

# **NYS HOME and CDBG Program Policies and Procedures**

## **Violence Against Women Act (VAWA) Policy *(Rental Development Projects and Tenant Based Rental Assistance)***

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## **I. VIOLENCE AGAINST WOMEN ACT (VAWA)**

The New York State HOME Investment Partnership Program (NYS HOME) and Community Development Block Grant Program (NYS CDBG) award federal funds for rental project development and tenant based rental assistance (TBRA) programs.

The federal Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants who are victims of domestic violence, dating violence, sexual assault, or stalking from being evicted, denied housing assistance, or terminated from housing assistance. These protections are available to victims regardless of sex, gender identity, or sexual orientation.

## **II. APPLICABILITY**

VAWA is applicable to all funded rental development projects and TBRA programs. A rental development project is defined as “a site or sites together with any building (including a manufactured housing unit) or buildings located on the site that are under common ownership, management, and financing and has been assisted in whole or part with HOME and/or CDBG funds as a single undertaking and includes all activities associated with the site(s) and building(s).” A TBRA program provides monthly rental subsidy to low income tenants and is defined as “a single undertaking that will provide TBRA assistance to one or more families.”

## **III. FAIR AND EQUITABLE HOUSING OFFICE (FEHO)**

NYS Homes and Community Renewal’s (HCR) Fair and Equitable Housing Office (FEHO) ensures compliance with VAWA for HCR funded rental development projects. FEHO also provides VAWA guidance and template forms for use by rental project owners. It is the policy of the NYS HOME and CDBG Programs that funded rental development projects and TBRA Programs adhere to FEHO VAWA guidance and use FEHO provided template forms as applicable.

Rental project owners and Local Program Administrators (LPAs) administering TBRA programs are advised to review and understand FEHO’S VAWA guidance listed below and available on HCR’s website at: <https://hcr.ny.gov/marketing-plans-policies>.

- **HCR VAWA Management Bulletin** – HCR Guidance: Violence Against Women Reauthorization Act of 2013, December 2017.

## **IV. FORMS**

Based on the guidance, rental project owners and LPAs are required to adopt FEHO’s VAWA policies and use provided template forms at initial occupancy and throughout the applicable Period of Affordability (POA) for rental projects. For TBRA programs, throughout the period the monthly rental subsidy is provided. The template forms are

available on HCR's website at: <https://hcr.ny.gov/marketing-plans-policies> and are listed below:

1. **HCR VAWA Management Bulletin** – HCR VAWA Local Service Provider List provides statewide contact info for non-profit social service providers.
2. The **Violence Against Women Act (VAWA) Lease Addendum** is executed by the rental project owner and the tenant and is attached to the owner's lease. It incorporates the State's policy adopting the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2013 into an owner's rental lease.
3. The **HCR Model Notification of Occupancy Rights under VAWA** must be given to applicants at approval, denial, and eviction or termination of NYS HOME or CDBG assistance, to inform tenants of their rights and protections under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking. These rights are not just for women, they are offered equally to all individuals regardless of sex, gender identity, or sexual orientation.
4. The **HUD Model Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation** is an optional form that is attached to the "HCR Model Notification of Occupancy Rights under VAWA" form and may be used for tenants seeking VAWA protections from a housing provider. If the provider requests written documentation about the incident, this form may be used by the tenant to document the incident(s) of domestic violence, dating violence, sexual assault, or stalking.
5. The **HCR Model Emergency Transfer Plan** must be adopted and implemented by the rental project owner for those tenants who have been determined to be victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another affordable, sanitary and safe unit in the rental project owner's portfolio.

## **V. COMPLIANCE**

Rental project owners and LPA TBRA program administrators will be monitored to ensure compliance with FEHO VAWA guidance and the use of template forms as applicable throughout the POA for rental projects and for TBRA, throughout the period the monthly rental subsidy is provided.