



Right to Report Crime and Emergencies From One's Home

Requirements for CDBG Recipients Under the Violence Against Women Reauthorization of 2022



Right to Report Crime and Emergencies From One's Home (34 U.S.C. § 12495)

VAWA was passed in 1994 to create and support responses to domestic violence, dating violence, sexual assault, and stalking. VAWA is reauthorized approximately every five years to strengthen and enhance protections and programs to better meet survivor needs. VAWA contains housing protections to help survivors overcome barriers to accessing and maintaining federally subsidized housing and homeless assistance. The 2022 reauthorization of VAWA included a new Right to Report Crime and Emergencies From One's Home provision that can be found at 34 U.S.C. 12495. This new law (hereinafter "Right to Report law") addresses the discriminatory practice of penalizing survivors and other individuals, including tenants, applicants, guests, and landlords, who seek law enforcement or emergency assistance for protection.

The Violence Against Women Act (VAWA) Reauthorization of 2022, effective October 1, 2022, includes a new requirement for U.S. Department of Housing and Urban Development (HUD) recipients to support an individual's right to seek law enforcement or emergency assistance. Community Development Block Grant (CDBG) recipients will have additional requirements to report non-compliant local laws and ordinances. This fact sheet provides information to prepare CDBG recipients pending further HUD guidance.

CDBG REQUIREMENTS

The law requires CDBG recipients to:

- Report on the existence of laws or policies they or their subgrantees (or state grant recipients) adopted that impose penalties based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a covered property.
- Certify that they and their subgrantees are in compliance or describe the steps they and their subgrantees must take to comply within 180 days of the report to HUD.

IMPORTANT NOTE

Before CDBG recipients can certify compliance, HUD must issue additional guidance on how to submit this information. However, the Right to Report law goes into effect on October 1, 2022, and CDBG recipients may find it advisable to immediately identify and remedy laws and policies that may be non-compliant.

The analysis of laws and policies that impose penalties may potentially be an eligible CDBG planning and administration expense if undertaken as part of the barriers to affordable housing analysis in a grantee's Consolidated Plan, Action Plan, or Analysis of Impediments to Fair Housing Choice. Grantees should note that [general government expenses](#) are ineligible; therefore, corrective actions to change laws are categorically ineligible.



Nuisance property ordinances

impose penalties on property owners for activity on their property considered to be “nuisance conduct.”



Crime-free housing programs and crime-free lease ordinances

may mandate landlords to impose a penalty, including a lease provision requiring eviction of tenants or their guests who allegedly engage in criminal activity on or off the property.



Partner with state and local victim services offering education, training, and resources to support compliance.

EXAMPLES OF LOCAL LAWS AND ACTIONS THAT MAY PENALIZE SURVIVORS FOR REPORTING CRIMES

- Nuisance property ordinances that include fines for an “excessive” number of calls for emergency or ambulance services and/or incidents of domestic violence.
- Laws that *lack exceptions* for cases where the resident or tenant is a survivor of domestic violence or another crime, or for calls for emergency assistance by persons with disabilities.
- Laws that do not specify domestic violence as a nuisance but still penalize survivors due to having a broad definition of “nuisance activities” (e.g., disturbing the peace, excessive noise, disorderly conduct, or “excessive” calls to emergency services).
- Laws that require or encourage denial of an applicant with any criminal record, including arrests or misdemeanors.

THE RIGHT TO REPORT LAW SEEKS TO ELIMINATE HOW NUISANCE ORDINANCES AND CRIME-FREE PROGRAMS NEGATIVELY IMPACT SURVIVORS

These impacts include:

- Dissuading survivors from contacting law enforcement and emergency services for fear of fines, fees, and eviction.
- Experiencing homelessness and possibly the loss of children as a result of eviction.
- Compromising future rental eligibility because of an eviction history or criminal history due to a wrongful domestic violence arrest.
- Discriminatory policing disparately impacting survivors in immigrant communities and communities of color due to low thresholds for nuisance enforcement.
- The adverse impact on survivors with disabilities who may require emergency services with some frequency.

RESOURCES

- [HUD's 2016 guidance](#) on the Fair Housing Act and local nuisance and crime-free housing ordinances.
- [National Housing Law Project \(NHLP\)](#) offers training and technical assistance on nuisance ordinances and crime-free housing policies.
- [Crime-Free Housing Ordinances, Explained](#) (2021).
- [The Journal of Interpersonal Violence](#) article “From Victim to Offender: How Nuisance Property Laws Affect Battered Women.”
- [Domestic Violence State and Territory Coalitions.](#)
- [Sexual Assault State Coalitions and Organizations.](#)

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