



OFFICE OF FAIR HOUSING
AND EQUAL OPPORTUNITY

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-2000

March 27, 2023

MEMORANDUM FOR: Fair Housing Assistance Program Participants; HUD FHEO Region Directors; HUD FHEO FHAP GTRs/GTMs

FROM: Erik L. Steinecker, Director, Fair Housing Assistance Program

SUBJECT: Guidance on the Implementation of FHEO Notice FHEO-2023-1

I. Violence Against Woman Act 2022 Reauthorization

The Violence Against Women Act (VAWA) provides, among other things, housing protections for survivors of domestic violence, dating violence, sexual assault, and/or stalking. On March 15, 2022, VAWA was reauthorized and amended (*see* Pub. L. 117-103, Division W, 136 Stat. 49 (2022)) (VAWA 2022) to require that the U.S. Department of Housing and Urban Development (HUD or the “Department”) implement and enforce VAWA’s housing rights and ensure that program participants comply with those requirements.

Per § 602 of VAWA 2022, HUD and the Attorney General of the United States are mandated to implement and enforce the housing provisions of VAWA consistent with, and in a manner that provides, the same rights and remedies as those provided for in the Fair Housing Act (42 U.S.C. §§ 3601 – 19). As a result, on January 20, 2023, HUD’s Office of Fair Housing and Equal Opportunity (FHEO) issued FHEO Notice FHEO-2023-01 providing information on the filing and processing of individual VAWA complaints. This memorandum provides amplifying guidance on implementing FHEO Notice FHEO-2023-01 as it relates to the processing of those complaints by Fair Housing Assistance Program (FHAP) agency partners that may be cognizable under both VAWA and the state or local fair housing law.

II. VAWA Complaint Processing

As outlined in FHEO Notice FHEO-2023-01, FHEO now enforces VAWA by accepting and investigating complaints using its Fair Housing Act complaint processes, which are specified in its current fair housing regulations. *See* 42 U.S.C. §§ 3610; 3612; 24 C.F.R. Part 103 – Fair Housing Complaint Processing; and 24 C.F.R. Part 180 – Consolidated HUD Hearing Procedures for Civil Rights Matters. While VAWA complaints do not need to allege a fair housing violation for FHEO to accept and investigate the complaint, they may involve violations of multiple civil rights laws, including the Fair Housing Act (42 U.S.C. §§ 3601 – 19), other federal compliance authorities enforced by the Department,¹ and state or local fair housing laws. If a FHAP originated

¹ Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) (prohibiting discrimination on the basis of race, color or national origin in programs or activities receiving federal financial assistance); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (prohibiting discrimination based on disability in programs or activities receiving

complaint implicates one of these statutes as well as VAWA, FHEO and the FHAP agency should make an individualized assessment, considering the best interest of the survivor, to determine whether that complaint alleges a potential violation of VAWA and/or should be reactivated to the Department for processing.

For purposes of the FHAP complaint processing procedures, VAWA enforcement is considered an “other authority” case and FHAP agency partners shall notify FHEO so that FHEO may process that portion of the complaint. See § VII (D) of Memoranda of Understanding (*complaint processing of other authority cases*) and § (A)(10) the Attachment A of the annual Cooperative Agreement (*Criteria for Processing*). Depending on the facts and of the case, the FHAP agency should work with HUD to determine whether to voluntarily reactivate the Title VIII portion of the complaint.

III. Processing of FHAP complaints implicating VAWA

Individuals who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO’s online complaint form at https://www.hud.gov/program_offices/fair_housing_equal_opp/online-complaint. As with Fair Housing Act complaints, FHEO will also accept VAWA complaints via mail, email, or telephone. When an individual alleges a VAWA violation, FHEO first will assess jurisdiction of the complaint for filing under VAWA and other fair housing and civil rights laws that HUD enforces.

A. Statute of Limitations

FHEO began accepting and investigating such complaints on October 1, 2022, after these amendments to VAWA took effect. A complainant may, not later than one year after an alleged VAWA violation has occurred or terminated, file a complaint with FHEO alleging such violation. If there is a violation that began prior to a year before the complaint is filed, but it continues into the one-year time period, HUD will accept the complaint, per FHEO Notice FHEO-2023-01.

B. Complaints Originating with HUD

For inquiries first received by HUD, the Department will assess inquiries for potential implications of VAWA and retain the portion of the complaints it receives alleging injury because of a VAWA violation, even if it arises in a jurisdiction of a participating FHAP agency. For those complaints that are cognizable under both VAWA and the Act, HUD should work with the FHAP agency to determine whether, in that particular complaint, to hold the Title VIII portion of the

federal financial assistance); Section 109 of the Housing and Community Development Act of 1974, 42 U.S.C. § 5309 (prohibiting discrimination on the basis of race, color, national origin, religion or sex in any program or activity funded in whole or in part by the community development block grant programs); Title II of the Americans with Disabilities Act, 42 U.S.C. § 12101 et seq. (prohibiting discrimination based on disability in programs, services and activities made available by public entities); Architectural Barriers Act, 42 U.S.C. § 4151 et seq. (providing that buildings, including publicly owned residences, designed constructed, leased or altered with certain federal funds must be accessible to persons with disabilities); and Age Discrimination Act of 1975, 42 U.S.C. § 6101 (prohibiting discrimination based on age in programs or activities receiving federal financial assistance).

complaint, keeping in mind the best interest of the survivor. If HUD determines that enforcement does not implicate a potential VAWA violation, HUD will refer the Title VIII complaint to the FHAP agency under normal complaint procedures, per the *Criteria for Processing*.

C. Complaints Originating with a FHAP Agency

If a FHAP agency receives an inquiry or complaint involving potential VAWA violations, it shall notify FHEO so that FHEO may process that portion of the complaint, per § 1(A)(10) of the Cooperative Agreement's *Criteria for Processing*. Where such claims involving VAWA violations arise during the inquiry stage and is yet to be filed with an agency, the agency must advise the individual to file a complaint with HUD and assist the individual in doing so. However, if in processing a standard Title VIII investigation the agency discovers that a VAWA violation may be implicated, the agency should inform HUD to do a review of the potential implication of VAWA, similar to other federal authorities that FHEO enforces. Based on the particularities of each case, HUD will work with the agency to determine whether to reactivate the Title VIII portion of the complaint. The agency will be compensated the amount for a partial investigation for the work conducted to uncover the potential VAWA claims.

The Department will work collaboratively with FHAP agency partners to resolve particular issues that may arise in the implementation of VAWA, including compensation for partial investigations, on a case-by-case basis. Questions concerning this memorandum should be directed to Erik L. Steinecker, Acting Director, Fair Housing Assistance Program Division, at Erik.L.Steinecker@hud.gov.