



BREAKING NEWS

HUD Issues Rule to Expand Housing Protections for Survivors of Violence

On October 24, 2016, the U.S. Department of Housing and Urban Development finalized a new rule to protect the housing of survivors of domestic and dating violence, sexual assault, and stalking. [Read HUD's final rule.](#)

In an address to the National Coalition Against Domestic Violence in Chandler, Arizona, HUD Secretary Julián Castro emphasized the importance of the rule in building a broad set of housing protections into all of HUD's key programs.

"Nobody should have to choose between an unsafe home and no home at all," said Secretary Castro. "Today we take a necessary step toward ensuring domestic violence survivors are protected from being twice victimized when it comes to finding and keeping a home they can feel safe in."

HUD's rule includes:

- **Continuation of the core protections** – The rule codifies the core protection across HUD's covered programs ensuring survivors are not denied assistance as an applicant, or evicted or have assistance terminated due to having been a victim of domestic violence, dating violence, sexual assault, and stalking, or for being affiliated with a victim.
- **Emergency transfers** – One of the key elements of VAWA's housing protections are emergency transfers which allows for survivors to move to another safe and available unit if they fear for their life and safety. VAWA required HUD to adopt a model emergency transfer plan for housing providers and to explain how housing providers **must** address their tenants' requests for emergency transfers. HUD's model emergency transfer plan:
 - » allows a survivor to self-certify their need for an emergency transfer, ensuring documentation is not a barrier to protecting their immediate safety;
 - » allows the survivor to determine what is a safe unit for purposes of the transfer, ensuring that the survivor has control over their own safety planning;
 - » requires housing providers to allow for a resident to move immediately if there is another safe and available unit that does not require the survivor to undergo an application process as a new tenant, ensuring quicker access to safe housing;
 - » requires housing providers to explain the efforts they will take when there is not a safe and available unit available for an emergency transfer and encourages housing providers to partner with victim services and advocates and other housing providers to assist a survivor; and,
 - » requires housing providers to document requests for emergency transfers, including the outcome of the request, and to report annually to HUD.

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HUD Issues Rule to Expand Housing Protections for Survivors of Violence (continued)

- **Protections against the adverse effects of abuse** – Domestic violence can often have negative economic and criminal consequences on a survivor. The perpetrator may take out credit cards in a survivor's name, ruining their credit history, or causing damage to survivor's property causing eviction and poor rental history. The perpetrator may force a survivor to participate in criminal activity or a survivor may be arrested as part of policies that require arresting of both parties in a domestic disturbance. The final rule ensures that covered housing providers do not deny tenancy or occupancy rights based solely on these adverse factors that are a direct result of being a survivor.
- **Low-barrier certification process** – The final rule makes it clear that under most circumstances, a survivor need only to self-certify in order to exercise their rights under VAWA, ensuring third party documentation does not cause a barrier for or to a survivor expressing their rights and in receiving the protections needed to keep themselves safe.

Background

On March 7, 2013, President Obama signed the *Violence Against Women Reauthorization Act of 2013 (VAWA 2013)* into law. The law significantly expanded the housing protections to survivors of domestic violence, dating violence, sexual assault, and stalking, across HUD's core housing and homelessness programs. HUD quickly modified its administrative practices to incorporate the core protections, but the more expansive protections required a change in regulation. The final rule announced today satisfies this requirement.

Last month, HUD also issued new guidance to assist local governments in the development and implementation of nuisance and crime-free ordinances to make certain they don't violate victims' rights under the Fair Housing Act. These nuisance and crime-free ordinances can result in housing discrimination by requiring or encouraging evictions for use of emergency services, including 911 calls. Too often, these ordinances cause survivors of domestic violence to have to choose between keeping their home or protecting their own life.

Continuing Remission of Excess PRAC Residual Receipts

On September 28, 2016, Congress enacted legislation that provides appropriations at a continuing rate of operations for the period October 1, 2016 through December 9, 2016. This legislation (P.L. 114-223) also allows for the continued use of Project Rental Assistance Contract (PRAC) residual receipt collections by the Department to support Sec. 202 and Sec. 811 contract renewal and amendment needs. As was signaled in the memo dated March 11, 2016 ([see attached file](#)), HUD is continuing to collect excess residual receipts without interruption in FY 2017. Owners should continue making remissions according to the protocols defined in the attached memorandum.

HUD will provide additional guidance once a full-year appropriations bill or additional continuing resolution is enacted. Owners and contract administrators should presume collection of excess residual receipts will continue under subsequent legislation providing appropriations for FY 2017.

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Addressing the Threat of the Zika Virus at Multifamily Projects

In light of the ongoing threat and associated health concerns surrounding the Zika virus, the Office of Asset Management and Portfolio Oversight, with the concurrence of the Office of the General Counsel issued the following guidance:

Multifamily project owners covered by 24 CFR 200.853 are responsible for ensuring that their projects comply with the Physical Conditions Standards set forth in 24 CFR Part 5 Subpart G. With HUD approval, Section 8, Section 202, Section 811, and multifamily insured project owners may use residual receipts and reserve for replacement funds for reasonable expenses associated with routine preventative maintenance. The use of residual receipts may include costs associated with spraying for pests including mosquitos, and costs associated with door and screen repair and replacement. The use of reserve for replacement funds may include similar costs, as long as these costs are for capital repairs or extraordinary maintenance rather than routine maintenance items (for example, replacing all of the doors or window screens in a project as part of replacement program). Multifamily insured project owners may also treat costs expended for these purposes as reasonable operating expenses.

For more information about the Zika virus you may reference the following website: <http://syndication.nih.gov/zika.htm>.

RHIIP Listserv #366: 2017 Utility Allowance Adjustment Factors Available

The Utility Allowance Adjustment Factors for 2017 are available at <https://www.huduser.gov/portal/datasets/mauf.html>. Owners are to use these factors when undertaking the factor-based utility analysis. The factors are effective for any project with an anniversary date on or after February 11, 2017.

RHIIP Listserv #365: Housing Notice 2016-09 “Streamlining Rule” Posted to HUDCLIPS

[Housing Notice 2016-09, Streamlining Administrative Regulations for Multifamily Housing Programs](#), has been posted to HUDCLIPS. The notice details the applicable provisions for Multifamily Housing programs which were implemented by the final rule titled “Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs.”

The applicable provisions for Multifamily Housing programs are:

1. Verification of Social Security Numbers
2. Definition of Extremely Low-Income Families
3. Inclusion of Mandatory Fees and Charges with Tuition
4. Streamlined Reexamination of Family Income and Composition