

**Subject:** RHIIP Listserv #186 - Reissuance and Clarification of VAWA Notice and No Social Security COLA in 2010  
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**RHIIP Listserv Posting # 186**  
**October 30, 2009**

Welcome to the MULTIFAMILY HOUSING RENTAL HOUSING INTEGRITY IMPROVEMENT PROJECT (RHIIP) LISTSERV that brings you up-to-date RHIIP related publications, news, information and occupancy tips in an effort to help reduce errors in rent determinations and subsidy calculations.

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## **Reissuance and Clarification of Housing Notice on Implementation of the Violence Against Women Act (VAWA)**

Notice H08-07, Implementation of the Violence Against Women and Justice Department Reauthorization Act of 2005 for the Multifamily Project-Based Section 8 Housing Assistance Payments Program, has been reissued as Notice H09-15. The name and language of the notice have not been changed.

Since the initial issuance of the Notice, there has been some misinterpretation of the VAWA requirements that needs clarification. Specifically, due to the name of the statute referencing only women, the Notice has been misinterpreted to only apply to women who are victims of domestic violence, dating violence or stalking. The statute's applicability is not gender specific and the Notice does **not** state that it applies only to women and contains several references to "he/she" when referring to the tenant as being a victim of domestic violence, dating violence or stalking.

Owners/management agents (O/As) must follow the requirements of Notice H09-15 by providing all new tenants with the applicable HUD model lease along with the VAWA Lease Addendum (Form HUD - 91067) which is an attachment to the Notice and revises the lease to reflect the VAWA requirements. O/As who haven't already done so, must also send all existing tenants a copy of the VAWA Lease Addendum (Form HUD - 91067) along with a cover letter which explains that the VAWA Lease Addendum contains important information regarding protections for victims of domestic violence, dating violence or stalking. The letter must clearly state that the tenant can either accept the modifications to the lease by signing the VAWA Lease Addendum or choose to move, which is required for any lease addendum, but that a response is due within 30 days. The VAWA Lease Addendum must be signed by every adult member of the household. Additional lines may be added to the addendum to accommodate multiple signatures.

A final point of clarification is that while the VAWA Lease Addendum must be signed by all new and existing tenants as of the effective date of the initial VAWA Notice (September 30, 2008), the Certification of Domestic Violence, Dating Violence or Stalking (Form HUD - 91066) which is also an attachment to the Notice does **not** need to be signed by every adult member of the tenant's household along with the VAWA Lease Addendum. An O/A responding to a tenant's report of an incident of actual or threatened domestic violence, dating violence, or stalking that could potentially have an impact on the tenant's participation in the Project-Based Section 8 Housing Assistance Payments Program may request that the victim complete, sign, and submit this form within 14 days of the request by the O/A. The

O/A may extend this time period at his/her discretion.

Alternatively, in lieu of the certification form or in addition to it, O/As may accept:

1. A federal, state, tribal, territorial, or local police record or court record, or
2. Documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse.

As a reminder, O/As are not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence or stalking in order to receive the protections of the VAWA.

## **No Social Security Cost-of-Living Adjustment (COLA) for 2010**

See below SSA press release announcing that there will be no COLA for 2010.

Thursday, October 15, 2009  
For Immediate Release

Mark Lassiter, Press Officer  
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### **SOCIAL SECURITY**

#### **News Release**

#### **Prompt Passage of Economic Recovery Act Payment for 2010 Needed**

#### **Law Does Not Provide for a Social Security Cost-of-Living Adjustment for 2010**

With consumer prices down over the past year, **monthly Social Security and Supplemental Security Income benefits for more than 57 million Americans will not automatically increase in 2010.** This will be the first year without an automatic Cost-of-Living Adjustment (COLA) since they went into effect in 1975.

“Social Security is doing its job helping Americans maintain their standard of living,” Michael J. Astrue, Commissioner of Social Security said. “Last year when consumer prices spiked, largely as a result of higher gas prices, beneficiaries received a 5.8 percent COLA, the largest increase since 1982. This year, in light of the human need, we need to support President Obama’s call for us to make another \$250 recovery payment for 57 million Americans.”

The Social Security Act provides that Social Security and Supplemental Security Income benefits increase automatically each year if there is an increase in the Bureau of Labor

Statistics' *Consumer Price Index for Urban Wage Earners and Clerical Workers* (CPI-W) from the third quarter of the last year to the third quarter of the current year. This year there was no increase in the CPI-W from the third quarter of 2008 to the third quarter of 2009. In addition, because there was no increase in the CPI-W this year, under the law the starting point for determinations regarding a possible 2011 COLA will remain the third quarter of 2008.

Some other changes that would normally take effect in January 2010 based on the increase in average wages also will not take effect, even though average wages did increase. Since there is no COLA, the statute prohibits an increase in the maximum amount of earnings subject to the Social Security tax as well as the retirement earnings test exempt amounts. These amounts will remain unchanged in 2010. The attached [fact sheet](#) provides more information on 2010 Social Security changes.

Information about Medicare changes for 2010, when available, will be found at [www.Medicare.gov](http://www.Medicare.gov). The Department of Health and Human Services has not yet announced if there will be any Medicare premium changes for 2010. Should there be an increase in the Medicare Part B premium, the law contains a "hold harmless" provision that protects about 93 percent of Social Security beneficiaries from paying a higher Part B premium, in order to avoid reducing their net Social Security benefit. Those not protected include higher income beneficiaries subject to an income-adjusted Part B premium and beneficiaries newly entitled to Part B in 2010. On September 24th, the House passed legislation by 406-18 that would, on a fully paid-for basis, prevent abnormally large premium increases. The President is calling on the Senate to enact this legislation before it becomes too late for the Social Security Administration to update its computer systems to implement this needed change.

For additional information about the 2010 COLA, go to [www.socialsecurity.gov/cola](http://www.socialsecurity.gov/cola).

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<http://www.hud.gov/offices/hsg/mfh/rhiip/mfhrhiip.cfm>

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