

The Housing Authority of the City of Lanett, Alabama

Domestic Violence Protections

Attachment 2

What Is the Violence Against Women Act (VAWA)?

The Violence Against Women Act (VAWA) is a landmark piece of legislation that sought to improve criminal justice and community-based responses to domestic violence, dating violence, sexual assault, and stalking in the United States.

The passage of VAWA in 1994 and its reauthorization in 2000, 2005, and 2013 have changed the landscape for victims who once suffered in silence. Victims of domestic violence, dating violence, sexual assault, and stalking have been able to access services, and a new generation of families and justice system professionals has come to understand that domestic violence, dating violence, sexual assault, and stalking are crimes that our society will not tolerate.

Limitations on VAWA Protections [24 CFR 5.2005(d) and (e)]

Parties whom VAWA protects – VAWA 2013 expands the housing protections to cover survivors of sexual assault and protects anyone who:

- Is a victim of actual or threatened domestic violence, dating violence, sexual assault or stalking, or an “affiliated individual” of the victim (spouse, parent, brother, sister, or child of that victim; or an individual to whom that victim stands in loco parentis; or an individual, tenant or lawful occupant living in the victim’s household); and,
- Is living in or seeking admission to, any of the covered housing programs?

VAWA 2013 eliminates the requirement that the household member be related by blood or marriage to the victim. Therefore, VAWA 2013 protects individuals who simply live in the victim’s household, regardless of whether they are related by marriage or blood to the victim.

Definitions – The new law revises the definition of “domestic violence” to include crimes of violence committed by an intimate partner of the victim or by a person who has cohabitated with the victim as an intimate partner. VAWA 2013 further amends the definition of “stalking” by including a more general definition than had been provided by VAWA 2005. VAWA 2013 defines the terms in the following manner:

Domestic violence includes felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child;
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies; or
- Any other person who committed a crime against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction.

Dating violence is violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- The existence of such a relationship is determined based on the following factors
 - Length of the relationship
 - Type of relationship
 - Frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks capacity to consent.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for his or her safety or others; or
- Suffer substantial emotional distress.

[Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking HUD Form](#)

Form HUD 50066