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GAVIN NEWSOM
Governor

MEMORANDUM

Office of AIDS
Housing Opportunities for Persons With AIDS Program

Management Memorandum
Letter Number: 23-01

July 21, 2023

TO: Housing Opportunities for Persons with AIDS (HOPWA) Project Sponsors

SUBJECT: Compliance with the Housing Provisions of the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022) and the U.S. Department of Housing and Urban Development (HUD) program guidance

Purpose

This Management Memo provides guidance to project sponsors on compliance with the Violence Against Women Act Reauthorization Act of 2022 and its amendments.

Background

VAWA was reauthorized and amended on March 15, 2022. VAWA 2022 strengthens VAWA's protections for survivors who are applying for or residing in covered housing programs. HUD released a letter on February 14, 2023 summarizing the key changes. VAWA 2022 strengthens OA's [Management Memo 18-01](#), released on January 5, 2018.



Policy

Project sponsors must consider the following key changes while implementing VAWA 2022's amendments:

1. VAWA 2022 updates the definition for "domestic violence" to include "economic abuse" and "technological abuse."
 - a. "Domestic Violence" – The term "domestic violence" includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who: (A) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim; or (D) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.
 - b. "Economic Abuse" – The term "economic abuse," in the context of domestic violence, dating violence, and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, or manipulation to: (A) restrict a person's access to money, assets, credit, or financial information; (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or (C) exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

- c. “Technological Abuse” – The term “technological abuse” means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices, communication technologies, or any other emerging technologies.
2. VAWA 2022 prohibits retaliation in covered housing. Public Housing Agencies (PHA) and owners or managers of covered housing are prohibited from discriminating against any person because that person has opposed any act or practice made unlawful by VAWA or because that person testified, assisted, or participated in any related matter. It is also illegal for PHA and owners or managers of covered housing to coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises or assists or encourages a person to exercise any rights or protections under VAWA’s housing provisions.
3. VAWA 2022 protects the rights of landlords, homeowners, tenants, residents, occupants, guests, and applicants to report crime and emergencies from one’s home. The section also prohibits penalizing or threatening to penalize persons because they request assistance or report criminal activity. HUD noted that further guidance on compliance with this new section is forthcoming.
4. HUD’s VAWA forms are currently undergoing revision and renewal. Continue using the forms linked in Management Memo 18-01 until revisions are complete and revised forms are released.
5. OA’s [Management Memo 18-01](#) is still in effect.

Action Required

Project Sponsors must make necessary updates to policies and procedures within 30 days of this Management Memorandum. Project sponsors must forward

this information to any subcontractors that own or operate housing facilities funded under the HOPWA Facility Based Housing Operating Cost category.

Contact Information

For any questions regarding this management memorandum, please [contact the CDPH HOPWA Program](mailto:HOPWARFA@cdph.ca.gov) at HOPWARFA@cdph.ca.gov.

Sincerely,



Chris Kent, MA
Chief, Care Housing Unit
Office of AIDS

U.S. Department of Housing and Urban Development (HUD) Housing Provisions of the Violence of Against Women Act Reauthorization Act 2022 ([VAWA 2022 Notice](https://www.federalregister.gov/documents/2023/01/04/2022-28073/the-violence-against-women-act-reauthorization-act-of-2022-overview-of-applicability-to-hud-programs)): <https://www.federalregister.gov/documents/2023/01/04/2022-28073/the-violence-against-women-act-reauthorization-act-of-2022-overview-of-applicability-to-hud-programs>

cc: Abigail West, Care Housing Unit