



Austin/Travis County Continuum of Care (CoC) VAWA Emergency Transfer Plan: Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

VAWA Emergency Transfers:

The Austin/Travis County Continuum of Care (CoC) prioritizes the safety of tenants in housing programs funded by CoC grants. Under the **Violence Against Women Act (VAWA)**, tenants who are victims of **domestic violence, dating violence, sexual assault, or stalking** have the right to request an **emergency transfer** to another unit. VAWA protections are to all eligible individuals regardless of sex, gender identity or sexual orientation.

This emergency transfer plan outlines the eligibility criteria, required documentation, confidentiality protections, process for transfers, and safety guidance for tenants experiencing domestic violence, dating violence, sexual assault, or stalking. It is based on a model developed by HUD, which ensures that the Austin/Travis County CoC and its providers comply with VAWA regulations.

Applicable Definitions under VAWA:

- **Internal VAWA Emergency Transfer:** transfer to a unit where the program participant would not be categorized as a new applicant. Move-in fees and costs may be associated with an emergency transfer
- **External VAWA Emergency Transfer:** transfer to a new unit where the program participant would be categorized as a new applicant and undergo the application process. Move-in fees and costs may be associated with an emergency transfer
- **Safe Unit:** A unit that a program participant identifies as safe.
- **Lease Bifurcation:** When a covered housing provider removes a household member from a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to a household member who engages in criminal activity directly relating to VAWA violence/abuse (known as “bifurcating” a lease). A housing provider may choose whether to bifurcate the lease, and if it is done, it must be done consistent with applicable federal, state, or local laws and the requirements of the covered housing program. In the event of a lease bifurcation, if a tenant who is causing violence is removed and was the one qualifying the household for housing assistance, the housing provider must allow the remaining members time to establish program eligibility for the same program or a different one, or to find alternative housing. This period is typically 90 days, but may vary by program. (*See [24 C.F.R. § 5.2009](#)*).

Eligibility for VAWA Emergency Transfers:

To request an emergency transfer, a program participant must notify the housing program staff (such as a case manager or property management) and submit a written request. The program will provide reasonable accommodations for individuals with disabilities and assist persons with limited English proficiency. A program participant can request an emergency transfer for themselves and their household in a covered housing program if the program participant:

1. Expressly requests the transfer and;

2. Reasonably believes there is a threat of imminent harm from further violence if the program participant remains in the same unit;
3. In the case of sexual assault or stalking, the participant has the right to terminate their lease regardless of where the incident occurred and can request a VAWA emergency transfer during the 90-calendar-day period of when the assault occurred.
4. State law ([Texas Property Code Section 92.0161 – Right to Vacate and Avoid Liability Following Certain Sex Offenses or Stalking](#)) also provides housing protection to survivors of domestic violence, sexual assault, dating violence, and stalking at non-HUD funded housing providers. **See Texas Law.**

Public housing agencies and other covered housing programs must adopt an emergency transfer plan based on a model plan from HUD. This emergency transfer plan must, among other requirements, allow the program participant to make an internal or external emergency transfer (*See* [24 C.F.R. § 5.2005\(e\)](#)).

Documentation:

Program participants are not expected **and cannot be asked or required** to claim, document, or prove victim status or VAWA violence/abuse other than as stated in "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380. HUD-5382, "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" Form, provides program participants options as to how program participants want to respond to a covered housing provider's written request for documentation of victim status or the incident(s) of VAWA violence/abuse. If a program participant informs their HUD CoC-funded housing provider (local public housing agency, owner, or manager) that they are a survivor of violence or abuse, the covered housing provider may request that the program participant submit documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, which includes a self-certification form ,e.g., Form-HUD 5382.

Confidentiality:

Covered housing providers are required to maintain the confidentiality of a person who is a survivor of domestic violence, dating violence, sexual assault, or stalking. Any information a program participant provides under VAWA's housing protections, including that they are VAWA survivors, must be kept confidential by the covered housing provider. These requirements include keeping any such information out of a shared database and not disclosing such information to others unless the program participant consents in writing. If program disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the program will inform the victim before disclosure occurs so that safety risks can be identified and addressed. See the [Notice of Occupancy Rights](#) under the Violence Against Women Act, HUD-5380, 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, or stalking.

VAWA Emergency Transfer Timing and Availability:

Housing programs cannot guarantee that an emergency transfer will be approved or how long it will take, but will act as quickly as possible based on unit availability and tenant-identified safety. Program participants and their families shall have priority over all other applicants for rental assistance, transitional housing, and permanent supportive housing projects if all program eligibility requirements are met.

If no internal transfer units are available for an eligible emergency transfer, the housing program will help the tenant:

- Identify other housing providers that may have available units. Housing programs will partner with ECHO's Coordinated Entry Process to assist the program participant.
- Connect with local organizations that support victims of domestic violence, dating violence, sexual assault, or stalking—if the program participant requests it.

If a unit is available, the program participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the program participant is being transferred. The program may be unable to transfer a program participant to a particular unit if the program participant has not or cannot establish eligibility for that unit.

The program participant shall retain their original homelessness or status of homeless chronicity for the purposes of the transfer. In cases where a household receiving tenant-based rental assistance separates to initiate an emergency transfer, the housing program, in consultation with the CoC grant recipient, will determine the appropriate actions with respect to the non-transferring family member(s).

Safety and Security of Tenants:

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the program participant is informed about ways to increase safety. For specific resources, participants are encouraged to reach out to:

Domestic Violence: National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For people with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Sexual Assault: Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Stalking: National Center for Victims of Crime's Stalking Resource Center at <https://victimsofcrime.org/getting-help/>.

SAFE 24hr hotline: 512.267.SAFE (7233); Text: 737.888.SAFE (7233); Chat: www.safeaustin.org/chat

Early Lease Termination for Survivors of Family Violence, Sexual Assault, and/or Stalking under Texas State Law:

Aside from VAWA, Texas state law also gives rights to survivors and their household members to terminate their residential lease without being charged penalties that would otherwise be allowed under the lease. It is always important to first think through when it is appropriate to use this law to end a lease early, such that it would not cause the tenant to lose access to a federal housing subsidy.

If you or someone in your home is a victim of family violence as defined by the Texas Family Code 71.004, you may be eligible to terminate your lease without penalty. Texas property code gives victims of family violence the right to "vacate and avoid liability." This means a

victim of family violence may break their residential lease without penalty and in some cases, without notice.

For more information:

[Early Lease Termination for Victims of Family Violence | Texas Law Help](#)

[Texas State Law Library - Landlord/Tenant Law](#)

[Sexual Assault and Early Lease Termination | Texas Law Help](#)

Lease termination for victims of family violence, sexual assault and stalking form:

https://tcfv.org/wp-content/uploads/30-day_notice_vacate.pdf

Related Documents and Attachments:

- **Attachment A:** Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, [HUD 5383](#)
- **Attachment B:** Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, [HUD 5382](#)
- **Attachment C:** Notice of Occupancy Rights under the Violence Against Women Act, [HUD-5380](#)
- **Attachment D:** Local Resources
- **Attachment E:** VAWA Rights Overview for Participants
- **Attachment F:** FAQs for VAWA Emergency Transfers

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

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of housing assisted under a covered housing program, or if you are receiving transitional housing or rental assistance under a covered housing program, you may use this form to request an emergency transfer and certify that you qualify for an emergency transfer under the Violence Against Women Act (“VAWA”). This form refers to domestic violence, dating violence, sexual assault, or stalking as “VAWA violence/abuse.”

VAWA protects individuals and families regardless of a victim’s age or actual or perceived sexual orientation, gender identity, sex, or marital status.

You may request an emergency transfer when:

1. You (or a household member) are a victim of VAWA violence/abuse;
2. You expressly request the emergency transfer; **AND**
3. **EITHER**
 - a. you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same dwelling unit; **or**
 - b. if you (or a household member) are a victim of sexual assault, either you reasonably believe there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the unit, or the sexual assault occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

A covered housing provider, in response to an emergency transfer request, should not evaluate whether you are in good standing as part of the assessment or provision of an emergency transfer. Whether or not you are in good standing does not impact your ability to request an emergency transfer under VAWA.

However, submitting this form does not necessarily mean that you will receive an emergency transfer. See your covered housing provider’s VAWA Emergency Transfer Plan for more information about VAWA emergency transfers and see “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380, for additional housing rights you may be entitled to.

Am I required to submit any documentation to my covered housing provider? Your covered housing provider may request documentation proving that you, or a household member, are a victim of VAWA violence/abuse, in addition to completing this emergency transfer request form. The request can be met by completing and submitting the VAWA Self-certification Form (Form HUD-5382), unless the covered housing provider receives conflicting information about the VAWA violence/abuse. If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you may, instead, choose to submit that documentation to your covered housing provider. See “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380, for more information.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person’s access for that reason, **and** (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, **or** (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I need this information in a language other than English? To read this in Spanish or another language, please contact [INSERT COVERED HOUSING PROVIDER'S CONTACT INFORMATION; FOR HOPWA PROVIDERS – INSERT GRANTEE NAME AND CONTACT INFORMATION] or go to [INSERT WEBSITE, IF APPLICABLE]. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact [ENTER CONTACT INFO FOR LOCAL ADVOCACY AND LEGAL AID ORGANIZATIONS].

TO BE COMPLETED BY OR ON BEHALF OF THE TENANT REQUESTING AN EMERGENCY TRANSFER

1. Name(s) of victim(s): _____

2. Your name (if different from victim's): _____

3. Name(s) of other household member(s): _____

4. Name(s) of other household member(s) who would transfer with the victim: _____

5. Name of the perpetrator (if known and can be safely disclosed): _____

6. Address of location from which the victim seeks to transfer: _____

7. Current Unit Size (# of bedrooms): _____

8. What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

Phone Phone Number: _____
Safe to receive a voicemail: Yes No

E-mail E-mail Address: _____
Safe to receive an email: Yes No

Mail Mailing Address: _____
Safe to receive mail from your housing provider: Yes No

Other Please List: _____

9. Anything else your housing provider should know to safely communicate with you?

10. What features are requested for a safe unit? You may list here any information that would facilitate a suitable transfer, such as accessibility needs, and a description of where it is safe or unsafe for you to live.

(Please note that the ability to provide an emergency transfer is based on unit availability.)

- | | |
|---|--|
| <input type="checkbox"/> New Neighborhood | <input type="checkbox"/> New Building |
| <input type="checkbox"/> First Floor unit | <input type="checkbox"/> Second Floor unit (and above) |
| <input type="checkbox"/> Near an Exit | <input type="checkbox"/> Well-lit hallways/walkways |
| <input type="checkbox"/> 24-hour Security | <input type="checkbox"/> Accessible unit |
| <input type="checkbox"/> Other: _____ | |

11. To approve your request for an emergency transfer, your covered housing provider may require that you provide written documentation that you (or a household member) are a victim of VAWA violence/abuse. Your covered housing provider must make this request for documentation in writing. You can choose to submit any one of the following types of documentation:

- Form HUD-5382 *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation*, which asks your name and the perpetrator’s name (if known and safe to provide);
- A document signed by a victim service provider, attorney, mental health professional, or medical professional who has helped you address the VAWA violence/abuse. The professional must state “under penalty of perjury” that he/she/they believe in the occurrence of the incident of VAWA violence/abuse and that it is covered by VAWA. Both you and the professional must sign the statement;
- A police, administrative, or court record (such as a protective order) that shows you (or a household member) are a victim of VAWA violence/abuse; OR
- If permitted by your covered housing provider, a statement or other evidence provided by you.

Certification of Tenant: By signing below, I am certifying that the information provided on this form is true and correct to the best of my knowledge and recollection, and that I meet the conditions described on this form to qualify for an emergency transfer.

Signature _____ **Date** _____

Public reporting burden for this collection of information is estimated to average 20 minutes per response. This includes the time for collecting, reviewing, and reporting. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. Covered housing providers in programs covered by VAWA may ask for a written request for an emergency transfer for a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking. Housing providers may distribute this form to tenants and tenants may use it to request an emergency transfer. The information is subject to the confidentiality requirements of VAWA. A Federal 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.

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of or applicant for housing assisted under a covered housing program, or if you are applying for or receiving transitional housing or rental assistance under a covered housing program, and ask for protection under the Violence Against Women Act (“VAWA”), you may use this form to comply with a covered housing provider's request for written documentation of your status as a "victim". This form is accompanied by a "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

VAWA protects individuals and families regardless of a victim’s age or actual or perceived sexual orientation, gender identity, sex, or marital status.

You are not expected **and cannot be asked or required** to claim, document, or prove victim status or VAWA violence/abuse other than as stated in "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

This form is **one of your available options** for responding to a covered housing provider’s written request for documentation of victim status or the incident(s) of VAWA violence/abuse. If you choose, you may submit one of the types of third-party documentation described in Form HUD-5380, in the section titled, “What do I need to document that I am a victim?”. Your covered housing provider must give you at least 14 business days (weekends and holidays do not count) to respond to their written request for this documentation.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person’s access for that reason, **and** (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, **or** (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I require this information in a language other than English? To read this in Spanish or another language, please contact _____; FOR HOPWA PROVIDERS – _____ or go to _____

_____. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your

covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact

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

1. Name(s) of victim(s): _____

2. Your name (if different from victim's): _____

3. Name(s) of other member(s) of the household: _____

4. Name of the perpetrator (if known and can be safely disclosed): _____

5. What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

Phone Phone Number: _____

Safe to receive a voicemail: Yes No

E-mail E-mail Address: _____

Safe to receive an email: Yes No

Mail Mailing Address: _____

Safe to receive mail from your housing provider: Yes No

Other Please List: _____

6. Anything else your housing provider should know to safely communicate with you?

Applicable definitions of domestic violence, dating violence, sexual assault, or stalking:

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who lives with or has lived with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Spouse or intimate partner of the victim includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; **and**
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others **or**
- (2) Suffer substantial emotional distress.

Certification of Applicant or Tenant: By signing below, I am certifying that the information provided on this form is true and correct to the best of my knowledge and recollection, and that one or more members of my household is or has been a victim of domestic violence, dating violence, sexual assault, or stalking as described in the applicable definitions above.

Signature

Date

Public Reporting Burden for this collection of information is estimated to average 20 minutes per response. This includes the time for collecting, reviewing, and reporting. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. Housing providers in programs covered by VAWA may request certification that the applicant or tenant is a victim of VAWA violence/abuse. A Federal 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.

Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

When should I receive this form? A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you are admitted as a tenant, when you receive an eviction or termination notice and prior to termination of tenancy, or when you are denied as an applicant. A covered housing provider may provide these forms at additional times.

What is the Violence Against Women Act (“VAWA”)? This notice describes protections that may apply to you as an applicant or a tenant under a housing program covered by a federal law called the Violence Against Women Act (“VAWA”). VAWA provides housing protections for victims of domestic violence, dating violence, sexual assault or stalking. VAWA protections must be in leases and other program documents, as applicable. VAWA protections may be raised at any time. You do not need to know the type or name of the program you are participating in or applying to in order to seek VAWA protections.

What if I require this information in a language other than English? To read this information in Spanish or another language, please contact [INSERT COVERED HOUSING PROVIDER’S CONTACT INFORMATION; FOR HOPWA PROVIDERS – INSERT GRANTEE NAME AND CONTACT INFORMATION] or go to [INSERT WEBSITE, IF APPLICABLE]. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

What do the words in this notice mean?

- *VAWA violence/abuse* means one or more incidents of domestic violence, dating violence, sexual assault, or stalking.
- *Victim* means any victim of *VAWA violence/abuse*, regardless of actual or perceived sexual orientation, gender identity, sex, or marital status.
- *Affiliated person* means the tenant’s spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant’s household; or anyone for whom the tenant acts as parent/guardian.
- *Covered housing program*¹ includes the following HUD programs:
 - Public Housing
 - Tenant-based vouchers (TBV, also known as Housing Choice Vouchers or HCV) and Project-based Vouchers (PBV) Section 8 programs
 - Section 8 Project-Based Rental Assistance (PBRA)
 - Section 8 Moderate Rehabilitation Single Room Occupancy
 - Section 202 Supportive Housing for the Elderly
 - Section 811 Supportive Housing for Persons with Disabilities
 - Section 221(d)(3)/(d)(5) Multifamily Rental Housing
 - Section 236 Multifamily Rental Housing
 - Housing Opportunities for Persons With AIDS (HOPWA) program
 - HOME Investment Partnerships (HOME) program
 - The Housing Trust Fund
 - Emergency Solutions Grants (ESG) program
 - Continuum of Care program
 - Rural Housing Stability Assistance program
- *Covered housing provider* means the individual or entity under a covered housing program that is responsible for providing or overseeing the VAWA protection in a specific situation. The covered housing provider may be a public housing agency, project sponsor, housing owner, mortgagor, housing manager, State or local government, public agency, or a nonprofit or for-profit organization as the lessor.

¹ For information about non-HUD covered housing programs under VAWA, see Interagency Statement on the Violence Against Women Act’s Housing Provisions at <https://www.hud.gov/sites/dfiles/PA/documents/InteragencyVAWAHousingStmnt092024.pdf>.

What if I am an applicant under a program covered by VAWA? You can't be denied housing, housing assistance, or homeless assistance covered by VAWA just because you (or a household member) are or were a victim or just because of problems you (or a household member) had as a direct result of being or having been a victim. For example, if you have a poor rental or credit history or a criminal record, and that history or record is the direct result of you being a victim of VAWA abuse/violence, that history or record cannot be used as a reason to deny you housing or homeless assistance covered by VAWA.

What if I am a tenant under a program covered by VAWA? You cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because you (or a household member) are or were a victim of VAWA violence/abuse. You also cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because of problems that you (or a household member) have as a direct result of being or having been a victim. For example, if you are a victim of VAWA abuse/violence that directly results in repeated noise complaints and damage to the property, neither the noise complaints nor property damage can be used as a reason for evicting you from housing covered by VAWA. You also cannot be evicted or removed from housing, housing assistance, or homeless assistance covered by VAWA because of someone else's criminal actions that are directly related to VAWA abuse/violence against you, a household member, or another affiliated person.

How can tenants request an emergency transfer? Victims of VAWA violence/abuse have the right to request an emergency transfer from their current unit to another unit for safety reasons related to the VAWA violence/abuse. An emergency transfer cannot be guaranteed, but you can request an emergency transfer when:

1. You (or a household member) are a victim of VAWA violence/abuse;
2. You expressly request the emergency transfer; **AND**
3. **EITHER**
 - a. you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same dwelling unit; **OR**
 - b. if you (or a household member) are a victim of sexual assault, either you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) were to stay in the unit, or the sexual assault occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

You can request an emergency transfer even if you are not lease compliant, for example if you owe rent. If you request an emergency transfer, your request, the information you provided to make the request, and your new unit's location must be kept strictly confidential by the covered housing provider. The covered housing provider is required to maintain a VAWA emergency transfer plan and make it available to you upon request.

To request an emergency transfer or to read the covered housing provider's VAWA emergency transfer plan, [ENTER SPECIFIC CONTACT INFORMATION, WEBSITE, AND/OR INSTRUCTIONS FOR REQUESTING AN EMERGENCY TRANSFER OR A COPY OF THE APPLICABLE VAWA EMERGENCY TRANSFER PLAN].

The VAWA emergency transfer plan includes information about what the covered housing provider does to make sure your address and other relevant information are not disclosed to your perpetrator.

Can the perpetrator be evicted or removed from my lease? Depending on your specific situation, your covered housing provider may be able to divide the lease to evict just the perpetrator. This is called "lease bifurcation."

What happens if the lease bifurcation ends up removing the perpetrator who was the only tenant who qualified for the housing or assistance? In this situation, the covered housing provider must provide you and other remaining household members an opportunity to establish eligibility or to find other housing. If you cannot or don't want to establish eligibility, then the covered housing provider must give you a reasonable time to move or establish eligibility for another covered housing program. This amount of time varies, depending on the covered housing program involved. The table below shows the reasonable time provided under each covered housing programs with HUD. Timeframes for covered housing programs operated by other agencies are determined by those agencies.

Covered Housing Program(s)	Reasonable Time for Remaining Household Members to Continue to Receive Assistance, Establish Eligibility, or Move.
HOME and Housing Trust Fund, Continuum of Care Program (except for permanent supportive housing), ESG program, Section 221(d)(3) Program, Section 221(d)(5) Program, Rural Housing Stability Assistance Program	Because these programs do not provide housing or assistance based on just one person's status or characteristics, the remaining tenant(s), or family member(s) in the CoC program, can keep receiving assistance or living in the assisted housing as applicable.
Permanent supportive housing funded by the Continuum of Care Program	The remaining household member(s) can receive rental assistance until expiration of the lease that is in effect when the qualifying member is evicted.
Housing Choice Voucher, Project-based Voucher, and Public Housing programs (for Special Purpose Vouchers (e.g., HUD-VASH, FUP, FYI, etc.), see also program specific guidance)	<p>If the person removed was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.</p> <p>For HUD-VASH, if the veteran is removed, the remaining family member(s) can keep receiving assistance or living in the assisted housing as applicable. If the veteran was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days to establish program eligibility or find alternative housing.</p>
Section 202/811 PRAC and SPRAC	The remaining household member(s) must be given 90 calendar days from the date of the lease bifurcation or until the lease expires, whichever is first, to establish program eligibility or find alternative housing.
Section 202/8	<p>The remaining household member(s) must be given 90 calendar days from the date of the lease bifurcation or when the lease expires, whichever is first, to establish program eligibility or find alternative housing.</p> <p>If the person removed was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.</p>
Section 236 (including RAP); Project-based Section 8 and Mod Rehab/SRO	The remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.
HOPWA	The remaining household member(s) must be given no less than 90 calendar days, and not more than one year, from the date of the lease bifurcation to establish program eligibility or find alternative housing. The date is set by the HOPWA Grantee or Project Sponsor.

Are there any reasons that I can be evicted or lose assistance? VAWA does not prevent you from being evicted or losing assistance for a lease violation, program violation, or violation of other requirements that are not due to the VAWA violence/abuse committed against you or an affiliated person. However, a covered housing provider cannot be stricter with you than with other tenants, just because you or an affiliated person experienced VAWA abuse/violence. VAWA also will not prevent eviction, termination, or removal if other tenants or housing staff are shown to be in immediate, physical danger that could lead to serious bodily harm or death if you are not evicted or removed from assistance. **But only if no other action can be taken to reduce or eliminate the threat** should a covered housing provider evict you or end your assistance, if the VAWA abuse/violence happens to you or an affiliated person. A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you receive an eviction or termination notice and prior to termination of tenancy.

What do I need to document that I am a victim of VAWA abuse/violence? If you ask for VAWA protection, the covered housing provider may request documentation showing that you (or a household member) are a victim. BUT the covered housing provider must make this request in writing and must give you at least 14 business days (weekends and holidays do not count) to respond, and you are free to choose any one of the following:

1. A self-certification form (for example, Form-HUD 5382), which the covered housing provider must give you along with this notice. Either you can fill out the form or someone else can complete it for you;
2. A statement from a victim/survivor service provider, attorney, mental health professional or medical professional who has helped you address incidents of VAWA violence/abuse. The professional must state “under penalty of perjury” that he/she/they believes that the incidents of VAWA violence/abuse are real and covered by VAWA. Both you and the professional must sign the statement;
3. A police, administrative, or court record (such as a protective order) that shows you (or a household member) were a victim of VAWA violence/abuse; OR
4. If allowed by your covered housing provider, any other statement or evidence provided by you.

It is your choice which documentation to provide and the covered housing provider must accept any one of the above as documentation. The covered housing provider is prohibited from seeking additional documentation of victim status or requiring more than one of these types of documentation, unless the covered housing provider receives conflicting information about the VAWA violence/abuse.

If you do not provide one of these types of documentation by the deadline, the covered housing provider does not have to provide the VAWA protections you requested. If the documentation received by the covered housing provider contains conflicting information about the VAWA violence/abuse, the covered housing provider may require you to provide additional documentation from the list above, but the covered housing provider must give you another 30 calendar days to do so.

Will my information be kept confidential? If you share information with a covered housing provider about why you need VAWA protections, the covered housing provider must keep the information you share strictly confidential. This information should be securely and separately kept from your other tenant files. No one who works for your covered housing provider will have access to this information, unless there is a reason that specifically calls for them to access this information, your covered housing provider explicitly authorizes their access for that reason, and that authorization is consistent with applicable law.

Your information **will not be disclosed** to anyone else or put in a database shared with anyone else, except in the following situations:

1. If you give the covered housing provider written permission to share the information for a limited time;
2. If the covered housing provider needs to use that information in an eviction proceeding or hearing; or
3. If other applicable law requires the covered housing provider to share the information.

How do other laws apply? VAWA does not limit the covered housing provider's duty to honor court orders about access to or control of the property, or civil protection orders issued to protect a victim of VAWA abuse/violence. Additionally, VAWA does not limit the covered housing provider's duty to comply with a court order with respect to the distribution or possession of property among household members during a family break up. The covered housing provider must follow all applicable fair housing and civil rights requirements.

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. To request a reasonable accommodation, please contact [INSERT APPROPRIATE STAFF MEMBER CONTACT INFORMATION]. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Have your protections under VAWA been denied? If you believe that the covered housing provider has violated these rights, you may seek help by contacting [INSERT LOCAL HUD FHEO FIELD OFFICE & CONTACT INFORMATION]. You can also find additional information on filing VAWA complaints at <https://www.hud.gov/VAWA> and https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA. To file a VAWA complaint, visit <https://www.hud.gov/fairhousing/fileacomplaint>.

Need further help?

- For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>.
- To talk with a housing advocate, contact [ENTER CONTACT INFO FOR LOCAL ADVOCACY AND LEGAL AID ORGANIZATIONS].

Public reporting burden for this collection of information is estimated to range from 45 to 90 minutes per each covered housing provider's response, depending on the program. This includes time to print and distribute the form. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. This notice is required for covered housing programs under section 41411 of VAWA and 24 CFR 5.2003. Covered housing providers must give this notice to applicants and tenants to inform them of the VAWA protections as specified in section 41411(d)(2). This is a model notice, and no information is being collected. A Federal 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.

Attachment D: Local Resources

For questions regarding VAWA, and/or if you need to move due to domestic violence, dating violence, sexual assault, or stalking, please contact the Texas Department of Housing and Community Affairs at 512-475-3800 or 800-475-3800 (Relay Texas 800-735-2989) for assistance in locating other available housing (note, this is not a domestic violence hotline). Depending on your location, the Department may also have a listing of local service providers and advocates who can help you move to a safe and available unit. For more information regarding housing and other laws that may protect or provide additional options for survivors, call the Texas Council on Family Violence Policy Team at: 1-800-525-1978.

Domestic Violence, Sexual Assault, and Stalking Resources

Texas Association Against Sexual Assault

<http://taasa.org/crisis-center-locator/>

Find local crisis centers.

The SAFE Alliance

www.safeaustin.org/help/

The confidential crisis hotline, SAFEline, is available 24/7 by phone at 512.267.SAFE (7233), by text at 737.888.7233, or online chat at safeaustin.org/chat. For Deaf, DeafBlind, DeafDisabled, and Hard of Hearing people: please use relay/VRS.

Legal Resources

TexasLawHelp.org

www.texaslawhelp.org

TexasLawHelp.org is a website that provides free, reliable legal information on a variety of topics, including family law, consumer protection and debt relief, health and benefits, employment law, housing, wills and life planning, and immigration. The website offers interactive and downloadable legal forms, self-help tools, and videos on various legal issues, and can help you locate local free legal services.

Texas Advocacy Project, A VOICE

1.888. 343.4414

Advocates for Victims of Crime (A VOICE), a project of Texas Legal Services Center, provides free direct legal representation and referrals to victims of violent crime, and provides education about crime victims' rights and assistance with Crime Victims Compensation applications. Note: callers will most likely leave a message, and their call will be returned by an attorney.

Legal Aid for Survivors of Sexual Assault (LASSA)

1-844-303-SAFE (7233)

The LASSA state hotline is answered by attorneys seven days a week. The Hotline attorneys provide sexual assault survivors with legal information and advice about legal issues that may arise following a sexual assault, including crime victims' rights, housing, and safety planning.

Texas Rio Grande Legal Aid

www.trla.org/help - no voicemail accepted

www.trla.org/lassa - voicemail accepted

TRLA is one of the nation's largest legal aid providers. TRLA provides free civil legal services to residents in 68 Southwest Texas counties and represents migrant and seasonal farm workers throughout and in six other southern states. TRLA serves about 23,000 clients each year. However, more than 2.6 million Southwest Texas residents are eligible for TRLA services, a ratio of almost 21,000 potential clients per legal aid lawyer. As a result, thousands of low-income Texans still lack access to civil legal representation.

Family Violence Legal Line

800-374-HOPE

Texas Advocacy Project offers the HOPE Line, Monday -Friday, 9 am-5 pm, staffed by attorneys, which can help you with a variety of legal concerns related to domestic violence, sexual assault, and stalking

Violence Against Women Act (VAWA) Housing Protections

IF YOU ARE EXPERIENCING					
Domestic Violence	Dating Violence	Sexual Assault	Stalking	Human Trafficking	Other Type of Abuse

	<p>PROTECTIONS APPLY TO ALL HUMANS REGARDLESS OF Sex, Gender Identity, Sexual Orientation, Marital Status</p>	
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- **You CANNOT be denied admission** or federal rental assistance just because you are or have been a victim or a threatened victim.
- **You CANNOT be evicted or lose your federal rental assistance** just because you are or have been a victim or a threatened victim.
- **You CANNOT be denied admission or rental assistance, evicted, or lose your subsidy** for reasons related to the abuse, such as bad credit history and criminal history.

VAWA PROTECTIONS LOOK LIKE

	If someone living in your home uses violence against you, the Program may work with you and/or the landlord to evict the abuser, and let you, your family, and other household members stay in the home.
	You are allowed an Emergency Transfer if you reasonably believe you are about to be hurt by more abuse.
	The Program or Landlord cannot give the information you provide about the abuse to others. The information may be shared only if you agree in writing, if it is needed to evict the abuser from the housing, or if the disclosure is required by law.
	If you need to claim VAWA protections, please communicate with your Advocate. The Program will work with you to collect any necessary documentation and work with the Landlord to access those protections on your behalf.



Program will notify the Landlord, in writing, of all protections under the Violence Against Women Act (VAWA), as well as the requirement that the tenant lease agreement contains all required VAWA lease provisions.

Acknowledgement of Receipt

Please initial to confirm your receipt of the following documents related to your rights under Violence Against Women Act (VAWA) protections:

_____ Notice of Occupancy Rights under the Violence Against Women Act (required)

_____ VAWA Self-Certification Form – HUD Form 5382 (required)

Documents provided during the following timeframe:

- € Individual or family denied for assistance, permanent or transitional housing
- € Program participant is enrolled or entering program services, permanent/transitional housing
- € Program participant receives notification of eviction
- € Program participant is notified of termination of assistance
- € Program staff believe that participant would benefit from additional reminder of protections

X

Program Participant Signature

Date

X

Program Staff Signature

Date

FAQ VAWA Emergency Transfers

Does VAWA only protect women?

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.

What protections do survivors have under VAWA?

- Cannot be denied admission, evicted, or have their assistance terminated for reasons related to violence/abuse. Ex: having an eviction record, criminal history, bad credit, or etc.
- Must have the option to stay even if there has been criminal activity related to violence/abuse
- Can request for emergency transfer for safety reasons related to VAWA violence/abuse and can move with continued assistance.
- Must be able to provide proof of violence to the housing provider by self certifying. (more information on page 2)
- Have the right to strict confidentiality
- Cannot be retaliated against for seeking or exercising VAWA protections

Can survivors still be evicted for other reasons not related to violence?

Yes, survivors can still be evicted for repeated lease violations that are not related to the abuse experienced such as not paying rent or property damage.

Can the perpetrator be evicted or removed from a survivors lease?

Depending on the specific situation, a covered housing provider may be able to divide the lease to evict just the perpetrator. This is called "*lease bifurcation*."

What happens if the lease bifurcation ends up removing the perpetrator who was the only tenant who qualified for the housing or assistance?

In this situation, the covered housing provider must provide survivors and other remaining household members an opportunity to establish eligibility or to find other housing. If survivors cannot or don't want to establish eligibility, then the covered housing provider must give a reasonable time to move or establish eligibility for another covered housing program. This

amount of time varies, depending on the covered housing program involved. Timeframes for covered housing programs operated by other agencies are determined by those agencies.

What HUD Programs are covered?

VAWA applies to these HUD programs:

- [Public Housing](#);
- [Housing Choice Voucher](#);
- [Section 8 Moderate Rehabilitation Single Room Occupancy \(SRO\)](#);
- [Section 202 Direct Loan](#);
- [Section 811 Supportive Housing for Persons with Disabilities](#);
- [Housing Opportunities for Persons With AIDS \(HOPWA\)](#);
- [HOME Investment Partnerships \(HOME\)](#);
- [Emergency Solutions Grants](#);
- [Continuum of Care](#);
- Section 221(d)(3)/(d)(5) Below-market Interest Rate (BMIR), Multifamily Rental Assistance;
- [Section 236 Multifamily Assistance](#);
- [Housing Trust Fund](#)
- Other Federal housing programs that provide affordable housing to low and moderate-income persons through restricted rents or rental assistance, or other affordable housing opportunities, which HUD identifies as covered by VAWA. This will ordinarily occur in a Notice of Funding Opportunity (NOFO).
(See [34 U.S.C. § 12491](#).)

Who can survivors reach out to for assistance with VAWA Protections?

Domestic violence and sexual assault agencies, attorneys, legal aid, and fair housing agencies

- Austin Tenants Council: **512-474-1961**; Legal Counseling and Advocacy
- Texas Rio Grande Legal Aid (TRLA): **956-996-8752**; free legal aid
- Texas Advocacy Project (TAP): **800-374-HOPE**; free legal services
- The SAFE Alliance: **512-267-7233**; advocacy and support for survivors

Can a survivor request for reasonable accommodations?

If a survivor has a disability, the covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow survivors to equally benefit from VAWA protections (for example, giving more time to submit documents or assistance with filling out forms). Survivors may request reasonable accommodations at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, a covered housing provider must first engage in the interactive process with survivors to identify possible alternative accommodations. Covered housing provider must also ensure effective communication with individuals with disabilities.

What if a survivor requires VAWA information and documentation in another language?

Covered housing providers must give survivors language assistance regarding VAWA protections (ex: oral interpretation, ASL and/or written interpretation)

Does VAWA affect other states or local laws?

VAWA is a federal law, however, it does not impact state or local laws that provide more housing protections for survivors

What if a landlord/housing property does not comply with VAWA Emergency Transfer protocol?

- If survivors believe their VAWA rights have been violated, they can [visit this link to file a complaint with HUD's Office of Fair Housing and Equal Opportunity \(FHEO\)](#). You can also [find out more about the complaint process](#). These sites provide information in multiple languages and include instructions for filing a complaint online on HUD's website and by email, mail, or telephone.
- *Note: HUD is currently updating its complaint form to include VAWA protections. However, you may still use the current complaint form to file a VAWA complaint. On the complaint form, please explain in the narrative section why you believe your VAWA rights were violated.*