

# Violence Against Women Act (VAWA) & Survivors Applying for Subsidized Housing<sup>1</sup>

## What is the Violence Against Women Act (VAWA)?

- VAWA is a federal law that makes it illegal for many federally subsidized housing providers to discriminate against survivors of domestic violence, dating violence, sexual assault, and stalking (“abuse/violence”)<sup>2</sup> because they are survivors.
- VAWA protects survivors of all genders and gender identities, not just women.

## I am a survivor, how does VAWA help me get housing?

- VAWA helps you get housing by banning covered housing providers from rejecting your housing application:
  1. Because you experienced abuse/violence; or
  2. Because of something that was a direct result of you experiencing abuse/violence.<sup>3</sup>
- For example, if you were evicted because of domestic violence, a VAWA covered housing provider is not allowed to reject your housing application because of the eviction. This is true even if the housing provider has a policy of denying applicants with evictions.<sup>4</sup>
- Also, some VAWA covered housing providers may give survivors preference in admissions.<sup>5</sup> This means, if you tell certain VAWA covered housing providers that you are a survivor, they may move you up on a waitlist or prioritize you over other housing applicants.

<sup>1</sup> This resource is about protections for survivors applying to VAWA covered housing providers. Learn about California protections for survivors applying to housing not covered under VAWA at <https://fvaplaw.org/resource/legal-rights-of-survivors-applying-for-housing/>.

<sup>2</sup> For the rest of this document “abuse/violence” will mean domestic violence, dating violence, sexual assault, and stalking.

<sup>3</sup> 34 U.S.C. § 12491(b).

<sup>4</sup> U.S. Dept. of Housing & Urban Develop., Violence Against Women Reauthorization Act of 2013 Guidance (May 2017) pp. 7-10.)

<sup>5</sup> 24 C.F.R. §§ 960.206(b)(4), 982.207(b)(4).

### **Who are VAWA covered housing providers?**

- Below are VAWA covered housing providers.<sup>6</sup>
- Note: VAWA's catch all provision lets federally subsidized housing providers not listed below opt in to being subjected to VAWA through regulation, notices or other means.

Low-Income Housing Tax Credit (LIHTC)	Section 236 Multifamily Rental Housing
Public Housing	Housing Trust Fund program
Section 8 Housing Choice Vouchers, including special vouchers like Veterans Affairs Supportive Housing (HUD-VASH)	McKinney-Vento Act Programs, including Continuum of Care (CoC) & Emergency Solutions Grants (ESG)
Project-Based Section 8	Section 8 Moderate Rehabilitation
Section 202 Housing for the Elderly, including Section 202 Direct Loan	Transitional Housing Assistance for Homeless Veterans
Housing Opportunities for Persons with Aids (HOPWA)	Grant Programs for Homeless Veterans with Special Needs
Section 811 Housing for Persons with Disabilities	Supportive Services for Veteran Families (SSVF)
Section 221(D)(3) Below Market Interest Rate (BMIR)	HOME Investment Partnerships Program (HOME)
Rural Development (RD) Multifamily Housing Programs, including the Rural Development Voucher Program	Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, & Stalking

**\*\*Not sure if your unit is federally subsidized? Figure it out using FVAP's resource [KNOW YOUR RIGHTS: Affordable Housing and Rent Control](#)<sup>7\*\*</sup>**

<sup>6</sup> 34 U.S.C. § 12491(a)(3).

<sup>7</sup> <https://fvaplaw.org/resource/know-your-rights-affordable-housing-and-rent-control/>

**What can I do if a VAWA covered housing provider denies my application because I am a survivor or because of something caused by the abuse?**

1. **Find legal help.** Find your local legal aid at [www.lawhelpca.org](http://www.lawhelpca.org). You may take the following steps without an attorney.
2. **Tell the housing provider you're a survivor.** You may need to verify you're a survivor to get VAWA housing protections. You can verify you're a survivor with *your choice*<sup>8</sup> of the following:<sup>9</sup>
  - A Self-Certification Form (HUD – 5382)<sup>10</sup>
    - On the form you need to write your name, the name of the person who abused you (if safe to provide), that you are a survivor, and a description of the abuse.
  - A Qualified 3<sup>rd</sup> Party Letter
    - Qualified 3<sup>rd</sup> parties include victim service providers (like domestic violence counselors, attorneys, and healthcare workers). The qualified 3<sup>rd</sup> party must confirm that you are a survivor in the letter. You and the 3<sup>rd</sup> party must sign the letter.
  - A Police, Court, or Administrative Record
    - A police report, restraining order, or other police, court, or administrative record that shows you are a survivor.
3. **Show the housing program they denied you because you are a survivor.**<sup>11</sup> For example: If a LIHTC property denied you because of your bad credit, you may need to show them your bad credit was a direct result of domestic violence. You could do this with:
  - A letter from you or a reliable 3<sup>rd</sup> party (like an advocate) about how you have bad credit because you experienced abuse;
  - A court record, like a restraining order; or
  - A bank or a credit card record.

<sup>8</sup> Housing providers may not need you to give them something to verify you are a survivor. They also may let you verify you're a survivor with other types of documents. (34 U.S.C. § 12491(c)) If the housing provider gets information disputing your survivor status, they may require 3<sup>rd</sup> party documentation. (34 U.S.C. § 12491(c)(7).)

<sup>9</sup> 34 U.S.C. § 12491(c)(3); 24 C.F.R. § 5.2007(b)(1).

<sup>10</sup> <https://www.hud.gov/sites/dfiles/OCHCO/documents/5382.pdf>;

<sup>11</sup> U.S. Dept. of Housing & Urban Develop., Violence Against Women Reauthorization Act of 2013 Guidance (May 2017) pp. 7-10.)).

4. **Tell the housing provider they illegally denied you housing because you are a survivor.** You can use FVAP's [Demand a VAWA Covered Housing Provider Rethink Your Denied Housing Application](#) located further down in this document.
5. **If available, challenge the denial through the housing providers review process.**
  - Some VAWA covered housing providers let you challenge housing application denials through methods like informal reviews, meetings, or hearings.<sup>12</sup>
  - Ask the housing provider how you can challenge the denial. You likely don't have a lot of time to challenge it, so ask about the deadlines.
6. **Explore your legal options.**
  - If a VAWA covered housing provider violates VAWA, you can file a U.S. Department of Fair Housing and Equal Opportunity (FHEO) complaint.<sup>13</sup> Find information about FHEO complaints at <https://www.hud.gov/fairhousing/fileacomplaint>.

### **Does the Housing Provider Have to Keep My Survivor Status Confidential?**

- Yes. VAWA covered housing programs must keep information about you being a survivor confidential.<sup>14</sup> They may only share information about you being a survivor in the following situations:
  1. You consent in writing to disclose your information;
  2. They must disclose your information for an eviction or termination from a VAWA covered housing program; or
  3. They must disclose your information to follow the law.<sup>15</sup>

<sup>12</sup> 7 C.F.R. § 3560.154(h); 24 C.F.R. §§ 960.208(a), 982.554, 983.2; U.S. Dept. Housing & Urban Develop., HUD Handbook 4350.3: Occupancy Requirements of Subsidized Multifamily Housing Programs (Nov. 2013) ch. 4, § 1. pp.27-28.

<sup>13</sup> 34 U.S.C § 12492; U.S. Dept. of Housing & Urban Develop., Notice to Public Regarding FHEO Enforcement Authority and Procedures: Violence Against Women Act 2022 (VAWA) (January 20, 2023).

<sup>14</sup> 34 U.S.C. § 12491(c)(4); 24 C.F.R § 5.2007(c).

<sup>15</sup> 34 U.S.C. § 12491(c)(4); 24 C.F.R § 5.2007(c).

## Template **Demand a VAWA Covered Housing Provider Rethink Your Denied Application**

1. You can download this template in a word document by clicking this [link](#).
2. Fill out the highlighted sections.
3. Date and sign the letter.
4. Delete instructions, highlights and brackets i.e. [ ] before giving your letter to the VAWA covered housing provider.
5. Attach a self-certification form ([HUD – 5382](#)), a qualified 3<sup>rd</sup> party letter, or a police, court, or administrative record as described in Violence Against Women Act (VAWA) & Survivors Applying for Subsidized Housing.
6. Save a copy or picture of the letter and attachment(s) for your records.
7. Give or send the completed letter and attachment(s) to the VAWA covered housing provider.
8. If the VAWA covered housing provider does not respond to you, reach out to them.

[Insert Date]

[PROPERTY MANAGER/LANDLORD]

[Addressee]

[Addressee's Address]

Re: Request to reconsider my application for [insert housing address or type of housing assistance]

Dear [addressee]:

On [insert date], I applied for [Explain the housing you applied for. If you applied for a housing unit, insert housing type and the address. If you applied for a housing subsidy insert the subsidy type]. My application was rejected because [insert why your application was rejected. For example, I have an eviction on my record; I have a low credit score; I have a criminal history], which is the direct result of [insert: domestic violence, sexual assault, dating violence or stalking] committed against me. As explained below, because I applied for housing

covered by the Violence Against Women Act (“VAWA”), you must reconsider my application.

VAWA is a federal law that prohibits covered housing programs from denying someone housing because they experienced domestic violence, sexual assault, dating violence or stalking (“abuse/violence”). (34 U.S.C. § 12491(b)). Under VAWA, it is illegal for federally subsidized housing programs to reject a housing applicant because of something that was a direct result of them experiencing abuse/violence. Specifically, VAWA covered housing programs, cannot “deny[ ] assistance or admission, . . . based on an adverse factor, if the *adverse factor is determined to be a direct result of the fact* that the applicant is or has been a victim of” abuse/violence. (U.S. Dept. of Hous. & Urban Develop., Notice PIH-2017-08 (HA) (May 19, 2017), p. 6.) VAWA covered housing programs include LIHTC, Section 8 Housing Choice Voucher Programs, Project-Based Section 8, Section 8 Moderate Rehabilitation, Section 236 Multifamily Rental Housing, Public Housing, Housing Trust Fund program, McKinney-Vento Act Programs, including CoC and ESG, Section 202 Housing for the Elderly, Transitional Housing Assistance for Homeless Veterans, HOPWA, Grant Programs for Homeless Veterans with Special Needs, Section 811 Housing for Persons with Disabilities, SSVF, Section 221(D)(3) BMIR, HOME, Rural Development Multifamily Housing Programs and Transitional Housing Assistance Grants for Victims of Domestic Violence, Dating Violence, Sexual Assault, & Stalking. (34 U.S.C. § 12491(a)(3)).

[Insert the type of covered housing you applied to] is a VAWA covered housing program. (34 U.S.C. § 12491(a)(3)). My housing application was rejected because of an adverse factor that is the direct result of the fact that I experienced abuse/violence. Specifically, [explain how domestic violence, sexual assault, dating violence or stalking caused the housing program to reject your application. See examples below:

- my application was denied because I have an eviction on my record. I was sexually assaulted in my rental unit, so I moved out in the middle of my lease. After I moved my roommate was evicted. The eviction is on my record because I was still on the lease. My self-certification (HUD Form 8352) is attached to this letter. Therefore, I have an eviction against me because I experienced sexual assault.
- my application was rejected because I have an eviction on my record. I am a survivor of domestic violence and the person who abused me controlled my money. Because they controlled my money I fell behind on rent and was evicted. My self-certification (HUD Form 8352) is attached to

this letter. Therefore, I have an eviction as a direct result of domestic violence against me.

- my application was denied because I have little to no credit history. I am a survivor of domestic violence and the person who abused me did not let me work or open a bank account or credit card. My self-certification (HUD Form 8352) is attached to this letter. Therefore, I do not have a credit history because I experienced domestic violence.
- I was denied housing because I have a criminal record. I was convicted of misdemeanor assault after I defended myself from a person who perpetrated domestic violence against me. A police report that verifies I am a survivor of domestic violence is attached to this letter.
- I was denied housing because I have a restraining order against me. The person who abused me filed for a restraining order after I filed for a restraining order. Because I did not have a lawyer and the person who abused me did, I ended up being restrained by a restraining order. A letter from a qualified third party verifying that I am the survivor is attached to this letter. Therefore, I have a restraining order against me because I experienced abuse.

Therefore, my housing application was denied because I experienced [insert: domestic violence, sexual assault, dating violence or stalking]. Because VAWA prohibits covered housing providers from denying an applicant because they experienced abuse/violence, you must reconsider my housing application.

Thank you in advance for reconsidering my application and keeping my status as a survivor confidential as required by VAWA. (34 U.S.C. § 12491(c)(4).) If I do not hear from you in the next five business days, I will assume you have decided to reject my housing application in violation of VAWA. [OPTIONAL: If you reject my application, I have several legal remedies, including filing a complaint with the U.S. Department of Fair Housing and Equal Opportunity and/or filing suit in federal court. To avoid liability please reconsider my housing application.]

Sincerely,

[Survivor's Signature]

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[Survivor's Name Printed]

Attachments: [List your attachments. This should include a document verifying you're a survivor. For example, [HUD Form – 5382](#), a qualified 3<sup>rd</sup> party letter, a police report, or a restraining or protective order.]