

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.

**(2) Appropriate agency**

The term “appropriate agency” means, with respect to a covered housing program, the Executive department (as defined in section 101 of title 5) that carries out the covered housing program.

**(3) Covered housing program**

The term “covered housing program” means—

(A) the program under section 1701q of title 12, including the direct loan program under such section;

(B) the program under section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 8013);

(C) the program under subtitle D of title VIII of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12901 et seq.);

(D) the programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360 et seq.);

(E) the program under subtitle A of title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741 et seq.);

(F) the program under paragraph (3) of section 1715(d) of title 12 that bears interest at a rate determined under the proviso under paragraph (5) of such section 1715(d);

(G) the program under section 1715z-1 of title 12;

(H) the programs under sections 1437d and 1437f of title 42;

(I) rural housing assistance provided under sections 1484, 1485, 1486, 1490m, 1490p-2, and 1490r of title 42;

(J) the low income housing tax credit program under section 42 of title 26;

(K) the provision of assistance from the Housing Trust Fund established under section 4568 of title 12;

(L) the provision of assistance for housing under the Comprehensive Service Programs for Homeless Veterans program under subchapter II of chapter 20 of title 38;

(M) the provision of assistance for housing and facilities under the grant program for homeless veterans with special needs under section 2061 of title 38;

(N) the provision of assistance for permanent housing under the program for financial assistance for supportive services for very low-income veteran families in permanent housing under section 2044 of title 38;

(O) the provision of transitional housing assistance for victims of domestic violence, dating violence, sexual assault, or stalking under the grant program under subpart 4 of part B; and

(P) any other Federal housing programs providing affordable housing to low- and moderate-income persons by means of restricted rents or rental assistance, or more generally providing affordable housing opportunities, as identified by the appropriate agency through regulations, notices, or any other means.

**(b) Prohibited basis for denial or termination of assistance or eviction****(1) In general**

An applicant for or tenant of housing assisted under a covered housing program may

not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

**(2) Construction of lease terms**

An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as—

(A) a serious or repeated violation of a lease for housing assisted under a covered housing program by the victim or threatened victim of such incident; or

(B) good cause for terminating the assistance, tenancy, or occupancy rights to housing assisted under a covered housing program of the victim or threatened victim of such incident.

**(3) Termination on the basis of criminal activity****(A) Denial of assistance, tenancy, and occupancy rights prohibited**

No person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.

**(B) Bifurcation****(i) In general**

Notwithstanding subparagraph (A), a public housing agency or owner or manager of housing assisted under a covered housing program may bifurcate a lease for the housing in order to evict, remove, or terminate assistance to any individual who is a tenant or lawful occupant of the housing and who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant of the housing.

**(ii) Effect of eviction on other tenants**

If public housing agency or owner or manager of housing assisted under a covered housing program evicts, removes, or terminates assistance to an individual under clause (i), and the individual is the sole tenant eligible to receive assistance under a covered housing program, the public housing agency or owner or manager of housing assisted under the covered housing program shall provide any remaining tenant or resident an opportunity to establish

eligibility for the covered housing program. If a tenant or resident described in the preceding sentence cannot establish eligibility, the public housing agency or owner or manager of the housing shall provide the tenant or resident a reasonable time, as determined by the appropriate agency, to find new housing or to establish eligibility for housing under another covered housing program.

**(C) Rules of construction**

Nothing in subparagraph (A) shall be construed—

(i) to limit the authority of a public housing agency or owner or manager of housing assisted under a covered housing program, when notified of a court order, to comply with a court order with respect to—

(I) the rights of access to or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or

(II) the distribution or possession of property among members of a household in a case;

(ii) to limit any otherwise available authority of a public housing agency or owner or manager of housing assisted under a covered housing program to evict or terminate assistance to a tenant for any violation of a lease not premised on the act of violence in question against the tenant or an affiliated person of the tenant, if the public housing agency or owner or manager does not subject an individual who is or has been a victim of domestic violence, dating violence, or stalking to a more demanding standard than other tenants in determining whether to evict or terminate;

(iii) to limit the authority to terminate assistance to a tenant or evict a tenant from housing assisted under a covered housing program if a public housing agency or owner or manager of the housing can demonstrate that an actual and imminent threat to other tenants or individuals employed at or providing service to the property would be present if the assistance is not terminated or the tenant is not evicted; or

(iv) to supersede any provision of any Federal, State, or local law that provides greater protection than this section for victims of domestic violence, dating violence, sexual assault, or stalking.

**(c) Documentation**

**(1) Request for documentation**

If an applicant for, or tenant of, housing assisted under a covered housing program represents to a public housing agency or owner or manager of the housing that the individual is entitled to protection under subsection (b), the public housing agency or owner or manager may request, in writing, that the applicant or tenant submit to the public housing agency or owner or manager a form of documentation described in paragraph (3).

**(2) Failure to provide certification**

**(A) In general**

If an applicant or tenant does not provide the documentation requested under paragraph (1) within 14 business days after the tenant receives a request in writing for such certification from a public housing agency or owner or manager of housing assisted under a covered housing program, nothing in this subpart may be construed to limit the authority of the public housing agency or owner or manager to—

(i) deny admission by the applicant or tenant to the covered program;

(ii) deny assistance under the covered program to the applicant or tenant;

(iii) terminate the participation of the applicant or tenant in the covered program; or

(iv) evict the applicant, the tenant, or a lawful occupant that commits violations of a lease.

**(B) Extension**

A public housing agency or owner or manager of housing may extend the 14-day deadline under subparagraph (A) at its discretion.

**(3) Form of documentation**

A form of documentation described in this paragraph is—

(A) a certification form approved by the appropriate agency that—

(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

(iii) includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide;

(B) a document that—

(i) is signed by—

(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and

(II) the applicant or tenant; and

(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

(D) at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a

statement or other evidence provided by an applicant or tenant.

**(4) Confidentiality**

Any information submitted to a public housing agency or owner or manager under this subsection, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking shall be maintained in confidence by the public housing agency or owner or manager and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

(A) requested or consented to by the individual in writing;

(B) required for use in an eviction proceeding under subsection (b); or

(C) otherwise required by applicable law.

**(5) Documentation not required**

Nothing in this subsection shall be construed to require a public housing agency or owner or manager of housing assisted under a covered housing program to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

**(6) Compliance not sufficient to constitute evidence of unreasonable act**

Compliance with subsection (b) by a public housing agency or owner or manager of housing assisted under a covered housing program based on documentation received under this subsection, shall not be sufficient to constitute evidence of an unreasonable act or omission by the public housing agency or owner or manager or an employee or agent of the public housing agency or owner or manager. Nothing in this paragraph shall be construed to limit the liability of a public housing agency or owner or manager of housing assisted under a covered housing program for failure to comply with subsection (b).

**(7) Response to conflicting certification**

If a public housing agency or owner or manager of housing assisted under a covered housing program receives documentation under this subsection that contains conflicting information, the public housing agency or owner or manager may require an applicant or tenant to submit third-party documentation, as described in subparagraph (B), (C), or (D) of paragraph (3).

**(8) Preemption**

Nothing in this subsection shall be construed to supersede any provision of any Federal, State, or local law that provides greater protection than this subsection for victims of domestic violence, dating violence, sexual assault, or stalking.

**(d) Notification**

**(1) Development**

The Secretary of Housing and Urban Development shall develop a notice of the rights of individuals under this section, including the right to confidentiality and the limits thereof.

**(2) Provision**

Each public housing agency or owner or manager of housing assisted under a covered housing program shall provide the notice developed under paragraph (1), together with the form described in subsection (c)(3)(A), to an applicant for or tenants of housing assisted under a covered housing program—

(A) at the time the applicant is denied residency in a dwelling unit assisted under the covered housing program;

(B) at the time the individual is admitted to a dwelling unit assisted under the covered housing program;

(C) with any notification of eviction or notification of termination of assistance; and

(D) in multiple languages, consistent with guidance issued by the Secretary of Housing and Urban Development in accordance with Executive Order 13166 (42 U.S.C. 2000d-1 note; relating to access to services for persons with limited English proficiency).

**(e) Emergency transfers**

Each appropriate agency shall adopt a model emergency transfer plan for use by public housing agencies and owners or managers of housing assisted under covered housing programs that—

(1) allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to transfer to another available and safe dwelling unit assisted under a covered housing program if—

(A) the tenant expressly requests the transfer; and

(B)(i) the tenant reasonably believes that the tenant is threatened with imminent harm from further violence if the tenant remains within the same dwelling unit assisted under a covered housing program; or

(ii) in the case of a tenant who is a victim of sexual assault, the sexual assault occurred on the premises during the 90 day period preceding the request for transfer; and

(2) incorporates reasonable confidentiality measures to ensure that the public housing agency or owner or manager does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

**(f) Policies and procedures for emergency transfer**

The Secretary of Housing and Urban Development shall establish policies and procedures under which a victim requesting an emergency transfer under subsection (e) may receive, subject to the availability of tenant protection vouchers, assistance under section 1437f(o) of title 42.

**(g) Implementation**

The appropriate agency with respect to each covered housing program shall implement this section, as this section applies to the covered housing program.

(Pub. L. 103-322, title IV, § 41411, as added Pub. L. 113-4, title VI, § 601(a)(4), Mar. 7, 2013, 127 Stat. 102; amended Pub. L. 114-324, § 6, Dec. 16, 2016, 130 Stat. 1951; Pub. L. 117-103, div. W, title VI, § 601, Mar. 15, 2022, 136 Stat. 881.)

**Editorial Notes**

## REFERENCES IN TEXT

The Cranston-Gonzalez National Affordable Housing Act, referred to in subsec. (a)(3)(C), (E), is Pub. L. 101-625, Nov. 28, 1990, 104 Stat. 4079. Subtitle A of title II of the Act is classified generally to part A (§12741 et seq.) of subchapter II of chapter 130 of Title 42, The Public Health and Welfare. Subtitle D of title VIII of the Act, known as the AIDS Housing Opportunity Act, is classified generally to chapter 131 (§12901 et seq.) of Title 42. For complete classification of this Act to the Code, see Short Title note set out under section 12701 of Title 42 and Tables.

The McKinney-Vento Homeless Assistance Act, referred to in subsec. (a)(3)(D), is Pub. L. 100-77, July 22, 1987, 101 Stat. 482. Title IV of the Act is classified principally to subchapter IV (§11360 et seq.) of chapter 119 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 11301 of Title 42 and Tables.

## CODIFICATION

Section was formerly classified to section 14043e-11 of Title 42, The Public Health and Welfare, prior to editorial reclassification and renumbering as this section.

## AMENDMENTS

2022—Subsec. (a)(1)(A). Pub. L. 117-103, §601(1), substituted “sibling,” for “brother, sister,”.

Subsec. (a)(3)(A). Pub. L. 117-103, §601(2)(A), inserted “, including the direct loan program under such section” before semicolon at end.

Subsec. (a)(3)(D). Pub. L. 117-103, §601(2)(B), substituted “the programs under” for “the program under subtitle A of”.

Subsec. (a)(3)(I). Pub. L. 117-103, §601(2)(C)(i), substituted “sections 1484, 1485, 1486, 1490m, 1490p-2, and 1490r of title 42” for “sections 1484, 1485, 1486, 1490m, and 1490p-2 of title 42”.

Subsec. (a)(3)(K) to (P). Pub. L. 117-103, §601(2)(C)(ii), (D), (E), added subpars. (K) to (P).

2016—Subsec. (b)(3)(B)(ii). Pub. L. 114-324 inserted “or resident” after “any remaining tenant” in first sentence and “or resident” after “tenant” in two places in second sentence.

**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.

**§ 12492. Compliance reviews****(a) Regular compliance reviews****(1) In general**

Each appropriate agency shall establish a process by which to review compliance with the requirements of this part, which shall—

(A) where possible, be incorporated into other existing compliance review processes of the appropriate agency, in consultation with the Gender-based Violence Prevention Office and Violence Against Women Act Director described in section 12493 of this title and any other relevant officials of the appropriate agency; and

(B) examine—

(i) compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of domestic

violence, dating violence, sexual assault, or stalking;

(ii) compliance with confidentiality provisions set forth in section 12491(c)(4) of this title;

(iii) compliance with the notification requirements set forth in section 12491(d)(2) of this title;

(iv) compliance with the provisions for accepting documentation set forth in section 12491(c) of this title;

(v) compliance with emergency transfer requirements set forth in section 12491(e) of this title; and

(vi) compliance with the prohibition on retaliation set forth in section 12494 of this title.

**(2) Frequency**

Each appropriate agency shall conduct the review described in paragraph (1) on a regular basis, as determined by the appropriate agency.

**(b) Regulations****(1) In general**

Not later than 2 years after March 15, 2022, each appropriate agency shall issue regulations in accordance with section 553 of title 5 to implement subsection (a) of this section, which shall—

(A) define standards of compliance under covered housing programs;

(B) include detailed reporting requirements, including the number of emergency transfers requested and granted, as well as the length of time needed to process emergency transfers; and

(C) include standards for corrective action plans where compliance standards have not been met.

**(2) Consultation**

In developing the regulations under paragraph (1), an appropriate agency shall engage in additional consultation with appropriate stakeholders including, as appropriate—

(A) individuals and organizations with expertise in the housing needs and experiences of victims of domestic violence, dating violence, sexual assault and stalking; and

(B) individuals and organizations with expertise in the administration or management of covered housing programs, including industry stakeholders and public housing agencies.

**(c) Public disclosure**

Each appropriate agency shall ensure that an agency-level assessment of the information collected during the compliance review process completed pursuant to this subsection—

(1) includes an evaluation of each topic identified in subsection (a); and

(2) is made publicly available.

(Pub. L. 103-322, title IV, §41412, as added Pub. L. 117-103, div. W, title VI, §602, Mar. 15, 2022, 136 Stat. 882.)

**Editorial Notes**

## CODIFICATION

Pub. L. 117-103, div. W, title VI, §602, which directed the addition of this section to chapter 2 of subtitle N