

## **Guidance for Implementing the Reauthorization of the Violence Against Women Act (VAWA) in Federally Assisted Housing City of Madison Community Development Division**

The reauthorization of the Violence Against Women Act (VAWA) requires that housing providers that manage federally-assisted (HOME, CDBG, HOPWA, NSP, ESG, CoC, Housing Trust Fund, Section 8, Public Housing, LIHTC, Section 202, Section 811, Section 236, Section 221(d)(3), Section 221(d)(5), and RHSP) housing units comply with VAWA. This release will provide guidance on how to comply with VAWA including an overview of the required documents that must be offered to applicants and maintained by the housing provider. There are specific notices, protocols, and plans that must adhere to and followed. Compliance with VAWA now goes beyond including a lease addendum with the lease documents that residents sign at the time of application.

1. **VAWA Lease Addendum.** This form must be attached to all new leases and lease renewals effective immediately. The Addendum must be signed and dated by both the applicant and housing provider. A template of this Addendum is attached along with this guidance. A sample of this and all VAWA Forms are available on the City of Madison Community Development Division (CDD) website at:  
[http://www.cityofmadison.com/cdbg/doc\\_library.htm](http://www.cityofmadison.com/cdbg/doc_library.htm).
  
2. **Notice of Occupancy Rights (HUD Form 5380).** The Housing Provider agency is required to provide all applicants and residents signing lease renewals a copy of the Notice of Occupancy Rights under VAWA. While this form is largely derived from HUD, it is the responsibility of the Housing Provider to update and fill in this notice to apply to the specific apartment project, Housing Provider, or Housing Provider-administered program. This notice provides a broad overview of protections given to applicants who are or have been victims of domestic/dating violence, stalking, and/or sexual assault, and the requirements that must be fulfilled by residents seeking to exercise their rights under VAWA. The notice further describes the reasons that a resident eligible for protections under VAWA may be evicted or have federal assistance terminated. It is the responsibility of the housing provider to complete the final section of HUD Form 5380, which details the local organizations that victims of domestic violence, sexual assault, and stalking can contact (a CDD-specific sample is attached). **Be sure to do a search and replace for:**
  - a. “(the) **Housing Provider**” = Your Agency Name.
  - b. **[insert name of program or rental assistance]** = The funding source(s) you receive to subsidize your unit(s). For example, properties or units that have received HOME funds and tenants receive CoC-funded rental assistance should list HOME Investment Partnerships Program and Continuum of Care. Other federal programs that could be listed here are referenced in the first paragraph of this guidance.

3. **Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (HUD Form 5382).** In order to be eligible for certain protections afforded by VAWA, applicants and tenants who are victims of domestic/dating violence, sexual assault, or stalking must complete a Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation form. While this form is not mandatory to be filled out, it may be submitted upon the housing provider's request for documentation required for VAWA protections.
4. **Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD Form 5381).** The housing provider must maintain on file, and have available for all tenants and applicants, a copy of an Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. This document, like HUD Form 5380, must be customized and tailored to the specific housing provider that is maintaining the plan. This Emergency Transfer Plan (ETP) sets the framework for existing tenants eligible for VAWA protections requesting an emergency transfer. Specifically, the plan identifies who is eligible, the documentation needed to request the transfer, confidentiality protections for the tenant, how an emergency transfer may occur, and guidance to tenants on their safety and security.
5. **Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD Form 5383).** To go along with the Emergency Transfer Plan, housing providers must make available to VAWA-eligible residents a copy of the Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. This form outlines the requirements that must be met by residents requesting an emergency transfer, and includes a set of questions to be completed by or on behalf of the resident requesting an emergency transfer. Any additional documentation that may help demonstrate the victim's eligibility for an emergency transfer should also be submitted along with this form.

The above notices are required to be adhered to by both housing providers and individuals seeking protections under VAWA. If a housing provider requests documentation of the proof of abuse, the resident has 14 business days to respond to the housing provider's request. If no response is given within that timeframe, the housing provider may take adverse action against the resident, though the housing provider may extend that timeframe at their discretion. If a resident has requested an emergency transfer, the individual must reasonably believe that he or she is threatened by imminent harm, or must have been the victim of sexual assault on the property within the past 90 days before the request was made.

The above notices, forms, and documentation must be implemented by housing providers receiving federal assistance for housing units effective immediately. The CDD will monitor implementation of this documentation during annual site reviews. Housing providers that submit annual desk review information to the CDD will be asked to submit their updated lease addenda to reflect compliance with these VAWA-related requirements in February 2019. For questions on

implementation of the Reauthorization of VAWA, contact Ethan Tabakin, Community Development Specialist, at (608) 266-4719. To request a review of draft VAWA forms, submit forms to Anne Kenny, Community Development Technician, at [akenny@cityofmadison.com](mailto:akenny@cityofmadison.com).