



# DU PAGE COUNTY

## Home Advisory Group

### Final Summary

421 N. COUNTY FARM ROAD  
WHEATON, IL 60187  
www.dupagecounty.gov

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**Tuesday, November 7, 2023**

**11:00 AM**

**Room 3500B**

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**1. CALL TO ORDER**

Chair LaPlante called the meeting to order at 11:14 am.

**2. ROLL CALL**

Staff Present: Mary Keating, Community Services Director (Remote); Julie Hamlin, Community Development Manager; Momina Baig, Housing and Community Development Planner; Chloe Harrington, Housing and Community Development Planner (Remote); Amish Kadakia, Senior Accountant (Remote); Ashley Miller, Senior Housing and Community Development Planner, and Thomas Schwertman, Housing and Community Development Planner.

Assistant State's Attorney - Katherine Fahy.

<b>PRESENT</b>	Bastian, Barfuss, Chassee, Crandall, Gustin, LaPlante, Yoo, and Bricks
<b>ABSENT</b>	Childress, Heniff, Krajewski, Schwarze, and Todorovic

**3. PUBLIC COMMENT**

There was no Public Comment.

**4. APPROVAL OF MINUTES**

**4.A. [23-3341](#)**

Home Advisory Group Minutes - Regular Meeting - Tuesday, October 3, 2023

There were no corrections or comments.

On a Voice Vote, all Ayes, the Minutes were approved.

At this point, Mary Keating congratulated Julie Hamlin, current Community Development Manager, as being promoted to the Community Development Administrator position, which had been vacant save Dave McDermott left in the Spring.

Hamlin has been with the County since 2014. She started as a Planner and has moved up from there to Sr. Planner, then Manager and now Administrator. She is incredibly knowledgeable (on County and Department of Housing and Urban Development requirements).

LaPlante also congratulated Hamlin and was excited to begin working with her.

**Attachments:** [Home Advisory Group Minutes -October 3. 2023.pdf](#)

<b>RESULT:</b>	ACCEPTED
<b>MOVER:</b>	Lynn LaPlante
<b>SECONDER:</b>	Patty Gustin

## 5. COMMITTEE VOTE REQUIRED

### 5.A. [23-3445](#)

Recommendation for Approval of the 2nd Revision to the Occupancy Rights under the Violence Against Women Act (VAWA) Policy clarifying the Rights of Tenants utilizing HOME Investment Partnerships Act (HOME) and Emergency Solutions Grant (ESG) funding.

As a little background, Hamlin noted that the Federal programs with the County require cross cutting requirements and the Violence Against Women Act (VAWA) regulations were one of those. In 2022, VAWA was reauthorized and most of the amendments took affect in October of 2022. The U.S. Housing and Urban Development has asked that entities, such as DuPage County and covered housing providers, make sure that their policies are updated to incorporate the changes.

Highlights to the changes include expanding the definition of domestic violence, economic abuse, and technological abuse. There was also an additional definition of prohibition on retaliation for those who are domestic violence victims, as well as adding the rights to report crime in emergencies, if one is experiencing violence under the Violence Against Women Act.

HUD requested that the County's policies be updated. However, HUD will still be providing guidance on how the County is to meet the different requirements under this reauthorization. The County has taken upon itself to update this policy to incorporate the new definitions, and this will also be included in the Continuum of Care's 2024 Emergency Solutions Grant (ESG) Program Plan, so that covered housing providers are aware of the changes as well.

Keating added, in order to know the Act is being followed, when the Department is monitoring HOME (HOME Investment Partnerships Act) and ESG funded projects, Staff reviews the leases and makes sure that the lease has all the required language and required notifications under VAWA. Any person that is living in a unit being assisted through these funds, has to be notified of their rights under VAWA.

There were no other questions.

On a Roll Call Vote, all Ayes. The motion passed.

**Attachments:**     [1-VAWA Policy Update #2-HAG Memo.pdf](#)  
[2-Violence Against Women \(VAWA\)-Policy, 2nd Revision Draft Track Changes JH v2.pdf](#)  
[3-Violence Against Women \(VAWA\)-Policy, 2nd Revision DRAFT JH Clean v2.pdf](#)  
[4-HUD 5380 English Exp 06.30.2017.pdf](#)  
[5-HUD 5380 Spanish Ext 06.30.2017.pdf](#)  
[6-HUD 5381 Exp 06.30.2017.pdf](#)  
[7-HUD 5382 English Exp 06.30.2017.pdf](#)  
[8-HUD 5382 Spanish Exp 06.30.2017.pdf](#)  
[9-HUD 5383 English Exp 06.30.2017.pdf](#)  
[10-HUD 5383 Spanish Exp 06.30.2017.pdf](#)

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Lynn LaPlante
<b>SECONDER:</b>	Patty Gustin
<b>AYES:</b>	Bastian, Barfuss, Chassee, Crandall, Gustin, LaPlante, Yoo, and Bricks
<b>ABSENT:</b>	Childress, Heniff, Krajewski, Schwarze, and Todorovic

## 6. OTHER BUSINESS

Keating made this Committee aware of the Human Services Committee's passage of three Memorandums of Understanding with various municipalities relating to Community Project Funding. For the last few years, members of Congress have had the ability to basically nominate projects in their communities to receive direct allocations of Federal funding.

There were seven projects in DuPage County that were approved. It was believed that they were either all Congressman Foster or Congressman Casten's. Congress is using the CDBG (Community Development Block Grant) platform to accomplish these projects. This includes the requirements for CDBG, one of which is the need for projects to undergo the environmental review process. Depending on the complexity of the project, the Environmental Review can be either something relatively simple or it can be extremely complex, and take an enormous amount of staff time.

After the seven projects were announced, HUD approached the County and asked the County to take on the responsibility of completing those environmental reviews for all seven projects. The County has the expertise but not the capacity to take on all seven. So, through a series of conversations with HUD, the County decided to take on three of the seven.

The County has entered into Memorandums of Understanding with the Village of Addison, the City of Wheaton, and the Wood Dale Park District. What will happen is any time that Staff spends on those projects, the County will be reimbursed for that person's time. Particularly, the

County anticipates the need for overtime costs, as the additional workload will be absorbed without any additional staff.

There were four projects the County did not agree to take on. Two were in the City of Naperville. With the City of Naperville being its own CDBG entitlement community, it was felt that Naperville would have the capacity to take on any Naperville-affiliated projects.

One project was for a nonprofit, which the County felt the learning curve for that organization would be so great, it would be better for HUD to take it on. Then there was one, from an environmental perspective, the County had some concerns with the complexity of it and felt the County could not take it on. That project was sponsored by a municipality and it was felt that they should take the responsibility of learning the process and doing the work themselves. The County Board will be approving the Memorandums of Understanding.

For the Municipal Committee members that may be applying for the Community Project Funds, the County requested that the County be made aware of the projects. The County is willing to provide input into whether there might be some environmental issues and potentially provide guidance during the development of the project that might make the process a little smoother. The County was unaware of the seven projects until after they had been approved.

Keating asked if there were any questions. Gustin said, as a former municipal person, would the County provide the HOME Advisory Group members the list of the current known projects. Keating said an email will be sent and Hamlin said she would provide the link to the Congressional website. Keating reiterated that the County is providing the Environmental Reviews for the Village of Addison, the City of Wheaton, in relationship to their public library, and the Wood Dale Park District. A list of all seven will be provided.

LaPlante emphasized that this would be a fantastic opportunity for some guidance that would make the application process smoother from start to end. It would create a higher probability of success all around. If the municipal members would have questions, please take advantage of the technical guidance offered.

There were no other questions or comments.

(Member Yoo left just prior to adjournment to attend the Technology Committee.)

**7. ADJOURNMENT**

The Motion was made to adjourn the meeting.

On a Voice Vote, the meeting was adjourned at 11:25 am.

**8. NEXT MEETING DATE - DECEMBER 5, 2023**



## Minutes

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #:** 23-3341

**Agenda Date:** 11/7/2023

**Agenda #:** 4.A.

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# DU PAGE COUNTY

## Home Advisory Group

### Final Summary

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**Tuesday, October 3, 2023**

**11:00 AM**

**Room 3500B**

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**1. CALL TO ORDER**

Chair LaPlante called the meeting to order at 11:10 am.

**2. ROLL CALL**

<b>PRESENT</b>	Bastian, Barfuss, Crandall, Gustin, Heniff, LaPlante, Yoo, and Bricks
<b>ABSENT</b>	Chassee, Childress, Krajewski, Schwarze, and Todorovic

Staff Present: Mary Keating, Community Services Director; Julie Hamlin, Community Development Manager; Momina Baig, Housing and Community Development Planner; Chloe Harrington, Housing and Community Development Planner; Amish Kadakia, Senior Accountant (Remote); Ashley Miller, Senior Housing and Community Development Planner (Remote), and Thomas Schwertman, Housing and Community Development Planner.

Assistant State's Attorney - Katherine Fahy.

Others Present: Cindy Cahill - County Board Member District 1 and Jonathan Burch - Chicago Metropolitan Agency for Planning.

**3. PUBLIC COMMENT**

There was no public comment.

**4. APPROVAL OF MINUTES**

4.A. [23-2137](#)

Home Advisory Group Minutes - Regular Meeting - Tuesday, June 6, 2023

There were no questions or comments.

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Patty Gustin
<b>SECONDER:</b>	Yeena Yoo

**5. COMMITTEE VOTE REQUIRED**

5.A. [23-3174](#)

Recommendation for Approval of a Third Modification to a HOME Investment Partnerships Act (HOME) Agreement with DuPage Pads, Project Number HM20-04b -

Tenant Based Rental Assistance – Extending the Project Completion date through February 29, 2024.

There were no questions or comments.

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Patty Gustin
<b>SECONDER:</b>	Yeena Yoo

5.B. [23-3175](#)

Recommendation for Approval of a Conditional Commitment of HOME Investment Partnerships Act (HOME) Funds with Catholic Charities, Project Number HM21-02a – Tenant Based Rental Assistance – in the Amount of \$300,000.

There were no questions or comments.

<b>RESULT:</b>	APPROVED
<b>MOVER:</b>	Patty Gustin
<b>SECONDER:</b>	Yeena Yoo

6. **DISCUSSION OF IMPACT OF FEDERAL SHUT-DOWN (If Necessary)**

The Federal Government did not shut down over the weekend. However Keating said that the current bill will only keep the government open for the next 45 days. She wanted to explain what the potential impact would be to Community Development Block Grant (CDBG) and HOME Investment Partnerships Act (HOME) funded projects. The department would be able to draw down funds for projects that were already approved and underway. Anything that would have required a HUD (Department of Housing and Urban Development) staff person to approve would have been held up. She noted that 45 days out would be when the department starts to put together the 2024 Action Plan. There may be other projects where their environmental reviews need approved. The worse case scenario would be projects that are delayed and the timeliness expenditure is not met, which would be a strike against the County. (After two years of missed timeliness, funding could be cut.) HUD does not take accountability for anything that is delayed by them when timeliness is measured.

For projects already underway, project funds could still be drawn down and payroll would be covered. The projects that have not yet been approved could be delayed.

At this time Gustin stated that HUD found some extra money and that employees could be paid for an additional week. LaPlante said that this current bill will hold the government together for 45 days. Keating was concerned that funds could not be drawn down Federal funds in the in the line of credit system and the County would need to cover payroll for HUD-funded staff. Also for reimbursing municipalities for projects they had expended money for.

<b>RESULT:</b>	NO ACTION REQUIRED
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**7. OTHER BUSINESS**

<b>RESULT:</b> NO ACTION REQUIRED
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[23-3265](#)

CDBG PRO Housing Presentation

See Attachment.

**8. ADJOURNMENT**

LaPlante adjourned the meeting at 11:32 am.

**9. NEXT MEETING DATE - November 7, 2023**





## Informational

421 N. COUNTY FARM  
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**File #:** 23-3265


**Agenda Date:** 10/3/2023

**Agenda #:**

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For edification of the municipal members, Keating informed them that the County, under its AD-HOC Committee on Housing Solutions, has contracted with the organization, Grounded Network Solutions Network. Over the next 18 months they will assist in developing a plan to identify barriers to underproduction of affordable housing in the County. The County will be in a cohort with a County in another state as well as a city in another state. Grounded Network Solutions will supply data analysis and technical assistance.


On the regional level, HUD has released a Notice of Funding availability for CDBG PRO (Housing). PRO stands for Pathways to Removing Obstacles. CMAP (Chicago Metropolitan Agency for Planning) is in the lead role for putting together a regional application. Keating introduced Jonathan Burch, from CMAP who gave a presentation on the new program. She informed him that half of the Committee was made up of municipal members within DuPage County.

 Chicago Metropolitan  
Agency for Planning

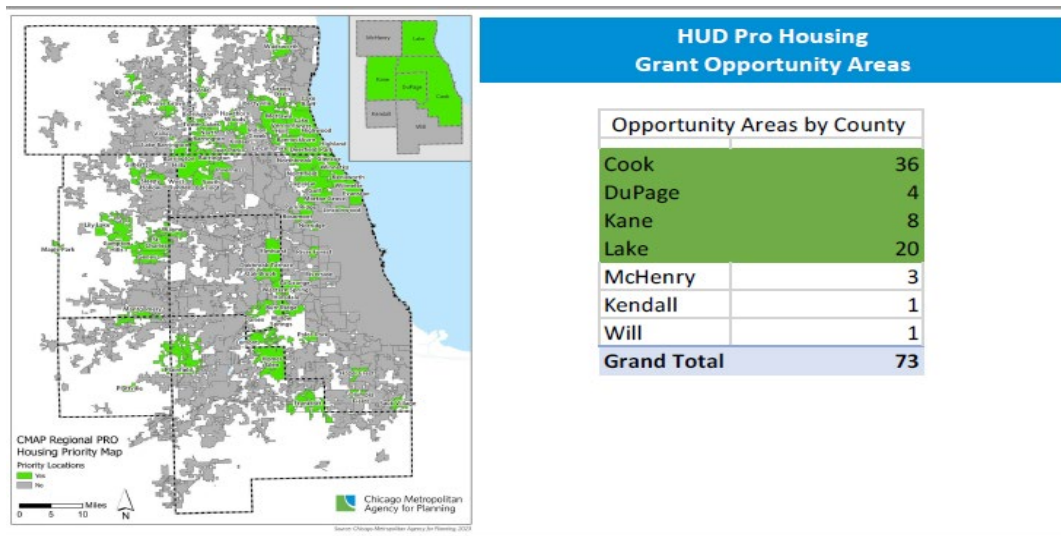
**Pathways to Removing Obstacles to Housing (Pro Housing)**

*What is it about?*  
Removing barriers to affordable housing  
Increasing housing production  
Lowering housing costs for families

*Details*  
\$85m  
\$10m max/ \$1m min  
Appx. 20 awards  
CDBG-based  
Obligate by June 1, 2026  
Grant close by September 30, 2029  
Due October 30  
15-day public comment period prior to submission

 Chicago Metropolitan  
Agency for Planning

The affordable housing production CDBG PRO, also called PRO Housing, grant program is focused on removing barriers to construction of affordable housing. It is similar to what DuPage County is doing with Grounded Network Solutions. Increasing housing production, generally and ultimately, will lower housing costs for families. The public hearing/comment notice needs to be published by Tuesday October 10th to gather public comments, hold a public hearing, etc.



HUD has a priority set geographies identified both at the municipality level as well as county. The municipalities (above left) highlighted in green are priority municipalities, as well as counties (also highlighted in green on right side) under HUD's measure.

## Infrastructure Investment and Jobs Act

More coordination with housing organizations, esp. funders

Integration of housing into the metropolitan transportation planning process

Option to develop a “housing coordination plan”

Historically, CMAP has assisted with increase in housing through technical assistance, often in partnerships with other organizations such as the Metropolitan Mayors Caucus of Illinois, Illinois Housing Development Authority and others. The largest change for CMAP occurred a few years ago that came with the infrastructure bill. There were changes in the statutory language for metropolitan planning organizations. This included language actually related to housing, specifically interrelationship between transportation and housing. Where people live make a difference on how they get to work, amenities, etc. Good proactive housing planning is good transportation planning. Transportation planning would take place before the development is built, not after. This change gave CMAP additional authority and space to be able to work in housing. Some of the municipalities in the committee were aware of the technical assistance available to them through CMAP.

CMAP envisions focusing on the two areas:



Develop resources and increase awareness of the economic benefits of diverse, affordable, and connected housing options

and



Support implementation of diverse and connected housing options

CMAP wants to support the work of communities at the local level. Historically, CMAP has assisted with Consolidated Plans, plan implementation and zoning.

In August, CMAP began having conversations with county partners to discover if there was an interest in a potential regional application. Positive feedback was received.

## Pathways to Removing Obstacles to Housing (Pro Housing)

### *What we heard*

Requests for CMAP involvement

Broad interest in the “housing readiness” framework

Opportunities to build off existing work

Lake County VSKA study

DuPage County Grounded Solutions network

Will County Land Resource Management Plan

Kane and McHenry County convenings

Common issue framing

Workforce housing

Importance of zoning and production

CMAP has been thinking about additional roles it could take in housing. One of which is developing housing readiness plans at the county level. This would create a specific set of items for a community to be housing-ready in a given county. Some items might relate to zoning, building codes, permitting process, fair housing, visibility, affirmative marketing, etc. If progress has been made in these areas, the community is moving along to be more housing-ready. It is recognized that there are different variables across the communities, but individually, all communities could take these steps to become more housing-ready.

Burch recognized, through talking with Keating, that DuPage has already been active by having the housing sub-committee, the contract with Grounded Network Solutions, and the County Board putting aside \$2.5 million.

CMAP received public comment about zoning, affordable housing, general housing production, but most comments received was on the need of workforce housing; interrelationship between economic development; growth of the regional economy; the types of housing being built and the locations, and whether these items are compatible to have a strong economy.

CMAP believes they have received enough input from the six counties interested in applying for the full \$10 million PRO funding.

## Recommendation/ structure

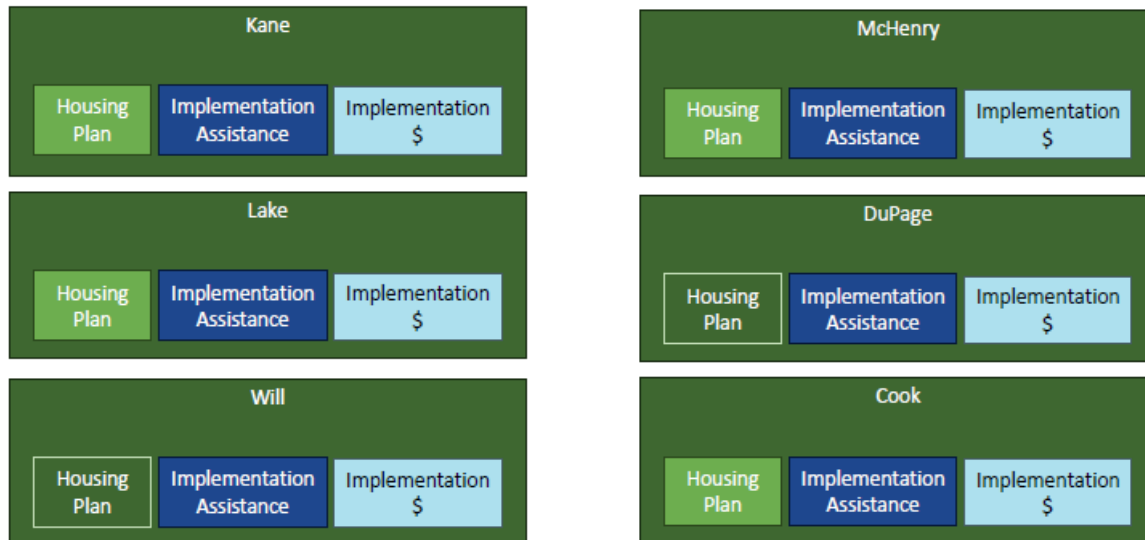
*CMAP-led application for \$10m*

*CMAP to provide housing planning and implementation support*  
Housing readiness plans for Cook, Kane, Lake, and McHenry  
NEXT-style implementation support for 3-4 communities per year  
UDOs 4 for communities

*Each county would get money to support implementation of their local plan*  
CMAP would subgrant this money to each county to administer

DuPage was not on the list because it had already begun preparing for a planning study. Will County was also not on the list. They were in the process of preparing their new Consolidated Plan.

## Structure



CMAP will provide direct technical assistance, and also help develop new unified development ordinances for towns around the region. If a town wanted to apply to CMAP for assistance, the town would be informed that CMAP is looking for communities interested in implementing this at the local level, with the recommendations of the county's granted solutions plan. CMAP would provide technical assistance.

There would be \$7 million, out of the \$10 million, available for county implementation activities, knowing that the checklist of items being different at the county level and the municipal level. There are actions the county could be taking such as ordinance changes/process



changes it could make on its own to assist with a pilot program which could potentially be replicated in the future. One such pilot program could be expanding the capacity of nonprofits.

The counties would have to complete housing readiness plans to be able to access the \$7 million, including DuPage and Will. They could potentially leverage local money with this money to be able to do more implementation on a county level activity.

Every county, in some way, would end up with a housing readiness plan allowing municipalities, through county implementation funds, access to implementation assistance through CMAP.

LaPlante requested clarification on the "Structure" slide, why Will and DuPage County's housing plan was a different color of green. Burch explained that these two counties were taking their own separate actions locally within the larger framework. This recognized that DuPage was working with Grounded Solutions and Will was doing their Consolidated Plan.

Cahill commented on the \$3 million grant funding that would go toward the implementation process. At first it was said the funding would not be available for DuPage County because DuPage was already up to speed. DuPage County should not be penalized because the County has taken a lead and gone ahead and begun the implementation process. Were there some ways the County could participate in the \$3 million implementation piece. Burch said absolutely. Use of the technical assistance for staff time at CMAP, for the next plan and implementation project for counties that have the completed plans, such as new unified development ordinances and those sorts of things CMAP could do.

Questioned was how the process would work. Once a piece of property was found, then would the County apply to CMAP for a piece of this money. Burch said there was technical assistance such as planning, zoning ordinance writing where any individual town or maybe the County could apply. Then there was the county implementation pool. It still has to be worked out how each individual county would access that pool.

Keating asked what the anticipated date was for announcing the awards. Burch said it suggested that HUD would have an announcement made by the end of January, depending on how delayed the government may be. CMAP has built the schedule for the activities assuming that actual work would be sometime in the Spring. CMAP intends to start working on the scoping activities around the housing readiness plans as soon as the grant application is complete. Even if the funding does not take place, CMAP is interested in pursuing that element.

Keating asked what the term of the grant was. Burch said from the signing of the grant agreement until September 30, 2029.

LaPlante appreciated that all of the collar counties were involved. It will add to the forward momentum.

Crandall asked for a copy of the presentation. Keating said it would be sent to the whole committee.

There were no other questions or comments.





## Action Item

421 N. COUNTY FARM  
ROAD  
WHEATON, IL 60187  
[www.dupagecounty.gov](http://www.dupagecounty.gov)

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**File #: 23-3445**

**Agenda Date: 11/7/2023**

**Agenda #: 5.A.**

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**DUPAGE  
COUNTY**

## COMMUNITY SERVICES

630-407-6500  
Fax: 630-407-6501  
[csprograms@dupageco.org](mailto:csprograms@dupageco.org)

[www.dupageco.org/community](http://www.dupageco.org/community)

**TO:** HOME Advisory Group

**FROM:** Mary A. Keating, Director,  
Department of Community Services

**DATE:** October 5, 2023

**SUBJECT: Notice of Occupancy Rights Under the Violence Against Women Act (VAWA) Policy 2<sup>nd</sup> Revision**

**Community  
Development**  
630-407-6600  
Fax: 630-407-6601

**Family Center**  
422 N. County Farm Rd.  
Wheaton, IL 60187  
630-407-2450  
Fax: 630-407-2451

**Housing Supports  
and Self-Sufficiency**  
630-407-6500  
Fax: 630-407-6501

**Intake and Referral**  
630-407-6500  
Fax: 630-407-6501

**Senior Services**  
630-407-6500  
Fax: 630-407-6501

**Action Requested:** CDC staff recommend approval of the updated Notice of Occupancy Rights Under the Violence Against Women Act (VAWA) Policy.

**Details:** The Community Development Commission (CDC) staff has amended a policy to comply with and address the Violence Against Women Act (VAWA). Despite the name of this law, VAWA protections are available equally to all individuals regardless of sex, gender identity, or sexual orientation, and does not discriminate based on any protected characteristic. VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.

On March 15, 2022, President Biden signed into law the Consolidated Appropriations Act of 2022, which included the Violence Against Women Act Reauthorization Act of 2022 ("VAWA 2022"). VAWA 2022 reauthorizes, amends, and strengthens VAWA. Many of the VAWA amendments took effect 10/01/2022. Updates have been made to the existing Notice of Occupancy Rights Under the VAWA to align with VAWA 2022 amendments and U.S. Department of Housing and Urban Development (HUD) guidance pertaining to covered housing providers.

Policy updates added language regarding the following:

1. Application of VAWA to expanded definitions of domestic violence, economic abuse, and technological abuse; and
2. Prohibition on retaliation; and
3. Right to report crime and emergencies.

HUD is developing further guidance and revising its VAWA forms to ensure compliance with VAWA 2022 but has encouraged covered governmental entities to update existing applicable policies and practices prior to their issuance of guidance.

## Notice of Occupancy Rights Under the Violence Against Women Act (VAWA)

**Policy** (Approved by the HOME Advisory Group on 08/07/2018; Updated and Approved by HOME Advisory Group 09/01/2020; Updated and Approved by HOME Advisory Group xx/xx/2023)

### 1. Overview:

First introduced in 1994 and subsequently reauthorized ~~three~~four times, 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.

### 2. Authority – 24 CFR Part 5 – Subpart L:

This subpart addresses the regulation for protections for victims of domestic violence, dating violence, sexual assault, or stalking who are applying for, or are the beneficiaries of, assistance under a Department of Housing and Urban Development (HUD) program covered by the Violence Against Women Act (VAWA), as amended (42 U.S.C.13925 and 42 U.S.C. 14043e *et seq.*) (“covered housing program,” as defined in § 5.2003). Notwithstanding the title of the statute, protections are not limited to women but cover victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. Consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD’s VAWA requirements must be applied in a manner consistent with the definitions found at 34 U.S.C. 122291(a)(12) (Domestic Violence), 34 U.S.C. 122291(a)(13) (Economic Abuse) and 34 U.S.C. 122291(a)(40) (Technological Abuse).

### 3. Rights, and Responsibility for the Community Development Commission, Subrecipients, Landlords, and Tenants:

a. **Tenant Protections, Rights, and Responsibilities.** Prospective tenants cannot be denied admission or denied assistance because they have been a victim of domestic violence, dating violence, sexual assault, or stalking. A tenant can be evicted for repeated lease violations that are not related to domestic violence, dating violence, sexual assault, and stalking. Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance. The tenant, to the greatest extent feasible, will have the right to work with the landlord, subrecipients, and the Community Development Commission (CDC) to work on a solution on a ~~ease-by-ease~~case-by-case basis while remaining confidential and in the best interest of the tenant.

b. **Landlord Protections, Rights, and Responsibilities.** The landlord has the ability to adjust the lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking (refer to section 54). A landlord cannot deny a prospective tenant admission or denied assistance because they have been a victim of domestic violence, dating violence, sexual assault, or stalking. The landlord, to the greatest extent feasible, will have the right to work with the tenant, subrecipients, and the

Community Development Commission to work on a solution on a ~~case-by-case~~case-by-case basis while remaining confidential and in the best interest of the tenant.

**b.c. Subrecipient Protections, Rights, and Responsibilities.** The subrecipient has the responsibility to report any instances where a landlord has denied a prospective tenant admission or denied assistance because they have been a victim of domestic violence, dating violence, sexual assault, or stalking. They also have the responsibility to assist landlords in adjusting the lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking (refer to section 54). The subrecipient, to the greatest extent feasible, will have the right to work with the tenant, landlords, and the Community Development Commission to work on a solution on a case by case basis while remaining confidential and in the best interest of the tenant.

**e.d. Community Development Commission Protections, Rights, and Responsibilities.** Upon a tenant request, the CDC, to the greatest extent feasible, will work with affiliate agencies providing affordable housing to permit a tenant to move to another unit due to an incidence of domestic violence, dating violence, sexual assault, or stalking, and threats, pending availability of comparable units and need. All requests will remain confidential to the greatest extent feasible.

The CDC, to the greatest extent feasible, will have the responsibility to work with the tenant, landlords, and if needed, victim service providers, legal service providers, or nonprofit agencies to provide services to work on a solution on a ~~case-by-case~~case-by-case basis while remaining confidential and in the best interest of the tenant.

Upon guidance issued by HUD, the CDC on behalf of the County will report on its laws or policies, and/or their Subrecipient's laws or policies, that penalize protected persons based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property. Certification of compliance with protections or an explanation how compliance will be met by the County and/or its Subrecipients will be provided as required by HUD in accordance with reporting requirements.

4. **Prohibition on Retaliation:**

Retaliation is prohibited in covered housing. It is illegal for Public Housing Agency (PHA), owner, or manager of covered housing to discriminate against any person because that person has opposed any act or practice made unlawful by VAWA's housing provisions, or because that person testified, assisted, or participated in any real matter.

It is also illegal for Public Housing Agency (PHA), owner, or manager 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.

5. **Lease Bifurcation:**

- a. The housing owner may bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member

who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual:

- i. Without regard to whether the household member is a signatory to the lease; and
  - ii. Without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.
- b. If a household occupying a HOME-assisted rental unit separates due to domestic violence, dating violence, sexual assault, or stalking, the remaining tenant(s) may remain in the HOME-assisted unit.
  - c. If a household receiving HOME tenant-based rental assistance separates due to domestic violence, dating violence, sexual assault, or stalking, the remaining tenant(s) will retain the HOME tenant-based rental assistance.
  - d. A lease bifurcation shall be carried out in accordance with any requirements or procedures as may be prescribed by Federal, State, or local law for termination of assistance or leases and in accordance with any requirements under the relevant covered housing program.

#### **6. Right to Report Crime and Emergencies:**

- a. Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance.
- a. Penalizing or threatening to penalize persons because they request assistance or report criminal activity of which they are a victim or otherwise not at fault under the laws or policies adopted or enforced by “covered governmental entities (any municipal, county, or State government that receives funding under section 106 of the Housing and Community Development Act of 1974) is prohibited.”
- b. Covered governmental entities are required to report on their laws or policies or their subgrantees’ law or policies, that penalize protected persons based on request for law enforcement or emergency assistance or based on criminal activity that occurred at a property. These entities must also certify compliance with these protections or explain how they will come into compliance or ensure compliance among subgrantees within 180 days of submitting the report to HUD. Implementation regulations or guidance will be issued by HUD regarding the timing and process of the reporting.

#### **6.7. Confidentiality:**

Subrecipients, and landlords receiving Federal funds through the Community Development Commission must keep confidential any information related to tenant rights under VAWA. The CDC must not allow any individual administering assistance or other services on behalf of the CDC to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law. The CDC, subrecipients, and landlords receiving Federal funds however, may disclose information provided if:

- Written permission is received from the tenant to release the information on a time limited basis

- Information is needed in an eviction or termination proceeding, such as to evict an abuser or perpetrator or terminate the abuser or perpetrator from the CDC assisted unit
- A law requires the release of the information

VAWA does not limit the duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

#### **7.8. Other Laws and Non-Compliance:**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. Tenants may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws. All complaints or violations should be submitted to the HUD Chicago Regional Office either by phone at (312) 353-5680 or by mail:

Ralph Metcalfe Federal Building  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Complaints may also be filed with HUD's Office of Fair Housing and Equal Opportunity (FHEO) electronically at <https://www.hud.gov/fairhousing/fileacomplaint%20>.

#### **8.9. Appeals:**

Appeals of a Federal regulation or requirement cannot be granted by the Commission as the Commission only has the ability to grant appeals based on County policies. However, should a landlord and/or tenant not reach a satisfactory outcome compliant with VAWA, tenant/landlord disputes would be referred to the appropriate local legal resource.

#### **9.10. Attachments:**

The following forms have been developed by HUD and may be provided to tenants by covered housing providers administering one or more covered housing programs. These forms may be updated by HUD from time to time, and the most recent versions must be utilized by housing providers.

- [Form HUD-5380, Notice of Occupancy Rights under VAWA](#)
- [Form HUD-5381, Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking](#)
- [Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation](#)
- [Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking](#)

If a covered housing provider wishes to develop and utilize forms outside of those developed by HUD, each form must meet the requirements under VAWA.

**SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION**

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

(1) \_\_\_\_\_ A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the

professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.

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

(3) \_\_\_\_\_ At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.



~~TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING~~

1. \_\_\_\_\_ ~~Date the written request is received by victim:~~ \_\_\_\_\_

2. \_\_\_\_\_ ~~Name of victim:~~ \_\_\_\_\_

3. \_\_\_\_\_ ~~Your name (if different from victim's):~~ \_\_\_\_\_

4. \_\_\_\_\_ ~~Name(s) of other family member(s) listed on the lease:~~ \_\_\_\_\_

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5. \_\_\_\_\_ ~~Residence of victim:~~ \_\_\_\_\_

6. \_\_\_\_\_ ~~Name of the accused perpetrator (if known and can be safely disclosed):~~ \_\_\_\_\_

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7. \_\_\_\_\_ ~~Relationship of the accused perpetrator to the victim:~~ \_\_\_\_\_

8. \_\_\_\_\_ ~~Date(s) and times(s) of incident(s) (if known):~~ \_\_\_\_\_

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**10. Location of incident(s): \_\_\_\_\_**

In your own words, briefly describe the incident(s):

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~~This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.~~

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

~~**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.~~

# Notice of Occupancy Rights Under the Violence Against Women Act (VAWA)

**Policy** (Approved by the HOME Advisory Group on 08/07/2018; Updated and Approved by HOME Advisory Group 09/01/2020; Updated and Approved by HOME Advisory Group xx/xx/2023)

## 1. Overview:

First introduced in 1994 and subsequently reauthorized four times, 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.

## 2. Authority – 24 CFR Part 5 – Subpart L:

This subpart addresses the regulation for protections for victims of domestic violence, dating violence, sexual assault, or stalking who are applying for, or are the beneficiaries of, assistance under a Department of Housing and Urban Development (HUD) program covered by the Violence Against Women Act (VAWA), as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e *et seq.*) (“covered housing program,” as defined in § 5.2003). Notwithstanding the title of the statute, protections are not limited to women but cover victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation. Consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD’s VAWA requirements must be applied in a manner consistent with the definitions found at 34 U.S.C. 122291(a)(12) (Domestic Violence), 34 U.S.C. 122291(a)(13) (Economic Abuse) and 34 U.S.C. 122291(a)(40) (Technological Abuse).

## 3. Rights, and Responsibility for the Community Development Commission, Subrecipients, Landlords, and Tenants:

- a. **Tenant Protections, Rights, and Responsibilities.** Prospective tenants cannot be denied admission or denied assistance because they have been a victim of domestic violence, dating violence, sexual assault, or stalking. A tenant can be evicted for repeated lease violations that are not related to domestic violence, dating violence, sexual assault, and stalking. Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance. The tenant, to the greatest extent feasible, will have the right to work with the landlord, subrecipients, and the Community Development Commission (CDC) to work on a solution on a case-by-case basis while remaining confidential and in the best interest of the tenant.
- b. **Landlord Protections, Rights, and Responsibilities.** The landlord has the ability to adjust the lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking (refer to

section 5). A landlord cannot deny a prospective tenant admission or denied assistance because they have been a victim of domestic violence, dating violence, sexual assault, or stalking. The landlord, to the greatest extent feasible, will have the right to work with the tenant, subrecipients, and the Community Development Commission to work on a solution on a case-by-case basis while remaining confidential and in the best interest of the tenant.

- c. **Subrecipient Protections, Rights, and Responsibilities.** The subrecipient has the responsibility to report any instances where a landlord has denied a prospective tenant admission or denied assistance because they have been a victim of domestic violence, dating violence, sexual assault, or stalking. They also have the responsibility to assist landlords in adjusting the lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking (refer to section 5). The subrecipient, to the greatest extent feasible, will have the right to work with the tenant, landlords, and the Community Development Commission to work on a solution on a case-by-case basis while remaining confidential and in the best interest of the tenant.
- d. **Community Development Commission Protections, Rights, and Responsibilities.** Upon a tenant request, the CDC, to the greatest extent feasible, will work with affiliate agencies providing affordable housing to permit a tenant to move to another unit due to an incidence of domestic violence, dating violence, sexual assault, or stalking, and threats, pending availability of comparable units and need. All requests will remain confidential to the greatest extent feasible.

The CDC, to the greatest extent feasible, will have the responsibility to work with the tenant, landlords, and if needed, victim service providers, legal service providers, or nonprofit agencies to provide services to work on a solution on a case-by-case basis while remaining confidential and in the best interest of the tenant.

Upon guidance issued by HUD, the CDC on behalf of the County will report on its laws or policies, and/or their Subrecipient's laws or policies, that penalize protected persons based on requests for law enforcement or emergency assistance or based on criminal activity that occurred at a property. Certification of compliance with protections or an explanation of how compliance will be met by the County and/or its Subrecipients will be provided as required by HUD in accordance with reporting requirements.

#### 4. **Prohibition on Retaliation:**

Retaliation is prohibited in covered housing. It is illegal for Public Housing Agency (PHA), owner, or manager of covered housing to discriminate against any person because that person has opposed any act or practice made unlawful by VAWA's housing provisions, or because that person testified, assisted, or participated in any real matter.

It is also illegal for Public Housing Agency (PHA), owner, or manager of covered housing to coerce, intimidate, threaten, interfere with, or retaliate against any person who exercises, assists, or encourages a person to exercise any rights or protections under VAWA's housing provisions.

**5. Lease Bifurcation:**

- a. The housing owner may bifurcate a lease, or remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual:
  - i. Without regard to whether the household member is a signatory to the lease; and
  - ii. Without evicting, removing, terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.
- b. If a household occupying a HOME-assisted rental unit separates due to domestic violence, dating violence, sexual assault, or stalking, the remaining tenant(s) may remain in the HOME-assisted unit.
- c. If a household receiving HOME tenant-based rental assistance separates due to domestic violence, dating violence, sexual assault, or stalking, the remaining tenant(s) will retain the HOME tenant-based rental assistance.
- d. A lease bifurcation shall be carried out in accordance with any requirements or procedures as may be prescribed by Federal, State, or local law for termination of assistance or leases and in accordance with any requirements under the relevant covered housing program.

**6. Right to Report Crime and Emergencies:**

- a. Landlords, homeowners, tenants, residents, occupants, and guests of, and applicants for, housing shall have the right to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance. Penalizing or threatening to penalize persons because they request assistance or report criminal activity of which they are a victim or otherwise not at fault under the laws or policies adopted or enforced by covered governmental entities (any municipal, county, or State government that receives funding under section 106 of the Housing and Community Development Act of 1974) is prohibited.
- b. Covered governmental entities are required to report on their laws or policies or their subgrantees' law or policies, that penalize protected persons based on request for law enforcement or emergency assistance or based on criminal activity that occurred at a property. These entities must also certify compliance with these protections or explain how they will come into compliance or ensure compliance among subgrantees within

180 days of submitting the report to HUD. Implementation regulations or guidance will be issued by HUD regarding the timing and process of the reporting.

**7. Confidentiality:**

Subrecipients, and landlords receiving Federal funds through the Community Development Commission must keep confidential any information related to tenant rights under VAWA. The CDC must not allow any individual administering assistance or other services on behalf of the CDC to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law. The CDC, subrecipients, and landlords receiving Federal funds, however, may disclose information provided if:

- Written permission is received from the tenant to release the information on a time limited basis
- Information is needed in an eviction or termination proceeding, such as to evict an abuser or perpetrator or terminate the abuser or perpetrator from the CDC assisted unit
- A law requires the release of the information

VAWA does not limit the duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

**8. Other Laws and Non-Compliance:**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. Tenants may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws. All complaints or violations should be submitted to the HUD Chicago Regional Office either by phone at (312) 353-5680 or by mail:

Ralph Metcalfe Federal Building  
77 West Jackson Boulevard  
Chicago, Illinois 60604

Complaints may also be filed with HUD's Office of Fair Housing and Equal Opportunity (FHEO) electronically at <https://www.hud.gov/fairhousing/fileacomplaint%20>.

**9. Appeals:**

Appeals of a Federal regulation or requirement cannot be granted by the Commission as the Commission only has the ability to grant appeals based on County policies. However, should a landlord and/or tenant not reach a satisfactory outcome compliant with VAWA, tenant/landlord disputes would be referred to the appropriate local legal resource.

**10. Attachments:**

The following forms have been developed by HUD and may be provided to tenants by covered housing providers administering one or more covered housing programs. These forms may be updated by HUD from time to time, and the most recent versions must be utilized by housing providers.

- a. Form HUD-5380, Notice of Occupancy Rights under VAWA
- b. Form HUD-5381, Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking
- c. Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking, and Alternate Documentation
- d. Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

If a covered housing provider wishes to develop and utilize forms outside of those developed by HUD, each form must meet the requirements under VAWA.

**[Insert Name of Housing Provider<sup>1</sup>]**

**Notice of Occupancy Rights under the Violence Against Women Act<sup>2</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>3</sup> The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **[insert name of program or rental assistance]** is 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.”

**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.

**Protections for Tenants**

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<sup>1</sup> The notice uses HP for housing provider but the housing provider should insert its name where HP is used. HUD’s program-specific regulations identify the individual or entity responsible for providing the notice of occupancy rights.

<sup>2</sup> Despite the name of this law, VAWA protection is available regardless of sex, gender identity, or sexual orientation.

<sup>3</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.



If you are receiving assistance under **[insert name of program or rental assistance]**, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under **[insert name of program or rental assistance]** solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

### **Removing the Abuser or Perpetrator from the Household**

HP may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If HP chooses to remove the abuser or perpetrator, HP may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, HP must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, HP must follow Federal, State, and local eviction procedures. In order to divide a lease, HP may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

### **Moving to Another Unit**

Upon your request, HP may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, HP may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If 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, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing provider may choose to require that you submit a form, or may accept another written or oral request.
- (3) 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-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

HP will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

HP's emergency transfer plan provides further information on emergency transfers, and HP must make a copy of its emergency transfer plan available to you if you ask to see it.

**Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking**

HP can, but is not required to, ask you to provide documentation to “certify” that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such request from HP must be in writing, and HP must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. HP may, but does not have to, extend the deadline for the submission of documentation upon your request.

You can provide one of the following to HP as documentation. It is your choice which of the following to submit if HP asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by HP with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that HP has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, HP does not have to provide you with the protections contained in this notice.

If HP receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), HP has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, HP does not have to provide you with the protections contained in this notice.

### **Confidentiality**

HP must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

HP must not allow any individual administering assistance or other services on behalf of HP (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

HP must not enter your information into any shared database or disclose your information to any other entity or individual. HP, however, may disclose the information provided if:

- You give written permission to HP to release the information on a time limited basis.
- HP needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires HP or your landlord to release the information.

VAWA does not limit HP's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

### **Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated**

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, HP cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if HP can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If HP can demonstrate the above, HP should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

### **Other Laws**

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to

additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

### **Non-Compliance with The Requirements of This Notice**

You may report a covered housing provider's violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with **[insert contact information for any intermediary, if applicable]** or **[insert HUD field office]**.

### **For Additional Information**

You may view a copy of HUD's final VAWA rule at **[insert Federal Register link]**.

Additionally, HP must make a copy of HUD's VAWA regulations available to you if you ask to see them.

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-5382 **[form approved for this program to be included]**

**[Inserte el nombre del Proveedor de vivienda<sup>1</sup>]**

**Aviso de Derechos de Ocupación bajo la Ley sobre la Violencia contra la Mujer<sup>2</sup>**

**A todos los inquilinos y solicitantes**

La Ley sobre la Violencia contra la Mujer (VAWA, por sus siglas en inglés) dispone protecciones para las víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso. Las protecciones de la VAWA no solo están disponibles para las mujeres, sino que están disponibles por igual para todas las personas independientemente del sexo, identidad de género u orientación sexual.<sup>3</sup> El Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD, por sus siglas en inglés) es la agencia federal que supervisa que **[inserte el nombre del programa o ayuda para el alquiler]** cumpla con VAWA. Este aviso explica sus derechos bajo VAWA. Un formulario de certificación que ha sido aprobado por HUD se adjunta a este aviso. Puede llenar este formulario para demostrar que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso, y que desea ejercitar sus derechos bajo VAWA”.

**Protecciones para los solicitantes**

Si también es elegible para obtener asistencia bajo **[inserte el nombre del programa o ayuda para el alquiler]**, no se le puede denegar la admisión ni la asistencia porque es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual, o acoso.

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<sup>1</sup> El aviso utiliza PV para el proveedor de vivienda, pero el proveedor de vivienda debe insertar su nombre donde PV se utiliza. Las regulaciones específicas del programa HUD identifican a la persona o entidad responsable de proporcionar el aviso de derechos de ocupación.

<sup>2</sup> A pesar del nombre de esta ley, las protecciones de VAWA están disponibles sin distinción de sexo, identidad de género u orientación sexual.

<sup>3</sup> Los proveedores de vivienda no pueden discriminar por razón de ninguna característica protegida, incluidos la raza, color, origen nacional, religión, sexo, estado familiar, discapacidad o edad. Las viviendas con ayuda de HUD y garantizadas por HUD deben estar disponibles para todas las personas elegibles independientemente de su orientación sexual real o percibida, identidad de género o estado civil.



## **Protecciones para los inquilinos**

Si usted recibe asistencia bajo **[inserte el nombre del programa o ayuda para el alquiler]**, no se le puede denegar la asistencia, terminar su participación en el programa o ser desalojado de su vivienda de alquiler porque es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.

Además, si usted o una persona afiliada a usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso por parte de un miembro de su hogar o algún invitado, a usted no se le puede denegar la asistencia de alquiler o derechos de ocupación bajo **[inserte el nombre del programa o ayuda para el alquiler]** exclusivamente sobre la base de actividad delictiva directamente relacionada con tal violencia doméstica, violencia de pareja, agresión sexual o acoso.

Persona afiliada significa su cónyuge, padre/madre, hermano, hermana o hijo/a, o una persona para quien usted cumple la función de padre o guardián (por ejemplo, la persona afiliada está bajo su cuidado, custodia o control); o cualquier persona, inquilino u ocupante legal que viva en su hogar.

## **Desalojar al agresor o perpetrador del hogar**

PV puede dividir (bifurcar) su contrato de arrendamiento para desalojar a la persona o terminar la asistencia de la persona que haya participado en actividades delictivas (el agresor o perpetrador) que se relacionan directamente con violencia doméstica, violencia de pareja, agresión sexual o acoso.

Si PV decide desalojar al agresor o perpetrador, PV no puede quitar los derechos de los inquilinos a la unidad ni castigar de otro modo a los inquilinos restantes. Si el agresor o perpetrador que fue desalojado era el único inquilino con elegibilidad establecida para recibir

asistencia bajo el programa, PV debe permitir que el inquilino que es o haya sido la víctima y otros miembros del hogar permanezcan en la unidad por un período de tiempo, para poder establecer su elegibilidad bajo el programa o bajo otro programa de vivienda HUD cubierto por VAWA, o bien, para encontrar vivienda alternativa.

Al remover al agresor o perpetrador del hogar, PV debe seguir los procedimientos de desalojo federales, estatales y locales. A fin de dividir un contrato de arrendamiento, PV puede, pero no está obligado, pedirle la documentación o certificación de las incidencias de violencia doméstica, violencia de pareja, agresión sexual o acoso.

### **Trasladarse a otra unidad**

A petición suya, PV puede permitirle mudarse a otra unidad, sujeto a la disponibilidad de otras unidades, y aun así mantener su asistencia. Para aprobar una solicitud, PV puede pedirle que proporcione documentación que indique que usted solicita mudarse debido a un caso de violencia doméstica, violencia de pareja, agresión sexual o acoso. Si la solicitud es un pedido de traslado de emergencia, el proveedor de vivienda puede pedirle que presente una solicitud por escrito o llene un formulario donde certifique que usted reúne los criterios para un traslado de emergencia bajo VAWA. Los criterios son:

**(1) Usted es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.** Si su proveedor de vivienda aún no tiene documentación de que usted es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso, su proveedor de vivienda puede pedirle dicha documentación, según se describe en la sección de documentación a continuación.

**(2) Usted solicita expresamente el traslado de emergencia.** Su proveedor de vivienda puede optar por requerir que presente un formulario, o puede aceptar otra solicitud escrita u oral.

**(3) Usted tiene razón para creer que se encuentra en peligro de daño inminente de violencia adicional si permaneciera en su unidad actual.** Esto significa que usted tiene razón para temer que si no recibe el traslado puede sufrir violencia en un futuro muy próximo.

### **O BIEN**

**Usted ha sido víctima de agresión sexual y la agresión ocurrió en las instalaciones durante un período de 90 días naturales antes de solicitar el traslado.** Si usted ha sido víctima de agresión sexual, entonces además de calificar para un traslado de emergencia porque usted tiene razón para temer que se encuentra en peligro de daño inminente de violencia adicional si permaneciera en su unidad actual, usted puede calificar para un traslado de emergencia si la agresión sexual ocurrió en las instalaciones de la propiedad de la cual usted está solicitando el traslado, y la agresión ocurrió dentro de un período de 90 días naturales antes de usted solicitar expresamente el traslado.

PV mantendrá en confidencialidad las solicitudes para traslados de emergencia hechos por víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso, y el lugar al que se muden las víctimas y sus familias.

El plan de traslado de emergencia del PV proporciona más información sobre los traslados de emergencia, y PV debe facilitarle una copia de su plan de traslado de emergencia si usted solicita verlo.

**Documentar que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso**

PV puede, aunque no esté obligado, pedirle que proporcione documentación para "certificar" que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.

Dicha solicitud de PV debe ser por escrito, y PV debe concederle un mínimo de 14 días laborables (no cuentan los sábados, domingos ni días feriados federales) desde el día que usted reciba la solicitud para proporcionar la documentación. PV puede, pero no está bajo la obligación, extender el plazo para presentar la documentación a petición suya.

Usted puede proporcionar una de las siguientes documentaciones a PV. Es su elección cuál de las siguientes presentará si PV le pide que proporcione documentación que usted es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.

- Un formulario completo de certificación aprobado por HUD que PV le ha entregado con este aviso, que documenta un incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso. El formulario le preguntará su nombre, la fecha, hora y lugar del incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso, y una descripción del incidente. El formulario de certificación pide el nombre del agresor o perpetrador, en caso de conocer el nombre del agresor o perpetrador y es seguro proporcionarlo.
- Un registro de una agencia policial, administrativa o corte federal, estatal, tribal, territorial o local que documente el incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso. Ejemplos de tales registros incluyen informes de la policía, órdenes de protección y órdenes de restricción, entre otros.
- Una declaración, la cual deberá firmar, junto con la firma de un empleado, agente o voluntario de un proveedor de servicios para víctimas, un abogado, un profesional

médico o un profesional de salud mental (colectivamente, "profesional") de quien usted ha solicitado ayuda por el incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso, o los efectos del abuso, y que el profesional que usted seleccionó atestigüe bajo pena de perjurio que él o ella cree que el incidente o incidentes de violencia doméstica, violencia de pareja, agresión sexual o acoso son motivos para la protección.

- Cualquier otra declaración o evidencia que PV esté de acuerdo en aceptar.

Si usted no cumple o se niega a proporcionar uno de estos documentos dentro del plazo de 14 días laborables, PV no tiene que proporcionarle las protecciones contenidas en este aviso.

Si PV recibe evidencia contradictoria de que se ha cometido un incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso (tales como formularios de certificación de dos o más miembros de un hogar en los que cada uno afirma ser la víctima y nombra a uno o más de los miembros del hogar que también han presentado una solicitud como el agresor o perpetrador), PV tiene el derecho de solicitar que usted proporcione documentación de terceros dentro de 30 días naturales para poder resolver el conflicto. Si usted incumple o se niega a proporcionar la documentación de terceros en caso de haber evidencia contradictoria, PV no tiene que proporcionarle las protecciones contenidas en este aviso.

### **Confidencialidad**

PV debe mantener en confidencialidad cualquier información que usted proporcione relacionada con el ejercicio de sus derechos bajo VAWA, incluido el hecho de que está ejercitando sus derechos bajo VAWA.

PV no debe permitir que ninguna persona que administre asistencia u otros servicios en nombre de PV (por ejemplo, empleados y contratistas) tenga acceso a información confidencial a menos que sea por razones que requieran específicamente que estas personas tengan acceso a esta información bajo la estipulación de leyes federales, estatales o locales aplicables.

PV no debe ingresar su información en ninguna base de datos compartida ni revelar su información a ninguna otra entidad o persona. Sin embargo, PV puede revelar su información si:

- Usted da su autorización por escrito para que PV revele la información por un tiempo limitado.
- PV necesita usar la información en un proceso de desalojo o terminación, tal como desalojar al agresor o perpetrador o dar por terminada la asistencia que el agresor o perpetrador recibe bajo este programa.
- Una ley requiere que PV o su arrendador revele la información.

VAWA no limita la responsabilidad de PV de cumplir con las órdenes judiciales sobre el acceso o control de la propiedad. Esto incluye las órdenes emitidas para proteger a una víctima y las órdenes para la división de bienes entre los miembros del hogar en casos de ruptura familiar.

### **Razones por las que un inquilino elegible para los derechos de ocupación bajo VAWA puede ser desalojado o su asistencia puede ser terminada**

Usted puede ser desalojado o su asistencia puede ser terminada por violaciones serias o repetidas de su contrato de arrendamiento que no estén relacionadas con violencia doméstica, violencia de pareja, agresión sexual o acoso cometido en su contra. Sin embargo, PV no puede exigir que los inquilinos que hayan sido víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso cumplan con un conjunto de reglas más estricto que el que aplica a los inquilinos que no han sido víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso.

Es posible que las protecciones descritas en este aviso no sean aplicables, y usted podría ser desalojado y su asistencia terminada, si PV puede demostrar que no el desalojarlo o terminar su asistencia presentaría un peligro físico real que:

- 1) Ocurriría en un plazo inmediato, y
- 2) Podría resultar en la muerte o daño físico grave de otros inquilinos o aquellos que trabajan en la propiedad.

Si PV puede demostrar lo anterior, PV solamente debe terminar su asistencia o desalojarlo si no se puede tomar ninguna otra acción para reducir o eliminar la amenaza.

### **Otras leyes**

VAWA no reemplaza ninguna ley federal, estatal o local que proporcione mayor protección a las víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso. Usted puede tener derecho a otras protecciones de vivienda para las víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso bajo otras leyes federales, así como bajo las leyes estatales y locales.

### **Incumplimiento de los requisitos de este aviso**

Usted puede reportar las violaciones de estos derechos por parte de un proveedor de vivienda cubierto y buscar ayuda adicional, si es necesario, mediante comunicarse o presentar una queja a **[inserte la información de contacto de cualquier intermediario, si procede]** o **[inserte la oficina local de HUD].** Para obtener más información

Usted puede ver una copia de la regla VAWA final de HUD en **[insertar enlace al registro federal]**.

Además, PV debe facilitarle una copia de las regulaciones VAWA de HUD si usted solicita verlas.

Si tiene preguntas relacionadas con VAWA, favor de comunicarse con **[inserte el nombre del programa o información de contacto de la ayuda para el alquiler capaz de contestar preguntas sobre VAWA]**.

Para obtener ayuda con respecto a una relación abusiva, puede llamar a la Línea Nacional de Ayuda para la Violencia Doméstica al teléfono 1-800-799-7233 o, para personas con impedimentos auditivos, 1-800-787-3224 (TTY). También puede comunicarse con **[Inserte la información de contacto de las organizaciones locales pertinentes]**.

Los inquilinos que son o han sido víctimas de acoso que están en busca de ayuda pueden visitar el Centro de Recursos para el Acoso del Centro Nacional para Víctimas del Crimen en <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Para obtener ayuda con respecto a la agresión sexual, puede comunicarse con **[Inserte la información de contacto de las organizaciones pertinentes]**.

Las víctimas de acoso que están en busca de ayuda pueden comunicarse con **[Inserte la información de contacto de las organizaciones pertinentes]**.

**Adjunto:** Formulario de certificación HUD-5382 **[incluir el formulario aprobado para este programa]**.



**[Insert name of covered housing provider]**

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

**Emergency Transfers**

**[Insert name of covered housing provider (acronym HP for purposes of this model plan)]** is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> HP 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.<sup>2</sup> The ability of HP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model

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<sup>1</sup> Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that **[insert name of program or rental assistance here]** is in compliance with VAWA.

### **Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to **[HP to insert location]**. HP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under HP's program; OR

2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

### **Confidentiality**

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Emergency Transfer Timing and Availability**

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, HP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### **Safety and Security of Tenants**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

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>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: \_\_\_\_\_

2. Name of victim: \_\_\_\_\_

3. Your name (if different from victim's): \_\_\_\_\_

4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

5. Residence of victim: \_\_\_\_\_

6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s):

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This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

**CERTIFICACIÓN DE**  
**VIOLENCIA DOMÉSTICA, Departamento de Vivienda y**  
**VIOLENCE DE PAREJA, Desarrollo Urbano de los EE.UU.**  
**AGRESIÓN SEXUAL O ACOSO,**  
**Y DOCUMENTACIÓN ALTERNATIVA**

Núm. de aprobación de OMB 2577-0286

Expira 30/06/2017

**Propósito del formulario:** La Ley sobre la Violencia contra la Mujer (VAWA, por sus siglas en inglés) protege a los solicitantes, inquilinos y participantes de ciertos programas de HUD de ser desalojados, denegados asistencia de vivienda o la terminación de su asistencia de vivienda por razón de actos de violencia doméstica, violencia de pareja, agresión sexual o acoso en su contra. A pesar del nombre de esta ley, las protecciones de VAWA están disponibles para las víctimas de violencia doméstica, violencia de pareja, agresión sexual y acoso independientemente del sexo, identidad de género u orientación sexual.

**Uso de este formulario opcional:** Si está solicitando las protecciones proporcionadas por VAWA de su proveedor de vivienda, su proveedor de vivienda puede darle una solicitud por escrito que le pide que presente documentación sobre el incidente o incidentes de violencia doméstica, violencia de pareja, agresión sexual o acoso.

En respuesta a tal petición, usted o alguien en su nombre puede completar este formulario opcional y presentarlo a su proveedor de vivienda, o usted puede presentar uno de los siguientes tipos de documentación de terceros:

- (1) Un documento firmado por usted y un empleado, agente o voluntario de un proveedor de servicios para víctimas, un abogado, o un profesional médico o un profesional de salud mental (colectivamente, "profesional") de quien usted ha solicitado ayuda en relación con el incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso, o los efectos del abuso. El documento debe especificar, bajo pena de perjurio, que el profesional cree que el incidente o incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso ocurrió y cumple con la definición de "violencia doméstica", "violencia de pareja", "agresión sexual", o "acoso" en las regulaciones de HUD en 24 CFR 5.2003.
- (2) Un registro de una agencia policial, administrativa o corte federal, estatal tribal, territorial o local; o
- (3) A discreción del proveedor de vivienda, una declaración u otra evidencia proporcionada por el solicitante o inquilino.

**Presentación de la documentación:** El plazo para presentar la documentación es de 14 días laborables a partir de la fecha que usted recibe una solicitud por escrito de su proveedor de vivienda pidiéndole que presente documentación del incidente de violencia doméstica, violencia de pareja, agresión sexual o acoso. Su proveedor de vivienda puede, aunque no está obligado, extender el plazo para presentar la documentación, si usted solicita una extensión del plazo. Si la información solicitada no es recibida dentro de 14 días laborables a partir del momento en que recibió la solicitud de dicha documentación, o de la extensión de la fecha proporcionada por su proveedor de vivienda, su proveedor de vivienda no tiene necesidad de proporcionarle ninguna de las protecciones de VAWA. La distribución o expedición de este formulario no constituye una solicitud por escrito de certificación.

**Confidencialidad:** Toda la información proporcionada a su proveedor de vivienda con respecto al incidente(s) de violencia doméstica, violencia de pareja, agresión sexual o acoso se mantendrá en confidencialidad y tales detalles no se ingresarán en ninguna base de datos compartida. Los empleados de su proveedor de vivienda no deben tener acceso a estos detalles a menos que sea para concederle o

denegarle las protecciones de VAWA, y dichos empleados no podrán revelar esta información a ninguna otra entidad o persona, salvo en la medida en que su divulgación sea: (i) bajo su consentimiento por escrito para divulgación por un tiempo limitado; (ii) requerida para uso en un proceso de desalojo o audiencia relacionada con la terminación de asistencia; o (iii) de algún otro modo exigido por las leyes aplicables.

**PARA COMPLETARSE POR O EN NOMBRE DE LA VÍCTIMA DE VIOLENCIA DOMÉSTICA, VIOLENCIA DE PAREJA, AGRESIÓN SEXUAL O ACOSO**

1. Fecha en que la víctima recibió la solicitud por escrito: \_\_\_\_\_

2. Nombre de la víctima: \_\_\_\_\_

3. Su nombre (si usted no es la víctima): \_\_\_\_\_

4. Nombre(s) de otro(s) miembro(s) de la familia en el contrato de arrendamiento: \_\_\_\_\_

5. Residencia de la víctima: \_\_\_\_\_

6. Nombre del acusado (si se conoce y se puede divulgar con seguridad): \_\_\_\_\_

7. Relación del acusado con la víctima: \_\_\_\_\_

8. Fecha(s) y hora(s) del (los) incidente(s) (si las sabe): \_\_\_\_\_

10. Lugar del (los) incidente(s): \_\_\_\_\_

En sus propias palabras, describa brevemente el (los) incidente(s):

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Esto es para certificar que la información proporcionada en este formulario es verdadera y correcta de acuerdo con mi mejor saber y entender, y que la persona mencionada anteriormente en el Número 2 es o ha sido víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso. Yo reconozco que presentar información falsa podría poner en peligro mi elegibilidad del programa y podría ser la base para denegar la admisión, terminar la asistencia o el desalojo.

Firma \_\_\_\_\_ Firmado el (Fecha) \_\_\_\_\_

**Carga de divulgación pública:** La carga de divulgación pública para recopilar esta información se estima en un promedio de 1 hora por respuesta. Esto incluye el tiempo para recopilar, revisar e informar



los datos. La información proporcionada debe ser utilizada por el proveedor de vivienda para solicitar la certificación de que el solicitante o inquilino es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso. La información está sujeta a los requisitos de confidencialidad de VAWA. Esta agencia no puede recopilar esta información, y usted no tiene la obligación de completar este formulario, a menos que muestre un número de control válido de la Oficina de Administración y Presupuesto (OMB, por sus siglas en inglés).

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using 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.**

If 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-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose 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.

**(3) 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-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER**

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. \_\_\_\_\_

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice: \_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**SOLICITUD DE TRASLADO DE EMERGENCIA PARA CIERTAS VÍCTIMAS DE VIOLENCIA DOMÉSTICA, VIOLENCIA DE PAREJA, AGRESIÓN SEXUAL O ACOSO** Departamento de Vivienda y Desarrollo Urbano de los EE. UU. Núm. de aprobación de OMB 2577-0286 Vence 30/06/2017

**Propósito del formulario:** Si usted es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso, y desea un traslado de emergencia, puede usar este formulario para solicitar un traslado de emergencia y certificar que reúne los requisitos de elegibilidad para un traslado de emergencia bajo la Ley sobre la Violencia contra la Mujer (VAWA, por sus siglas en inglés). Aunque el nombre estatutario hace referencia a la mujer, los derechos y protecciones de VAWA se aplican a todas las víctimas de violencia doméstica, violencia de pareja, agresión sexual o acoso. El uso de este formulario no significa necesariamente que recibirá un traslado de emergencia. Consulte el plan de traslado de emergencia de su proveedor para obtener más información sobre la disponibilidad de traslados de emergencia.

**Los requisitos que usted debe reunir son:**

**(1) Usted es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso.** Si su proveedor de vivienda aún no tiene la documentación que indica que usted es víctima de violencia doméstica, violencia de pareja, agresión sexual o acoso, su proveedor de vivienda puede solicitarle dicha documentación. En respuesta, usted puede presentar el Formulario HUD-5382, o cualquiera de los otros tipos de documentación enumerados en ese Formulario.

**(2) Usted solicita expresamente el traslado de emergencia.** Presentar este formulario confirma que usted ha solicitado expresamente un traslado. Su proveedor de vivienda puede optar por exigirle que usted presente este formulario, o puede aceptar otra solicitud escrita u oral. Favor de consultar el plan de traslado de emergencia de su proveedor de vivienda para obtener más detalles.

**(3) Usted razonablemente cree que se encuentra en peligro de daño inminente de violencia adicional si permanece en la unidad actual.** Esto significa que usted tiene razón para temer que si usted no recibe un traslado puede sufrir violencia en un futuro muy próximo.

**O BIEN**

**Usted ha sido víctima de agresión sexual y la agresión ocurrió en las instalaciones durante un período de 90 días naturales antes de solicitar el traslado.** Si usted ha sido víctima de agresión sexual, entonces además de calificar para un traslado de emergencia porque usted razonablemente teme que se encuentra en peligro de daño inminente de violencia adicional si permanece en su unidad, usted puede calificar para un traslado de emergencia si la agresión ocurrió dentro de un período de 90 días naturales antes de usted presentar este formulario o de otro modo solicitar el traslado expresamente.

**Presentación de la documentación:** Si usted tiene documentación de terceros que demuestra por qué usted es elegible para un traslado de emergencia, usted debe presentar dicha documentación a su proveedor de vivienda si es seguro para usted hacerlo. Los ejemplos de documentación incluyen, pero no se limitan a: una carta o documentación por proveedor de servicios para víctimas, trabajador social, proveedor de asistencia legal, consejero pastoral, proveedor de salud mental u otro profesional a quien ha pedido ayuda; una orden de restricción vigente; una orden judicial reciente u otros expedientes judiciales;

Formulario HUD-5383  
(30/06/2017)

un informe o registro policial; registros de comunicación del perpetrador de la violencia o miembros de la familia o amistades del perpetrador de la violencia, incluyendo correos electrónicos, mensajes de voz, mensajes de texto y mensajes en las redes sociales.

**Confidencialidad:** Toda la información proporcionada a su proveedor de servicio con respecto al (los) incidente(s) de violencia doméstica, violencia de pareja, agresión sexual o acoso, y con respecto a su solicitud para un traslado de emergencia deberá mantenerse en confidencialidad. Tales detalles no se ingresarán en ninguna base de datos compartida. Los empleados de su proveedor de vivienda no deben tener acceso a estos detalles a menos que sea para concederle o denegarle las protecciones de VAWA o un traslado de emergencia. Dichos empleados no podrán revelar esta información a ninguna otra entidad o persona, salvo en la medida en que su divulgación sea: (i) bajo su consentimiento por escrito para divulgación por un tiempo limitado; (ii) requerida para uso en un proceso de desalojo o audiencia relacionada con la terminación de asistencia; o (iii) de algún otro modo exigido por las leyes aplicables.

**PARA COMPLETARSE POR O EN NOMBRE DE LA PERSONA QUE SOLICITA EL TRASLADO**

1. Nombre de la víctima que solicita el traslado de emergencia: \_\_\_\_\_

2. Su nombre (si usted no es la víctima): \_\_\_\_\_

3. Nombre(s) de otro(s) miembro(s) de la familia en el contrato de arrendamiento: \_\_\_\_\_

4. Nombre(s) de otro(s) miembro(s) de la familia que se trasladarían con la víctima: \_\_\_\_\_

5. Dirección de la residencia de la cual la víctima desea trasladarse: \_\_\_\_\_

6. Dirección o número de teléfono para comunicarse con la víctima: \_\_\_\_\_

7. Nombre del acusado (si se conoce y se puede divulgar con seguridad): \_\_\_\_\_

8. Relación del acusado con la víctima: \_\_\_\_\_

9. Fecha(s), Hora(s) y lugar(es) del (los) incidente(s): \_\_\_\_\_

10. ¿Es la persona que solicita el traslado la víctima de una agresión sexual que ocurrió en los últimos 90 días en las instalaciones de la propiedad de la cual la víctima está solicitando el traslado? Si responde Sí, deje en blanco la pregunta 11. Si responde No, conteste la pregunta 11. \_\_\_\_\_

11. Describa por qué la víctima cree que está bajo la amenaza de daño inminente de violencia adicional si permanece en la unidad actual.

**12. Si se proporciona voluntariamente, enumere cualquier documentación de terceros que esté proporcionando con este aviso:**

Esto es para certificar que la información proporcionada en este formulario es verdadera y correcta de acuerdo con mi mejor saber y entender, y que la persona mencionada anteriormente en el Número 1 reúne los requisitos establecidos en este formulario para un traslado de emergencia. Yo reconozco que presentar información falsa podría poner en peligro mi elegibilidad del programa y podría ser la base para denegar la admisión, terminar la asistencia o el desalojo.

Firma \_\_\_\_\_ Firmado el (Fecha) \_\_\_\_\_