

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

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#### § 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.

**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.

**§ 12495. Right to report crime and emergencies from one's home****(a) Definition**

In this section, the term “covered governmental entity” means any municipal, county, or State government that receives funding under section 5306 of title 42.

**(b) Right to report****(1) In general**

Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing—

(A) shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance; and

(B) shall not be penalized based on their requests for assistance or based on criminal activity of which they are a victim or otherwise not at fault under statutes, ordinances, regulations, or policies adopted or enforced by covered governmental entities.

**(2) Prohibited penalties**

Penalties that are prohibited under paragraph (1) include—

(A) actual or threatened assessment of monetary or criminal penalties, fines, or fees;

(B) actual or threatened eviction;

(C) actual or threatened refusal to rent or renew tenancy;

(D) actual or threatened refusal to issue an occupancy permit or landlord permit; and

(E) actual or threatened closure of the property, or designation of the property as a nuisance or a similarly negative designation.

**(c) Reporting**

Consistent with the process described in section 5304(b) of title 42, covered governmental entities shall—

(1) report any of their laws or policies, or, as applicable, the laws or policies adopted by subgrantees, that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property; and

(2) certify that they are in compliance with the protections under this part or describe the steps the covered governmental entities will take within 180 days to come into compliance, or to ensure compliance among subgrantees.

**(d) 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 same rights and remedies as those provided for in title VIII of

the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.).

**(e) Subgrantees**

For those covered governmental entities that distribute funds to subgrantees, compliance with subsection (c)(1) includes inquiring about the existence of laws and policies adopted by subgrantees that impose penalties on landlords, homeowners, tenants, residents, occupants, guests, or housing applicants based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property.

(Pub. L. 103-322, title IV, § 41415, as added Pub. L. 117-103, div. W, title VI, § 603, Mar. 15, 2022, 136 Stat. 885.)

**Editorial Notes**

## REFERENCES IN TEXT

The Civil Rights Act of 1968, referred to in subsec. (d), 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, § 603, 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.

**§ 12496. Training and technical assistance grants**

There is authorized to be appropriated to the Secretary of Housing and Urban Development such sums as may be necessary for fiscal years 2023 through 2027 to be used for training and technical assistance to support the implementation of this subpart, including technical assistance agreements with entities whose primary purpose and expertise is assisting survivors of sexual assault and domestic violence or providing culturally specific services to victims of domestic violence, dating violence, sexual assault, and stalking.

(Pub. L. 103-322, title IV, § 41416, as added Pub. L. 117-103, div. W, title VI, § 605(d), Mar. 15, 2022, 136 Stat. 887.)

**Editorial Notes**

## CODIFICATION

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