

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

of title IV of the Violence Against Women Act of 1994 (34 U.S.C. 12491 et seq.), was executed by adding this section to chapter 2 of subtitle N of title IV of the Violent Crime Control and Law Enforcement Act of 1994 to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 a note under section 6851 of Title 15, Commerce and Trade.

§ 12493. Department of Housing and Urban Development Gender-based Violence Prevention Office and Violence Against Women Act Director

(a) Establishment

The Secretary of Housing and Urban Development shall establish a Gender-based Violence Prevention Office with a Violence Against Women Act Director (in this section referred to as the “Director”).

(b) Duties

The Director shall, among other duties—

- (1) support implementation of this subpart;
- (2) coordinate with Federal agencies on legislation, implementation, and other issues affecting the housing provisions under this part, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking;
- (3) coordinate with State and local governments and agencies, including State housing finance agencies, regarding advancing housing protections and access to housing for victims of domestic violence, dating violence, sexual assault, and stalking;
- (4) ensure that technical assistance and support are provided to each appropriate agency and housing providers regarding implementation of this part, as well as other issues related to advancing housing protections for victims of domestic violence, dating violence, sexual assault, and stalking, including compliance with this part;
- (5) implement internal systems to track, monitor, and address compliance failures; and
- (6) address the housing needs and barriers faced by victims of sexual assault, as well as sexual coercion and sexual harassment by a public housing agency or owner or manager of housing assisted under a covered housing program.

(c) Authorization of appropriations

There are authorized to be appropriated to carry out this section such sums as may be necessary for fiscal years 2023 through 2027.

(Pub. L. 103–322, title IV, §41413, as added Pub. L. 117–103, div. W, title VI, §602, Mar. 15, 2022, 136 Stat. 883.)

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 of title IV of the Violence Against Women Act of 1994

(34 U.S.C. 12491 et seq.), was executed by adding this section to chapter 2 of subtitle N of title IV of the Violent Crime Control and Law Enforcement Act of 1994 to reflect the probable intent of Congress.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section 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 a note under section 6851 of Title 15, Commerce and Trade.

§ 12494. Prohibition on retaliation

(a) Non-retaliation requirement

No public housing agency or owner or manager of housing assisted under a covered housing program shall discriminate against any person because that person has opposed any act or practice made unlawful by this part, or because that person testified, assisted, or participated in any matter related to this subpart.

(b) Prohibition on coercion

No public housing agency or owner or manager of housing assisted under a covered housing program shall coerce, intimidate, threaten, or interfere with, or retaliate against, any person in the exercise or enjoyment of, on account of the person having exercised or enjoyed, or on account of the person having aided or encouraged any other person in the exercise or enjoyment of, any rights or protections under this subpart, including—

- (1) intimidating or threatening any person because that person is assisting or encouraging a person entitled to claim the rights or protections under this subpart; and
- (2) retaliating against any person because that person has participated in any investigation or action to enforce this subpart.

(c) Implementation

The Secretary of Housing and Urban Development and the Attorney General shall implement and enforce this subpart consistent with, and in a manner that provides, the rights and remedies provided for in title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

(Pub. L. 103–322, title IV, §41414, as added Pub. L. 117–103, div. W, title VI, §602, Mar. 15, 2022, 136 Stat. 884.)

Editorial Notes

REFERENCES IN TEXT

The Civil Rights Act of 1968, referred to in subsec. (c), is Pub. L. 90–284, Apr. 11, 1968, 82 Stat. 73. Title VIII of the Act, known as the Fair Housing Act, is classified principally to subchapter I (§3601 et seq.) of chapter 45 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 3601 of Title 42 and Tables.

CODIFICATION

Pub. L. 117–103, div. W, title VI, §602, which directed the addition of this section to chapter 2 of subtitle N of title IV of the Violence Against Women Act of 1994 (34 U.S.C. 12491 et seq.), was executed by adding this section to chapter 2 of subtitle N of title IV of the Violent Crime Control and Law Enforcement Act of 1994 to reflect the probable intent of Congress.