

## CONTACT



### LEGAL AID SOCIETY OF HAWAI'I

O'AHU  
808-536-4302

NEIGHBOR ISLANDS  
1-800-499-4302

#### AVAILABLE MON-FRI

9:00 a.m. - 11:30 a.m. &  
1:00 p.m. - 3:30 p.m.

[www.legalaidhawaii.org](http://www.legalaidhawaii.org)

**multilingual resources  
available**

updated by HSCADV: Dec. 2023



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE  
[HSCADV.ORG](http://HSCADV.ORG)

This project described was supported by Grant Number 21OIHISDC6 from the Administration for Children and Families, Family and Youth Services Bureau, Office of Family Violence Prevention and Services, U.S. Department of Health and Human Services. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the U.S. Department of Health and Human Services.

#### Protections apply to a survivor if they are:

applying for or living in shelter, transitional housing, or permanent housing that is subsidized by a federal homeless assistance or affordable housing program.

### PROGRAMS COVERED

- Public Housing;
- Housing Choice Voucher;
- Project-based Section 8;
- Section 8 Moderate Rehabilitation Single Room Occupancy (SRO);
- Section 202 Supportive Housing for the Elderly;
- Section 202 Direct Loan;
- Section 811 Supportive Housing for Persons with Disabilities;
- Housing Opportunities for Persons With AIDS (HOPWA);
- HOME Investment Partnerships (HOME);
- Emergency Solutions Grants;
- Continuum of Care;
- Section 221(d)(3)/(d)(5) Below-market Interest Rate (BMIR), Multifamily Rental Assistance;
- Section 236 Multifamily Assistance;
- Housing Trust Fund

# VAWA PROTECTIONS

## A GUIDE FOR SURVIVORS & SERVICE PROVIDERS



The **Violence Against Women Act (VAWA)** is a federal law that provides housing protections for people living in federally subsidized units that have previously or are currently experiencing domestic violence, dating violence, sexual assault, and/or stalking.

**KNOW YOUR  
RIGHTS**

# A COMMITMENT TO SURVIVOR SAFETY

VAWA is in place to help keep survivors safe and reduce their likelihood of experiencing homelessness.



Housing insecurity is one of the biggest barriers to escaping an abusive relationship for survivors and their children.

The lack of accessible and affordable housing in Hawai'i worsens this issue. It is important that survivors, service providers, and housing providers understand survivor housing rights under VAWA and the resources available to help navigate the VAWA system.

## WHO IS COVERED

VAWA protects victims and survivors, regardless of their sex, gender identity, or sexual orientation AND regardless of the sex, gender identity or sexual orientation of the person who caused harm.

The survivor does NOT have to be married to, related to, or living with the perpetrator to be protected by VAWA. It does not matter how long ago the survivor experienced the violence. A survivor's immigration status does not impact a survivor's right to VAWA's housing protections.

## HOUSING PROTECTIONS

on the basis of HUD-subsidized housing  
U.S. Department of Housing and Urban Development

- **Cannot be evicted, denied assistance or admission to** a unit or program because of the violence/abuse committed against them.
- Cannot be evicted, denied admission, or have their assistance terminated **for reasons related to the violence/abuse**, such as having an eviction record, criminal history, or bad credit history.
- **Must have the option to stay** in their housing, even if there has been criminal activity directly related to the violence/abuse.
- **Can request an emergency transfer from the housing provider for safety reasons** related to the violence/abuse committed against them.
- **Must be allowed to move with continued assistance**, if the survivor has a Section 8 Housing Choice Voucher.
- The housing provider is required to keep the survivor's status confidential.
- **Must receive HUD's Notice of VAWA Housing Rights** (Form HUD-5380) and **HUD's VAWA Self-certification Form** (Form HUD-5382) from the housing provider.

- **Must be able to provide proof to the housing provider by self-certifying** using the HUD VAWA Self-certification (Form HUD-5382), and not be required to provide more proof.
- **Can request to split a lease** from the landlord in order to remove the perpetrator from the lease or unit.
- **Cannot be coerced, intimidated, threatened, or retaliated against** by housing providers for seeking or exercising VAWA protections.
- **Has the right to seek law enforcement or emergency assistance** for themselves or others without being penalized by local laws or policies.

## HOUSING IS A HUMAN RIGHT

If you believe that your VAWA rights have been violated, you can file a complaint with the HUD's Office of Fair Housing and Equal Opportunity (FHEO).



[www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/VAWA](http://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA)