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**Kevin Solarte:** Thank you for joining. There was very high interest in this event, so we did have to close the registration. But if you have colleagues or friends that we're looking to get in, please know that we're recording that and it will be posted on the HUD exchange. So you'll get a notice when that is up and posted for you to be able to share more broadly. Since we weren't able to accommodate full attendance here today we are at capacity, so we're going to jump right in since we have our full 500 participants and we are going to get started because we have a good amount of content to cover for you as we talk about implementation, specifically within the ESG and the CoC Program.

So my name is Kevin Solarte. I'm a senior project manager here at the federal technical assistance team. And I was previously at HUD in a secretary's office working on the VAWA rule that was being developed. And I have some experience locally here in New York City with implementation within some of the housing programs for HUD.

**Lisa Coffman:** I'm Lisa Coffman. I'm a Senior Program Specialist in the HUD office of Special Needs Assistance Programs, which is the SNAPS office. And in addition to my desk officer duties, I'm the subject matter expert for SNAPS, intersection of domestic violence and homelessness. So I will be the point person as you all are developing your emergency transfer plans and working through your implementation. Any questions that you might have to follow you can direct and my attention.

**Kevin Solarte:** Great. Thank you Lisa. So we're going to take a quick poll to get us started. So we can get a better sense of who we have here today. So there's 2 poll questions that you'll see show up on your screen. And the 1st one is we'll ask you pick the type of agency that describes your organization, so you are the CoC funded homeless provider, ESG funded provider, a victim service provider, key stakeholder, or other. And then within your current projects. If you are currently working within a funded project, what does implementation look like? So everything from still trying to understand what VAWA is to understanding it, but not yet having implemented related processes, or you've actually started implementation and that you have good experience that you're going to be able to share related to the challenges.

So give folks a minute to click on the poll and press, make sure you press submit after you click the answers to both the polls. As you're filling out the poll, I will say, that we completely understand that folks are all different levels of implementation across the Projects and that this is a pretty expansive rule as will cover today in the webinar. And so there is a lot of moving pieces to this rule. So don't be shy with being pretty honest about where your current status is in the implementation.

Will go ahead and close the poll and see what kind of results we're getting. All right, just a couple more seconds from now we're going to get a read out here Where folks are coming in from versus the ESG and CoC Programs are right. Looks like we've got about 35 percent of our participants are CoC funded and 13 percent are ESG funded.

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Another close to 20 percent are victim services providers. So that's great that we have a pretty good mixing of folks here because we're going to dive pretty deep into both the CoC and ESG funded [programs]. And it looks like most people are somewhat familiar with VAWA and have kind of gotten to the basic implementation, but are between C and D. So having some experience, but have some related challenges along with the implementation. So great, this is helpful release that either kind of get a sense of who everyone is here, the webinar today and we're going to go ahead and jump in. Thanks for participating in the poll.

So the objectives of today's webinar are we hope your will be equipped to walking away from today's webinar with a little bit more of the historical context and understanding of the federal legislation Violence Against Women Act that has led to HUD releasing its final rule on VAWA, as well as the requirements of compliance with the final rule; specifically for the CoC and ESG Programs. Lastly, we hope to share some critical information with you around how the VAWA rule supports the safety of survivors.

And then quickly today the agenda, just so everyone knows what the flow of the webinar will look like today. We'll start with the historical context on the reauthorization and Lisa is going to give us an overview high level overview of HUD's final rule. And then both Lisa and I will go back and forth along the components of the rule, which will include the basic housing protections that are outlined in the rule, which includes allowable evictions and documentation of survivor's status, notice of rights, and confidentiality. We will go in depth on emergency transfer plans and lease bifurcation. Lisa will finish with lease addendums and rental agreements.

So we are going to push through as quickly as we can, knowing that there is a lot of content to go through as all of you all probably know as you have been diving in here and implementing locally.

So let's start with some historical context so that we all kind of understand where VAWA came from. Originally the federal legislation passed in 1994, and it was really a response to increase in domestic violence, happening across the country and strong advocacy and public support for a federal response to coordinate resources for domestic violence. In 2005, is when the language was amended to include protection from admission denials and subsidy termination do to the actions of abusers. This was limited to public housing and section 8 for the most part.

And so it wasn't until 2013 when housing protections were expanded to include more housing programs, such as the CoC and ESG Programs, and other programs like HOME. Protections for additional crimes such as stalking, sexual assault, and dating violence were also added/ Some additional reminders around the reauthorization, although the name is the Violence Against Women Act the protection are there regardless of age, sex, gender, identity, race, national origin, familial status, disability or sexual orientation. It's also really important to remember that this goes hand in hand with the Equal Access Rule.

**[10:00:00]**

It also expand protections to individuals affiliated with the victims. This includes parents, siblings children, and others living in the household and then expands protections to more housing program and enhances existing housing protection. With the expansion it includes not

just public housing and section 8 housing, but the vast array of housing programs that are delivered by HUD and it also expands VAWA crimes to include sexual assault, domestic violence, dating violence, and stalking.

So before I pass it off to Lisa, I'm just going to talk a little bit about those crimes defined in federal legislation. These definitions are on your screen, but a few things to note around sexual assault; important to know that it's any non-sexual consensual sexual act. So it does not have to be forcible. With domestic violence it is important to note that the 2013 reauthorization no longer requires abuse to be a by a spouts. Again, dating violence and stalking are both defined here on your screen so we won't dig too deep. I think it's important to know that all four crimes are defined in statute.

The other thing I think that's important to remember is that you do not have to be convicted of a VAWA crime to express your rights. Meaning, the perpetrator does not necessarily have to be convicted of a VAWA crime in order for a survivor to be able to express their rights. It's just that the survivor have been victimized as described in any of these crimes, then they are eligible for a full access of the protection. So I'm going to turn it over to Lisa now to give us an overview of the final rules.

**Lisa Coffman:** Thank you, Kevin. All right, so Kevin gave us an overview of the federal legislation that guides the VAWA rule. I'm going to talk a little bit about the HUD regulation and what that means for you all. Basically the intent of the rule pretty simple that all individuals have a right to a home without fear of violence. Kevin mentioned the expansion of the housing protections to increase stable housing. We all know that safe housing reduces the risk of homelessness and the rule also seeks to decrease VAWA denials of housing assistance and of survivors fleeing when they experience violence in their home.

So the history of HUD VAWA final rule. We implemented the final rule in November 2016, which means that all of the housing programs that are administered by HUD spelled out in the rule were required to follow in 2013. It's important to remember that the core protections of VAWA were in place immediately as of March 7, 2013. And the core protections were including that survivors were protected from denial or removal of housing assistance based on their status as a survivor. And that's in both the CoC and ESG Programs. So I can mention we implemented the final rule in November 2016. And the rule went in effect December 16th of 2016. So what that meant for ESG and CoC Providers is that for permanent housing, homelessness prevention, transitional housing, and permanent supportive housing projects, funded under a NOFA published on or after December 16, 2016. And then for the ESG Programs, it's an ESG Program that had a written grant agreement that was executed or renewed on or after December 16, 2016.

Now I know we were going fast on this, but like Kevin said, this will be posted on the HUD exchange that you can go back and referenced. Go on to the next slide.

So the HUD programs that are covered by the rules and these are the ones that were specifically outlined in 2013. And as Kevin mentioned, the VAWA 2005 reauthorization was mainly for public housing and section 8. But in 2013, it expanded to include the McKinney Vento Act program and also HOME, as well as all of the programs that you see listed here.

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Another thing to remember too, it was the 2005 VAWA implementation that prohibited victim service providers from entering and personally identifying information into HMIS. I know sometimes folks aren't clear about that, but that has been in the VAWA reauthorization since 2005, but you see on the screen, these are all of the HUD programs that are covered by the rule.

So when you have assistance that's provided by more than one of these programs, the participants has the right to decide which protections they want to. You know, to uphold whichever program that they want to follow as long as there's no conflict, between the 2 program requirements.

So for the CoC see an ESG Programs that are covered in the rules. We mention for any rapid rehousing, homelessness prevention, transitional housing, permanent supportive housing project, that came under a NOFA that was published on or after December 16, 2016. So that includes renewal projects after that time too. Any of those projects have to comply with VAWA. Which means with any eligibility or terminations decision that you make sure that you know folks were notified as survivors or participants and have the opportunity to enact VAWA protections. That goes the same with any ESG rental assistance agreement that was executed or renewed on or after December 16th, 2016 has to comply with VAWA.

Now emergency shelters, short term supportive housing and safe haven in coverage in the rule. These projects are not subject to many of the VAWA related requirements. However, it is, it's good to know that all types of housing programs are prohibited from denying admission to someone. So if I applied to an emergency shelter, the shelter can't deny me solely because of my status as a survivor of a VAWA crime. And that's important to recognize.

All right, it looks like I will turn it back to Kevin right now to talk about the components of the rule.

**Kevin Solarte:** Thank you. Lisa and I are going to go back and forth, covering the components of the rule. And I will say you can type questions into the box and we're also going to hold the questions open till the very end, because we do have a lot of content to get through.

So we have talked about this a bit already, but just to review the basic housing protections you have heard us both refer to today. This is really those protections, the say you cannot be denied or evicted from your housing based solely being a survivor. And that applicants can't be denied based solely on their status as a survivor. Remember it is domestic violence, sexual assault, dating violence and sexual assault survivors that can't be denied access to housing based on factors directly related to victimization. We're going to talk about that more on the next slide and individuals cannot be evicted because of these factors. Really at the core this is saying you cannot be denied, evicted, or terminated from assistance based on your status. So what do we mean by adverse factors? So this idea here is than an applicant should also not be denied access to their housing when it is factors that are a direct result of the current or past victimization. And that includes things as job, history, credit, history, criminal record and rental

history. So basically they should not be denied assistance if the sole reason they are being denied is based on things like their credit history or their criminal record which is a direct result of the fact that they were victimized.

And so both on your slide, which will be posted as well on the HUD exchange, you'll see there is going to both the PIH, and multifamily housing Notice that further explain adverse factors and give some guidance on what these adverse factors mean.

All right, so we're going to move now to allowable evictions. So there is very limited circumstances when you are allowed to evict a survivor of Domestic violence, sexual assault stalking, or, dating violence.

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There has to be an actual and imminent threat to other tenants or employees. The imminent threat is clearly defined in the rule; it has to be an actual danger that is real, that is, that might occur immediately and could result in death or serious harm. You can see it is a pretty high standard for when you are able to do that. However it is important to note that you can also still evict a survivor, if the reason is completely unrelated to their victimization. So nothing in the in the rules prohibits eviction based any action outlined in the lease agreement as long as it is not directly related to the victimization.

OK, the documentation of the victim status. So it's important to note 1st and foremost that a CoC recipient may accept verbal confirmation that a survivor is a survivor, or they can ask the applicant or tenant to provide supporting documentation. But it is subject to the rules restriction, which will go over on the next slide.

It's also important to know that if documentation is required it must be done in writing to the applicant or tenant. And you must give the applicant a minimum of 14 business days to respond to that. It's also important to note that both CoC and ESG recipient, can limit documentation of victim status requests to the recipient themselves. And in tenant based rental assistance you can limit the request for documentation to only be the recipient or the sub recipient. You just need to make sure that you're outlining those types of stipulations with the landlords that you're using in your tenant base rental assistance and to outline in your rental agreement, which will talk about at the end of this webinar.

So just quickly, let's talk about what you may request if you choose to request documentation. So you must give the tenant or applicant the choice of what they provide and they have the ability to submit any of the following documentation listed. There is a link in the slide to the self-verification form put out with the rule. And this could be completed by the applicant tenant. And you must accept this without 3rd party documentation unless the limited circumstances which I'll talk about in the next slide.

But as a survivor could also choose to submit a professional statement, record of court or law or any other type of statement or evidence that you choose to accept as a housing provider. But I just want to reiterate, you cannot require anything beyond the self-verification form outside very limited circumstances. And again, the link to this document is available actually in 15 different

languages to download and to use from the HUD website.

So those limited situations where you can ask for third party documentation are limited to when more than one application or participant provide documentation of their survivor status. So basically when there's conflicting documentation, if 2 people in the household are both asserting the right survivors and it conflicts on who the perpetrator and who the survivor is; than you can require 3<sup>rd</sup> party documentation. Or if you have documentation that conflicts with the existing information available already, such as a police report that was filed on the property or other documentation.

All right, the other core documentation piece here is the notice of occupancy rights.

To sum up this slide quickly, the requirement is to give that notice of occupancy rights time that an applicant or participant is accepted or denied in any type of transitional or permanent housing. Also anytime a person is evicted from their housing or terminated from assistance in tenant base rental assistance, it must also be given in the CoC program. It also is required that the owner give the tenant the notice of rights when they serve an eviction notice and they should also be notifying the CoC recipient as outlined in your rental agreements with your landlords.

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The ESG Program is very similar. Anytime a program participant received or is denied tenant based rental assistance or from a project based rental assistance unit they need to be given their notice of rights. And if they're terminated or evicted. And again, in the ESG Program, that notice of rights must be given by the ESG recipient to the participant so there must be communication between the landlord and recipient/sub in the event you are utilizing tenant base rental assistance and there is an eviction. These methods of communication needs to be clear in your rental agreements.

OK, the last thing I'm going to cover before I turn it over to Lisa; we've got to dive in a little bit more on confidentiality. So as we already pointed out about confidentiality in terms of the shared database system and not being able to enter that information into HMIS. Information submitted by the survivor, including survivor status, and information such as emergency transfer request and other documentation submitted be maintained in confidence. You also need to make sure that only the recipient/sub and landlord or owner that has access to it has access because there are explicitly authorized to carry out the work of the emergency transfer plan. And remember, you can ask for any type of personally identifiable information as a condition of providing the housing or the related services. You also should not disclosed information or to any other entity unless the survivor has given informed, written, and time limited consent, or it is required for use in eviction proceedings or hearing or otherwise required by law.

So I'm going to turn it over to Lisa. Now she's going to dive in to emergency transfer plans.

**Lisa Coffman** All right, so one of the key components in the 2013 VAWA implementation is the emergency transfer. So recipients are required to develop emergency transfer plans and those transfer plans must allow survivors of defined crime to move to a safe unit. As long as the victim or survivor requests the transfer, this is important. The survivor has to come to the CoC recipient ESG recipient, the housing provider, and request the transfer on their behalf. They also have to

reasonably believe that they are being threatened with imminent harm if they stay in the same unit or in the case of sexual assault, the sexual assault has occurred on the premises within 90 days of the request of the transfer.

Now there is a model emergency transfer plans that we encourage you all to look at, its HUD document 5381 and you can find it if you go to [hud.gov](http://hud.gov) and search for forms. But as Kevin mentioned, when we post these slides, this is hyperlink. You'll be able to click and see for yourself a sort of a model emergency transfer plan that you can decide to either adopt or incorporate or tweak for use for your community.

So now let's talk about what an emergency transfer is, what the types of things that you'll need to consider. When we talk about emergency transfer plans, there's a couple terms that we use. The 1st one is an internal transfer. So this is when a survivor can safely move to another available unit or housing program without having to apply as a new applicant. An external transfer is when the survivor can move to another unit or housing, but they have to complete a new application for the safe unit. We define safe as any housing option or opportunity that the survivor themselves determine the safe. Available unit we haven't defined in the rule, but for HUD guidance, we're instructing communities to locally define what an available unit is.

So something to think about in terms of the transfers, there's no limit on the number of transfers a person can request. So it's not like, you know if they asked for a transfer in March, and they need one again and can come back in May in August and so on and so forth.

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The rule does not prescribe any limits on the number of time that people exercise this right. So the rule doesn't, we're not either, and we're asking that you all do not as well.

For external transfers, and this is when people move outside of existing programs. We're asking that communities come up with meaningful steps to ensure that people are having access to the program and not going to the bottom of the wait list. The neat thing for both the CoC and ESG Program is that this concept is really not new to us. The other housing programs have had to sort of scramble to figure this out, but with CoC, see, we've had the ability to kind of move people between programs in a CoC to do what was necessary for the benefit of the housing participant. So many of the CoC grantees are kind of familiar with doing this already and same with ESG. Both of those programs just offer us more flexibility and we're able to be nimble in meeting survivor's needs than other programs. So that is one thing to think about.

I know this is a, it's a new requirement and it can feel overwhelming. But if we think about at the end of the day, we just want to make sure that all the folks that we're housing are safe. Feel safe in their housing and we're going to do whatever we can within the parameters of the rules of our programs of our be availability to make sure that people are moving to units either in our portfolio or out of our portfolio that they can feel safe in.

So for the CoC Emergency transfer plan, as I said, each CoC. Has to develop an emergency transfer plan that all of the recipients, all of the programs funded under that CoC, they have to adopt and follow. So some of the required components for describing the transfer in your tenant based rental assistance and you have to make sure that there are policies for program participants

who qualify for an emergency transfer to move quickly with their rental assistance. Your plan should also specify what will happen with respect to any of the family members that are non-transferring. If there's a survivor who's requesting an emergency transfer or transfer that there's an individual, perhaps the perpetrator who is remaining behind. So your plan should really talk about what's going to happen to the leavers and the stairs.

And the HUD final rule provides some guidance about what requirements your plan has to include. So at a minimum when thinking about this and trying to develop your plan, it's a good idea, a good practice, to look at the HUD Final rules to see what the basics are, what the requirements are. And then figure out what you might want to add just based on your CoC and once again, this slide is for the CoC. You can see the requirement is that there be CoC wide plan that all of your grant recipients/subs and funded projects will have to comply.

So we can talk about ESG. So much like the CoC has their requirements, for an ESG Grantee, the state can require that the subrecipients that administer ESG follow the developed the plan. If that's not the case, then the individual ESG recipients have to develop the plan. So similar with the same requirements that we talked about for CoC. Grantees, you have to make sure that your emergency transfer plan talks about the policies for program participants who qualify for transfer and what that look like. You also have to talk about what happens to the people who are staying in the unit versus the folks who are leaving. You'll have to make sure that people are allowed to move either within the existing unit that the recipient is responsible for, or if there is an inability to move to another unit then it may be a unit that the recipient is managing but it's not getting ESG assistance. We're just wanting you all to leverage whatever resources you have at your disposal to be able to meet this requirement. And there have been numerous instances where communities have reached out for some assistance. And thinking about this, you know here's sort of the lay of the land about what we have at our disposal. How can we craft an emergency transfer plan that's going to be most responsive for the folks that we provide assistance to? And we have been connecting people with the domestic violence housing, technical assistance consortium to help.

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And I think we'll probably talk a little bit about that at the end terms of resources. So they are a great resource to meet with, to talk with, to think about how you want to develop an emergency transfer plan that takes account all of the resources that you have at your disposal, either on the ESG or CoC side. And how can you make these resources available when folks are coming to you asking for an emergency transfer.

OK, so next some additional key components to think about for your emergency transfer plan. Like I said, you have to define who's eligible for an emergency transfers, the rules very specific about who qualifies based on what VASWA related crimes. We're asking that you put that information in your plan. Be very prescriptive about that list.

Also the documentation needed to request a transfer. Kevin talked about the fact that survivors can self-verify. If a survivor can self-verify or petition, you know, talk about what you're going to require people to bring to you in order to request to transfer.



Your plan needs to outline confidentiality protections, how you'll keep information confidential. We want to make sure that you know there's no breach of confidentiality that survivors aren't being compromised in that way.

Also talk about how survivors seeking emergency transfers will be connected to other HUD assisted housing if that's available, if that's appropriate. And like I mentioned the key consideration in developing your emergency transfer plan is to make sure that you know if you're separating a family due to an emergency transfer, the recipient or the can choose to continue to serve the perpetrator in order to make sure that they're not put into a homeless situation. And then what resources that person will be connected to.

I am going to talk for a minute about a model emergency transfer plan and some tips for thinking about building out a model plan. One of the thing you should take a look at the HUD document that we posted, because like I said, it's a place to start. It will include the minimum requirements and definitely use that as a guide to kind of build upon what you have available. There's also numerous resources in your community, you know, most of the CoCs have victim service providers as many as members of ESG. See, they're actually going to be a great resource. Your state's domestic violence coalition will be a great resource to help you think about what's out there that survivors can access in terms of services and housing and advocacy. And how do we build all these things together to best make sure that we're serving survivor?

We definitely want you all to make sure that you clearly define your process for internal transfers. You know, how are people transferring within the housing stock that a specific provider has? Or are you going to reach out to another community or another provider? And also including in leveraging your coordinated entry system. How are these things all going to play a part in being responsive to the needs of survivors for requesting emergency transfer?

**Kevin Solarte:** All right, thank you, Lisa. I know the emergency transfer section is a pretty dense part of the rule, honestly, one of the most important parts of the rule. So thanks for that great overview. There has been some questions in the chat that I've been trying to respond to while Lisa was talking. So feel free to keep asking those questions to all attendees so other folks can see what you're asking and the answers to those questions.

We're going to jump now into lease bifurcation. So one of the important things to remember about lease bifurcation is that only a project owner can bifurcate the actual lease. So the splitting of assistance, the actual assistance that goes along with that unit can be done by the recipient/sub. But in terms of the legal bifurcating on the lease that have to be done by the project owner or landlord. Sometimes as the CoC recipient, you may be the project owner and landlord, and can do that on your own. And other times such as tenant based rental assistance, you will not be able to bifurcate the actual lease yourself but will need the owner to do so.

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The other thing to remember is lease bifurcation can allows the abuser to be evicted or taken off the lease while preserving the lease and the housing rights of the survivor.

For ESG and CoC recipients you may choose to continue to serve the perpetrator with other resources to avoid homelessness. But this is subject to the existing resources that you have within your CoC or ESG projects. And so I think this is an important piece to remember because again, when you are bifurcating the lease, you are removing the potential perpetrator from the situation so that the survivor can stay in the housing, you are ensuring, which is critically important, the life and safety of the survivor. And as the CoC recipient you also have to be thinking about how when you do remove that perpetrator for safety issues that that could result in experiencing of Homelessness of the person being removed. And so you need to have some clear plan and guidance in your policies and procedures around what happens with that assistance.

So in most CoC and ESG projects the entire family has the homelessness status and is eligible for those programs. So even if the abuser is removed, the family should retain their eligibility. The exception here really is a PSH, where the abuser/offender might be the only eligible household member because they are the one with a disability, qualifying disability. So the survivors would still be given the opportunity to demonstrate the eligibility because they by themselves may still be eligible without the perpetrator. But if they cannot establish eligibility for that program, then the remaining family member should be able to allowed to stay in that housing unit to that end of the lease for PSH. And the recipient/sub should work with the remaining family members to find alternative housing that the end of the lease, which may include alternative types of CoC resources.

I'm going to turn it back over to Lisa for the last section which is a lease addendums and rental agreement.

**Lisa Coffman:** All right, thank you. Kevin. So the lease addendums and the rental agreement, we're going to talk about what needs to be included in these because of the of the VAWA act. So each agreement between a landlord or owner and the tenant has to have the following elements in and we're saying the lease addendum because we know you already have these lease agreements. So you're probably not going to be able to do a new lease, but you can do this addendum so that we can make sure that all of the VAWA protections are included in the participants housing.

So the language needs to include that there's a right for the lease to be broken without penalty. If the Tenet qualifies for emergency transfer, there needs to be language in there that protects individuals from being denied access to housing and or a victim from housing solely on the basis or as a direct result of them being a survivor. And this is important, Kevin mentioned this earlier, this doesn't mean that people can't be denied housing because they're not qualified. What other reason or you know you can still terminate if you know if they're not compliant with program rules and if you've gone through due process. It doesn't mean that people are exempt from eviction and denial it just means that their status as a survivor can't be the only reason that they're being denied your housing program or evicted from their housing. And that's important to make sure that we distinguish for that.

The lease addendum needs to specify the terms of assistance. And this is important. You know, people need to understand how long I have this assistance. How long is CoC program or the ESG program is covering my rental assistance that's important, that needs to be spelled out

in the lease. The lease addendum should cover the limitation of VAWA protections. There's guidance. There's language in the HUD final rule. We're not expecting you all to write this all on your own.

**[45:00:00]**

You can cut and paste that language. All the VAWA protections have to go into lease addendum. And then lastly confidentiality requirements. You're going to talk about how you're going to keep the survivors information confidential, who has access to see documentation, to see self-certification. Those types of things oh, and one thing, a good point to mention. You can let your landlord, your owners know that the lease addendum can be written to expire at the end of the rental assistance period, so that when either the CoC or ESG assistance stops the HUD VAWA protection stop too.

Now, ideally we would want the landlord to continue to offer those protections, but the requirement is for it to be the length of the housing assistance. So if that unit is no longer receiving subsidy then the landlord is no longer required to abide with the VAWA protection, and you can include that language in your lease addendum.

Let's talk about what needs to be in rental agreement next. So any rental, any housing assistance contract that you have with private housing owners and managers also has to include the requirement to coordinate an emergency transfer. There's an obligation for the owner to notify the recipient before any leases bifurcated, before any notice or notice of eviction is provided for the program. The new language in your rental agreements says if a notice of eviction is given to a tenant, there's the obligation to make sure that both the notice of their VAWA rights given to them and any self-certification forms that they would need to deploy in order to access their VAWA protections or rights needs to be included with that that notice too. So no matter how you're implementing the program, there has to be an agreement in place that outlines that your landlord and that your recipients are complying with the VWA rule. And like I said, the compliance has to last as long as the HUD funded assistance is provided for that for that unit.

**Kevin Solarte:** So I know we've been through a lot of information at you. So we do want to take the last 15 minutes or so to answer any questions that we haven't answered so far. So we've been trying to also answer some questions in the Box as well. And so go ahead and continue to chat those in. And we'll start reading them often and going through the ones that we haven't been able to answer so far.

So we have a question that applies to Rapid Re-Housing and what must be in all leases. Remember it depends on what type of rental assistance you are using. You also need to have rental agreements in place with your landlords when using tenant bases rental assistance. The lease addendum is part of the contract between the actual tenant and the landlord. The rental agreement is the contract between the recipient/sub and landlord. And that is important because it really outlines all of the communication that need to happen back and forth around emergency transfers. And so it's important for Rapid Re-Housing that you actually have both of those pieces in place.

We also have a question around is the lease addendum and is there a template. We say, you know, Lisa you may know different than I, but I believe the last kind of sample lease addendum that was put out was by PIH around the 2005 authorization. And so my recommendation there would be to look at that as a beginning stage template, and then you're going to need to go through the rule and make sure you add in additional pieces that are outlined in the 2013 reauthorization.

Do you know of any new or lease a done and that's been released?

**Lisa Coffman:** No, no, Kevin, you're spot on. And there have been times where people have sent me lease addendums that they've created themselves. Then proposed just, you know, like a check or balance. So you know if that's something that people are interested in, I'm happy to take a look at them. But there's not any new version of a sample lease addendum.

**[50:00:00]**

There is a question that came in about HUD staff fall under the confidentiality requirements under VAWA. When HUD staff monitor, are they allowed to see the DV client files with personal information? And that's a really good question. So when we go on site to monitor the victim service provider, the DV agency, they can redact information like they can redact anything that's personally identifiable. But we do need to be able to determine that clients were eligible for the program and that all expenses are compliant with program rules.

And you know, many agencies and their HUD field offices have come up with different ways to make sure that they have access to the appropriate information. We don't need to see personally identifying information. You can redact, you know, you can provide us with logs were clients are given A B. and C. And we were able to, you know, determine that folks were income eligible that they had the number of participants in the household. That's definitely a conversation that we can have between the victim service provider and the HUD staff. But we do have the right to monitor and you have to allow us to monitor grant recipient, but we are mindful of the confidentiality requirements. And you know, we try to work around that. But that doesn't mean that victim service providers can tell their HUD staff you can't see anything because that's not the case. We just have to make sure that we can determine eligibility, but you can redact information and you can protect any personally identifying information.

**Kevin Solarte:** Let's take another one. I think this is an important question to reiterate, which is that no matter how many times the survivor request moves even if caused by the same perpetrator, they have the right. This is correct, there is no kind of cap on the amount, of times that a survivor can request an emergency transfer if it is for life and safety.

So we all know, or many folks that work in the field really do realize the complicated situations that are often around this type of violence. And that does sometimes mean that the survivor may need multiple moves. And it may be from the same perpetrator or from new instances of domestic violence, sexual assault, stalking, or dating violence. And they are, you are required to allow for that as many times as they need it for life and safety issues.

**Lisa Coffman:** There's also a question that came in. Would a local PHA possible have a plan for its implementation that could be used as a local temple template? That's a great question. They very well might, that might be a great resource to start with. Take a look at to help you think

about how you want to operationalize your emergency transfer plan. So we definitely encourage you to reach out to your local PHA.

And also, as we mentioned before to your state coalitions, I can't stress that enough. Your state domestic violence coalitions will be a great resource. They work statewide, so they may know of entities that have Victims of Crime Act funding that you know, you might be able to leverage if you need to transfer someone in an emergency situation. So in addition to your PHA definitely reach out to your state DV Coalition, any victim service providers, and see if there are any survivor groups in your area who are willing to be a resource to help you think about how to operationalize your plan. I mean definitely leverage those resources in your community. Your PHA, that's a great place to start.

**Kevin Solarte:** Yes, I completely agree and remember the slide that Lisa went over with all the HUD funded programs; all of those programs are required to have emergency transfer plans in place.

**[55:00:00]**

Your PHA definitely will have some version of an emergency transfer plan in place and that could be looked at as to help you form your emergency transfer plans. But also remember there are some differences in the way that the PHA might have to administer emergency transfers versus the way the CoCs do, but at the same time also remember it's a good way to start collaboration across HUD funded housing programs. And those types of collaboration as we have seen in other communities where, the CoC and PHA might work together to increase the amount of housing options that are available under emergency transfer plans.

So there was a question around the final rule begin to be in effect. It is already in effect, it was in effect as of November of 2016. That means it is already in effect and all the kind of notifications that need to go out to current and renewed tenants. All folks that are on rental assistance, already should have been done as well.

**Lisa Coffman:** Well, there's a question about, do these requirements apply for a HOME funded rental assistance? Home is one of the programs that is now a covered housing program under VAWA. Kevin and I can't answer or we're not really well versed in HOME. So we definitely take your questions about how this will intersect with your HOME programs to your home P.J.s. You know, to the folks that you receive your HOME dollars from and they should be able to answer those questions and tell you how you'll need to make sure that you're compliant with VAWA for your HOME program.

**Kevin Solarte:** That's a good point we've covered, but there are specifics in terms of what each program covers. We really dug in on CoC and ESG because each of the covered housing programs have some specific requirements be on top of the overall rule. So you certainly do want to check with your PJ.

Another. Are survivors able to transfer to alternative programs such as for chronic if they have a disability but not the homeless history. Let me know if I'm misrepresenting this, but they do have to meet the requirement for chronic and for disability for PSH, they do have to meet the requirements for the housing in order to be eligible. So that is the one kind of thing you want to

look at for PSH. The whole family is considered homeless and therefore should be eligible for all the program but for PSH you have to look at chronic status and disability. PSH is the one program you have to be careful with when you're doing the emergency transfers.

**Lisa Coffman:** That's right. That's right. And in that situation where it was a family that was in a PSH unit and the perpetrator was the, the qualifying person, the person with a disability. And there was a family member who requested an emergency transfer. You can do an emergency transfer for that person, but what we would have to do in that instance is the least bifurcation. Because that the person who does not have a disability would not be able to be transferred into a PSH program, but we would have to get them transferred into another program and then give them an opportunity to qualify for assistance on their own. So they, couldn't qualify for a PSH unit because they don't have the disability, they may not, you know, they don't meet the homelessness duration requirement either, but they might be able to get qualified for rapid rehousing in another program or someplace else.

**Kevin Solarte:** We're almost out of time. I'm going to take one last question and then talk a little bit about the resources. If your question did not get answered, the e-mail here in front of you. You can submit your questions there to get them answered. I know there is a bit of questions here about confidentiality. And so please submit them to HUD info to get your answers because there is also a whole other set of resources, both written and webinar that I've been done on the confidentiality piece that you can be going to.

But quickly, I want to just look at one last one that I saw coming in. I think there was one around lease bifurcation and do you have to require this in the leas.

**[1:00:00]**

The bifurcation is the only piece in the Rules that is an option, not a requirement. And so you as the recipient, if you're working with tenant based rental assistance for ESG or CoC you can't require your landlords to bifurcate the lease. You can talk to them about the how that helps with life and safety, how you can help assist them to filling that unit or to making sure that the process goes smoothly. But the rule is clear that the option to bifurcate is the option of the landlord or owner of the actual unit. So again, sometimes that is you as the CoC or ESG recipient. But sometimes it's not in the case of tenant based rental assistance.

So we are almost that time and I just want to show you a few resources that you can look at this when this gets posted. So we have a chart, these next 2 slides, you will see which talks about who's the responsible entity, the CoC or ESG recipient/sub, or is it the owner landlord, or is it the CoC body as a whole. So those are for your reference to give you a clear, quick, easy guide on what this looks like in terms of the different responsibilities.

You also will see that there is a link to the notice of rights, emergency transfer plan, victim self-certification form; all of these forms are linked for you to look at.

And the last one that I'll say that is really important is the Safe Housing Partnership, which is a which is a partnership between technical assistance firms that work with HHS, HUD and DOJ; that all come together around providing technical assistance to housing providers around the intersection between domestic violence and housing to increase the knowledge and capacity of

providers to provide safe housing options for survivors. So their information here is on the slide.

Again, these are all being posted, but we really encourage you to also turn to them as well as experts in this work as you are trying to really make sure we have the safest housing options available for survivors.

**Lisa Coffman:** I just want to add one more thing. We know that you guys are and thank you so much for the great response and reception. We know that this there's a lot here and this sort of high level overview is the 1st of many. So it won't be your only opportunity to ask questions or to get information and facts as you are e-mailing the snap info at HUD email.

It would be helpful for Kevin and I if you could let us know what additional training you might want or need. We are thinking about maybe breaking out training for ESG and CoC and then deep diving into each of the components, you know the emergency transfer, the lease bifurcation, the victim protections, those types of things. So if you think that you would benefit from that, or if there's some additional training around VAWA that you feel would be helpful for you in terms of implementation, please send that information to us. This is not the last time that will be training on VAWA. So we definitely want to hear your feedback to so that we can come up with additional training and opportunities as you all are operationalizing VAWA protections.

**Kevin Solarte:** Great, thank you. Everyone have a great day.

**Lisa Coffman:** Yeah thank you. Everyone take care.