

## VAWA Emergency Transfer Plan Webinar

May 24, 2024

9:00 AM

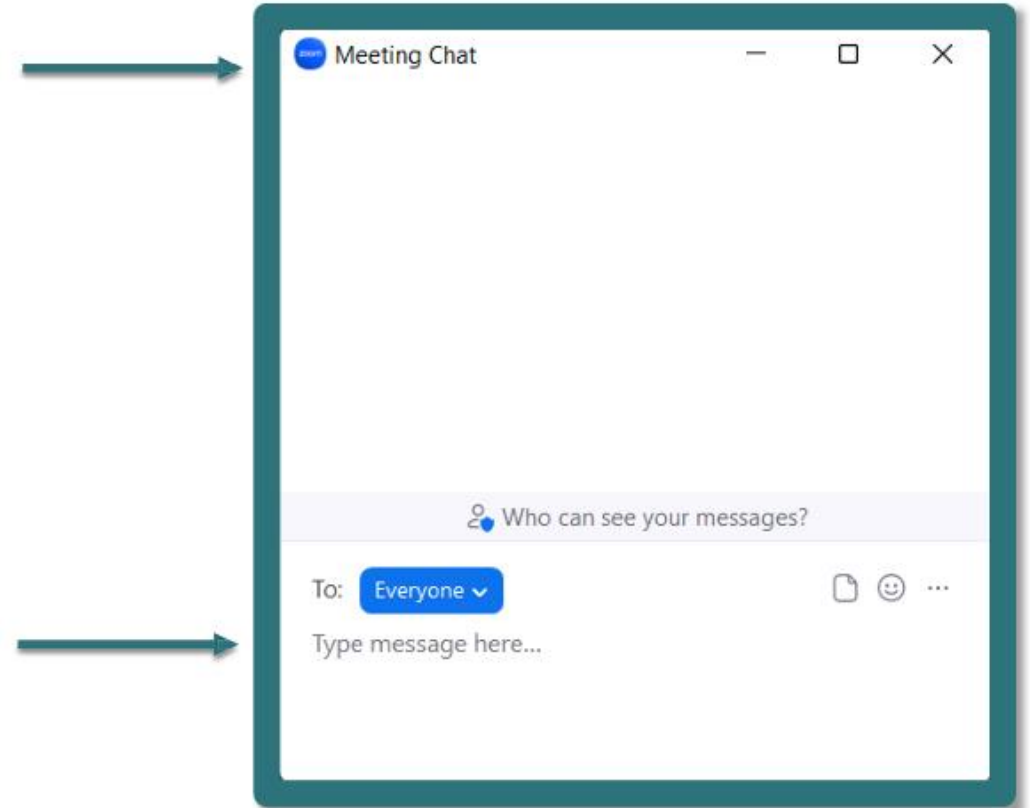
# Welcome

## Reminders

Your line is muted.

We will unmute the line once recording is turned off and hold a Q&A session.

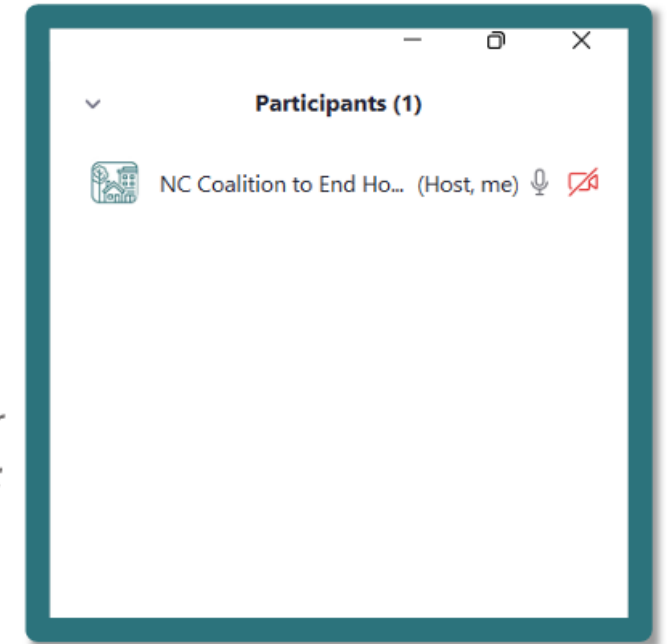
The chat box is available to use anytime.



# Attendance

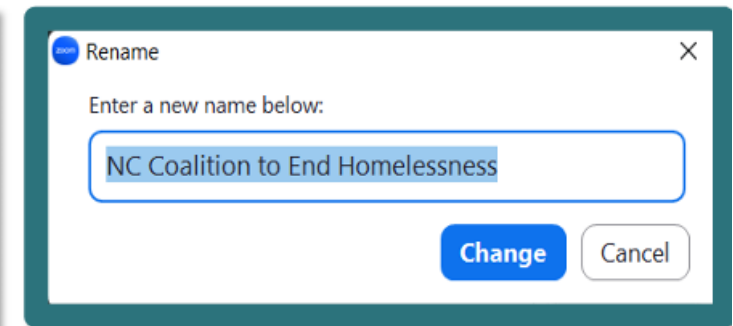
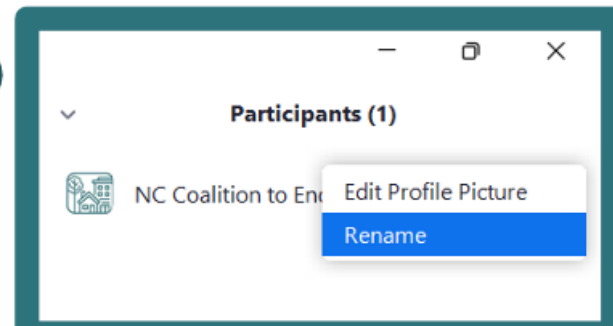
- Attendance is mandatory for all ESG and/or CoC-funded agencies.
- We will NOT conduct roll call.
- All participants should enter their full names and the name of their agency here.
- We will be recording this webinar.

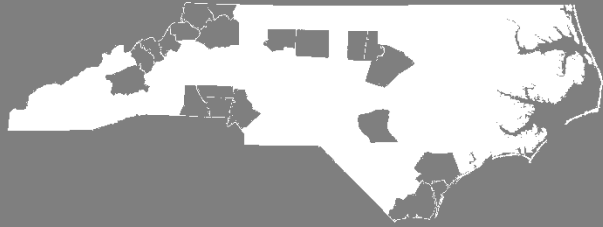
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*How to change your screen name:*

2





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# Violence Against Women Act of 2022

Definition

Re-authorization

Expanded and enhanced housing protections

Requirements made from HUD



# Protected under VAWA

Survivors of domestic violence, dating violence, sexual assault, or stalking

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However, the NC BoS CoC VAWA Emergency Transfer Plan also includes survivors of **human trafficking**.

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The CoC made the decision to include human trafficking based on a study conducted by HUD regarding the Housing Needs of Survivors of Human Trafficking.



# Protected under VAWA

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Survivors of any gender, gender identity, or sexual orientation (not just women, despite the law's name)



# VAWA Emergency Transfer Plan Housing Protections

A survivor cannot be denied or terminated from housing assistance or evicted based on being a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

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Covers all HUD-funded housing programs as well as Low Income Housing Tax Credits and ESG-funded shelters (“covered housing programs”)

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These protections extend to factors such as poor credit, criminal history, poor rental history, failure to pay rent, etc. if they are directly related to being a survivor.





# VAWA Emergency Transfer Plan Housing Protections

On March 15, 2022, the 2022 Reauthorization of the Violence Against Women Act (“VAWA 2022”) was enacted.

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The new housing protections took effect on October 1, 2022, and expanded the definition of interpersonal violence to include technological and economic abuse as forms of interpersonal violence.

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# VAWA Emergency Transfer Plan Housing Protections

On January 4, 2023, HUD published a [notice in the Federal Register](#) providing interim guidance to HUD's covered housing providers on implementing VAWA 2022.

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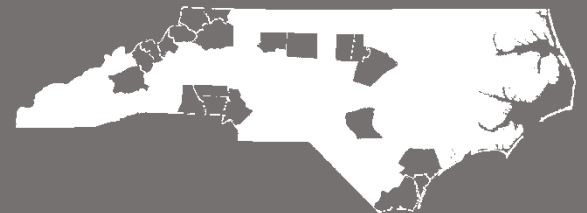
HUD created a centralized [VAWA webpage](#) which includes resources, FAQs, trainings, and forms.

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Individuals can [file a complaint](#) (through HUD) if they believe their VAWA rights have been violated.



# **NC BoS CoC's VAWA Emergency Transfer Policy**



# What is an emergency transfer?

VAWA 2022 requires HUD grantees (including CoC and ESG recipients) to help people experiencing IV move to another unit for their safety, without risking their housing assistance.

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CoCs must develop a plan to facilitate those transfers. The policy applies to all housing programs in the NC BoS CoC.



# Facilitating emergency transfers is required for all HUD grantees.

ESG and CoC Program grantees must implement the CoC's plan.  
Failure to do so could put funding at risk (not to mention client safety).

NC BoS CoC's plan is available here: <https://www.ncceh.org/files/13563/>



# Definitions

- **Internal transfer:** An internal transfer is a transfer within the same single or scattered site property in which the tenant requesting the transfer resides.
- **External transfer:** An external emergency transfer refers to a tenant's physical move out of the property in which he or she resides or out of a form of assistance, where the tenant would be categorized as a new applicant.
- **Safe unit:** A victim determines whether the unit is safe.



# Survivor determines safety

Tenant determines when they need an emergency transfer and whether an available unit is safe for them.



# Emergency transfer steps

- 1 Tenant requests emergency transfer, eligibility established.
- 2 Housing provider notifies CoC staff that they are carrying out an emergency transfer through a Smartsheet form.





# Emergency transfer steps

- 3 Housing provider tries to transfer internally:

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**Tenant-Based** The tenant may move to another unit, anywhere in the CoC, or outside the CoC (if housing provider can meet all statutory requirements).

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**Project-Based** The tenant may move to another unit owned/operated by the provider, if safe and available.



# Emergency transfer steps

- 4 If no units operated by the housing provider are available or no available units are safe, housing provider seeks another available and safe unit in the CoC (external transfer).
- 5 Housing provider works with the Coordinated Entry Lead, Regional Lead, and other partners to find another safe available unit in the region.
- 6 If there is no safe available unit in the region, the housing provider contacts NCCEH staff to connect with another provider to help find a safe available unit elsewhere in the CoC.



# Priority for emergency transfers

## Tenant choice is paramount:

Tenant may choose whether to enter a different program and where they want to live.

Tenants needing emergency transfers have first priority for any available unit in the CoC.

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Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently, if a safe unit is not immediately available.

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Tenants must be otherwise eligible for the unit, but no other requirements should be made.



# Eligibility for Emergency Transfers

**Victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking.**

Tenant reasonably believes there is a threat of imminent harm if tenant remains in unit.

Or sexual assault occurred on the premises within 90-calendar-days

(Section 2)



# Eligibility for Emergency Transfers

Housing providers should NOT require third-party documentation.

Providers MAY require a written request. Appendix III has the HUD-approved form for self-certification.

Providers CANNOT require third party documentation but can accept third party in lieu of self-certification.

(Section 4)



# When documentation of IV conflicts

If there is conflicting evidence of interpersonal violence, third-party documentation may be required.

(Section 4)



# Notice of occupancy rights

**All HUD tenants must be provided the notice of occupancy rights.**

Tenants must be notified at admission, denial, AND termination/eviction from programs.

(Section 3)



# Confidentiality

**All information related to emergency transfers must be kept strictly confidential unless:**

The tenant signs a ROI (must be time-limited).

Disclosure is required by law.

Disclosure is required by a court or court official.

(Section 5)





# Lease bifurcation

A lease may be bifurcated (split) in order to allow an emergency transfer to happen and/or to evict the perpetrator.

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If the perpetrator was the member of the household with eligibility for the program, remaining household members have 90 days (plus an optional extension of 60 days) to establish eligibility or find new housing.

(Section 9)



# Leases, sub-leases, & occupancy agreements

**Leases between housing provider and tenants must include:**

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For Tenant-Based programs, there must be a contract between housing provider and landlord in which landlord agrees to uphold all VAWA protections, at least while receiving HUD assistance.

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**Lease Addendum:**

<https://www.ndhfa.org/PropertyOwnersManagers/VAWA2013LeaseAddendum.pdf>

(Section 10)



# Record Keeping

Records of all emergency transfers and requests must be kept for 3 years, including outcomes of each request and transfer.

(Section 11)



# Client safety and IV resources

Emergency transfers may not be immediately available.

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All providers must collaborate with local resources (such as DV shelters, sexual assault hotline, rape crisis centers, human trafficking agencies, etc.) to help clients stay safe.

(Section 7 & Appendix 1)



# Planning for safety

Assessing for safety should be part of all case management.

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One study (Family Options Study) found 80% homeless women and children studied had experienced IV.



# Emergency transfers are risky situations.

Safety planning, if it hasn't happened already, should start immediately with an emergency transfer request.

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Work with IV resources in your community to help.

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If a transfer cannot happen fast enough for the client to feel safe, client may need to move to DV shelter or access another emergency resource in the meantime.



# Every provider must have an ET plan in their policies and procedures.

Appendix VI of CoC emergency transfer plan

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Identifies staff who will carry out emergency transfers

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Provides method to request emergency transfer

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Sets procedure for carrying out emergency transfer (timing, housing search, etc)



# Adjournment

Keep in touch

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