



# VAWA



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## References

- VAWA Final Rule published on November 16, 2016
- HUD Notice H 2017-05
- Memo – Housing Provisions of the Violence against Women Act Reauthorization of 2022



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## VAWA 2013

Signed into law – March 2013

Final Rule published – November 2016



Applies to all victims of domestic violence, dating violence, **sexual assault** and stalking, regardless of sex, gender identity, or sexual orientation, and which must be applied consistent with all nondiscrimination and fair housing requirements

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### VAWA 2013

VAWA 2013's statute prohibits:

- denying admission to,
- denying assistance under,
- terminating a tenant from participation in, or
- evicting a tenant from housing

"on the basis" that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to include factors directly resulting from the domestic violence, dating violence, sexual assault or stalking.



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### VAWA 2013

*Example*

- Applicant is denied due to bad credit and poor rental history
- It is determined that the bad credit / poor rental history is directly related to the domestic violence, dating violence, sexual assault or stalking issues.



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### Definitions – Domestic Violence

Includes felony or misdemeanor crimes of violence committed by:

- a current or former spouse or intimate partner of the victim;
- a person with whom the victim shares a child in common;
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person who commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction



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### Definitions – Domestic Violence

Spouse or Intimate partner of the victim includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim as determined by:

- Length of the relationship;
- Type of relationship; and
- Frequency of interaction between the persons involved in the relationship



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### Definitions – Domestic Violence

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



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### Definitions – Domestic Violence 2022

**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.



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## Definitions – Domestic Violence 2022

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 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, or communication technologies, or any other emerging technologies.



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## Definitions – Dating Violence

Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- Where the existence of such a relationship shall be determined based upon a consideration of the following factors:
  - Length of relationship
  - Type of relationship and
  - Frequency of interaction between persons involved in the relationship



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## Definitions – Sexual Assault

Any **nonconsensual** sexual act proscribed by Federal, tribal or State law, including when the victim lacks capacity to consent



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### Definitions – Stalking

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- Fear for the person's individual safety or the safety of others; or
- Suffer substantial emotional distress

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### Covered Programs

- Section 8
- Section 202 Direct Loan
- 202/811 PAC
- 202/811 PRAC
- 202 SPRAC
- 236 (including RAP)
- 811 PRA
- 221(d)(3) and (d)(5)

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### Covered Programs

Mixed Portfolios

- VAWA requires coverage to participants in HUD programs
- HUD encourages Owners to provide VAWA protections to all tenants not only to those covered by HUD subsidized units

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## Eligibility

### Covered Individuals

- Tenants and Assisted families
- Applicants

### Not Covered

- Guests
- Unassisted members (unauthorized)
- Live-in aides
  - If live-in aide/caretaker is a victim of a VAWA crime and the tenant wishes to maintain their services
  - Tenant cannot be required to remove them from the household (Section 504 violation)
  - Tenant can invoke VAWA (with qualification)



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## Eligibility

### Minors

- Cannot invoke VAWA, unless emancipated minor
- Housing Providers should consider contacting local child welfare or protective services or law enforcement if a minor claims to be a victim



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## New HUD Form - LEP

HUD has translated versions of Forms 5380 (Notice of Occupancy Rights) and 5382 (Certification of Domestic Violence, Dating Violence, Sexual Assault and Stalking) into the following languages:

- |           |            |
|-----------|------------|
| Arabic    | Lao        |
| Armenian  | Mandarin   |
| Cambodian | Russian    |
| Creole    | Somali     |
| Hmong     | Spanish    |
| Japanese  | Thai       |
| Korean    | Vietnamese |



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Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Arabic  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Armenian  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Cambodian  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Creole  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Hmong  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Japanese  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Korean  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Lao  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Mandarin  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Russian  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Somali  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Spanish  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Thai  
 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking - Vietnamese

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**Notice of Occupancy Rights (HUD-5380) & Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking (HUD-5382)**

Effective 12/16/16

- Per 24 CFR Part 5 §5.2005- Must be given to household:
  - To existing residents by 12/15/17 during their Annual Recertification (if AR has passed through other means by 12/15/17)
  - When an applicant is denied under an assisted program
  - When an individual is admitted to a dwelling unit assisted under a covered housing program
  - With **any** notification of eviction or termination of assistance
- Can modify form, but **must** keep core protections and confidentiality provisions

**DO NOT NEED TO GIVE TO RESIDENTS EVERY YEAR!**

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**Notice of Occupancy Rights (HUD-5380)**

- HUD encourages posting in a public place
- Documentation
  - Housing providers that do not comply with the statutory and regulatory requirements are in violation of program requirements
  - **HUD does not require an "acknowledgement of receipt" or document in file; but must have some type of documentation in file indicating that the forms were provided to the household**
  - Must include relevant local organizations that can assist victims

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(Insert Name of Housing Provider)

Name of Owner

Notice of Occupancy Rights under the Violence Against Women Act<sup>1</sup>

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees the (Insert name of program or rental assistance) in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.<sup>3</sup>

Section 8 New Construction, Section 236, etc.

Protections for Applicants

If you otherwise qualify for assistance under (Insert name of program or rental assistance), you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

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For Additional Information

You may view a copy of HUD's final VAWA rule at (Insert Federal Register link). Additionally, HUD must make a copy of HUD's VAWA regulations available to you if you ask to see them.

<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>

For questions regarding VAWA, please contact (Insert name of program or rental assistance contact information able to answer questions on VAWA).

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact (Insert contact information for relevant local organizations).

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For help regarding sexual assault, you may contact (Insert contact information for relevant organizations).

Victims of stalking seeking help may contact (Insert contact information for relevant organizations).

Attachment: Certification form HUD-5342 (Item approved for this program to be included)

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## Lease Bifurcation

Housing Providers may choose to

- bifurcate the lease (or remove a household member from a lease);
- Evict;
- terminate occupancy or
- terminate assistance to such member who engages in criminal activity directly related to VAWA

Must follow State and local laws

Housing Provider cannot guarantee that the court will enforce eviction

Housing Providers are not required to take specific steps to rehouse household members after bifurcation

HUD encourages the Owner/Agent's to attempt to reach an agreement to the mutual termination of the lease, if it is safe to do so

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### Lease Bifurcation – Establishing Eligibility

Final Rule provides for a 90-calendar day period or when the lease expires to:

- Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance; or
- Establish eligibility under another covered housing program; or
- Find alternative housing

Can provide a 60-day extension

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### Lease Bifurcation – Establishing Eligibility

90-day clock begins on the date of the bifurcation (when is legally effective, not when the process starts)

If property is 202/8 or Section 236:

Shorter period (30 calendar days) if immigration is the eligibility factor

At end of time period, Housing Providers must evict or terminate assistance to those who are unable to establish eligibility

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### Last resort

Actions that could be taken to reduce or eliminate the threat could include:

- Transferring the victim to another unit;
- Barring the perpetrator from the property;
- Contacting law enforcement to increase police presence
- Seek other legal remedies to prevent perpetrator from acting on threat.

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### Confidentiality

- ❖ Housing Provider must keep confidential any information that the tenant submits in requesting an emergency transfer, unless:
  - The tenant give the Housing Provider written permission to release the information;
  - Disclosure is required by law; or
  - Is required for use in an eviction proceeding or hearing regarding termination of assistance
- ❖ Must not enter information into a shared database



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### Confidentiality

- ❖ Must keep confidential the new location of the dwelling unit of the tenant from the person(s) that committed the act(s) against the tenant
- ❖ Discuss with the victim how they wish to be communicated with
- ❖ O/A must take reasonable precautions to ensure that no one can overhear conversations
- ❖ Must comply with all LEP and make reasonable accommodations for these who request it



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### Confidentiality – Best Practices

Suggest victim designate an attorney, advocate or other secure contact for communications from O/A

Conduct all meetings in private rooms

Communicate to the individual which property management employee is responsible for handling questions / complaints about confidentiality

Post confidentiality notices in the office and around the property



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### Confidentiality – Best Practices

- Ensure staff understands confidentiality policies and procedures
- Serve individuals off-site as needed or appropriate
- Provide interpretation and/or translated documents when necessary

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### Confidentiality – Record Retention

- Record Retention
- Housing Providers must keep a record of all emergency transfers requested, and the outcomes of such requests
  - Must retain records for period of 3 years or the period of time specified in program regulations

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### HUD Reporting

- Final Rule requires Owner/Agents to report to HUD:
- Number of emergency transfer requests
  - Number of requests resolved
  - Number of requests pending
  - Outcomes of requests:
    - Number of internal unit transfers (within the same project)
    - Number relocated to other HUD-funded housing sites including Multifamily, Public Housing, Housing Choice Vouchers or HOME.
    - Number of other move-outs and
    - Number of tenants who chose to remain in the unit.

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## Emergency Transfer Plan vs. Emergency Transfer Policies

Plan = What we are going to do?

Policy = How we are going to do it?

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## Model Emergency Transfer Plan – HUD 5381

HUD MODEL EMERGENCY TRANSFER POLICY  
 FOR TENANTS WHO ARE VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

THE Department of Housing and Urban Development  
 400 New York Avenue, NE  
 Washington, DC 20013

(Insert name of covered housing provider)

**Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

**Emergency Transfer**

*(Insert name of covered housing provider (covered HUD jurisdiction of this model plan)) is committed to ensuring the safety of its tenants and to ensure critical to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HUD allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of HUD to ensure such request for tenant currently residing conditions, however, may depend upon a professional determination for the need to be in a unit of domestic violence, dating violence, sexual assault, or stalking, and whether HUD has another available unit that is available and is able to offer the tenant the*

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## Emergency Transfer Plan

HUD Model Plan presents basic elements of the Final Rule to be included in any plan

The Emergency Transfer Plan must:

- Define tenants eligible for an emergency transfer
- List of documentation needed to request an emergency transfer
- How an emergency transfer will occur
- Allow tenants who are victims to make an internal emergency transfer under VAWA when a safe unit is available
  - HUD does not set a standard for what is "safe"
  - A "safe" unit should be primarily determined by the tenant-victim who is requesting the transfer
  - Based upon the tenant's personal knowledge and reasonable belief about what is safe

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## Emergency Transfer Plan

Plan also **must** :

Describe policies for assisting a tenant in making an internal emergency transfer when a safe unit is not available

Describe the **reasonable efforts** that the O/A will take to assist a victim who wishes to move to alternative housing, if a safe unit is not immediately available;

- Should include providing contact information for local service providers, government agencies and other affordable housing developments in the area
- Not required to research availability or arrange for them to move

*Best Practice – define "immediately available" as a vacant unit, ready for move-in within a reasonable period of time, as defined in the O/A's Emergency Transfer Plan, where the O/A defines "reasonable amount of time."*

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## Emergency Transfer Plan

**Must** detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of individuals seeking transfers or placement on waiting list

**Must** provide a statement that preferences (if any) does not supersede usual eligibility criteria

- Final Rule does not establish any new requirements for determining program eligibility

Include a statement that a tenant must be allowed to seek an internal and external emergency transfer concurrently;

Include policies for both assisting a tenant/applicant who is seeking an external emergency transfer under VAWA out of the O/A's property and also an applicant seeking to transfer into the property

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## Emergency Transfer Plan

Plan **must** also:

Whether the O/A will accept/require verbal or written transfer request and certification of victim status

Specify any documentation (if any)

Require that Housing Providers make the plan available upon request and to make them publicly available whenever feasible

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## Emergency Transfer Plan

HUD encourages Owner/Agents to:

- Make available a list of similar assisted housing options in the area
- Make arrangements with other housing providers to facilitate moves
- Conduct outreach to organizations that assist or provide resources to victims
- Create an admissions preference for victims seeking an emergency external transfer from another housing provider
- Provide a letter that the victim may share with prospective covered housing providers indicating that the victim is eligible for an emergency transfer and is seeking an external transfer because a safe unit is not available on the O/As property



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## VAWA Policies

Based upon Plan, create policies of how staff will implement VAWA on their property

Ensure that in addition to HUD requirements, all state and local laws are followed

Policies should also include how the property will handle Family Break-ups and Lease Bifurcations



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## Emergency Transfers

Tenants in subsidized units may request an emergency transfer if they believe that there is a threat of imminent harm from further violence if they remain in the unit.

**Actual and Imminent Threat** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm.

In determining whether an individual would pose an actual and imminent threat, the factors to be considered include:

- The duration of the risk;
- The nature and severity of the potential harm;
- The likelihood that the potential harm will occur, and
- The length of time before the potential harm would occur



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### Emergency Transfers – Sexual Assault Victims

Victim must either reasonably believe there is an imminent threat of further violence if they remain in their dwelling unit or

The sexual assault occurred on the premises during the 90-calendar day period preceding the date of the request for transfer

If assault began on premise, but actually occurred off-site, this would meet the requirement

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### Emergency Transfer Requests – Documentation / Certification

- Allows Housing Providers to require either a verbal statement/self-certification or written request certifying that they meet the criteria for a transfer;
- Verbal Statement / Self-Certification or the written request must include:
  - List of documentation needed to request an emergency transfer;
  - Outline confidentiality protections; and
  - Describe how an emergency transfer may occur.

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### Emergency Transfer Requests – Documentation / Certification

- Final Rule allows housing providers to require tenant seeking emergency transfers to document an occurrence of domestic violence, dating violence, sexual assault or stalking in addition to documenting eligibility for an Emergency Transfer.
- Housing Providers **may** accept third-party documentation if the documentation is offered by tenants

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# Emergency Transfer Requests – Documentation / Certification

## Types of third-party certifications

- A document signed by the tenant and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional from who the resident has sought assistance relating to the occurrence or effects of abuse;
- A record of a Federal, State, tribal, territorial or local law enforcement agency, court or administrative agency; or
- At the discretion of the housing provider, a statement or evidence provided by the tenant.



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# Emergency Transfer Requests Documentation / Certification

If requested, the tenant has 14-days business days to provide requested documentation

This can be extended

If conflicting information is given from two or more member of a household, each claiming to be victim, Housing Provider can request third-party documentation within 30-calendar days to resolve the conflict.

If any requested documentation is not provided, Housing Provider does not have to provide VAWA protections.



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# Model Certification form (HUD-5382)

**CERTIFICATION OF DOMESTIC VIOLENCE, and/ or Sexual Harassment** HUD Approval 03/2017-0318 Page 3/10/2017

**STATE/ TERRITORY: DISTRICT OF COLUMBIA**

**PROVIDER TYPE: VAWA CERTIFICATION**

**Purpose of form:** This Violence Against Women Act (VAWA) protection application form and supporting documentation are used by the provider to verify the tenant's certification, including supporting documentation and other supporting documentation that the provider requires. Being victims, sexual assault, or sexual harassment. Support for sexual violence (SV) protection or disability in a household or other violence. Being victims, sexual assault and stalking, regardless of sex, gender identity, or sexual orientation.

**Form ID:** HUD-5382-2017-0318 (03/2017-0318) (SV) protection form and supporting documentation to provide the provider with the information requested by the provider to determine if the tenant is a victim of domestic violence, sexual assault, or stalking.

**Instructions:** This form is for use by tenants or providers to complete the optional form and submit it to the provider for processing. It is a required form for the following types of tenant certification:

(1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or a mental health professional, or a medical professional, or a mental health professional from whom you have sought assistance relating to the occurrence or effects of abuse; or

(2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(3) At the discretion of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

**Instructions for documentation:** This form is to be submitted to the provider within 14 business days from the time you receive a written request for third-party documentation for the certification.



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## Emergency Transfers

Housing Providers must act as quickly as possible to move a tenant to another unit subject to availability and safety

- HUD does not set a standard for what is "safe"
- A "safe" unit should be primarily determined by the tenant-victim who is requesting the transfer
  - Based upon the tenant's personal knowledge and reasonable belief about what is safe
- An available unit is one that is not occupied and is available to tenants given program requirements
- Should add language to the Emergency Transfer Plan noting the inability to guarantee the safety of a specific unit or site
- Regardless of any other types of emergency transfers, Housing Provider needs to consider the danger



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## Emergency Transfers

No prohibition on number of times a resident can request a transfer if they are eligible

Residents can request an Internal Transfer and External Transfer at the same time

Internal Emergency Transfers

- Within same property or
- A property that is under the Housing Providers control and has one (1) waiting list
- Does not require a new application

External Emergency Transfers

- An emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant



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## Emergency Transfers - Internal

Example of Available Units

Property has an available unit with accessibility features

**Who gets the unit?**



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## Emergency Transfers - Internal

### Accessible Unit

- 1<sup>st</sup> offer to any current resident in need of the accessible unit
- If no current resident, then go to Waiting List to check to see if anyone on list needs Accessible Unit
- If no applicants, then can go with a VAWA transfer



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## Emergency Transfers - Internal

### Transfer Costs

- Under Final Rule – Housing Providers are not required, to pay:
  - Moving costs
  - Application fees and deposits
- HUD encourages to bear the cost whenever possible
- Housing Providers have information on local service providers that may be able to provide help with funding transfers.
- Not a 504 issue



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## Emergency Transfers - External

An external emergency transfer refers to a resident that wishes to move out of the current property to a new property or a new form of assistance.

The resident would need to complete an application at the new property or program regardless of their VAWA status.



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### Emergency Transfers - External

Final Rule does not establish any new requirements for determining program eligibility

Existing program regulations govern transfers

VAWA transfers do not supersede any eligibility or other occupancy requirements that apply

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### Emergency Transfers - External

Example

- A 30 year old non-disabled VAWA victim requests a transfer to an Elderly property

Allowed



Not Allowed

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### Emergency Transfers - External

Example

**NOT ALLOWED**, must qualify for the property

Tenants who are victims will not be eligible for programs for which they would be ineligible if they were not a victim.

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### Emergency Transfers - External

- Housing Providers may adopt or modify existing admission preferences or transfer waitlist priorities to facilitate emergency transfers

*VAWA preferences do not require HUD approval, but must be updated in Tenant Selection Plan*



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### Emergency Transfers - External

Housing Providers are required to make reasonable efforts to assist a tenant who requests to make an External Emergency transfer

Should include providing contact information for relevant local service providers, government agencies and other affordable housing in the area.



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### Emergency Transfers

#### Internal Transfers

- No application required
- Can be a unit on the same property or a unit under the control of the same owner that shares a waiting list.

#### External Transfer

- Requires a new application
- May be a different type of assistance (ie. Public Housing, etc.)



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## Emergency Transfer Requests Denial / Appeals

HUD does not address the right to appeal a denial of transfer except to say

- *"If a victim feels that there has been an unfair denial of an emergency transfer and is unable to resolve this situation with their housing provider, the victim should contact HUD"*
- BEST PRACTICE: Use the same appeals process you use for denied applications



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## Emergency Transfers Request – HUD 5383

**EMERGENCY TRANSFER REQUEST FORM FOR VICTIMS OF DOMESTIC VIOLENCE, VIOLENCE AGAINST WOMEN, SEXUAL ASSAULT, OR STALKING**

U.S. Department of Housing and Urban Development  
OMB Approval No. 2074-0286  
 Sep. 16/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and/or are seeking an emergency transfer, you may use this form to request an emergency transfer and notify your housing provider of your request for an emergency transfer. The Violence Against Women Act (VAWA). Although the primary focus of these forms, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. This form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet are:**

1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.  
 2) Your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may ask you for such documentation. In response, you may submit Form HUD-5383, or any one of the other types of documentation listed on this form.  
 3) You expressly request the emergency transfer. Submission of this form indicates that you have expressly requested a transfer. Your housing provider may discuss to require that you submit this form or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.  
 4) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

You are a victim of sexual assault and the assault occurred on the premises during the 90-day period for which you request a transfer. (If you are a victim of sexual



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## Provisions of the Violence against Women Act Reauthorization of 2022

Updated / added definitions

- Domestic Violence
- Economic Abuse
- Technological Abuse

The VAWA 2022 proposed rule and new VAWA 2022 forms will be published late 2024



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## Provisions of the Violence against Women Act Reauthorization of 2022

Enacted but not yet implemented

- ❖ Establish a Compliance Review Process
- ❖ Prohibition on Retaliation
- ❖ Right to report Crime and Emergencies  
Owners, residents, guests and applicants shall have the right to seek law enforcement or emergency assistance on their behalf or on behalf of another person in need of assistance.
- ❖ New Enforcement Authority  
HUD and DOJ shall implement and enforce VAWA consistent with the same rights and remedies as the Fair Housing Act.
- ❖ Establish Gender-Based Violence Prevention Office and VAWA Director



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## After Training Tasks

- Sign up for RHIP Listserv
- Determine if your property will establish Waiting List preferences
- Determine if your property will create priorities for in-house transfers
- Create policies for how your property will require Emergency Transfer Requests to be made
- Read and answer questions in Appendix 1 of the HUD Notice H 2017-05



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