

F.A.Q.s 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 based on any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

What protections do survivors have under VAWA?

<https://files.hudexchange.info/resources/documents/VAWA-2022-Foundations-Webinar-Series-Understanding-VAWA-Slides.pdf>

- Please reference HUD 5380: Notice of Occupancy Rights
- Survivors cannot be denied admission, cannot be evicted from their housing unit, or have their assistance terminated for reasons related to violence/abuse. Ex: having an eviction record, criminal history, bad credit, that is directly related to an incident/s of domestic, sexual, dating violence, or stalking. Example of how abuse impacts a survivor's credit history:
 1. Forcing a victim to obtain credit, including credit cards, for the perpetrator's use
 2. Preventing a victim from obtaining or maintaining employment
 3. Placing bills in the victim's name, then refusing to pay
 4. Forcing a victim to work without pay or forcing them to turn over earnings to the perpetrator
 5. Job loss or employment discrimination due to status as a victim of domestic violence, dating violence, sexual assault, or stalking
 6. Hospitalization and medical bills, the victim cannot pay or cannot pay along with other bills

Example of how abuse impacts a survivor's criminal record:

1. Forcing a victim to write bad checks, misuse credit, or file fraudulent tax returns
2. Property theft (perpetrator may file a fraudulent crime report against a victim for taking the shared car as they are fleeing from the abusive relationship)
3. Disorderly conduct (law enforcement may see a victim who is in crisis/distress as displaying disorderly conduct, as the perpetrator minimizes the threat to the victim in front of law enforcement)
4. Illegal use and sale of substances (trauma survivors have used substances to self-medicate as a form of survival)
5. Crimes related to sex work, including human trafficking
6. Crimes committed by victims to defend themselves or a third party from domestic violence.

- Must have the option to stay even if there has been criminal activity related to violence/abuse
- Can request an emergency transfer for safety reasons related to VAWA violence/abuse and can move with continued assistance.
- Must have the option to be able to provide proof of violence to the housing provider by self-certifying. (more information on page 2- VAWA Emergency Transfer)
- 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. Ex.: not paying rent or property damage, not related for domestic violence, sexual assault, etc.

Can the perpetrator be evicted or removed from a survivor's 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?

Depends on the housing program enrolled in, **HUD Form 5380** list programs with the limitations. Some programs allow survivors to stay in the unit until the lease expiration date, while others allow for at least 90 days for the remaining household members 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 are HUD-covered programs?

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 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 providers must also ensure effective communication with individuals with disabilities.

Can a VAWA Emergency Transfer be used before housing has been established in a HUD-funded property/program?

VAWA Housing protections at entry to covered housing programs are to assist victims from being denied services due to criminal/credit histories due to violence done to them. Victims of VAWA violence/abuse have the right to request an emergency transfer from their current covered housing program unit to another covered housing program 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

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,

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

Covered housing providers must give survivors language assistance regarding VAWA housing 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.*
- Can relocation fees be waived?

Ask housing provider if fees may be waived for the emergency transfer, if there is a policy in place to waive the fees. If fee waiver is not allowed, can the fees be paid with an agreed upon payment plan?

Where can we get more training/support regarding VAWA housing protections?

- SAFE VAWA Coordinator provides free training. **512.267.7233**
- TRLA can provide advice to survivors **956-996-8752**

Where can I get more training on VAWA and VAWA Emergency Transfers?

<https://www.youtube.com/watch?v=2yObwq0N9cY>

<https://www.youtube.com/watch?v=Exh0iORtOqk&t=1s>

https://www.youtube.com/watch?v=ek_TnLpZOEE&t=996s