

# VAWA: What HOP Grantees Need to Know



Presented by

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# Topics



- **Why are we talking about VAWA?**
- **VAWA Rights**
  - Access to Shelter & Rental Housing
  - Protection from Eviction from Rental Housing
  - Emergency Transfers and Lease Bifurcation
- **VAWA Protocols & Forms for HOP Rental Assistance**
  - Notices of Rights and Responsibilities for Tenants and Landlords
  - HOP Lease Addendum
  - Certifications
  - Emergency transfer & bifurcation
  - Confidentiality Requirements & Authorization to Release Information
- **Reporting Requirements**

# Why are we talking about VAWA?



- What is VAWA?
  - Omnibus bill covering law enforcement, prosecutions, shelters, coordinated community responses, and housing protections for victims of domestic violence, dating violence, sexual assault, and stalking.
- What housing is covered?
  - HUD-subsidized (including ESG), Rural Development, LIHTC
- What sort of housing protections are provided?
  - Anti-discrimination: Equal access to housing & protection from termination.
  - Securing safe housing through emergency transfer or changing household composition (bifurcation).
  - Strict confidentiality rules.

# VAWA Rights: Access to Shelter



- Shelter admission policies:
  - Applicant cannot be denied because she was a victim of domestic violence, dating violence, sexual assault or stalking.
  - Cannot condition admission for victims on accepting DV services.
- Shelter continuing occupancy policies:
  - Resident cannot be terminated solely because the resident is a victim of DV, dating violence, SA, or stalking.
  - Actual & imminent threat exception: Words/actions of perpetrator show danger to *other* shelter residents and/or staff that is (1) immediate, (2) could result in death or serious physical injury, and (3) cannot be addressed other than by removing the victim from the premises.

# VAWA Rights: Access to Housing and HOP



- When does VAWA apply for HOP?
  - New tenancies receiving rental assistance.
  - What's **not** covered:
    - Security deposits;
    - Rental arrearages; and
    - Rental assistance for continuing tenancies.
- Refer to HOP VAWA Checklist for Rental Assistance

**HOP VAWA CHECKLIST FOR RENTAL ASSISTANCE**

- HOP Rapid Re-housing and Homelessness Prevention Intake**

Consider separating household members during assessment/intake and using a family violence screening tool.

  - Provide VAWA Notice of Rights at Intake (Application)
  - Provide HUD VAWA Self-Certification Form
- If HOP rental assistance request is denied:**
  - Written notice of denial
  - Provide VAWA Notice of Rights
  - Provide HUD VAWA Self-Certification Form
- If HOP rental assistance is approved:**
  - HOP Lease Addendum, signed by tenants, landlord and HOP Program staff.
  - Provide Notification of Property Owner Rights to landlord.
  - Provide VAWA Notice of Rights to Tenant
  - Provide HUD VAWA Self-Certification Form to Tenant
- Tenant (or third party) contacts HOP Program Provider to exercise VAWA protections.**

Make sure contact with tenant does not indicate that it is in relation to VAWA protections. "To continue to receive HOP rental assistance, please contact HOP PROGRAM PROVIDER NAME."

For telephone contacts, verify that the tenant is in a safe place to talk prior to discussing the request for VAWA protections.

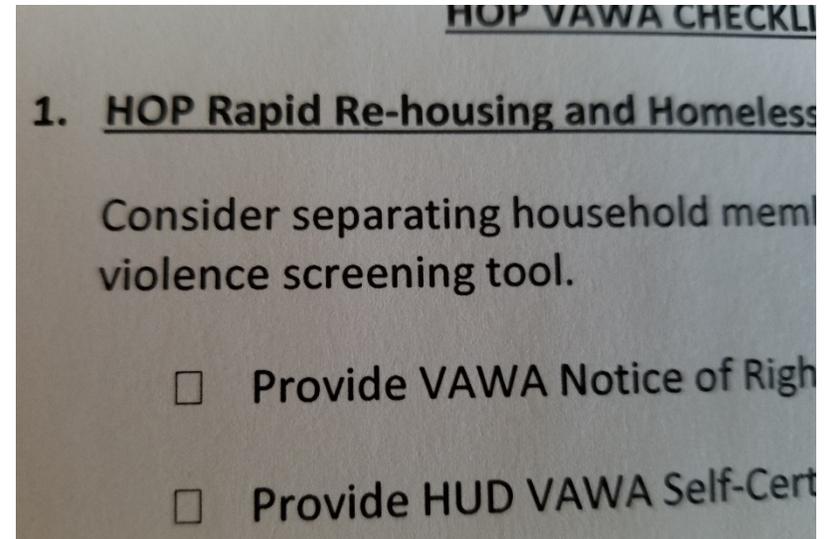
  - Advise tenant of rights under VAWA. Refer to VAWA Notice of Rights.
  - If documentation to support VAWA eligibility is wanted, the request must be made in writing. Ask the tenant for a safe address for mailing such a request.
  - If needed, obtain VAWA Self Certification Form (HUD 5382), VAWA Provider Certification Form or other appropriate documentation to support VAWA request. If an emergency transfer is requested, ask for Form HUD-5383.
  - If request for VAWA protections is denied, send written notice to tenant. Ask the tenant for a safe address for mailing the notice.
  - For approved requests:

VAWA HOP Requirements, Page 3 of 4

# VAWA Protocols & Forms for HOP: Intake



- Separate household members, use a family violence screening tool.
- Provide VAWA Notice of Rights
  - Anti-discrimination
  - Protection from eviction
  - Emergency transfer & bifurcation



- For LEP clients: Interpreter suffices, or find HUD translation at: [https://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/forms/hud5a](https://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud5a)
- Also provide VAWA Self-Certification form

# VAWA Protocols & Forms for HOP: If Rental Assistance Request is Denied



- Provide written notice of denial.
  - Clear statement of the reason for the denial and notice of the opportunity to appeal/grieve the decision.
  - Grievance process: Opportunity to object to decision to a person other than the person who issued the denial.
    - Prompt written notice of the final decision to the applicant.
- Provide VAWA Notice of Rights
- Provide VAWA Self-Certification

## If HOP rental assistance request is denied:

- Written notice of denial
- Provide VAWA Notice of Rights
- Provide HUD VAWA Self-Certification

# VAWA Protocols & Forms for HOP: HOP Rental Assistance is Approved



- **HOP Lease Addendum**
  - Required, and no changes!
  - VAWA protections only apply during term of HOP rental assistance.
  - Pages 3-4: DV is not lease violation, anti-discrimination protections, emergency transfers, bifurcation.
- **Give landlord Notification of Property Owner Rights**
  - No need to review in full with LL.
- **VAWA Notice of Rights to tenant & Self-Certification**

**HOUSING OPPORTUNITY GRANT PROGRAM (HOP)  
LEASE ADDENDUM**

**OEO-Funded Rental Assistance**

a. The owner is leasing the rental unit to the tenant for occupancy by the tenant's family with financial assistance from the Vermont Housing Opportunity Grant Program (HOP). HOP is funded in part by the federal Emergency Solutions Grant (ESG). The Vermont Office of Economic Opportunity (OEO) manages the HOP and ESG grants. At the local level, PROGRAM NAME is the subgrantee managing the tenant's rental assistance.

b. Use of this Lease Addendum is required for any and all rental assistance from HOP pursuant to 24 C.F.R. 576.106(e). Modification of this agreement is not permitted.

c. Any terms of the rental agreement between the owner and the tenant that are contrary to the terms of this HOP Lease Addendum are voidable for the term of the HOP Rental Assistance. If there is a conflict between the terms of the lease and the HOP Lease Addendum, the terms of the Addendum shall apply. Once the HOP Rental Assistance period ends, formerly voidable lease terms that are not contrary to federal, state, and local law shall not be voidable.

**Parties to the Agreement**

a. Owner

- i. Name:
- ii. Address for remittance of payments and correspondence:
- iii. Telephone:

b. PROGRAM NAME:

c. Tenant(s)

# VAWA Protocols & Forms for HOP: Client/advocate reports DV/SA incident



- **Safety first!**
  - Verify safe mailing address for forms, or arrange to meet in person.
  - Check on safety for leaving messages and telephone.
- **Review VAWA options, review Notice of Rights:**
  - Eviction defense: Refer to Vermont Legal Aid.
  - Emergency transfer: Tenants who are victims may transfer to another available & safe dwelling with continued assistance if: (1) threatened with imminent harm; or (2) sexually assaulted on the premises within the last 90 days.
  - Bifurcation: Removing the perpetrator from the lease
    - Victim remains in unit and continues to receive rental assistance.
    - At landlord discretion.

# VAWA Protocols & Forms for HOP: Client/advocate reports DV/SA incident



- Promptly make written request for documentation, if desired.
  - Tenant has 14 days to provide docs (can be extended).
  - Tenant chooses what documentation to provide. Choice of:
    - HUD VAWA self-certification form. Form HUD-5382.
    - Professional certification.
    - A record of a federal, state, tribal, territorial, or local law enforcement agency, court, or administrative agency. E.g.: Police report, Relief from Abuse Order.
    - A statement or other evidence provided by the applicant/tenant.
- If tenant wants to move, give ET plan and Form 5383
- Review confidentiality protections
- Make referrals: Vermont Network member organizations,  
Vermont Legal Aid, 800-889-2047

# VAWA Protocols & Forms for HOP: Client/advocate reports DV/SA incident



- **Determine eligibility for VAWA protections:**
  - **Basic:** Is the client a victim of DV/SA/stalking/dating violence?
    - Intimate partner violence (or ex intimate partner violence), spouses and ex-spouses, people with a child in common, and any other relationship covered under the DV laws of the jurisdiction.
      - In Vermont, that covers family members who reside together and other cohabitants.
    - Stalking: A course of conduct by the perpetrator, directed at the victim, that would cause a reasonable person to fear for their safety or the safety of others and caused substantial emotional distress.
    - Sexual assault: Sexual act without consent, by threat/coercion, fear of bodily injury, or where person administered drugs/intoxicants without consent.
  - **If denied:** Send written notice to tenant to safe address or in hand.

Include notice of grievance rights.

# VAWA Protocols & Forms for HOP: Emergency Transfer



- Tenant must make written request.
  - Form HUD-5383; or other signed writing with statement of eligibility.
  - Eligibility factors:
    - Victim of DV, dating violence, SA, stalking; AND
    - Fear imminent harm in unit OR victim of SA within the last 90 days
- Options, tenant choice:
  - Intensive housing search case management, stay in unit in the meantime.
  - DV shelter or EA/GA & provide housing search case management.
- Notice to Landlord:
  - Tenant qualifies for VAWA protections, ET **has occurred**, rental agreement is terminated.
  - Property Owner Notice of Rights & Responsibilities

# VAWA Protocols & Forms for HOP: Approved Request for Lease Bifurcation



- This only works if the perpetrator is out of the unit – under Vermont law, we can't force a bifurcation.
- Agency provides notice to LL:
  - Tenant qualifies for VAWA protections and is seeking lease “bifurcation”. Remind landlord of confidentiality requirements.
  - Ask landlord to respond within a reasonable period of time.
- Bifurcation is at option of landlord:
  - Landlord agrees: Rental agreement terminates. New rental agreement with remaining household members, same terms and conditions and termination date. HOP rental assistance continues.
  - LL rejects bifurcation: Perpetrator still has occupancy rights. Refer to service providers and VLA, offer victim an emergency transfer.

# VAWA Protocols & Forms for HOP: Involuntary Termination of Rental Assistance



- Provide written notice of denial.
  - Clear statement of the reason for the denial and notice of the opportunity to appeal/grieve the decision.
  - Grievance process: Opportunity to object to decision to a person other than the person who issued the denial.
    - Prompt written notice of the final decision to the applicant.
- Provide VAWA Notice of Rights
- Provide VAWA Self-Certification

## 5. Termination (Involuntary) of HOP Rental Assis

- Provide VAWA Notice of Rights
- Provide HUD VAWA Self-Certification F

## VAWA Protocols & Forms for HOP: Release of Info Form & Confidentiality Requirements



- Confidentiality requirements: All information and documents related to VAWA requests are strictly confidential, including tenant's status as victim. Cannot be entered into HMIS.
- In agency:
  - Not accessible to all staff at agency, no shared database.
  - Only "for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law."
- To landlord:
  - Emergency transfer: Tenant has vacated pursuant to a VAWA emergency transfer. Do not share new address. Remind LL to keep info strictly confidential.
  - Bifurcation: Tenant seeks lease bifurcation pursuant to VAWA. Remind LL of requirement to keep this information strictly confidential.
- See model release. Must not use standard agency release.
- If information is required for use in eviction/termination proceeding or otherwise required by law, see 24 C.F.R. 5.2007, consult your attorney.

# VAWA Reporting Requirements



- Who has to report: Only grantees providing rental assistance.
- Total Emergency Transfers and Lease Bifurcations.
- Has been added to FY2019 reporting form.

Special Populations Subpopulations	Total
Veterans	
Victims of Domestic Violence	
Elderly	
HIV/AIDS	
Chronic Homelessness	
Persons with Disabilities	Total
Severely Mentally Ill	
Chronic Substance Abuse	
Other Disability	
VAWA (rental assistance only)	Total
Emergency Transfers Completed	
Lease Bifurcations Completed	

## For More Information or Consultation



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