[Name]

[Organization Name]

[Organization Address]

[Date]

[Court

Name of Clerk/Judge

Court address]

Dear Clerk/Judge []:

I write to clarify the current status of the housing protections under the Violence Against Women Act (VAWA) in order to prevent a substantial misunderstanding on the part of the Court. While Congressional authorization for VAWA’s grant programs expired on December 22, 2018, VAWA’s statutory housing provisions, codified at 34 U.S.C. § 12491, are permanent provisions of law. VAWA became law in 1994.[[1]](#footnote-1) Congress reauthorized VAWA in 2000,[[2]](#footnote-2) 2005,[[3]](#footnote-3) and 2013.[[4]](#footnote-4) In 2005, Congress enacted housing protections prohibiting discrimination against survivors of domestic violence, dating violence, and stalking.[[5]](#footnote-5) Congress expanded the housing protections for survivors of domestic violence, dating violence, sexual assault, and stalking (“VAWA crimes”) through the 2013 reauthorization of VAWA.[[6]](#footnote-6) Congress never added a sunset provision to these housing protections.

Therefore, the regulations and sub-regulatory authorities implementing VAWA 2013 issued by the federal agencies charged with administering the housing programs covered by VAWA continue to be in effect. This includes the Department of Housing and Urban Development’s (“HUD”) final VAWA rule, issued on November 16, 2016, that implement the requirements of VAWA 2013 for covered housing programs administered by HUD through regulation.[[7]](#footnote-7) In 2017, HUD also issued two notices regarding VAWA implementation for public housing, Section 8, and other multifamily housing providers.[[8]](#footnote-8) Furthermore, the Office of Rural Development, which administers the Department of Agriculture’s affordable housing programs covered by VAWA, issued official field guidance implementing VAWA 2013 in 2017.[[9]](#footnote-9) All of these regulations and sub-regulatory authorities remain in effect.

Even though Congress has allowed valuable VAWA-funded programs to lapse, VAWA’s housing provisions that protect residents and applicants from discrimination on the basis of their status as survivors of VAWA crimes and that confer affirmative obligations on covered housing providers remain the law of the land.

Sincerely,

1. *See* P.L. 103-322. [↑](#footnote-ref-1)
2. P.L. 106-386. [↑](#footnote-ref-2)
3. P.L. 109-162. [↑](#footnote-ref-3)
4. P.L. 113-4. [↑](#footnote-ref-4)
5. *See* P.L. 109-162, §§ 606, 607. [↑](#footnote-ref-5)
6. *See* P.L. 113-4, § 601. [↑](#footnote-ref-6)
7. HUD, Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, 81 Fed. Reg. 80,724 (Nov. 16, 2016). [↑](#footnote-ref-7)
8. HUD Notice PIH 2017-08 (HA), Violence Against Women Reauthorization Act of 2013 Guidance (May 19, 2017); HUD Notice H 2017-05, Violence Against Women Act (VAWA) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents (June 30, 2017). [↑](#footnote-ref-8)
9. USDA, RD AN No. 4814 (1944-N) (Jan.18, 2017). [↑](#footnote-ref-9)