



Comparison of Housing Provisions of VAWA 2005, VAWA 2013 and HUD Regs Implementing VAWA 2005
 (Changes made by VAWA 2013 are in red)

Provision	General Citation	Public Housing Citation	Project-Based Sec. 8 Citation	Sec. 8 Voucher Citation	HUD regs implementing VAWA 2005
Definition of “domestic violence”	<p>42 U.S.C. § 13925(a)(6):</p> <p>42 U.S.C. § 13925(a)(8):</p> <p>“The term "domestic violence" includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.”</p>	<p>42 U.S.C. § 1437d(u)(3)(A) incorporates the definition found at § 13925</p> <p>[Subsection (u) struck]</p>	<p>42 U.S.C. § 1437f(f)(8) incorporates the definition found at § 13925</p> <p>[Subsection (f)(8) struck]</p>	<p>42 U.S.C. § 1437f(f)(8) incorporates the definition found at § 13925</p> <p>[Subsection (f)(9) struck]</p>	<p>24 C.F.R. § 5.2003:</p> <p>“Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.”</p>
Definition of “dating violence”	<p>42 U.S.C. § 13925(a)(8):</p> <p>42 U.S.C. § 13925(a)(10):</p> <p>“The term "dating violence" means violence committed by</p>	<p>42 U.S.C. § 1437d(u)(3)(B) incorporates the definition found at § 13925</p> <p>[Subsection (u) struck]</p>	<p>42 U.S.C. § 1437f(f)(9) incorporates the definition found at § 13925</p> <p>[Subsection (f)(9) struck]</p>	<p>42 U.S.C. § 1437f(f)(9) incorporates the definition found at § 13925</p> <p>[Subsection (f)(9) struck]</p>	<p>24 C.F.R. § 5.2003:</p> <p>“Dating violence means violence committed by a person:</p> <p>(1) Who is or has been in a</p>



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	a person-- (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship. (ii) The type of relationship. (iii) The frequency of interaction between the persons involved in the relationship.”				social relationship of a romantic or intimate nature with the victim; and (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.”
Definition of sexual assault	42 U.S.C. § 13925(a)(29): “The term ‘sexual assault’ means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victims lacks capacity to consent.”	N/A	N/A	N/A	N/A
Definition of stalking	N/A 42 U.S.C. § 13925(a)(30): “The term “stalking” means engaging in a course of conduct directed at a specific person that would	42 U.S.C. § 1437d(u)(3)(C): “(C) the term “stalking” means- (i)(I) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or	42 U.S.C. § 1437f(f)(10): “(10) the term “stalking” means- (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another	42 U.S.C. § 1437f(f)(10): See project-based Section 8 citation. [Subsection (f)(10) struck]	24 C.F.R. § 5.2003: “Stalking means: (1)(i) To follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person; or



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	<p>cause a reasonable person to – (A) fear for his or her safety of others; or (B) suffer substantial emotional distress.”</p>	<p>(H) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (ii) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to- (I) that person; (II) a member of the immediate family of that person; or (III) the spouse or intimate partner of that person”</p> <p>[Subsection (u) struck]</p>	<p>person; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to- (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person”</p> <p>[Subsection (f)(10) struck]</p>		<p>(ii) To place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (2) In the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) That person, (ii) A member of the immediate family of that person, or (iii) The spouse or intimate partner of that person.”</p>
<p>Definition of immediate family member</p>	<p>N/A 42 U.S.C. § 14043e-11(a)(1): “Affiliated Individual – The term ‘affiliated individual’ means, with respect to an individual – (A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco</p>	<p>42 U.S.C. § 1437d(u)(3)(D): “(D) the term “immediate family member” means, with respect to a person-- (i) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (ii) any other person living in the household of that person and related to that person by</p>	<p>42 U.S.C. § 1437f(f)(11): “(11) the term “immediate family member” means, with respect to a person-- (A) a spouse, parent, brother or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (B) any other person living in the household of that person and related to that</p>	<p>42 U.S.C. § 1437f(f)(11): See project-based Section 8 citation [Subsection (f)(11) struck]</p>	<p>24 C.F.R. § 5.2003: “Immediate family member means, with respect to a person: (1) A spouse, parent, brother, or sister, or child of that person, or an individual to whom that person stands in loco parentis; or (2) Any other person living in the household of that person and related to that</p>



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	<p>parentis; or (B) any individual, tenant, or lawful occupant living in the household of that individual.</p>	<p>blood or marriage.” [Subsection (u) struck]</p>	<p>person by blood or marriage.” [Subsection (f)(11) struck]</p>		<p>person by blood or marriage.”</p>
<p>Housing Authority Annual Plan Requirements</p>	<p>42 U.S.C. § 1437c-1(d)(13):</p> <p>“(d) An annual public housing agency plan ... shall contain:</p> <p>(13) A description of-</p> <p>(A) any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;</p> <p>(B) any activities, services, or programs provided or offered by a public housing agency that helps child and adult victims of domestic violence, dating violence, sexual assault, or stalking, to obtain or maintain housing; and</p> <p>(C) any activities, services, or programs provided or offered by a public housing agency to prevent domestic violence, dating violence, sexual assault, and stalking, or to enhance victim safety in</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>What information must a PHA provide in an annual plan?</p> <p>24 C.F.R. § 903.7(m)(5):</p> <p>A statement of any domestic violence, dating violence, sexual assault, and stalking prevention programs:</p> <p>(i) A description of any activities, services, or programs provided or offered by an agency, either directly or in partnership with other service providers, to child or adult victims of domestic violence, dating violence, sexual assault, or stalking;</p> <p>(ii) Any activities, services, or programs provided or offered by a PHA that help child and adult victims of domestic violence, dating violence, sexual assault, or stalking to obtain or maintain housing; and</p> <p>(iii) Any activities, services, or programs provided or offered by a PHA to prevent</p>



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	assisted families.”				domestic violence, dating violence, sexual assault, or stalking, or to enhance victim safety in assisted families.
Housing Authority Five-Year Plan Requirements	42 U.S.C. § 1437c-1(a)(2): “(a)(2) The 5-year plan shall include a statement by any public housing agency of the goals, objectives, policies, or programs that will enable the housing authority to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.”	N/A	N/A	N/A	What information must a PHA provide in the 5-Year Plan? 24 C.F.R. § 906.3(a)(3): A statement about goals, activities, objectives, policies, or programs that will enable a PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.
Consolidated Plan Requirements	42 U.S.C. § 12705(b)(1): “A housing strategy submitted under this section shall ... (1) describe the jurisdiction's estimated housing needs projected for the ensuing 5-year period, and the jurisdiction's need for assistance for ... victims of domestic violence, dating violence, sexual assault, and stalking”	N/A	N/A	N/A	
Admissions:	N/A	42 U.S.C. § 1437d(e)(3):	42 U.S.C. § 1437f(e)(9)(A)	42 U.S.C. § 1437f(o)(6)(B):	24 C.F.R. § 5.2005(b):



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That an applicant has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission.	Sec. 14043e-11(b)(1): “An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.”	“[T]he public housing agency shall not deny admission to the project to any applicant on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking if the applicant otherwise qualifies for assistance or admission” [Subsection (c)(3) struck]	“That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.” [Subsection (c)(9) struck]	“That an applicant or participant is or has been a victim of domestic violence, dating violence, or stalking is not an appropriate basis for denial of program assistance or for denial of admission if the applicant otherwise qualifies for assistance or admission.” [VAWA 2013 may have accidentally left in this sentence.]	“Admission to the program shall not be denied on the basis that the applicant is or has been a victim of domestic violence, dating violence, or stalking, if the applicant otherwise qualifies for assistance or admission.”
Termination of tenancy or assistance: An incident of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated	N/A Sec. 14043e-11(b)(1) & (2): “(1) IN GENERAL.—An applicant for or tenant of housing assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted	42 U.S.C. § 1437d(l)(5): “[A]n incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of the victim of such	42 U.S.C. § 1437f(e)(9)(B): “An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated violation of the lease by the victim or threatened victim of that violence and shall not be good cause for terminating the assistance, tenancy, or	42 U.S.C. § 1437f(o)(20)(B): “Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered a serious or repeated violation of the lease by the victim or threatened victim of that eriminal activity justifying termination of assistance to	24 C.F.R. § 5.2005(c)(1): “Domestic violence, dating violence, or stalking. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be construed as a serious or repeated lease violation by the victim or threatened victim of the domestic violence, dating violence, or



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<p>violation of the lease by the victim and will not be good cause for terminating the assistance or tenancy of the victim.</p>	<p>from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.</p> <p>(2) CONSTRUCTION OF LEASE TERMS.—An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as— (A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or (B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.”</p>	<p>violence”</p> <p>[This part of (l)(5) struck]</p>	<p>occupancy rights of the victim of such violence.”</p> <p>[Subsection (c)(9) struck]</p>	<p>the victim or threatened victim.”</p> <p>[Subsection (o)(20) struck]</p>	<p>stalking, or as good cause to terminate the tenancy of, occupancy rights of, or assistance to the victim.”</p>
<p>Criminal activity</p>	<p>N/A</p>	<p>42 U.S.C. § 1437d(l)(6)(A):</p>	<p>42 U.S.C. § 1437f(e)(9)(C)(i):</p>	<p>42 U.S.C. § 1437f(o)(20)(C):</p>	<p>24 C.F.R. § 5.2005(c)(2):</p>



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directly related to abuse: Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be cause for termination of the victim's tenancy or assistance.	Sec. 14043e-11(b)(3)(A): “No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.”	“[C]riminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of the tenancy or occupancy rights, if the tenant or immediate member of the tenant's family is a victim of that domestic violence, dating violence, or stalking.” [This part of (I)(6) struck]	“Criminal activity directly relating to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control shall not be cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that domestic violence, dating violence, or stalking.” [Subsection (c)(9) struck]	“Criminal activity directly relating to domestic violence, dating violence, or stalking shall not be considered cause for termination of assistance for any participant or immediate member of a participant's family who is a victim of the domestic violence, dating violence, or stalking.” [Subsection (o)(20) struck]	“Criminal activity related to domestic violence, dating violence, or stalking. Criminal activity directly related to domestic violence, dating violence, or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of tenancy of, occupancy rights of, or assistance to the victim, if the tenant or immediate family member of the tenant is the victim.”
Actual and imminent threat provision: A PHA, owner or manager may evict or terminate assistance to a victim if the PHA, owner, or manager can	N/A Sec. 14043e-11(b)(3)(C)(iii): “Nothing in subparagraph (A) shall be construed...to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if a public housing	42 U.S.C. § 1437d(l)(6)(E): “[N]othing in [this section] may be construed to limit the authority of a public housing agency to terminate the tenancy of any tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the	42 U.S.C. § 1437f(e)(9)(C)(v) “Nothing in [this section] may be construed to limit the authority of an owner, manager, or public housing agency to evict or terminate from assistance any tenant or lawful occupant if the owner, manager or public housing agency can	42 U.S.C. § 1437f(o)(20)(D)(iv): “Nothing in [this section] may be construed to limit the authority of the public housing agency to terminate voucher assistance to a tenant if the public housing agency can demonstrate an actual and imminent threat to other tenants or those	24 C.F.R. § 5.2005(d)(2), (d)(3), (e): (d)(2) Nothing in this section may be construed to limit the authority of a PHA, owner, or management agent to evict or terminate assistance to any tenant or lawful occupant if the PHA, owner, or management agent can demonstrate an



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<p>demonstrate an actual and imminent threat to other tenants or employees at the property if the tenant is not evicted or terminated from assistance.</p>	<p>agency or owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted”</p>	<p>property if that tenant's tenancy is not terminated” [This part of (l)(6) struck]</p>	<p>demonstrate an actual and imminent threat to other tenants or those employed at or providing service to the property if that tenant is not evicted or terminated from assistance.” [Subsection (c)(9) struck]</p>	<p>employed at or providing service to the property or public housing agency if that tenant is not evicted or terminated from assistance.” [Subsection (o)(20) struck]</p>	<p>actual and imminent threat to other tenants or those employed at or providing service to the public housing or Section 8 assisted property if that tenant or lawful occupant is not terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an “actual imminent threat” if they meet the standards provided in paragraph (e) of this section.</p> <p>(d)(3) Any eviction or termination of assistance, as provided in paragraph (d)(3) of this section, should be utilized by a PHA, owner, or management agent only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies</p>



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					<p>to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents.</p> <p><i>(e) Actual and imminent threat.</i> An actual and imminent threat consists of a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual an imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.</p>
<p>Victims must be held to same standard as other tenants: For lease violations unrelated to</p>	<p>N/A</p> <p>Sec. 14043e-11(b)(3)(C)(ii):</p> <p>“Nothing in subparagraph (A) shall be construed...to limit any otherwise</p>	<p>42 U.S.C. § 1437d(1)(6)(D):</p> <p>“[N]othing in [this section] limits any otherwise available authority of a public housing agency to evict a tenant for any violation of a lease not</p>	<p>42 U.S.C. § 1437f(e)(9)(C)(iv)</p> <p>“Nothing in [this section] limits any otherwise available authority of an owner or manager to evict</p>	<p>42 U.S.C. § 1437f(e)(20)(D)(iii):</p> <p>“Nothing in [this section] limits any otherwise available authority of the public housing agency to</p>	<p>24 C.F.R. § 5.2005(d)(1). (d)(3):</p> <p>(1) Nothing in this section limits the authority of the PHA, owner, or management agent to evict a</p>



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<p>abuse, a PHA, owner or manager must not subject an individual who is a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.</p>	<p>available authority of a public housing agency or owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an affiliated person of the tenant, if the public housing agency or owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate”</p>	<p>premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate”</p> <p>[This part of (I)(6) struck]</p>	<p>or the public housing assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate.”</p> <p>[Subsection (c)(9) struck]</p>	<p>terminate voucher assistance to a tenant for any violation of a lease not premised on the act or acts of violence in question against the tenant or a member of the tenant's household, provided that the public housing agency does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to terminate.”</p> <p>[Subsection (o)(20) struck]</p>	<p>tenant or terminate assistance for a lease violation unrelated to domestic violence, dating violence, or stalking, provided that the PHA, owner, or management agent does not subject such a tenant to a more demanding standard than other tenants in making the determination whether to evict, or to terminate assistance or occupancy rights;</p> <p>(3) Any eviction or termination of assistance, as provided in paragraph (d)(3) of this section, should be utilized by a PHA, owner, or management agent only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator</p>



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					from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents.
Bifurcation: A PHA, owner, or manager may evict, remove, or terminate assistance to the abuser without evicting or terminating assistance to the victim	N/A Sec. 14043e-11(b)(3)(B): “(i) IN GENERAL.— Notwithstanding subparagraph (A), a public housing agency or owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a	42 U.S.C. § 1437d(1)(6)(B): “[N]otwithstanding . . . any Federal, State, or local law to the contrary, a public housing agency may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant and such eviction, removal, termination of occupancy rights, or	42 U.S.C. § 1437f(e)(9)(C)(ii): “Notwithstanding . . . any Federal, State, or local law to the contrary, an owner or manager may bifurcate a lease under this section, or remove a household member from a lease under this section, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also a tenant or lawful occupant. Such eviction,	42 U.S.C. § 1437f(o)(20)(D)(i): “Nothing in [this section] may be construed to limit the authority of the public housing agency to terminate voucher assistance to individuals who engage in criminal acts of physical violence against family members or others.” [Subsection (o)(20) struck]	24 C.F.R. § 5.2003, 5.2009(a): <i>“Bifurcate</i> means, with respect to a public housing or a Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members’ lease and occupancy rights are allowed to remain intact.” <i>“Lease bifurcation.</i> Notwithstanding any Federal, State, or local law to the contrary, a PHA, owner, or management agent may bifurcate a lease, or remove a household member from a lease without regard to whether the household member is a signatory to the lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to



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Provision	General Citation	Public Housing Citation	Project-Based Sec. 8 Citation	Sec. 8 Voucher Citation	HUD regs implementing VAWA 2005
	<p>victim of such criminal activity who is also a tenant or lawful occupant of the housing. (ii) EFFECT OF EVICTION ON OTHER TENANTS.— If public housing agency or owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant an opportunity to establish eligibility for the covered housing program. If a tenant described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant a reasonable time, as determined by the appropriate agency, to find new housing or to establish</p>	<p>termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.” [This part of (l)(6) struck]</p>	<p>removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, and local law for the termination of leases or assistance under the relevant program of HUD-assisted housing.” [Subsection (c)(9) struck]</p>		<p>any tenant or lawful occupant who engages in criminal acts of physical violence against family members or others, without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is a tenant or lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by Federal, State, or local law for termination of assistance or leases under the relevant public housing, Section 8 Housing Choice Voucher, and Section 8 project-based programs.”</p>



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	<p>eligibility for housing under another covered housing program.”</p>				
<p>Portability: Even if moving would otherwise violate the lease, a Section 8 voucher family may move to another jurisdiction if the family has complied with all program obligations and is moving to protect the safety of a victim of domestic violence, dating violence, or stalking.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>42 U.S.C. § 1437f(r)(5): “A family may not receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has moved out of the assisted dwelling unit of the family in violation of a lease, except that family may receive a voucher from a public housing agency and move to another jurisdiction under the tenant-based assistance program if the family has complied with all other obligations of the section 8 program and has moved out of the assisted dwelling unit in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit.”</p>	<p>24 C.F.R. §§ 982.314(b), 982.353(b):</p> <p>(b) When family may move. A family may move to a new unit if:</p> <p>(1) The assisted lease for the old unit has terminated. This includes a termination because:</p> <p>(i) The PHA has terminated the HAP contract for the owner’s breach; or</p> <p>(ii) The lease has terminated by mutual agreement of the owner and the tenant.</p> <p>(2) The owner has given the tenant a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the tenant.</p> <p>(3) The tenant has given notice of lease termination (if the tenant has a right to terminate the lease on notice to the owner, for owner breach, or otherwise).</p> <p>(4) The family or a member of the family is or has been</p>



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					<p>the victim of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member. A PHA may not terminate assistance if the family, with or without prior notification to the PHA, already moved out of a unit in violation of the lease, if such move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit.</p> <p>(c) * * *</p> <p>(2) The PHA may establish:</p> <p>(i) Policies that prohibit any move by the family during the initial lease term; and</p> <p>(ii) Policies that prohibit more than one move by the family during any one- year period.</p> <p>(iii) The above policies do not apply when the family</p>



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					<p>or a member of the family is or has been the victim of domestic violence, dating violence, or stalking, as provided in 24 CFR part 5, subpart L, and the move is needed to protect the health or safety of the family or family member.</p> <p>(b) * * * The initial PHA must not provide such portable assistance for a participant if the family has moved out of the assisted unit in violation of the lease, except that if the family moves out in violation of the lease in order to protect the health or safety of a person who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit, and has otherwise complied with all other obligations under the Section 8 program, the family may receive a voucher from the PHA and move to another jurisdiction</p>



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					under the Housing Choice Voucher Program.
Court orders: VAWA does not limit the authority of PHAs, owners, or managers to honor court orders addressing rights of access to or control of property.	N/A Sec. 14043e-11(b)(3)(C)(i): “Nothing in subparagraph (A) shall be construed— (i) to limit the authority of a public housing agency or owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to— (I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or (II) the distribution or possession of property among members of a household in a case”	42 U.S.C. § 1437d(1)(6)(C): “[N]othing in [this section] may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.” [This part of (1)(6) struck]	42 U.S.C. § 1437f(e)(9)(C)(iii): “Nothing in [this section] may be construed to limit the authority of a public housing agency, owner, or manager, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.” [Subsection (c)(9) struck]	42 U.S.C. § 1437f(e)(20)(D)(ii): “Nothing in [this section] may be construed to limit the authority of a public housing agency, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up.” [Subsection (o)(20) struck]	24 C.F.R. § 5.2009(b): “ <i>Court orders.</i> Nothing in this subpart may be construed to limit the authority of a PHA, owner, or management agent, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and to address the distribution of property among household members in a case where a family breaks up.”
Certification— Discretion of PHAs and owners: PHAs and owners are	N/A Sec. 14043e-11(c)(3)(D) & (c)(5):	42 U.S.C. § 1437d(u)(1)(D): “Nothing in this subsection shall be construed to require any public housing agency to	42 U.S.C. § 1437f(ee)(1)(D): “Nothing in this subsection shall be construed to require	42 U.S.C. § 1437f(ee)(1)(D): See project-based Section 8 citation.	24 C.F.R. § 5.2007(d): At its discretion, a PHA, owner, or management agent may provide benefits



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<p>not required to demand official documentation of victim status. PHAs and owners may rely solely on the individual's statement.</p>	<p>“A form of documentation described in this paragraph is—at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.”</p> <p>“Nothing in this subsection shall be construed to require a public housing agency or owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.”</p>	<p>demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At the public housing agency's discretion, a public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.”</p> <p>[Subsection (u) struck]</p>	<p>an owner, manager, or public housing agency to demand that an individual produce official documentation or physical proof of the individual's status as a victim of domestic violence, dating violence, or stalking in order to receive any of the benefits provided in this section. At their discretion, the owner, manager, or public housing agency may provide benefits to an individual based solely on the individual's statement or other corroborating evidence.”</p> <p>[Subsection (ee) struck]</p>	<p>[Subsection (ee) struck]</p>	<p>to an individual based solely on the individual's verbal statement or other corroborating evidence. A PHA's, owner's, or management agent's compliance with this section, whether based solely on the individual's verbal statements or other corroborating evidence, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by a PHA, PHA employee, owner, or employee or agent of the owner. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of 24 CFR part 5.</p>
<p>Certification—HUD-approved form:</p> <p>A PHA, owner, or manager may request that an individual certify via a HUD-approved form that the</p>	<p>N/A</p> <p>Sec. 14043e-11(c)(3)(A):</p> <p>“A form of documentation described in this paragraph is— (A) a certification form approved by the appropriate agency that— (i) states that an applicant</p>	<p>42 U.S.C. § 1437d(u)(1)(A):</p> <p>“A public housing agency responding to subsection (1)(5) and (6) of this section may request that an individual certify via a HUD approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that</p>	<p>42 U.S.C. § 1437f(ee)(1)(A):</p> <p>“An owner, manager, or public housing agency responding to subsections (e)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) of this section may request that an individual certify via</p>	<p>42 U.S.C. § 1437f(ee)(1)(A): See project-based Section 8 citation.</p> <p>[Subsection (ee) struck]</p>	<p>24 C.F.R. § 5.2007(b)(1):</p> <p>May consist of a HUD-approved certification form indicating that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or</p>



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individual is a victim of domestic violence, dating violence, or stalking. Such certification shall include the name of the perpetrator.	or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking; (ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and (iii) includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide”	the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs.—Such certification shall include the name of the perpetrator.” [Subsection (u) struck]	a HUD-approved certification form that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incidents in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the aforementioned paragraphs.—Such certification shall include the name of the perpetrator.” [Subsection (ee) struck]		threatened abuse. Such certification must include the name of the perpetrator, and may be based solely on the personal signed attestation of the victim.
Certification—other permissible documents: In lieu of the HUD-approved form, a victim may certify by providing: (1) a statement signed by the victim and a victim service provider, attorney, or medical professional; or	N/A Sec. 14043e-11(c)(3)(B) & (C): “A form of documentation described in this paragraph is— (B) a document that— (i) is signed by— (I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or	42 U.S.C. § 1437d(u)(1)(C): “An individual may satisfy the certification requirement of subparagraph (A) by— (i) providing the requesting public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking, or the effects of the abuse, in which the	42 U.S.C. § 1437f(ee)(1)(C): An individual may satisfy the certification requirement of subparagraph (A) by— (i) providing the requesting owner, manager, or public housing agency with documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing domestic violence, dating	42 U.S.C. § 1437f(ee)(1)(C): See project-based Section 8 citation. [Subsection (ee) struck]	24 C.F.R. § 5.2007(b)(2)-(3): (2) May consist of a Federal, State, tribal, territorial, or local police report or court record; or (3) May consist of documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, from whom the victim has sought assistance in addressing domestic



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(2) a police or court record.	<p>tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and</p> <p>(II) the applicant or tenant; and</p> <p>(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);</p> <p>(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency”</p>	<p>professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or</p> <p>(ii) producing a Federal, State, tribal, territorial, or local police or court record.”</p> <p>[Subsection (u) struck]</p>	<p>violence, or stalking, or the effects of the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation; or</p> <p>(ii) producing a Federal, State, tribal, territorial, or local police or court record.</p> <p>[Subsection (ee) struck]</p>		<p>violence, dating violence, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury under 28 U.S.C. 1746 to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse, and the victim of domestic violence, dating violence, or stalking has signed or attested to the documentation.</p>
<p>Certification—Timeline: If an individual does not provide certification within 14 business days after receiving a written request, the PHA or</p>	<p>N/A</p> <p>Sec. 14043e-11(c)(2):</p> <p>“(A) IN GENERAL.—If an applicant or tenant does not provide the documentation requested under paragraph (I) within 14 business days after the tenant receives a</p>	<p>42 U.S.C. § 1437d(u)(1)(B):</p> <p>“If the individual does not provide the certification within 14 business days after the individual has received a request in writing for such certification from the public housing agency, nothing in this subsection . . . may be</p>	<p>42 U.S.C. § 1437f(ee)(1)(B):</p> <p>“If the individual does not provide the certification within 14 business days after the individual has received a request in writing for such certification for the owner, manager, or public</p>	<p>42 U.S.C. § 1437f(ee)(1)(B): See project-based Section 8 citation.</p> <p>[Subsection (ee) struck]</p>	<p>24 C.F.R. § 5.2007(a), (c):</p> <p>(a) <i>Request for documentation.</i> A PHA, owner, or management agent presented with a claim for continued or initial tenancy or assistance based on status as a victim of domestic violence, dating</p>



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<p>owner may evict any individual who commits lease violations. The PHA or owner may extend the 14-day deadline at their discretion.</p>	<p>request in writing for such certification from a public housing agency or owner or manager of housing assisted under a covered housing program, nothing in this chapter may agency or owner or manager to— (i) deny admission by the applicant or tenant to the covered program; (ii) deny assistance under the covered program to the applicant or tenant; (iii) terminate the participation of the applicant or tenant in the covered program; or (iv) evict the applicant, the tenant, or a lawful occupant that commits violations of a lease. (B) EXTENSION.—A public housing agency or owner or manager of housing may extend the 14-day deadline under subparagraph (A) at its discretion.”</p>	<p>construed to limit the authority of the public housing agency to evict any tenant or lawful occupant that commits violations of a lease. The public housing agency may extend the 14-day deadline at its discretion.”</p> <p>[Subsection (u) struck]</p>	<p>housing agency, nothing in this subsection . . . may be construed to limit the authority of an owner or manager to evict, or the public housing agency or assisted housing provider to terminate voucher assistance for, any tenant or lawful occupant that commits violations of a lease. The owner, manager or public housing agency may extend the 14 day deadline at their discretion.”</p> <p>[Subsection (ee) struck]</p>		<p>violence, stalking, or criminal activity related to domestic violence, dating violence, or stalking may request that the individual making the claim document the abuse. The request for documentation must be in writing. The PHA, owner, or management agent may require submission of documentation within 14 business days after the date that the individual received the request for documentation. However, the PHA, owner, or management agent may extend this time period at its discretion.</p> <p><i>(c) Failure to provide documentation.</i> In order to deny relief for protection under VAWA, a PHA, owner, or management agent must provide the individual with a written request for documentation of the abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt of the PHA’s, owner’s, or management agent’s written request, or</p>



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					<p>such longer time as the PHA, owner, or management agent at their discretion may allow, VAWA protections do not limit the authority of the PHA, owner, or management agent to evict or terminate assistance of the tenant or a family member for violations of the lease or family obligations that otherwise would constitute good cause to evict or grounds for termination. The 14-business day window for submission of documentation does not begin until the individual receives the written request. The PHA, owner, or management agency has discretionary authority to extend the statutory 14-day period.</p>
<p>Confidentiality : A PHA or owner shall keep confidential the information an individual provides to certify victim</p>	<p>N/A</p> <p>Sec. 14043e-11(c)(4):</p> <p>“Any information submitted to a public housing agency or owner or manager under this subsection,</p>	<p>42 U.S.C. § 1437d(u)(2)(A):</p> <p>“All information provided to any public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, or stalking, shall be</p>	<p>42 U.S.C. § 1437f(ee)(2)(A):</p> <p>“All information provided to an owner, manager, or public housing agency pursuant to paragraph (1), including the fact that an individual is a victim of</p>	<p>42 U.S.C. § 1437f(ee)(2)(A): See project-based Section 8 citation.</p> <p>[Subsection (ee) struck]</p>	<p>24 C.F.R. § 5.2007(b)(4):</p> <p>Shall be kept confidential by the PHA, owner, or management agent. The PHA, owner, or management agent shall not:</p> <p>(i) Enter the information</p>



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status.	<p>including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the public housing agency or owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—</p> <p>(A) requested or consented to by the individual in writing;</p> <p>(B) required for use in an eviction proceeding under subsection (b); or</p> <p>(C) otherwise required by applicable law.”</p>	<p>retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—</p> <p>(i) requested or consented to by the individual in writing;</p> <p>(ii) required for use in an eviction proceeding . . . ; or</p> <p>(iii) otherwise required by applicable law.”</p> <p>[Subsection (u) struck]</p>	<p>domestic violence, dating violence, or stalking, shall be retained in confidence by such public housing agency, and shall neither be entered into any shared database nor provided to any related entity, except to the extent that disclosure is—</p> <p>(i) requested or consented to by the individual in writing;</p> <p>(ii) required for use in an eviction proceeding . . . ; or</p> <p>(iii) otherwise required by applicable law.”</p> <p>[Subsection (ee) struck]</p>		<p>contained in the documentation into any shared database;</p> <p>(ii) Allow employees of the PHA, owner, or management agent, or those within their employ (e.g., contractors) to have access to such information unless explicitly authorized by the PHA, owner, or management agent for reasons that specifically call for these employees or those within their employ to have access to this information; and</p> <p>(iii) Disclose this information to any other entity or individual, except to the extent that disclosure is:</p> <p>(A) Requested or consented to by the individual making the documentation, in writing;</p> <p>(B) Required for use in an eviction proceeding, or</p> <p>(C) Otherwise required by applicable law.</p>
<p>Notification: PHAs must provide notice to tenants, owners, and</p>	<p>N/A</p> <p>Sec. 14043e-11(d):</p> <p>(1) DEVELOPMENT.—The</p>	<p>42 U.S.C. § 1437d(u)(2)(B):</p> <p>“Public housing agencies must provide notice to tenants assisted under this</p>	<p>42 U.S.C. § 1437f(ee)(2)(B):</p> <p>“Public housing agencies must provide notice to</p>	<p>42 U.S.C. § 1437f(ee)(2)(B): See project-based Section 8 citation.</p>	<p>24 C.F.R. § 5.2005(a):</p> <p>(1) PHAs must provide notice to public housing and Section 8 tenants of their</p>



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<p>managers of their rights and obligations under VAWA.</p>	<p>Secretary of Housing and Urban Development shall develop a notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof. (2) PROVISION.—Each public housing agency or owner or manager of housing assisted under a covered housing program shall provide the notice developed under paragraph (1), together with the form described in subsection (c)(3)(A), to an applicant for or tenants of a housing assisted under a covered housing program— (A) at the time the applicant is denied residency in a dwelling unit assisted under the covered housing program; (B) at the time the individual is admitted to a dwelling unit assisted under the covered housing program; (C) with any notification of eviction or notification of termination of assistance; and (D) in multiple languages, consistent with guidance</p>	<p>section of their rights under this section and subsection (1)(5) and (6) of this section, including their right to confidentiality and the limits thereof.”</p> <p>[Subsection (u) struck]</p>	<p>tenants assisted under this section of their rights under this subsection and subsections (e)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) of this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this subsection and subsections (e)(9), (d)(1)(B)(ii), (d)(1)(B)(iii), (o)(7)(C), (o)(7)(D), (o)(20), and (r)(5) of this section.”</p> <p>[Subsection (ee) struck]</p>	<p>[Subsection (ee) struck]</p>	<p>rights under VAWA and this subpart, including the right to confidentiality and the exceptions; and (2) PHAs must provide notice to owners and management agents of assisted housing, of their rights and obligations under VAWA and this subpart; and (3) Owners and management agents of assisted housing administering an Office of Housing project-based Section 8 program must provide notice to Section 8 tenants of their rights and obligations under VAWA and this subpart. (4) The HUD-required lease, lease addendum, or tenancy addendum, as applicable, must include a description of specific protections afforded to the victims of domestic violence, dating violence, or stalking, as provided in this subpart.”</p>



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Provision	General Citation	Public Housing Citation	Project-Based Sec. 8 Citation	Sec. 8 Voucher Citation	HUD regs implementing VAWA 2005
	<p>issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d-1 note; relating to access to services for persons with limited English proficiency).”</p>				
<p>Preemption: VAWA does not preempt any Federal, State, or local law that provides greater protections for victims of domestic violence, dating violence, or stalking.</p>	<p>N/A</p> <p>Sec. 14043e-11(b)(3)(C)(iv) & (c)(8):</p> <p>Prohibited basis for denial or termination of assistance of eviction – “Nothing in subparagraph (A) shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking”</p> <p>Documentation – “Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic</p>	<p>42 U.S.C. § 1437d(u)(1)(E):</p> <p>“Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”</p> <p>[Subsection (u) struck]</p>	<p>42 U.S.C. § 1437f(ee)(1)(F):</p> <p>“Nothing in this section shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”</p> <p>[Subsection (ee) struck]</p>	<p>42 U.S.C. § 1437f(ee)(1)(F): See project-based Section 8 citation:</p> <p>[Subsection (ee) struck]</p>	<p>24 C.F.R. § 5.2011:</p> <p><i>“Effect on other laws.</i> Nothing in this subpart shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, or stalking.”</p>



Comparison of Housing Provisions of VAWA 2005, VAWA 2013 and HUD Regs Implementing VAWA 2005
 (Changes made by VAWA 2013 are in red)

Provision	General Citation	Public Housing Citation	Project-Based Sec. 8 Citation	Sec. 8 Voucher Citation	HUD regs implementing VAWA 2005
	violence, dating violence, sexual assault, or stalking.”				



Comparison of Housing Provisions of VAWA 2005, VAWA 2013 and HUD Regs Implementing VAWA 2005
 (Changes made by VAWA 2013 are in red)

	Other new issues covered in VAWA 2013	HUD regs – VAWA 2005
Covered housing program	<p>Sec. 14043e-11(a)(3):</p> <p>“(A) the program under section 202 of the Housing Act of 1959 (12 U.S.C. 1701q); (B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013); (C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.); (D) the program under subtitle A of title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.); (E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.); (F) the program under paragraph (3) of section 221(d) of the National Housing Act (12 U.S.C. 1715l(d)) that bears interest at a rate determined under the proviso under paragraph (5) of such section 221(d); (G) the program under section 236 of the National Housing Act (12 U.S.C. 1715z-1); (H) the programs under sections 6 and 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f); (I) rural housing assistance provided under sections 514, 515, 516, 533, and 538 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, and 1490p-2); and (J) the low income housing tax credit program under section 42 of the Internal Revenue Code of 1986.”</p>	N/A
Compliance not sufficient to constitute evidence of unreasonable act	<p>Sec. 14043e-11(c)(6):</p> <p>“Compliance with subsection (b) by a public housing agency or owner or manager of housing assisted under a covered housing program based on documentation received under this subsection, shall not be sufficient to constitute evidence of an unreasonable act or omission by the public housing agency or owner or manager or an employee or agent of the public housing agency or owner or manager. Nothing in this paragraph shall be construed to limit the liability of a public housing agency or owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).”</p>	<p>24 C.F.R. § 5.2007(d):</p> <p>At its discretion, a PHA, owner, or management agent may provide benefits to an individual based solely on the individual’s verbal statement or other corroborating evidence. A PHA’s, owner’s, or management agent’s compliance with this section, whether based solely on the individual’s verbal statements or other corroborating evidence, shall not alone be sufficient to constitute evidence of an unreasonable act or omission by a PHA, PHA employee, owner, or employee or agent of the owner. Nothing in this subparagraph shall be construed to limit liability for failure to comply with the requirements of 24 CFR part 5.</p>



Comparison of Housing Provisions of VAWA 2005, VAWA 2013 and HUD Regs Implementing VAWA 2005
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<p>Conflicting certification</p>	<p>Sec. 14043e-11(c)(7):</p> <p>“If a public housing agency or owner or manager of housing assisted under a covered housing program receives documentation under this subsection that contains conflicting information, the public housing agency or owner or manager may require an applicant or tenant to submit third-party documentation, as described in subparagraph (B), (C), or (D) of paragraph (3).”</p>	<p>24 C.F.R. § 5. 2007(e):</p> <p>In cases where the PHA, owner, or management agent receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, a PHA, owner, or management agent may determine which is the true victim by requiring third-party documentation as described in this section and in accordance with any HUD guidance as to how such determinations will be made. A PHA, owner, or management agent shall honor any court orders addressing rights of access or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household.</p>
<p>Emergency transfers</p>	<p>Sec. 14043e-11(e) & (f):</p> <p>“(e) EMERGENCY TRANSFERS.—Each appropriate agency shall adopt a model emergency transfer plan for use by public housing agencies and owners or managers of housing assisted under covered housing programs that—</p> <p>(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if—</p> <p>(A) the tenant expressly requests the transfer; and</p> <p>(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or</p> <p>(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer; and</p> <p>(2) incorporates reasonable confidentiality measures to ensure that the public housing agency or owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.</p> <p>(f) POLICIES AND PROCEDURES FOR EMERGENCY TRANSFER.—The Secretary of Housing and Urban Development shall establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the</p>	<p>N/A</p>



Comparison of Housing Provisions of VAWA 2005, VAWA 2013 and HUD Regs Implementing VAWA 2005
 (Changes made by VAWA 2013 are in red)

	<p>availability of tenant protection vouchers, assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)).”</p>	
Implementation	<p>Sec. 14043e-11(g):</p> <p>“The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.”</p>	N/A
Rule of construction	<p>42 U.S.C. § 1437d note</p> <p>“Nothing in this Act, or the amendments made by this Act, shall be construed—</p> <p>(A) to limit the rights or remedies available to any person under section 6 or 8 of the United States Housing Act of 1937 (42 U.S.C. 1437d and 1437f), as in effect on the day before the date of enactment of this Act;</p> <p>(B) to limit any right, remedy, or procedure otherwise available under any provision of part 5, 91, 880, 882, 883, 884, 886, 891, 903, 960, 966, 982, or 983 of title 24, Code of Federal Regulations, that—</p> <p>(i) was issued under the Violence Against Women and Department of Justice Reauthorization Act of 2005 (Public Law 109–162; 119 Stat. 2960) or an amendment made by that Act; and</p> <p>(ii) provides greater protection for victims of domestic violence, dating violence, sexual assault, and stalking than this Act; or</p> <p>(C) to disqualify an owner, manager, or other individual from participating in or receiving the benefits of the low income housing tax credit program under section 42 of the Internal Revenue Code of 1986 because of noncompliance with the provisions of this Act.”</p>	N/A