



VAWA Requirements for CoCs, CoC Recipients, and ESG Recipients

Background and purpose

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 who have experienced domestic violence, dating violence, sexual assault, or stalking, to help keep them safe and reduce their likelihood of experiencing homelessness. VAWA applies to many HUD programs, including the Continuum of Care (CoC) and Emergency Solutions Grant (ESG) Programs. More information is available on [HUD's VAWA page](#).

The VAWA Reauthorization Act of 2022 (VAWA 2022) both renewed and expanded VAWA's protections for people fleeing domestic violence, dating violence, sexual assault, and stalking. VAWA 2022 also amended the McKinney-Vento Homeless Assistance Act to add a new eligible CoC Program activity related to facilitating emergency transfer requests and monitoring compliance with VAWA confidentiality provisions. More information is available in [HUD's "Housing Provisions of the Violence Against Women Act Reauthorization Act of 2022" letter to CoC and ESG recipients](#).

This document provides an overview of requirements under VAWA 2022 that apply to CoCs, CoC recipients, and ESG recipients. These requirements provide housing and confidentiality protections to victims of domestic violence, dating violence, sexual assault, and stalking who apply for or reside in housing funded by the CoC or ESG Programs. Certain protections also apply to victims who apply for or reside in CoC- or ESG-funded shelters or safe havens.

Covered housing providers

A covered housing provider (CHP) is an individual or entity under a covered housing program (including but not limited to the CoC and ESG Programs) that is responsible for administration and/or oversight of VAWA protections. It includes:

- Public housing authorities
- Sponsors
- Property owners
- Mortgagors
- Managers
- State and local governments and agencies thereof
- Non-profit and for-profit organizations and entities

It is possible to have more than one CHP in a given situation; depending on the VAWA duty or responsibility to be performed by a CHP, the CHP may not always be the same individual or entity.

For more information about CHPs, including program-specific regulations for each covered housing program, refer to 24 CFR Part 5, subpart L.

Compliance date

VAWA 2022 added to, and did not replace, the existing VAWA housing protections for survivors. CHPs must continue to provide VAWA protections as provided by law. To the extent that you do not already have VAWA policies in place, you should implement changes immediately.

Many of VAWA 2022's amendments took effect on October 1, 2022, including each of the protections detailed in this document. Certain elements of VAWA 2022 implementation require further rulemaking from HUD. HUD will publish regulations and further guidance to inform CHPs about complying with VAWA 2022 as implementation proceeds.

Requirements

Notification of rights

Every person who applies for or receives assistance must be informed of their full rights under VAWA to ensure they have the knowledge required to exercise them. The recipient or subrecipient must provide this information at the following times, at minimum:

- When an applicant is denied admission to a permanent or transitional housing program ([CoC](#)) or denied rental assistance ([ESG](#))
- When an applicant is admitted to a permanent or transitional housing program ([CoC](#)) or begins receiving rental assistance ([ESG](#))
- When a tenant receives notification of eviction ([CoC](#) and [ESG](#))
- When a tenant is notified their assistance is ending ([CoC](#) and [ESG](#))

Confidentiality

Any information submitted to a CHP in response to a VAWA requirement or provision, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, is confidential information. Confidential information must be maintained in strict confidence by the CHP, meaning:

- The CHP shall not allow access to confidential information to any of the parties listed below unless explicitly authorized by the CHP for reasons that specifically call for access to this information under applicable Federal, State, or local law. The parties are:
 - Any employee of the CHP
 - Any individual administering assistance on behalf of the CHP (e.g. contractors)
 - Any employee of a contractor
- The CHP cannot enter confidential information into any shared database (including but not limited to a CoC's Homeless Management Information System, also called HMIS) or disclose confidential information to any other entity or individual except to the extent the disclosure is
 - Requested or consented to in writing in a time-limited release by the individual who submitted the confidential information
 - Required for use in an eviction proceeding or hearing regarding termination of assistance from the covered housing program
 - Otherwise required by applicable law

For more information about confidentiality provisions, requirements, and liability under VAWA for CHPs, refer to 24 CFR 5.2007(c).

Denial and termination of assistance

Housing projects

If an applicant or tenant otherwise qualifies for assistance from a CoC- or ESG-funded housing

project, they cannot be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Additionally, a tenant may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly related to domestic violence if either of the following are true:

- The criminal activity is perpetrated by a member of the tenant's household or any guest under their control; or
- The tenant or an affiliated individual of the tenant is the victim or threatened victim of that criminal activity

An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking cannot be considered either of the following:

- A serious or repeated lease violation *if the lease was executed while the tenant was enrolled in a CoC- or ESG-funded housing project*;
- Good cause for terminating the assistance, tenancy, or occupancy rights provided by the CoC or ESG Program to a victim or threatened victim of such incident

Other CoC- and ESG-funded projects

If a project applicant or participant otherwise qualifies for assistance from any other CoC- or ESG-funded project, including but not limited to CoC-funded safe havens and ESG-funded emergency shelters, they cannot be denied admission to, denied assistance under, terminated from participation in, or evicted from the project on the basis or as a direct result of the fact that they are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Leases and occupancy agreements

Foundational requirements

The leases, subleases, or occupancy agreements of applicants and tenants assisted under the CoC or ESG Programs must include addendums detailing the relevant VAWA protections. These addendums may (but are not required to) be written to expire when the participant is no longer receiving the assistance ([CoC](#) and [ESG](#)).

If CoC recipients and subrecipients enter a contract or lease with a landlord, the contract or lease must include information about the protections afforded by [24 CFR part 5, subpart L](#), and a requirement for the landlord to include the appropriate addendums in all participants' rental agreements. This contract between the recipient or subrecipient and the landlord is required when a participant will be receiving tenant-based rental assistance.

Most leases, subleases, and occupancy agreements that secure housing for a CoC Program tenant must allow the agreement to be terminated without penalty as part of an emergency transfer.¹

Lease bifurcation

At the survivor's request, a CHP may bifurcate a lease or remove a household member from a lease to evict, remove, or terminate assistance to a household member who engages in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking against the household member, an affiliated individual, or another individual.

¹ This is currently a requirement for project- and sponsor-based rental assistance but not for tenant-based rental assistance. This may be updated by future regulations. For more information, refer to the CoC Program interim rule, section 578.99(j)(5)(iii).

Lease bifurcation and removal cannot result in evicting, removing, terminating assistance to, or otherwise penalizing a victim of the criminal activity discussed in this section who is also a tenant or lawful occupant..

After lease bifurcation or removal in a tenant- or project-based rental assistance project, rental assistance and any utility assistance must continue for tenants remaining in the unit ([CoC](#) and [ESG](#)). In addition:

- For CoC PSH participant households where the removed party was the only household member who met the project’s chronic homelessness eligibility criteria, the remaining household members are eligible for continued assistance through the end of their current lease term;
- For all other CoC participant households: the remaining household members are eligible for continued assistance.

Emergency transfer plans

All CoCs and ESG recipients must develop an emergency transfer plan (ETP). An ETP is a written policy that defines the process allowing victims of domestic violence, dating violence, sexual assault, and stalking to request and receive a transfer from their current, unsafe unit new, safe unit.

The CoC and ESG Programs each identify different entities as responsible for developing an ETP:

- *CoC*: the CoC is responsible for developing an ETP covering the CoC’s entire service area
- *ESG (non-statewide recipient)*: the ESG recipient is responsible for developing an ETP covering the recipient’s entire service area
- *ESG (statewide recipient)*: the ESG recipient may, at its discretion, either:

Develop an ETP that covers the recipient’s entire service area; or,

Require subrecipients to develop one or more ETPs that, together, cover the recipient’s entire service area.

HUD anticipates releasing ETP-specific resources as it continues its VAWA 2022 implementation. More information about ETPs can be found in [24 CFR 5.2005\(e\)](#), the [second session in the VAWA 2022 Foundations for CoC and ESG](#) webinar series, and the second session in the VAWA and Survivor Housing Community Conversations webinar series.

Forms and additional resources

More information about HUD’s implementation of VAWA under the CoC and ESG Programs can be found on [HUD’s VAWA page](#).

HUD’s VAWA forms are currently undergoing revision and renewal. All of the requirements and information associated with these forms are contained in 24 CFR Part 5, Subpart L. When they are available, updated versions of these forms will be posted on [HUD’s VAWA page](#). The forms in question are:

- Form HUD-5380, Notice of Occupancy Rights under VAWA
- Form HUD-5381, Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
- Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating

Violence, Sexual Assault, or Stalking

HUD anticipates posting the updated forms in English, Spanish, and other languages.