

Violence Against Women Act and Housing-related Information

The Violence Against Women Act (VAWA) is a 1994 United States federal law that protects tenants who receive federally subsidized housing assistance from (i) being denied housing or (ii) being evicted because they or someone in their household are victims of domestic violence, dating violence, sexual assault, or stalking.

It is important to note that VAWA protections are available not only to women and girls but to all people regardless of sex, gender identity, or sexual orientation.

VAWA protections are not guaranteed to private and market-rate housing rentals unless the housing provider participates in the Housing Choice Voucher program.

These are the federal housing programs that require VAWA protection:

- Public Housing
- Section 8 Housing Choice Vouchers
- Project-based Section 8
- Section 202 Supportive Housing for the Elderly
- Section 811 Supportive Housing for People with Disabilities
- § 236 Multifamily Rental Housing
- § 221(d)(3) Below Market Interest Rate
- HOME
- Housing Opportunities for Persons with AIDS
- McKinney-Vento Act Homelessness Programs
- Rural Development Multifamily programs
- Low Income Housing Tax Credit
- Housing Trust Fund

Who is Protected and In What Circumstances?

VAWA protection is not only limited to the rental application processes and rental tenure. Protection is guaranteed to people living – with federal assistance – in shelters as well as transitional and permanent housing.

VAWA safeguards refugees and other newcomers who are violence survivors too. Protection is guaranteed when newcomers are applying for or residing in (i) shelters, (ii) transitional housing, or (iii) permanent housing that is subsidized through federal homeless assistance programs or federal affordable housing programs. As with other VAWA-protected people, protections apply to housing programs that receive any form of federal assistance or subsidy (as listed above).

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VAWA protects survivors, regardless of their sex, gender identity, or sexual orientation, and regardless of the sex, gender identity or sexual orientation of the person who caused the harm. Further, survivors have the right to protection irrespective of their relationship to the perpetrator. Neither marital nor other relationship status are considerations vis-a-vis protection. Also, the timing of the experienced violence does not affect a person's VAWA housing protections. Finally, immigration status is not a consideration vis-a-vis protection.

Why VAWA Matters in Refugee Resettlement

Refugees and other newcomers, regardless of the reasons they have been granted asylum in the U.S., can be at a heightened risk of abuse and exploitation. This vulnerability can stem from various factors, including these:

- Many are in states of post-traumatic stress because they left their homes / countries due to civil unrest and violence, sectarian or religious persecution, or war
- Most are experiencing language barriers
- All are facing new cultural norms that are at least different, if not contradictory, to what they know
- Almost none will know the extent of their legal rights in the U.S., including housing rights.

So, as refugees and other newcomers are increasingly living in situations supported by a federal housing program, they need to know what their rights are in all cases, including any household member is a victim of domestic violence, dating violence, sexual assault, or stalking.

Resettlement agencies are instrumental in detecting, addressing, and providing essential support and protection to violence survivors. This is a particularly daunting responsibility when the acknowledgement of domestic violence against woman, and children, is a taboo subject in many newcomer cultures. The responsibility is compounded, but is a potentially good way, when resettlement agency staff have the responsibility to know the relevant laws that help ensure that newcomers have housing safety – within and from outside the household – and that they have all due resources and services to help them build their lives in complete safety.

VAWA Protections During a Rental Property Application Process and Tenure

Application

- If a newcomer applicant applies for a federal housing program and meets all non-citizen eligibility criteria, they cannot be denied the housing assistance because someone in the household has experienced domestic violence, dating violence, sexual assault, or stalking. This is the same protection that U.S. citizens have, and it is crucial for ensuring that refugees and other newcomers who are survivors of these forms of violence have access to safe as well as affordable and stable housing.

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- If a newcomer who has applied for federally subsidized housing is denied admission or they are a tenant who receives an eviction notice or subsidy termination, they must be provided with HUD's Notice of VAWA Housing Rights. NOTE: Requirements on explaining reasons for denial or eviction vary depending on the source of the subsidy.
- If a newcomer's rights have been violated, they can file a complaint with HUD's Office of Fair Housing and Equal Opportunity ([How to File a VAWA Complaint](#)) or contact their local fair housing agency.

Rental Tenure

- Despite any criminal activity directly related to VAWA-protected violence/abuse having occurred, a survivor has the right to choose to stay in their housing. Under VAWA it is strictly prohibited to deny assistance, terminate aid, or evict any survivor –including a newcomer tenant household – from the federally subsidized housing program if they or someone in their household is a victim of domestic violence, dating violence, sexual assault, or stalking.
- If the perpetrator of violence is listed as co-lessee with the violence survivor, the survivor has the right to have the perpetrator removed from the lease. In effect, this action precludes the perpetrator living in the rental residence, i.e., it ends their right to occupy the property.

Other Key Protections Under VAWA

- Survivors of domestic violence, dating violence, sexual assault, or stalking who live in federally supported housing have the right to request an emergency transfer from their housing provider if they or someone in their household is facing safety concerns due to the violence or abuse. This emergency transfer allows survivors to relocate to a safer housing situation without being penalized.
- If a newcomer tenant who is a violence survivor has a Housing Choice Voucher, they can move with a guarantee of continued assistance through the voucher program.
- If a housing provider requests documentation of the violence, the survivor can use HUD's VAWA Self-Certification document/process, which is permitted unless there is conflicting information.
- Newcomer survivors have the right to confidentiality and sensitive, respectful treatment of their survivor status.
- Newcomer survivors also have the legal right to request police and emergency assistance without fear of facing any form of penalty or repercussion for seeking assistance.

Key Takeaways

- **Empowerment through Knowledge:** Refugees and other newcomers have rights under VAWA. So, refugee resettlement agency staff members' and newcomers' awareness and understanding of these protections can be lifesaving.
- **Collaborative Approaches:** Cross-sector collaboration (resettlement agencies, legal aid, housing services, health care facilities, and domestic violence shelters) enhances support.

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- **Safe Housing as a Foundation:** Access to safe and stable housing is crucial for any domestic violence survivor's healing and independence; it is especially so for newcomer survivors because of the fragility of their lives as newcomers to the U.S.
- **Cultural Sensitivity Is Critical:** Customizing care and services to the cultural and linguistic backgrounds of newcomer survivors of domestic violence strengthens supports' effectiveness.

Resources & Links

- **National Domestic Violence Hotline:** www.thehotline.org
- **U.S. Department of Justice - VAWA:** <https://civilrights.justice.gov/>
- **U.S. Department of Justice (DOJ) Resources for VAWA:** [Office on Violence Against Women \(OVW\) | Resources for Survivors | United States Department of Justice](#)
- **Housing and Urban Development (HUD) VAWA Resources:** www.hud.gov
- **VAWA Self-Petition Guide:** [Link to downloadable PDF](#)
- [Annual Report on Immigration Applications and Petitions Made by Victims of Abuse - Fiscal Year 2023 Report to Congress \(uscis.gov\)](#)
- [2022 Biennial Report to Congress on the Effectiveness of the Grant Funds under the Violence Against Women Act \(justice.gov\)](#)
- **Local Legal Aid Resources for Refugees:** [Link to Legal Services Locator](#)