

# **The Macomb County Continuum of Care Emergency Transfer Plan for Survivors of Domestic Violence, Dating Violence, Sexual Assault, Human Trafficking, or Stalking**

## **Introduction**

The Violence Against Women Act (VAWA)<sup>1</sup> provides protections for survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking. **The Macomb County Continuum of Care (CoC)** is concerned about the safety of its program participants, and such concern extends to participants who are survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking.<sup>2</sup> In accordance with the Violence Against Women Act (VAWA), The Macomb CoC allows participants who are survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking to request an emergency transfer from the participant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>3</sup> The ability of CoC and Emergency Solutions Grant (ESG)-funded housing providers within the Macomb CoC to honor such request for participants currently receiving assistance, however, may depend upon a preliminary determination (i.e. HUD-Approved VAWA Certification Form, self-certification, documentation from a court system or law enforcement agency, etc.) that the participant is or has been a survivor of domestic violence, dating violence, sexual assault, or human trafficking, stalking, and on whether the Macomb CoC or its partners have another dwelling unit that is available and is safe to offer the participants for temporary or more permanent occupancy.

This plan identifies participants 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 participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban

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

<sup>2</sup> CoC is committed to using empowering, trauma informed and person-centered language when discussing clients. Typically, persons who have experienced domestic violence, dating violence, sexual assault, human trafficking, or stalking are referred to as 'survivors' rather than 'victims'. We acknowledge that this terminology may not align with the model language provided by the U.S. Dept. of Housing and Urban Development that is in use in communities nationwide.

<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.

Development (HUD), the Federal agency that oversees that the Macomb CoC is in compliance with VAWA. All CoC permanent housing providers are covered under this plan, including CoC and ESG-funded permanent housing projects (i.e. permanent supportive housing (PSH), Rapid Re-Housing (RRH), and will be referred to as housing providers in this document. Covered providers are also required to develop their own Emergency Transfer Plan and include it in their policies and procedures.

## **Key Regulations, Components, and Roles**

The Macomb CoC and its housing providers have requirements under VAWA. This summary provides an overview of relevant regulations, implementation components, and roles. Housing Providers should read the plan carefully to fully comprehend the implementation requirements.

### **Key Regulations**

- The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) extended VAWA protections to more HUD programs, including the Continuum of Care (CoC) Program and Emergency Solutions Grant (ESG) Program.
- HUD's "Final Rule: Violence Against Women Act 2013" implements the HUD housing provisions in VAWA 2013.
- HUD's CoC Program Interim Rule (updated) incorporates VAWA 2013 [24 CFR 578.99(j)]
- VAWA 2013 "applies for all survivors of domestic violence, dating violence, sexual assault, human trafficking, and stalking, regardless of sex, gender identity, or sexual orientation, and which must be applied consistent with all nondiscrimination and fair housing requirements." (81 FR 80724)

### **Components**

*Core Protections:* All CoC providers, including those not specifically covered by this emergency transfer plan, must adopt the VAWA core protections. These protections are:

- Individuals may not be denied assistance, evicted, or have their assistance terminated because of their status as survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking, or for being affiliated with a survivor.
- Services must be provided in accordance with HUD's Equal Access Rule, which requires HUD-assisted housing be made available regardless of actual or perceived sexual orientation, gender identity, or marital status.

*Emergency Transfer Plan:* Based on HUD's Model Emergency Transfer Plan (Form HUD-5381), CoC is required to develop an Emergency Transfer Plan for how survivors of domestic violence, dating violence, sexual assault, human trafficking, and stalking may move to another safe and available unit if they fear for their life and safety. Survivors determine whether or not a unit is safe. Housing Providers are also required to adopt and implement their own Emergency Transfer Plan.

*Notices and Forms:* The following notices and forms must be provided to participants by housing providers in accordance with this plan:

- *Notice of Occupancy Rights for Victims* (Form HUD-5380): Document that housing providers modify & adopt that lists people's rights under VAWA and HUD's Final Rule.
- *Emergency Transfer Request* (Form HUD-5383) Request form that participants may use to submit a request for an emergency transfer.
- *Domestic Violence Certification Form* (Form HUD-5382): If after a participant requests an emergency transfer the housing provider's requests documentation, this form may be used by participants to self-certify the incident of domestic violence, dating violence, sexual assault, human trafficking, or stalking.

## **Roles**

*CoC:* Modify Coordinated Entry and projects' policies and procedures to prioritize Emergency Transfers

*Housing Providers and CoC:* Track the number of Emergency Transfer Requests and their outcomes.

*Housing Providers:* Work with the tenant and/or landlord to add a lease addendum or other contract/agreement incorporating VAWA core protections.

*Housing Providers:* Work with the tenant and/or landlord to follow guidance around bifurcation (dividing) a lease.

## **Section I: Eligibility for Emergency Transfers**

A participant who is a survivor of domestic violence, dating violence, sexual assault, human trafficking, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if the participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a survivor of sexual assault, the participant is also 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 participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

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

## **Section II: Notice of Occupancy Rights Under VAWA**

All housing providers within the Macomb CoC must provide all participants with the Notification of Occupancy Rights under VAWA (Attachment 1), the VAWA Certification Form (Attachment 2), the Emergency Transfer Request (Attachment 3) and information about local resources for survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking (Attachment 4).

The Notice of Occupancy Rights under VAWA, the VAWA Certification Form, and information about local resources must be provided to applicants by housing providers:

- At the time the applicant is denied assistance or admission to the housing program; **or**
- At the time the applicant is admitted into or provided assistance by the housing program.

The Notice of Occupancy Rights Under VAWA, the VAWA Certification Form, and information about local resources must be provided to current participants by housing providers:

- Immediately to all current participants if they have not already received them; **and**
- With any notification of eviction or termination of assistance.

### **Section III: Emergency Transfer Request Documentation**

Every housing provider within the Macomb CoC must have policies and procedures that comply with the requirements in this plan to request an emergency transfer. Housing providers must have a written emergency transfer procedure and must inform participants of their ability to request an emergency transfer and the documentation that is required. A model procedure is included in Attachment 5.

To request an emergency transfer, the participant shall notify their housing provider's management office and submit a written request for a transfer. Housing providers will grant reasonable accommodations to this policy for individuals with disabilities. The participant's written request for an emergency transfer should include either:

1. A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the housing provider's program; **OR**
2. A statement that the participant was a sexual assault survivor and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant's request for an emergency transfer.

Housing providers may require participants seeking emergency transfers to document an occurrence of domestic violence, dating violence, sexual assault, human trafficking, or stalking, in addition to documenting eligibility for an emergency transfer, if the individual has not already provided documentation of that occurrence. Housing providers may not require participants to submit more than one type of documentation. Housing providers must accept third-party documentation if it is provided.

Acceptable written documentation include but are not limited to:

- A completed HUD-Approved VAWA Certification Form that was provided to the participant (see Attachment 2);

- 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, human trafficking, or stalking;
- A statement, signed by the participant, along with the signature of an employee, agent, or volunteer of a survivor service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom the participant sought assistance in addressing domestic violence, dating violence, sexual assault, human trafficking, or stalking, or the effects of abuse, and with the professional attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, human trafficking, or stalking are grounds for protection; or
- A statement or other evidence acceptable to the housing provider.

If a housing provider receives documentation that contains conflicting information (including certification forms from two or more members of a household each claiming to be a survivor and naming one or more of the other petitioning household members as the perpetrator), the housing provider may require an applicant or participant to submit third-party documentation, as described above, within 30 calendar days of the date of the request for the third-party documentation. The only time a housing provider may require third-party documentation is when documentation containing conflicting information is received; under any other circumstances a housing provider may not require third-party documentation but must accept it if provided.

At their discretion, housing providers may allow participants to initiate a transfer without a written request. In such cases, housing providers must document the request in written form in accordance with the record keeping requirements below.

#### **Section IV: Confidentiality**

The Macomb CoC and its housing providers will keep confidential any information that a participant submits in requesting an emergency transfer and information about the emergency transfer. Information about the emergency transfer can only be released if:

- The participant gives written permission to release the information on a time limited basis;
- Disclosure of the information is required by law; **or**
- Disclosure of the information is required by a court or official court documents for use in an eviction proceeding or required by federal, state, or local law or regulation for hearings regarding termination of assistance from the covered program.

This includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, human trafficking, or stalking against the participant. See the Notice of Occupancy Rights under VAWA for more information about the housing provider’s responsibility

to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, human trafficking, or stalking.

## **Section V: Coordinated Entry System Processes for Emergency Transfers under VAWA**

The following information outlines the process of how the Macomb CoC's Coordinated Entry System will prioritize and make referrals, when appropriate, for participants who request and are eligible for emergency transfers under VAWA:

1. Participants who are survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking submit a written request for emergency transfer and applicable documentation to their housing provider.
2. The housing provider determines the participant's eligibility.
3. If the participant is eligible, the housing provider will work to locate a safe unit within its own program. **Note:** *Participants may also request an external emergency transfer.*
4. If a safe unit is not immediately available, the housing provider will make a referral to the Macomb CoC's Coordinated Entry System for an external transfer with permission from the participant.
5. The housing provider will contact the Coordinated Entry (CE) Coordinator via email to alert them of the request and referral.
6. The CE Coordinator will add the participant to the By-Names List (BNL).
7. Participants requesting emergency transfer will be prioritized highest on the BNL to aid in swift, safe rehousing.
8. The Macomb CoC and the housing provider(s) will track the Emergency Transfer Request and its outcome(s).

## **Section VI: Emergency Transfer Timing and Availability**

The Macomb CoC and its housing providers will work diligently to safely and swiftly move a participant who is a survivor of domestic violence, dating violence, sexual assault, human trafficking, or stalking to another unit, subject to availability and safety of a unit. However, it is impossible to determine how long it will take to approve or process such requests. If a participant reasonably believes a proposed transfer would not be safe, the participant may request a transfer to a different unit. If a unit is available, the transferred participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the participant has been transferred. Housing providers may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit. Participant choice should be respected when identifying a safe unit, even if no unit acceptable to the participant is currently available.

Housing providers may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit.

*If a participant receives tenant-based rental assistance and moving with that rental assistance would be safe for the participant, the Macomb CoC and its housing providers will provide the same housing search assistance it provides to new participants. The Macomb CoC and its housing providers will:*

- *provide the survivor with a list of other HUD-assisted Owner/Agents under the jurisdiction including unit size, preferences and contact information;*
- *assist participants in contacting one or more of those providers, at the participant's request;*
- *assist in arrangements with the other provider to facilitate the move; **and***
- *request the participant's permission to share participant files with other housing providers, as needed, to expedite the transfer process.*

*If a participant is approved for an emergency transfer as outlined in this policy, they may move out of Macomb County and out of the housing provider's service area using their current assistance, as long as the housing provider can still meet all statutory requirements, including participating in HMIS, ensuring the housing meets quality standards, and ensuring the educational needs of children are met.*

If the current housing provider has no safe and available units for which a participant who needs an emergency transfer is eligible, the housing provider will work with the Macomb CoC CE to assist the participant in identifying other housing providers who may have safe and available units to which the participant could move.

Participants who qualify for an emergency transfer, but a safe unit is not immediately available for an internal emergency transfer, shall have priority over all other participants within the Macomb CoC CE provided that the individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA; and the individual or family rapid rehousing, permanent supportive housing, or other rental assistance programs. The individual or family shall not be required to meet any other eligibility criteria or preferences for the project.

At the participant's request, the Macomb CoC and its housing providers will also assist participants in contacting Turning Point, the Macomb County provider offering assistance to survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking.

## **Section VII: Safety and Security of Participants**

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

Participants who are survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking are encouraged to contact Turning Point through their 24/7 helpline at (586) 463-6990.

Participants are also encouraged to contact the following hotlines:

- Participants who are survivors of domestic violence
  - contact the National Domestic Violence Hotline at 1-800-799-7233. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).
  - The State of Michigan VOICEDV hotline offers 24-hour phone, text, and chat features, in addition to publications that support the needs of survivors, their family, friends, and allied professions. Call 866-864-8338 or text 877-861-0222.
- Participants who are survivors of sexual assault
  - 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/>.
  - The State of Michigan VOICES4 hotline offers 24 hour phone, text, and chat features, in addition to publications that support the needs of survivors, their family, friends, and allied professions. Call 855-864-2374 or text 866-238-1454.
- Participants who are survivors 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>.

### **Section VIII: Prohibited Basis for Denial or Termination of Assistance or Eviction**

An applicant for assistance or participants assisted by the Macomb CoC and its housing providers will not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or participant is or has been a survivor of domestic violence, dating violence, sexual assault, human trafficking, or stalking, if the applicant or participant otherwise qualifies for admission, assistance, participation, or occupancy.

A participant, or an affiliated individual of the participants, in the Macomb CoC and its housing providers who is a survivor or threatened survivor of domestic violence, dating violence, sexual assault, human trafficking, or stalking, will not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, human trafficking, or stalking if the criminal activity is engaged in by a member of the household of the participant or any guest or other person under the control of the participant.

An incident of actual or threatened domestic violence, dating violence, sexual assault, human trafficking, or stalking shall not be construed as:



- A serious or repeated violation of a lease executed under a covered housing program by the survivor or threatened survivor of such incident; **or**
- Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the survivor or threatened survivor of such incident.

### **Section IX: Lease Bifurcation**

In order to effect an emergency transfer, households may bifurcate a lease to 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, human trafficking, or stalking against an affiliated individual or other individual, without evicting terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

If the Macomb CoC and its housing providers exercise the option to bifurcate a lease and the individual who was evicted or for whom assistance was terminated was the eligible tenant under the covered housing program, the covered housing provider shall provide to any remaining tenant or tenants that were not already eligible a period of 90 calendar days from the date of bifurcation of the lease to:

- A. Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease; or
- B. Establish eligibility under another covered housing program; **or**
- C. Find alternative housing.

The Macomb CoC and its housing providers may extend the 90-calendar-day period of this section up to an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the covered program or unless the time period would extend beyond expiration of the lease.

If the survivor of domestic violence, dating violence, sexual assault, human trafficking, or stalking receives tenant-based rental assistance and chooses to move to a new unit in order to effect an emergency transfer, the remaining family members may remain in the original unit as long as they had not violated the terms of the lease by engaging in criminal activity directly relating to domestic violence, dating violence, sexual assault, human trafficking, or stalking against an affiliated individual or other individual. Household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members may have 90 days to establish this eligibility.

## **Section X: Leases, Sub-Leases, and Occupancy Agreements**

Any lease, sub-lease, or other occupancy agreement between a tenant and the housing providers will permit the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the housing provider determines that the program participant qualifies for an emergency transfer under this emergency transfer plan.

*For tenants with tenant-based rental assistance, housing providers will enter into a contract with the tenant's owner or landlord that requires the owner or landlord to comply with all provisions of VAWA regulations under 24 CFR part 5, subpart L and requires the owner or landlord of the housing to include a lease provision that:*

- *Includes the prohibited bases for eviction under Section 8 of this plan; and*
- *If the tenant is approved for an emergency transfer by the housing provider, allows the tenant to bifurcate the lease under Section 9 of the Continuum of Care's Emergency Transfer Plan or terminate the lease under Section 10 of the County Continuum of Care Emergency Transfer Plan without penalty if either action is necessary to impact the emergency transfer.*

*The lease may specify that the protections under 24 CFR part 5, subpart L and above, only apply while the program participant receives tenant-based rental assistance under the Continuum of Care Program.*

## **Section XI: Record Keeping**

The Macomb CoC and its housing providers will keep confidential records of all emergency transfers requested and the outcomes of such requests for a minimum of three years.

**The Macomb County Continuum of Care (MI-503)**

**[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.

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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.

## **Protections for Tenants**

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]**

**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):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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.

**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) \_\_\_\_\_

#### **ATTACHMENT 4: LOCAL RESOURCES FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, HUMAN TRAFFICKING, OR STALKING**

Participants who are survivors of domestic violence, dating violence, sexual assault, human trafficking, or stalking are encouraged to contact Turning Point through their 24/7 helpline at (586) 463-6990.

Participants are also encouraged to contact the following hotlines:

- Participants who are survivors of domestic violence
  - contact the National Domestic Violence Hotline at 1-800-799-7233. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).
  - The State of Michigan VOICEDV hotline offers 24 hour phone, text, and chat features, in addition to publications that support the needs of survivors, their family, friends, and allied professions. Call 866-864-8338 or text 877-861-0222
- Participants who are survivors of sexual assault
  - 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/>.
  - The State of Michigan VOICES4 hotline offers 24 hour phone, text, and chat features, in addition to publications that support the needs of survivors, their family, friends, and allied professions. Call 855-864-2374 or text 866-238-1454.
- Participants who are survivors 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>.

**The Macomb County Continuum of Care (MI-503)**

**[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

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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.



may occur, and guidance to tenants on safety and security. This plan is based on a model 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.