



**TO: Project-Based Voucher Owners/Management Agents**  
**FROM: Dee Pouliot, Managing Director, Assisted Housing Division**  
**SUBJECT: Violence Against Women Reauthorization Act of 2013 - Final Rule**  
**DATE: March 30, 2017**

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On November 16, 2016, the Department of Housing and Urban Development (HUD) published the Violence Against Women Reauthorization Act (VAWA) Final Rule. The final rule implements the requirements of the 2013 reauthorization of VAWA which applies to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identify, or sexual orientation, and which must be applied consistent with all nondiscrimination and fair housing requirements. The rule became effective on December 16, 2016 and is available on the HUD website. <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>

Key elements of the final rule include:

- **Covered housing provider.** For the Project-Based Voucher Program, “covered housing provider,” refers to NHHFA or the owner, as applicable given the responsibilities of the covered housing provider as set forth in 24 CFR part 5, subpart L. For example, NHHFA is the covered housing provider responsible for providing the notice of occupancy rights under VAWA and certification form (copy enclosed for your reference). In addition, the owner is the covered housing provider that may choose to bifurcate a lease as described at 24 CFR 5.2009(a), while both NHHFA and the owner are both responsible for ensuring that an emergency transfer plan is in place, and the owner is responsible for implementing the emergency transfer plan when an emergency occurs.
- **Emergency transfers.** One of the key elements of VAWA's housing protections are emergency transfers which allow victims of domestic and/or sexual violence to move to another safe and available unit if they fear for their life and safety. The final rule requires housing providers to allow for a victim to move immediately if there is another safe and available unit. A copy of NHHFA's Emergency Transfer Plan is enclosed for your reference.
- **Family Right to Move.** In the PBV program, the regulations allow a family to receive a tenant-based voucher after the first year of assistance at the PBV site. A tenant cannot get a tenant based voucher before the end of the first year regardless of VAWA. This is a statutory provision that is not changed by HUD's VAWA regulations. Tenants who request an emergency transfer after the first year of occupancy may request a tenant-based voucher in accordance with NHHFA's Housing Choice Voucher Administrative Plan.
- **Protections against the adverse effects of abuse.** Domestic violence can often have negative economic and criminal consequences for a victim. The final rule ensures that covered housing providers do not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a victim.
- **Third party documentation requirements are unnecessary.** The final rule makes it clear that under most circumstances, a victim need only self-certify in order to exercise their rights under VAWA, ensuring third-party documentation does not cause a barrier in a person expressing their rights and receiving the protections needed to keep themselves safe.

If you have any questions regarding the regulations or your responsibilities under VAWA, please contact me at 603-310-9239 or email [dpouliot@nhhfa.org](mailto:dpouliot@nhhfa.org).

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