

tities that provide capital costs for the purchase, preconstruction, construction, renovation, repair, or conversion of affordable housing units;

(3) may use funds for the administrative expenses related to the continuing operation, upkeep, maintenance, and use of housing described in paragraph (2); and

(4) may provide to the community information about housing and housing programs, and the process to locate and obtain long-term housing.

(e) Limitation

Funds provided under paragraph¹ (a) shall not be used for construction, modernization or renovation.

(f) Underserved populations and priorities

In awarding grants under this section, the Secretary of Health and Human Services shall—

(1) give priority to linguistically and culturally specific services;

(2) give priority to applications from entities that include a sexual assault service provider as described in subsection (b)(3); and

(3) award a minimum of 15 percent of the funds appropriated under this section in any fiscal year to tribal organizations.

(g) Definitions

For purposes of this section:

(1) Affordable housing

The term “affordable housing” means housing that complies with the conditions set forth in section 12745 of title 42.

(2) Long-term housing

The term “long-term housing” means housing that is sustainable, accessible, affordable, and safe for the foreseeable future and is—

(A) rented or owned by the individual;

(B) subsidized by a voucher or other program which is not time-limited and is available for as long as the individual meets the eligibility requirements for the voucher or program; or

(C) provided directly by a program, agency, or organization and is not time-limited and is available for as long as the individual meets the eligibility requirements for the program, agency, or organization.

(h) Evaluation, monitoring, administration, and technical assistance

For purposes of this section—

(1) up to 5 percent of the funds appropriated under subsection (i) for each fiscal year may be used by the Secretary of Health and Human Services for evaluation, monitoring, and administration costs under this section; and

(2) up to 8 percent of the funds appropriated under subsection (i) for each fiscal year may be used to provide technical assistance to grantees under this section.

(i) Authorization of appropriations

There are authorized to be appropriated \$4,000,000 for each of fiscal years 2023 through 2027 to carry out the provisions of this section.

¹ So in original. Probably should be “subsection”.

(Pub. L. 103–322, title IV, § 41404, as added Pub. L. 109–162, title VI, § 601, Jan. 5, 2006, 119 Stat. 3033; amended Pub. L. 109–271, § 5(a), Aug. 12, 2006, 120 Stat. 759; Pub. L. 113–4, title VI, § 603(1), Mar. 7, 2013, 127 Stat. 110; Pub. L. 117–103, div. W, title VI, § 605(b), Mar. 15, 2022, 136 Stat. 886.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043e–3 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (i). Pub. L. 117–103 substituted “2023 through 2027” for “2014 through 2018”.

2013—Subsec. (i). Pub. L. 113–4 substituted “\$4,000,000 for each of fiscal years 2014 through 2018” for “\$10,000,000 for each of fiscal years 2007 through 2011”.

2006—Subsec. (a)(1). Pub. L. 109–271, § 5(a)(1), substituted “for Children” for “of Children”.

Subsec. (d). Pub. L. 109–271, § 5(a)(2), struck out “(1) IN GENERAL.—” before “Funds awarded to”, inserted “Such activities, services, or programs—” after “becoming homeless.”, substituted “(1)” for “(2) ACTIVITIES, SERVICES, PROGRAMS.—Such activities, services, or programs described in paragraph (1)”, redesignated pars. (3) to (5) as (2) to (4), respectively, and substituted “paragraph (2)” for “paragraph (3)” in par. (3), as so redesignated.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117–103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117–103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

§ 12475. Grants to combat violence against women in public and assisted housing

(a) Purpose

It is the purpose of this section to assist eligible grantees in responding appropriately to domestic violence, dating violence, sexual assault, and stalking so that the status of being a victim of such a crime is not a reason for the denial or loss of housing. Such assistance shall be accomplished through—

(1) education and training of eligible entities;

(2) development and implementation of appropriate housing policies and practices;

(3) enhancement of collaboration with victim service providers and tenant organizations; and

(4) reduction of the number of victims of such crimes who are evicted or denied housing because of crimes and lease violations committed or directly caused by the perpetrators of such crimes.

(b) Grants authorized

(1) In general

The Attorney General, acting through the Director of the Office on Violence Against Women of the Department of Justice (“Director”), and in consultation with the Secretary of Housing and Urban Development (“Secretary”), and the Secretary of Health and Human Services, acting through the Adminis-

tration for Children, Youth and Families (“ACYF”), shall award grants and contracts for not less than 2 years to eligible grantees to promote the full and equal access to and use of housing by adult and youth victims of domestic violence, dating violence, sexual assault, and stalking.

(2) Amounts

Not less than 15 percent of the funds appropriated to carry out this section shall be available for grants to tribally designated housing entities.

(3) Award basis

The Attorney General shall award grants and contracts under this section on a competitive basis.

(4) Limitation

Appropriated funds may only be used for the purposes described in subsection (f).

(c) Eligible grantees

(1) In general

Eligible grantees are—

- (A) public housing agencies;
- (B) principally managed public housing resident management corporations, as determined by the Secretary;
- (C) public housing projects owned by public housing agencies;
- (D) tribally designated housing entities; and
- (E) private, for-profit, and nonprofit owners or managers of assisted housing.

(2) Submission required for all grantees

To receive assistance under this section, an eligible grantee shall certify that—

- (A) its policies and practices do not prohibit or limit a resident’s right to summon police or other emergency assistance in response to domestic violence, dating violence, sexual assault, or stalking;
- (B) programs and services are developed that give a preference in admission to adult and youth victims of such violence, consistent with local housing needs, and applicable law and the Secretary’s instructions;
- (C) it does not discriminate against any person—
 - (i) because that person is or is perceived to be, or has a family or household member who is or is perceived to be, a victim of such violence; or
 - (ii) because of the actions or threatened actions of the individual who the victim, as certified in subsection (e), states has committed or threatened to commit acts of such violence against the victim, or against the victim’s family or household member;
- (D) plans are developed that establish meaningful consultation and coordination with local victim service providers, tenant organizations, linguistically and culturally specific service providers, population-specific organizations, State domestic violence and sexual assault coalitions, and, where they exist, tribal domestic violence and sexual assault coalitions; and

(E) its policies and practices will be in compliance with those described in this paragraph within the later of 1 year or a period selected by the Attorney General in consultation with the Secretary and ACYF.

(d) Application

Each eligible entity seeking a grant under this section shall submit an application to the Attorney General at such a time, in such a manner, and containing such information as the Attorney General may require.

(e) Certification

(1) In general

A public housing agency, tribally designated housing entity, or assisted housing provider receiving funds under this section may request that an individual claiming relief under this section certify that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. The individual shall provide a copy of such certification to the public housing agency, tribally designated housing entity, or assisted housing provider within a reasonable period of time after the agency or authority requests such certification.

(2) Contents

An individual may satisfy the certification requirement of paragraph (1) by—

- (A) providing the public housing agency, tribally designated housing entity, or assisted housing provider with documentation, signed by an employee, agent, or volunteer of a victim service provider, an attorney, a member of the clergy, a medical professional, or any other professional from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; or
- (B) producing a Federal, State, tribal, territorial, or local police or court record.

(3) Limitation

Nothing in this subsection shall be construed to require any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager to demand that an individual produce official documentation or physical proof of the individual’s status as a victim of domestic violence, dating violence, sexual assault, or stalking, in order to receive any of the benefits provided in this section. A housing agency, assisted housing provider, tribally designated housing entity, owner, or manager may provide benefits to an individual based solely on the individual’s statement or other corroborating evidence.

(4) Confidentiality

(A) In general

All information provided to any housing agency, assisted housing provider, tribally designated housing entity, owner, or manager pursuant to paragraph (1), including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be retained in confidence by such agency, and shall neither be entered into any shared database, nor provided to

any related housing agency, assisted housing provider, tribally designated housing entity, owner, or manager, except to the extent that disclosure is—

- (i) requested or consented to by the individual in writing; or
- (ii) otherwise required by applicable law.

(B) Notification

Public housing agencies must provide notice to tenants of their rights under this section, including their right to confidentiality and the limits thereof, and to owners and managers of their rights and obligations under this section.

(f) Use of funds

Grants and contracts awarded pursuant to subsection (a) shall provide to eligible entities personnel, training, and technical assistance to develop and implement policies, practices, and procedures, making physical improvements or changes, and developing or enhancing collaborations for the purposes of—

(1) enabling victims of domestic violence, dating violence, sexual assault, and stalking with otherwise disqualifying rental, credit, or criminal histories to be eligible to obtain housing or housing assistance, if such victims would otherwise qualify for housing or housing assistance and can provide documented evidence that demonstrates the causal connection between such violence or abuse and the victims' negative histories;

(2) permitting applicants for housing or housing assistance to provide incomplete rental and employment histories, otherwise required as a condition of admission or assistance, if the victim believes that providing such rental and employment history would endanger the victim's or the victim children's safety;

(3) protecting victims' confidentiality, including protection of victims' personally identifying information, address, or rental history;

(4) assisting victims who need to leave a public housing, tribally designated housing, or assisted housing unit quickly to protect their safety, including those who are seeking transfer to a new public housing unit, tribally designated housing unit, or assisted housing unit, whether in the same or a different neighborhood or jurisdiction;

(5) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, or the victim, to remove, consistent with applicable State law, the perpetrator of domestic violence, dating violence, sexual assault, or stalking without evicting, removing, or otherwise penalizing the victim;

(6) enabling the public housing agency, tribally designated housing entity, or assisted housing provider, when notified, to honor court orders addressing rights of access to or control of the property, including civil protection orders issued to protect the victim and issued to address the distribution or possession of property among the household members in cases where a family breaks up;

(7) developing and implementing more effective security policies, protocols, and services;

(8) allotting not more than 15 percent of funds awarded under the grant to make modest physical improvements to enhance safety;

(9) training personnel to more effectively identify and respond to victims of domestic violence, dating violence, sexual assault, and stalking; and

(10) effectively providing notice to applicants and residents of the above housing policies, practices, and procedures.

(g) Authorization of appropriations

There are authorized to be appropriated \$4,000,000 for each of fiscal years 2023 through 2027 to carry out the provisions of this section.

(h) Technical assistance

Up to 12 percent of the amount appropriated under subsection (g) for each fiscal year shall be used by the Attorney General for technical assistance costs under this section.

(Pub. L. 103-322, title IV, § 41405, as added Pub. L. 109-162, title VI, § 601, Jan. 5, 2006, 119 Stat. 3035; amended Pub. L. 113-4, title VI, § 603(2), Mar. 7, 2013, 127 Stat. 110; Pub. L. 117-103, div. W, title VI, § 605(c), Mar. 15, 2022, 136 Stat. 887.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 14043e-4 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

AMENDMENTS

2022—Subsec. (b)(1). Pub. L. 117-103, § 605(c)(1), substituted “the Director of the Office on Violence Against Women” for “the Director of the Violence Against Women Office”.

Subsec. (c)(2)(D). Pub. L. 117-103, § 605(c)(2), inserted “population-specific organizations,” after “linguistically and culturally specific service providers,”.

Subsec. (g). Pub. L. 117-103, § 605(c)(3), substituted “2023 through 2027” for “2014 through 2018”.

2013—Subsec. (g). Pub. L. 113-4 substituted “\$4,000,000 for each of fiscal years 2014 through 2018” for “\$10,000,000 for each of fiscal years 2007 through 2011”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2022 AMENDMENT

Amendment by Pub. L. 117-103 not effective until Oct. 1 of the first fiscal year beginning after Mar. 15, 2022, see section 4(a) of div. W of Pub. L. 117-103, set out as an Effective Date note under section 6851 of Title 15, Commerce and Trade.

SUBPART 2—HOUSING RIGHTS

§ 12491. Housing protections for victims of domestic violence, dating violence, sexual assault, and stalking

(a) Definitions

In this subpart:

(1) Affiliated individual

The term “affiliated individual” means, with respect to an individual—

(A) a spouse, parent, sibling, or child of that individual, or an individual to whom that individual stands in loco parentis; or

(B) any individual, tenant, or lawful occupant living in the household of that individual.