



THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013: SUMMARY OF CHANGES

On March 7, 2013, President Obama signed the [Violence Against Women Reauthorization Act of 2013](#) (VAWA 2013) into law, after passage by a 78-22 vote in the Senate on February 12th and a 286-138 vote in the House on February 28th. VAWA 2013 became Public Law 113-4.

VAWA 2013 is built upon the overarching goals of the initial 1994 VAWA and its subsequent 2000 and 2005 reauthorizations to provide and improve advocacy, services, and support for all victims of domestic violence, sexual assault, dating violence and stalking – crimes that primarily impact women, in addition to too many children and some men. Of historical significance is language in VAWA 2013 that recognizes: (1) the inherent authority of Tribal law enforcement and Courts to protect Tribal communities against non-Tribal individuals who commit domestic or dating violence, or violate an order of protection; and (2) the rights of lesbian, gay, bisexual and transgender people to access VAWA protections and services without discrimination.

The summary below outlines the changes in VAWA 2013 and describes what the changes will mean for survivors and state and local domestic violence coalitions and programs.

DEFINITIONS

The general definitions' section of VAWA 2013 provides several new, improved or clarified definitions that are described here (in alphabetical order):

- Clarifies that the term “Alaska Native Village” has the same meaning in VAWA that it does in the [Alaska Claims Settlement Act](#)
- Distinguishes the *status of emancipated minors* in the definition of “child abuse and neglect”.
- Clarifies that “community based organization” is limited to a “non-profit, nongovernmental, or tribal organization that serves a specific geographic community”. (Also review: “culturally specific”; “population specific”; “culturally and linguistically specific”; and “underserved communities”.)
- Revises “culturally specific” to mean “primarily directed toward racial and ethnic minority groups” and defines “culturally specific services” to mean “community based services that offer culturally relevant and linguistically specific services and resources to culturally specific communities.” The intent of both changes is to focus on specific racial and ethnic minority groups. See [42 USC § 300u-6 \(g\)](#).
- Expands “domestic violence” to specifically add intimate partners
- Adds a definition for “homeless”
- Improves “personally identifying information” by clarifying that this includes all identifying information regardless of whether it is coded, encrypted, hashed, or otherwise protected
- Adds the definitions “population specific organizations” and “population specific services” to modify “underserved populations” in order to direct “victim-centered services that address the safety, health, economic, legal, housing, workplace, immigration, confidentiality, or other needs of victims of domestic violence, dating violence, sexual assault, or stalking, and that are designed primarily

for and are targeted to a specific underserved population. (Unlike “community based organizations,” “victim service providers,” and “rape crisis centers,” “population specific organizations do not include Tribal governments)

- Adds “rape crisis center” to reflect the reality of government run rape crisis centers that have successfully operated in several jurisdictions—but specifically excludes territorial governments. Specifically defines rape crisis centers to mean “a nonprofit, nongovernmental, or tribal organization, or governmental entity in a State other than a Territory that provides intervention and related assistance, as specified in [42 U.S.C. § 14043g\(b\)\(2\)\(C\)](#), to victims of sexual assault without regard to their age.” Specifically confirms that a governmental entity may be a rape crisis center but requires that the governmental agency “not be part of the criminal justice system (such as a law enforcement agency) and must be able to offer a comparable level of confidentiality as a nonprofit entity that provides similar victim services.”
- Amends “rural states” to allow states that were deemed rural based upon pre-2010 U.S. Census population density data to maintain their status – and adds Mississippi and West Virginia to the rural state designation
- Extends “sexual assault” to incorporate state and Tribal laws and clarifies that the term means “any non-consensual sexual act proscribed by Federal, tribal or State law, including when the victim lacks capacity to consent”
- Adds “sex trafficking” and defines it to mean any conduct proscribed by [18 U.S.C. § 1591](#), whether or not the conduct occurs in interstate or foreign commerce or within the special maritime and territorial jurisdiction of the United States
- Modifies the composition of “Tribal coalition” to mean “an established nonprofit, nongovernmental Indian organization, Alaska Native organization, or a Native Hawaiian organization that: (A) provides education, support, and technical assistance to member Indian service providers in a manner that enables those member providers to establish and maintain culturally appropriate services, including shelter and rape crisis services, designed to assist Indian women and the dependents of those women who are victims of domestic violence, dating violence, sexual assault, and stalking; and (B) is comprised of board and general members that are representative of: (i) the member service providers described in subparagraph (A); and (ii) the tribal communities in which the services are being provided.”
- Clarifies “victim service provider” to mean a “nonprofit, nongovernmental or tribal organization or rape crisis center, including a State or tribal coalition, that assists or advocates for domestic violence, dating violence, sexual assault, or stalking victims, including domestic violence shelters, faith-based organizations, and other organizations, with a documented history of effective work concerning domestic violence, dating violence, sexual assault, or stalking.” Also clarifies that “victim services” and “services” mean “services provided to victims of domestic violence, dating violence, sexual assault, or stalking, including telephonic or web-based hotlines, legal advocacy, economic advocacy, emergency and transitional shelter, accompaniment and advocacy through medical, civil or criminal justice, immigration, and social support systems, crisis intervention, short-term individual and group support services, information and referrals, culturally specific services, population specific services, and other related supportive services.”
- Clarifies that “intake or referral, by itself, does not constitute legal assistance”
- Improves the definition of “underserved populations” by adding religion, sexual orientation, and gender identity to reflect that the term “means populations who face barriers in accessing and using victim services, and includes populations underserved because of geographic location, religion, sexual orientation, general identity, underserved racial and ethnic populations, populations

underserved because of special needs such as language barriers, disabilities, alienage status, or age.”

- Amends “youth” to mean ages 11-24 in order to expand the range of young people who can benefit from programming and services

GRANT CONDITIONS

Confidentiality provisions: All VAWA grantees must abide by strict confidentiality laws that are upheld and expanded in VAWA 2013. The confidentiality and privacy provisions in VAWA 2013 clarify that grantees must not disclose nor reveal or release any personally identifying information (PII) regardless of whether the information has been encoded, encrypted, hashed, or otherwise protected. Adds clarity around persons who are legally incapacitated and their ability to consent to release of PII. Clarifies that when a minor or a person with a legally appointed guardian is permitted by law to receive services without the parent’s or guardian’s consent, the minor or person with a guardian may release information on her/his own without additional consent. Prohibits conditioning services based on sharing of personally identifying information and prohibits sharing any PII to comply with Federal, tribal, or State reporting, evaluation, or data collection requirements, whether for this program or any other Federal, tribal, or State grant program. In cases of grantees where individuals are mandatory reporters (by State or tribe) of abuse or neglect, nothing prohibits them from reporting the suspected abuse or neglect. All grantees must document their compliance with the confidentiality and privacy provisions.

Legislation or model codes: Permits grantees “to develop and promote State, local, or tribal legislation or model codes designed to reduce or eliminate domestic violence, dating violence, sexual assault, and stalking.”

Anti-discrimination (specifically LGBT): Cross-references existing civil rights protections, and adds sexual orientation and gender identity to anti-discrimination language

Audits: Mandates annual Inspector General (IG) audits of grantees, in a number determined by the IG, and mandates 2 year exclusion for grantees with unresolved audit finding

Other:

- Clarifies that victim services and legal assistance may be provided to victims of human trafficking, when trafficking is part of their domestic violence, dating violence, sexual assault or stalking victimization
- Requires all legal assistance to be provided by lawyers with expertise and training in working with survivors
- Requires biennial OVW conferral with field to assess & identify emerging issues
- Requires written approval for any technical assistance conferences over \$20,000

GRANT PROGRAMS

VAWA advances policy through both substantive laws and grant programming. Through consolidations and improvements, VAWA 2013 maintained the core of the previous 24 grant programs and consolidated them into the current 18 programs. The changes are effective on October 1, 2013 (fiscal year 2014). The requests for proposals (RFPs) distributed by the Office on Violence Against Women (OVW) will provide more information about how that office will incorporate these changes. Although aggregate VAWA 2013 authorization levels were reduced by 13%, the funding that the programs actually receive is determined

each year in the annual appropriations process, and even the substantially reduced authorization levels are, unfortunately, much higher than the sums ever appropriated for these programs.

SERVICES, TRAINING, OFFICERS AND PROSECUTORS (STOP) (SECTION 101)

The Services, Training, Officers and Prosecutors (STOP) VAWA program is maintained as a state formula grant to help support coordinated community responses to address and end domestic violence, sexual assault, dating violence and stalking. The grant program retains its 2005 funding areas and is amended in the following ways.

VAWA 2013 has new activities that can be funded (called purpose areas), including: training on evidence-based lethality indicators and homicide prevention; funding for sexual assault response teams (SARTs), sexual assault prosecution and prison response, and rape kit backlog reduction; funding for prevention activities (up to 5% of a state's money can be used for this purpose); funding for programs that specifically address the needs of LGBTQ victims; training on U and T visa certification (certification of eligibility for VAWA-authorized immigration visas).

The STOP state planning process has been improved and expanded to ensure that it meaningfully involves stakeholders and experts to adequately assess and document how the state will meet the needs of victims. The STOP state plan must certify that there is meaningful consultation of victim services providers and state domestic violence and sexual assault coalitions; law enforcement; prosecution offices; State and local courts; Tribal governments in those States with State or federally recognized tribes; representatives from underserved populations, including culturally specific populations; population specific organizations; and other entities that the State or the Attorney General identifies as needed for the planning process. Such plans should be coordinated with the Family Violence Prevention and Services Act (FVPSA), the Victims of Crime Act (VOCA) and the Rape Prevention and Education (RPE) Program. A state must develop an implementation plan in consultation with the above entities.

The plan must:

- identify how the State will use the funds and have documentation from each member of the planning committee as to their participation in the planning process;
- include documentation from the prosecution, law enforcement, court, and victim services programs to be assisted, describing: the need for the grant funds; the intended use of the grant funds; the expected results of the grant funds; and the demographic characteristics of the population to be served, including age, disability, race, ethnicity, and language background;
- include a description of how the State will ensure that subgrantees will consult with victim service providers to ensure that the proposed activities are designed to promote the safety, confidentiality, and economic independence of victims;
- include demographic data on the distribution of underserved populations within the State and a description of how the State will meet the needs of underserved populations, including the minimum allocation for population specific services;
- have a description of how the State plans to meet the regulations around grant distribution; and
- outline its goals and objectives for reducing domestic violence-related homicides within the State.

A State may use any returned or remaining funds for any authorized purpose under this program if funds from a subgrant are returned to the State or the State does not receive sufficient eligible applications to award the full funding within distinct allocation categories.

Additionally, the new law:

- Requires states, two years after date of enactment, to demonstrate that at least 20% of funding is being used to meaningfully address sexual assault.
- Requires forensic rape exams to be free to victims and bars reimbursement or charging insurance. Entities must coordinate with health care providers in the region to notify victims of sexual assault of the availability of rape exams at no cost to the victims.
- Requires that no fees be charged for prosecution or civil protection orders in domestic violence, dating violence, sexual assault or stalking cases (also strengthens this to include modification, enforcement, dismissal and withdrawal of an order of protection)

The new bill allows the Office on Violence Against Women (OVW) to reallocate STOP set-aside funds if insufficient applications are submitted or funds are unused. This ensures that vital funds are used and can be reallocated to meet the needs of victims. The overall authorization for the grant program is reduced from \$225M to \$222M.

GRANTS TO ENCOURAGE ARREST POLICIES AND ENFORCEMENT OF PROTECTION ORDERS (GTEAP) **(SECTION 102)**

This grant program, which supports coordinated development and implementation of criminal justice policies, practices and procedures regarding arrest and protection order laws to enhance victim safety and ensure offender accountability, is maintained and improved.

In VAWA 2013, a State, tribal or territorial domestic violence or sexual assault coalition, or victim service provider that partners with a State, tribal government, or unit of local government can apply as the lead applicant for the grant.

VAWA 2013 includes a number of new and revised purpose areas (allowable activities), including:

- Training programs for prosecutors and other prosecution-related personnel regarding offender accountability, victim safety, and victim consultation;
- Development or strengthening of policies, protocols and training for law enforcement, prosecutors, and the judiciary in recognizing, investigating, and prosecuting instances of domestic violence, dating violence, sexual assault, and stalking against immigrant victims, including the appropriate use of applications for nonimmigrant status (U and T visa certification);
- Creation and maintenance of data collection systems;
- Enforcement of protection orders across state and Tribal lines;
- Domestic violence homicide teams that identify high-risk victims, provide immediate access to services; identify and manage high-risk offenders; and provide victim advocacy and referrals for legal assistance, housing, health care and economic assistance; and
- Funding for Sexual Assault Response Teams (SARTs); Sexual Assault Nurse Examiners (SANEs); sexual assault prosecution; HIV testing, counseling, and prophylaxis for victims of sexual assault; and rape kit backlog reduction.

Additionally, the program:

- Expands a prohibition against using polygraphs on victims to include use at trials and sentencing hearings;
- Corrects HIV testing mandate (only requires if defendant is in custody or has been served); and
- Helps to create a sustainable funding stream for tribal coalitions by setting aside 5% of funding.

States must set aside 25% of GTEAP funding to meaningfully address sexual assault. To fund the Outreach to Underserved Populations, 2% of GTEAP funds are set aside. Reduces the total authorization for GTEAP from \$75M to \$73M.

LEGAL ASSISTANCE FOR VICTIMS (LAV) (SECTION 103)

Maintains the LAV grant program, which supports funding to meet the civil legal needs of victims, including through representation, training and education. VAWA 2013 makes some small changes to the purpose areas under this grant program, including deleting the following purpose area – “to provide training, technical assistance, and data collection to improve the capacity of grantees and other entities to offer legal assistance to victims of domestic violence, dating violence, stalking, and sexual assault,” – and adding in its place – “to implement, expand, and establish efforts and projects to provide competent, supervised pro bono legal assistance for victims of domestic violence, dating violence, sexual assault, or stalking.” Caps grants awarded under this purpose area to 10% of all LAV grant monies. Heightens the requirements for those persons providing legal assistance under LAV grants to ensure that all such persons either have demonstrated expertise in providing legal assistance to victims of DV/SA/stalking in the targeted population, or are partnered with an organization/person with such expertise and also has completed or will complete training on DV/SA/stalking and related legal issues (including training on evidence-based risk factors for domestic and dating violence homicide). Reduces authorization from \$65 M to \$57 M.

TRANSITIONAL HOUSING ASSISTANCE GRANTS FOR VICTIMS (SECTION 602)

Maintains grant program that distributes funds to programs providing transitional housing to victims of domestic violence, dating violence, sexual assault and stalking. The new law allows programs to use funding to provide employment-related services. Applicants for the program must now be “qualified,” meaning that they cannot propose any activities that may compromise victim safety, including background checks of victims or clinical evaluations to determine eligibility for services. The applicant must reflect an understanding of the dynamics of domestic violence, dating violence, sexual assault, or stalking and must not propose prohibited activities, including mandatory services for victims. Victims no longer have to be “fleeing” the abuse/violence to be considered eligible for the services, though they must still be homeless due to the abuse/violence. Reduces authorization from \$40M to \$35M.

SEXUAL ASSAULT SERVICES PROGRAM (SECTION 201)

Maintains the program, which provides a formula grant to states to address needs of victims of sexual assault. VAWA 2013 amends the distribution structure for the formula grants for territories. Adds DC and Puerto Rico as “States” to each receive 1.5% of the total funding. Allocations for the territories of Guam, American Samoa, Northern Mariana, and the Virgin Islands have increased from 0.125% to 0.25% of the total, each. This will allow programs in the U.S. Territories to provide more services to victims. Reduces authorization from \$50M to \$40M.

RURAL DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING (SECTION 202)

Maintains current grant program that allows rural states and communities to address the needs of victims through services, collaborations and training. VAWA 2013 adds new purpose areas (activities eligible for funding) to allow funding for sexual assault response teams (SARTs), sexual assault nurse examiners (SANEs), sexual assault investigation, and rape kit backlog reduction; training on evidence-based lethality indicators and homicide prevention; and funding for legal services. The amended definition of “rural state” (see above) will allow West Virginia and Mississippi to now be considered rural states and eligible for the rural state portion of the overall rural funding pot. Reduces authorization from \$55M to \$50M.

TRAINING AND SERVICES TO END ABUSE IN LATER LIFE (SECTION 204)

Maintains program with amendments. Defines *exploitation* as “the fraudulent or otherwise illegal, unauthorized, or improper act or process of an individual, including a caregiver or fiduciary, that uses the resources of an elder for monetary or personal benefit, profit, or gain, or that results in depriving an elder of rightful access to, or use of, benefits, resources, belongings, or assets.” Defines *neglect* as “the failure of a caregiver or fiduciary to provide the goods or services that are necessary to maintain the health or safety of an individual in later life.” Defines *later life* as 50 or older. Expands permissible activities to public education, and training to non-core entities. Expands entities that can receive trainee to include civil lawyers, health care professionals and faith-based leaders. Adds population-specific organizations and state domestic violence and sexual assault coalitions to eligible entities. Reduces authorization from \$10M to \$9M.

RAPE PREVENTION AND EDUCATION PROGRAM (SECTION 301)

Maintains grant program that distributes funding to states to provide rape prevention and education programs in schools and communities. Expands eligible entities to territorial and tribal sexual assault coalitions. Creates the following baseline funding structure for RPE grants: awards a minimum allocation of \$150,000 in each fiscal year for each of the 50 states, DC, and Puerto Rico; awards a minimum allocation of \$35,000 in each fiscal year to each territory (Guam, Northern Marianas Islands, Virgin Islands, American Samoa); any unused or remaining funds will be allotted to each state, DC, and Puerto Rico on the basis of population. Reduces authorization from \$80 M to \$50 M.

GRANTS TO COMBAT VIOLENT CRIMES ON CAMPUSES (SECTION 303)

Adds “to develop and strengthen prevention education and awareness programs” to the general purposes for which the AG is authorized to make grants. Adds language in purpose areas to encourage campuses to develop policies, protocols, and services that identify and respond to the use of technology to commit DV/SA/stalking; and to develop or strengthen population specific services. Adds the following two grant purpose areas: “to develop or adapt and provide developmentally, culturally appropriate, and linguistically accessible print or electronic materials to address both prevention and intervention in domestic violence, dating violence, sexual violence, and stalking”; and “to develop or adapt population specific strategies and projects for victims of domestic violence, dating violence, sexual assault, and stalking from underserved populations on campus.” Requires grant applicants to describe how underserved populations in the campus community will be adequately served, including through the provision of relevant population specific services. Requires all grantees to comply with the following minimum requirements during the grant period: create a coordinated community response including both organizations external to the institution and relevant divisions of the institution; establish a mandatory prevention and education program on domestic violence, dating violence, sexual assault, and stalking for all incoming students; train all campus law enforcement to respond effectively to domestic violence, dating violence, sexual assault, and stalking; and train all members of campus disciplinary boards to respond effectively to situations involving domestic violence, dating violence, sexual assault, or stalking. Reduces authorization from \$15M to \$12M.

CONSOLIDATION OF GRANTS TO SUPPORT FAMILIES IN THE JUSTICE SYSTEM (SECTION 104)

This program consolidates the Courts Training and Improvement Program and the Safe Havens/Supervised Visitation programs. It allows funding for resources in juvenile court, for civil legal services to victims and to non-offending parents in child sexual abuse cases, and training for custody evaluators and Guardians Ad Litem. Many applications requirements are included to ensure safety of victims, such as instituting security measures; barring any requirement to have mediation or counseling

between offenders, and requiring training on domestic violence, dating violence, sexual assault and stalking for all involved professionals. Reduces authorization from \$25M to \$22M.

OUTREACH AND SERVICES TO UNDERSERVED POPULATIONS GRANT (SECTION 109)

Grant program is maintained and amended to include both planning and implementation grants. Up to 25% of grant funds can be used for planning grants – to assess need, build partnerships and develop a plan to address needs of underserved victims. Implementation grants allow grantees to provide or enhance population specific outreach and services to adult and youth victims in one or more underserved populations, including: build capacity, improve effective criminal and civil justice responses through training, and implement outreach, education prevention and intervention strategies. Eligible entities are population specific organizations with expertise or those in partnership with DV/SA programs; victim service providers offering population specific services for a specific underserved population; or victim service providers working in partnership with a national, State, tribal or local organization that has demonstrated experience and expertise in providing population specific services in the relevant underserved population. Funded by 2% of STOP funds and 2% of GTEAP funds and is authorized to receive up to \$2 million through annual Appropriations.

CULTURALLY SPECIFIC SERVICES GRANT (SECTION 109)

Maintains grant program for community-based organizations providing services that respond to violence against women. Phrase “linguistically” is removed to return program to original intent of addressing culturally-specific communities.

CREATING HOPE THROUGH OUTREACH, OPTIONS, SERVICES, AND EDUCATION FOR CHILDREN AND YOUTH (CHOOSE) (SECTION 302)

Consolidates two grant programs that addressed violence in schools and provided services for youth victims. The program funds comprehensive services to youth victims, including legal services. At least 50% of total funds must be distributed to organizations providing direct services. In addition to services, grantees can use funds for assessment, planning and training/technical assistance around policies and availability of services. Middle school and high school grantees can provide training to school personnel on needs of victims; develop and implement prevention and intervention policies including referral; provide services for students; implement educational programming for students; and develop strategies to increase identification, support, referrals and prevention for students. Eligible entities include victim service providers and tribal nonprofit, or population-specific or community-based organization; a victim service provider that is partnered with an entity that has a demonstrated history of effective work addressing the needs of youth; or middle or high schools. Education entities must have appropriate referral systems and confidentiality and privacy policies, as well as sufficient training on youth victims. No less than 10% of grant funds must be given to tribes for the purposes of the grant. Authorized at \$15 M.

SMART PREVENTION (SAVING MONEY AND REDUCING TRAGEDIES THROUGH PREVENTION) (SECTION 402)

VAWA 2013 consolidates 4 existing programs providing prevention programming for children exposed to violence and strategies to engage men in preventing violence. Purpose areas under this grant program include: teen dating violence awareness and prevention programs; programs that prevent, reduce, and respond to children’s exposure to violence in the home; and programs that work with men to prevent domestic violence, dating violence, sexual assault and stalking by helping men serve as role models and social influencers of other men and youth at the individual, school, community or statewide levels.

Eligible entities under this grant program are victim service providers, community-based organizations, tribes or tribal organizations, or other non-profit, nongovernmental organizations that have a history of effective work preventing domestic violence, dating violence, sexual assault and stalking and expertise in the specific area for which they are applying for funds. Also eligible are partnerships between the above and a middle or high school or school district, as well as healthcare entities eligible for reimbursement under Title XVIII of the Social Security Act. Schools are also independently eligible entities.

Grant applicants under this program must establish and implement policies, practices, and procedures that include appropriate referral systems; protect confidentiality and privacy; provide sufficient training on domestic violence, dating violence, sexual assault and stalking; and document how prevention programs are coordinated with service programs in the community. Authorized at \$15 M.

CONSOLIDATION OF GRANTS TO STRENGTHEN THE HEALTHCARE SYSTEM'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT AND STALKING (SECTION 501)

Consolidates three programs providing education to health professionals, grants to state-level partners to change policies, and research on effective interventions in the health setting. Grantees must: certify that they adhere to confidentiality and safety conditions; consult with local or state domestic violence and/or sexual assault providers; develop a plan regarding making referrals; and give advance notice of information disclosure so that victims are not unknowingly disclosing to someone who must mandatorily report abuse. Must certify that any sexual assault forensic medical examination and sexual assault nurse examiner programs supported with such grant funds will adhere to the guidelines set forth by the Attorney General. Authorized at \$10M.

NEW VAWA PROTECTIONS

VAWA's existing substantive protections were maintained and improved in some important areas. Additionally, a number of critical new protections were added.

CRIMINAL PROVISIONS RELATING TO STALKING, INCLUDING CYBER-STALKING (SECTION 107)

VAWA 2013 maintains the critical protections in Section 107 that attach criminal penalties to the interstate commission of domestic violence, sexual assault, dating violence, and stalking, as well as the interstate violation of protection orders. VAWA 2013 strengthens these protections by adding language that also makes it a federal crime to be present within the special maritime and/or territorial jurisdiction of the United States with the intent to kill, injure, harass, or intimidate an intimate partner and, in the course of that presence, to commit or attempt to commit a crime of violence against that partner. This same language regarding presence in the maritime or territorial jurisdiction of the US is also added to the provisions regarding the interstate violation of a protection order and to the federal stalking crime definition.

VAWA 2013 also adds "intimidate" to the federal stalking crime definition, as well as updates it to include stalking through electronic communications.

Effective Date: October 1, 2013

Impact for survivors: These protections expand the reach of and victims' access to these federal crimes in situations where no interstate travel on the part of the offender was involved but where, nevertheless, it

would be logical for federal law enforcement and courts to have jurisdiction because the offender committed the crime while on federal land. The updated stalking definition better reflects the prevalence of cyber-stalking and enables victims who are experiencing cyber-stalking to access federal legal protections.

What this means for victim services agencies and state coalitions: Advocacy organizations, especially those working on or near places within the territorial jurisdiction of the US, should familiarize themselves with the law, consult with legal experts to determine the scope of these jurisdictional categories, and inform victims of their rights to make reports to federal law enforcement in applicable cases. Additionally, advocacy organizations should inform victims who are experiencing stalking and cyber-stalking of the federal legal remedies that may be available to them.

HOUSING PROTECTIONS (SECTION 601)

VAWA 2013 builds on landmark housing protections in VAWA 2005 for survivors in federally-subsidized housing units/programs by: 1) maintaining current protections; 2) protecting sexual assault victims (in addition to domestic violence, dating violence, and stalking victims); 3) expanding protections to cover all federally-subsidized housing programs; 4) clarifying the notice tenants/participants must receive about their rights under VAWA; and 5) including an emergency transfer policy requirement for landlords, managers and owners.

Effective Date: March 7, 2013

Impact for survivors: These protections expand the reach to more victims and provide consistency across the federal government to respond to victims' needs. When properly and fully implemented, these protections should protect victims against discrimination in housing due to the actions of perpetrators. Approximately 4 million additional housing units are covered; victims of sexual assault have access to the protections; and survivors can access life-saving emergency housing transfer options (so that they don't have to become homeless when they need to flee their homes).

What this means for victim services agencies and state coalitions: Advocacy organizations should familiarize themselves with the law; provide training to housing groups and organizations; inform victims of their rights; and work with housing agencies, landlords, managers and owners to implement the law and develop policies. This will be especially important around developing the emergency transfer policies. Advocacy organizations should monitor compliance with the law and report individual cases or non-compliance to NNEDV and HUD. Watch for additional guidance from NNEDV and HUD.

Maintains current protections

The landmark protections enacted in VAWA 2005 and reauthorized in VAWA 2013 ensure that victims of domestic violence, dating violence, and stalking have access to the criminal justice system without jeopardizing their housing and are not discriminated against because of their status as victims. The law states an individual's status as a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of tenancy or of program assistance by a PHA or landlord, so long as that individual would otherwise qualify for assistance. The law establishes that incidents of abuse shall not be good cause for terminating a lease held by the victim, and that the abuser's criminal activity directly related to abuse shall not be grounds for eviction or termination. It specifies that the authority of an owner or PHA to evict or terminate perpetrators of abuse shall not be limited. The language gives landlords and PHAs the

ability to bifurcate a lease to maintain the victim's tenancy while evicting the perpetrator and to use certification documents in eviction cases.

Limitations: Victims must certify their status as victims by presenting appropriate documentation to landlord, manager or owner, and the language clarifies that victims can be evicted for lease violations or if their tenancy poses a threat to the community. There is a new provision that allows for the manager, owner or landlord to require third party verification if they receive "conflicting certification" – usually in cases where the perpetrator also claims to be the victim.

Protects sexual assault victims

VAWA 2005 gave protections to victims of domestic violence, dating violence and stalking. VAWA 2013 expands these protections (detailed above) to victims of sexual assault.

Expands VAWA housing protections to cover all federally-subsidized housing programs

While VAWA 2005 covered public housing, Section 8 vouchers and project-based Section 8, VAWA 2013 expands to cover all federally-subsidized housing programs. These programs are administered by the U.S. Department of Housing and Urban Development, the USDA and the Treasury.

In some housing units, the perpetrator of violence is the only person in the household with established eligibility for the housing. In those cases, the victim will be given a chance to establish eligibility. If the victim is not eligible for the housing, the covered program must give the victim "reasonable time" to find new housing or establish eligibility under another housing program.

Newly "covered" programs include:

- USDA Rural Housing properties
- Low-Income Housing Tax Credit properties
- HUD's McKinney-Vento homeless programs
- HOME Investment Partnerships program
- Section 221(d)(3) Below Market Interest Rate (BMIR) Program
- Section 236 Rental Program
- HOPWA housing program
- Section 202 supportive housing for the elderly and
- Section 811 supportive housing for people with disabilities

To learn more about these individual housing programs, please see the [National Low-Income Housing Coalition's Advocacy Guide 2012](#).

Requires notice to tenants of these rights

While VAWA 2005 established a requirement that tenants/participants be notified of their VAWA rights, VAWA 2013 describes the notice requirements. HUD must develop the notice of rights, and each public housing agency, manager and owner is required to provide the notice 1) at the time an applicant is denied residency; 2) at the time that the individual is admitted to the program; and 3) with any notification of eviction or termination of assistance. Notice must be developed in multiple languages (consistent with Executive Order 13166.).

Requiring notice at these times will help to ensure that victims won't face unlawful eviction and discrimination and that victims will be able to invoke their VAWA rights immediately if they do face such actions/discrimination.

Requires housing agencies to adopt emergency transfer policy

This provision will help victims flee violence and abuse without facing homelessness. The appropriate federal agency (HUD, USDA, Treasury) must develop and adopt emergency transfer plans that owners, managers and landlords must use to allow victims to transfer to another available and safe dwelling unit under a covered housing program if the victim requests the transfer and reasonably believes that s/he is "threatened with imminent harm from further violence if the tenant remains within the same dwelling unit." Victims of sexual assault can request transfer if the sexual assault occurred on the premises during the 90 day period preceding the request for transfer. The transfer policy must have reasonable confidentiality measures so that victim information is not disclosed. HUD must also develop a policy for how victims requesting a transfer would be eligible for a Section 8 voucher.

Maintains:

- Requirement that public housing authorities must describe, in their 5-year plans, any goals, objectives, policies or programs in place to serve the needs of victims.
- Requirement to report annually description of services or amenities provided or offered to victims; any policies or programs that help victims obtain or maintain housing; and any policies or programs to prevent domestic violence, dating violence, sexual assault, and stalking or enhance victim safety.
- Requirement in "con plan" that housing strategies must include a description of the housing needs of victims of domestic violence, dating violence, sexual assault, and stalking, and how those needs will be met. (The consolidated plan or "con plan" helps communities assess affordable housing and community development needs to make decisions. It gives a framework to the community dialogue around housing.)
- HMIS Prohibition, which prohibits victim services providers from entering any personal identifying information about any victim into the Homeless Management Information Systems (HMIS).

CAMPUS SAVE ACT (SECTION 304)

The Campus SAVE Act amends the Cleary Act and enhances campus responses to domestic violence, sexual assault, dating violence, and stalking by: 1) modifying institutions' reporting requirements; 2) providing guidance on campus statements of policy; and 3) improving protection of victims' rights.

Effective Date: October 1, 2013

Impact for survivors: Survivors will benefit from campuses having more clearly delineated and specific policies and procedures for responding to, addressing, and reporting incidences of domestic violence, sexual assault, dating violence and stalking. Campus communities also benefit from more comprehensive and transparent reporting processes, as well as stronger policies around prevention and response.

What this means for victim services agencies and state coalitions: Advocacy organizations should familiarize themselves with the law, inform victims of their rights, and provide training to and consider collaborations with institutions of higher education to implement the law and develop policies.

Modifies institutions' reporting requirements

VAWA 2013 adds a requirement that campuses have policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies, both when the victim of such crime elects to make a report or when the victim is unable to make such a report. This provision also amends the Cleary Act to add domestic violence, dating violence, and stalking to the list of crime statistics that higher education institutions must report (all sex offenses were already included). Additionally, VAWA 2013 changes the definition of sexual assault under the Cleary Act to mean "an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation." The law also requires institutions to keep victims' names confidential when making timely reports of crimes to students and employees.

Provides guidance on campus statements of policy

VAWA 2013 requires higher education institutions to develop a statement of policy regarding prevention programming and the procedures that the institution will follow once an incident has been reported, including a statement of the standard of evidence that will be used during any conduct proceeding. The following are also added to the list of what institutions' policies must address:

- Primary prevention awareness and education programs for all incoming students and new employees (which must include a statement that the institution prohibits domestic violence, dating violence, sexual assault and stalking; the definition of these four crimes in the applicable jurisdiction; the definition of consent in the applicable jurisdiction; safe and positive options for bystander intervention; and information on risk reduction and recognizing warning signs)
- Ongoing prevention and awareness campaigns for students and faculty
- The provision of information to victims about their options regarding law enforcement and campus authorities, including their option to notify campus or local law enforcement and their option not to report
- The provision, where applicable, of information about the rights of victims and the institution's responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court
- Procedures for on-campus institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault or stalking, which must include a clear statement that such proceedings will provide a prompt and equitable investigation and resolution; and be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability
- A statement that, in any campus proceeding, both the accuser and the accused have the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice
- Procedures for the accused and the victim to appeal the results of an institutional disciplinary proceeding
- Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law
- Procedures for providing written notification to victims of options for, and available assistance in, changing academic, living, transportation, and working situations after an alleged sexual assault incident, if so requested by the victim and if such changes are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement

Improves protection of victims' rights

VAWA 2013 requires that higher education institutions provide any student or employee who makes a report that they have been a victim of DV/SA/stalking with a written explanation of their rights and options. It also prohibits any member of a higher ed institution from discriminating against any individual who exercises their rights or responsibilities under the Campus SAVE Act.