Build partnerships:**
  - Collaborate with other organizations in your community that are also working on domestic and sexual violence prevention and response.
  - Leverage resources, share best practices, and increase your impact.



# Best Practices for Implementing VAWA 2022

- **Training and capacity building:**
  - Understanding the dynamics of abuse, trauma-informed care, and best practices for working with survivors.



# Best Practices for Implementing VAWA 2022

- Reporting and data collection (SAFELY):
  - collecting and analyzing data on the prevalence and impact of domestic and sexual violence, CoC and ESG grantees can identify areas for improvement and make evidence-based decisions to better serve survivors.
  - Informed with, for and by survivors
  - Safety & Confidentiality



# Best Practices for Implementing VAWA 2022

- Engaging with survivors:
  - Engage with survivors in a variety of ways, such as providing trauma-informed services, creating survivor-led support groups, and involving survivors in the development of policies and programs.
  - Approach survivor engagement with empathy and respect, recognizing that each survivor's experiences are unique and valid.





# Best Practices for Implementing VAWA 2022

- Addressing intersectionality:
  - addressing intersectionality means ensuring that their services are accessible and inclusive for all survivors, regardless of their race, ethnicity, gender identity, sexual orientation, ability status, or other factors.
  - Requires taking a holistic approach to service provision and recognizing the ways in which different forms of oppression intersect and compound each other.



# Best Practices for Implementing VAWA 2022

- Addressing cultural competency:
  - Recognizing the impact of race, ethnicity, language, religion, gender identity, sexual orientation, and other factors on survivors' experiences and needs.
  - prioritize diversity, equity, and inclusion in their work.
  - Engaging with diverse communities and partnering with organizations that represent and serve these communities.
  - Ongoing training and education for staff and stakeholders to ensure they have the knowledge and skills needed to provide culturally responsive services and support.



# HUD VAWA Resources

## Questions?

- [Memo to Emergency Solutions Grant Program Recipients and Continuum of Care Program Recipients, Housing Provisions of the Violence Against Women Act Reauthorization Act of 2022 \(June 28, 2023\)](#)
- [HUD's VAWA webpage](#)
- [Ask A Question portal](#)
- HUD Exchange
- - **VAWA 2022 Webinar Series (Coming Soon)**
- - **FY2023 COC NOFO Webinar (Coming Soon)**



# Q&A

