

VAWA 2022 Reauthorization Updates

February 14, 2025

By Natalie Burtzos, Compliance Manager

Three County CoC, Community Action Pioneer Valley

Introduction

- Welcome to the first Subrecipient Office Hours!
- We are recording today's webinar for anyone to review later in Talent LMS, including anyone who could not attend today
- Subrecipient leadership should either:
 - Notify me (Natalie Burtzos) if they want to add certain staff to Compliance office hours mailing list, for future webinars
 - Or maintain the responsibility of forwarding opportunities to their staff
- You can also request program guidance and/or documentation review from me at any time by emailing nburtzos@communityaction.us

Agenda

- Review existing VAWA materials published by CoC
- Regulations applicable to CoC/YHDP Subrecipients
- Overview of drafts for required documents
 - Emergency Transfer Plan
 - Notice of Occupancy Rights for Participants
 - Emergency Transfer Request Form
 - Certification of DV for Emergency Transfer
- Next Steps and Recommended Implementation

What is VAWA? What updates have occurred?

- The Violence Against Women Act, aka "VAWA," was reauthorized in 2022
 - HUD began providing guidance in 2023/2024 to CoC's
 - Reauthorization expanded definitions of covered abuse/violence
- HUD will be monitoring recipients (CoC) and it's Subrecipients on compliance with VAWA regulations
https://www.hud.gov/sites/dfiles/Main/documents/VAWA_Letter_CoC_ESG_Grantees.pdf

Updates (cont'd)

- Compliance review areas noted in HUD Letter include:
 - Compliance with requirements prohibiting the denial of assistance, tenancy, or occupancy rights on the basis of DV
 - Compliance with confidentiality provisions
 - Compliance with notification requirements
 - Compliance with the provisions of accepting documentation
 - Compliance with emergency transfer requirements
 - Compliance with the prohibition on retaliation

Existing VAWA Materials published by the CoC

- Existing form on the CoC website: Notification to CoC of Emergency Transfer (published July 2020)

Project Notification Forms

These are the forms project must complete and submit to notify the CoC of an open unit, a recent move in, a participant at risk of termination or eviction, and an emergency transfer.

[Notification to CoC of Open Unit](#)

[Notification to CoC of Recent Move In](#)

[Notification to CoC of Program Participant At Risk of Termination or Eviction](#)

[Notification to CoC of Emergency Transfer](#)



Three County CoC Notification of Emergency Transfer Forms

The purpose of this form is to notify the Three County CoC of an Emergency Transfer Plan for a program participant. This includes both internal and external emergency transfers. Please complete the forms and return this form to the CoC prior to or immediate after an Emergency Transfer (within five business days of transfer).

Emergency Transfer Policy

CoC-funded programs must allow all program participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request and emergency transfer from the program participant's current unit to another unit. This requirement is in accordance with the Violence against Women Act (VAWA) and the CoC Program Interim Rule. All program participants have this right regardless of sex, gender identity, or sexual orientation. Emergency transfers must be provided based on the availability of another unit and preliminary determination that the program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. For more information on the Three County CoC Emergency Transfer Policy, please refer to the Subrecipient Policy.

Eligibility for Emergency Transfers

A program participant qualifies for an emergency transfer if:

- The program participant expressly requests the transfer; and
- (A) The program participant reasonably believes there is a threat of imminent harm from further violence if the program participant remains within the same dwelling unit that the program participant is currently occupying; Or (B) a program participant who is the victim of sexual assault reasonably believes there is a threat of imminent harm from further violence if the program participant remains within the same dwelling unit, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

Documentation of Emergency Transfer Requests

To request an emergency transfer, the program participant should notify the housing provider and submit a written request of transfer. The housing provider may require the following documentation from a program participant seeking an emergency transfer:

- A written statement from the program participant certifying that they meet the criteria described in paragraph (e)(2)(ii) of 24 CFR part 5, subpart L and requesting an emergency transfer
- Documentation of the occurrence with § 5.2007

July 2020



Notification of Emergency Transfer to the CoC

Notify the CoC of an Emergency Transfer for a program participant of (please fill in):

Participant Initials: XX

Emergency Transfer request made by program participant: XX/XX/XX

Emergency Transfer by:

Emergency Transfer

Emergency Transfer

Emergency Transfer or will take place: XX/XX/XX

Emergency Transfer

Emergency Transfer CoC-housing provider receiving transfer: (CoC funded-project)

Emergency Transfer occurred or scheduled intake: XX/XX/XX

Emergency Transfer if Emergency Transfer (check all that apply):

Emergency Transfer participant provided verbal request to housing provider

Emergency Transfer participant provided written request to the housing provider

Emergency Transfer participant provided written statement certifying they meet the criteria

Emergency Transfer in paragraph (e)(2)(ii) of 24 CFR part 5, subpart L

Emergency Transfer table, program participant provided other documentation as required by the

Emergency Transfer provider Emergency Transfer Plan policy

New VAWA Materials published by the CoC

- Newly uploaded VAWA Forms and Documents, required for CoC and YHDP Projects, uploaded today

<https://www.threecountycoc.communityaction.us/subrecipient-documents>

VAWA Forms and Documents

These are the required forms and documents to be adopted by CoC and YHDP projects.

[5380 Notice of Occupancy Rights under VAWA](#)

[5381 Emergency Transfer Plan](#)

[5382 Certification of DV for Emergency Transfer Request](#)

[5383 Emergency Transfer Request Form](#)

Updates to CoC Written Standards and Charters

- Approved at CoC's Annual Meeting December 17, 2024
- CoC Coordinated Entry Written Standards have been updated to include a prioritization under PSH, RRH, and TH for when an external transfer to another project is required as part of an Emergency Transfer
- CoC Governance Charter also references VAWA requirements and Emergency Transfer Plan

Regulations applicable to Subrecipients

- Eligible costs 24 CFR 578.51(m)
- Applicability of other Federal Requirements - *Protections for victims of domestic violence, dating violence, sexual assault, or stalking* 24 CFR 578.99(j)
 - *Notification Requirements*
 - *Contract, Lease, and Occupancy Agreement Provisions*
 - *Bifurcation*
 - *Emergency Transfer Plan*

Required Documents under VAWA

Document Overview

5380 Notice of Occupancy Rights under VAWA

- Informs applicants and participants of funded projects of their rights under VAWA

5381 Emergency Transfer Plan

- Outlines the process for transferring a program participant in CoC-funded housing to a new, safe housing unit if their current housing has become unsafe

5383 Emergency Transfer Request Form

- A form to be provided at program admission and on request to participants who need to request and emergency transfer

5382 Certification of DV for Emergency Transfer Request

- A document that facilitates the self-certification of VAWA violence/abuse as part of the Emergency Transfer request process

5380 Notice of Occupancy Rights under VAWA

- Explains VAWA to program participants
 - Definitions
 - Protections
 - How to request an Emergency Transfer to Subrecipient
 - Confidentiality
 - Resources for Domestic Violence/Abuse
 - Resources to report when protections under VAWA have been denied

5380 Notice of Occupancy Rights under VAWA (cont'd)

Applicants and program participants must be informed of their occupancy rights under VAWA at each of the following times: when they...

- are admitted or begin receiving assistance
- are denied admission or assistance;
- receive notification of eviction; or
- are notified of termination of assistance.

Provide a copy of “Notice of Occupancy Rights under VAWA” that has been adopted by the CoC at each of the above occurrences.

5381 Emergency Transfer Plan

- Must be further tailored by Subrecipient in highlighted/noted areas
- Clarifies who should be contacted at Subrecipient organization to request/facilitate emergency transfer plan
 - Areas for elaborating on which staff/role carry out what process
 - How document will be kept confidential (certain documents should not be kept in client file)
 - How/if Subrecipient can establish a procedure on how to complete internal emergency transfers
- Must be provided and available to program participants

5382 Certification of DV for Emergency Transfer Request

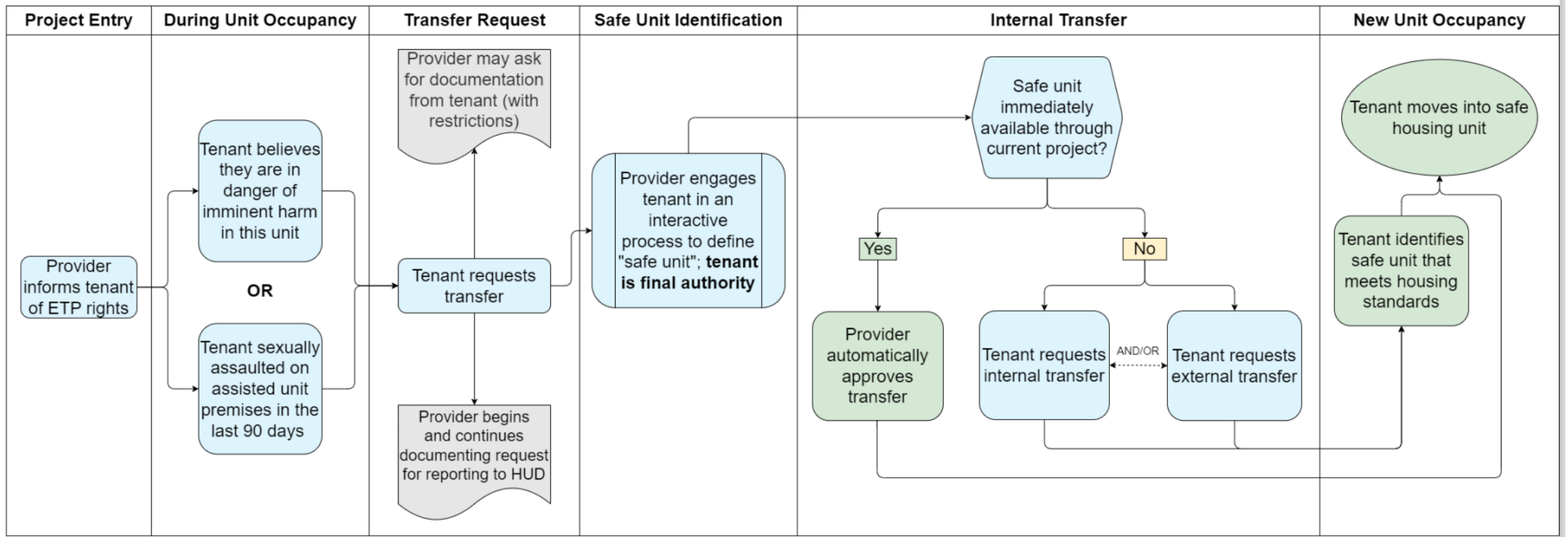
- This form facilitates a self-certification of domestic violence and/or abuse
 - There are other ways listed in the Emergency Transfer Plan and Notification of Occupancy Rights that can be used in place of this, but we anticipate that this certification will be the most accessible way
 - For example, documentation from a third-party service provider or a police report could be used in place of this document
- Pay close attention to confidentiality requirements for recordkeeping – this document should be limited in access by staff and not shared with CoC, other providers, etc.
- Should be provided to program participants and available for request

5383 Emergency Transfer Request Form

- Also requires some customization by Subrecipient
- If/when a program participant requests an emergency transfer (including verbally) Subrecipient staff should provide this form and help where possible
- Provides an opportunity for program participant to name what features in a unit would provide sufficient safety precautions
 - New eligible cost budget line item is for VAWA/Emergency Transfers
 - Technology like unit security cameras for the program participant can be purchased
- Should be provided to program participants and available for request

Other helpful resources and
reminders

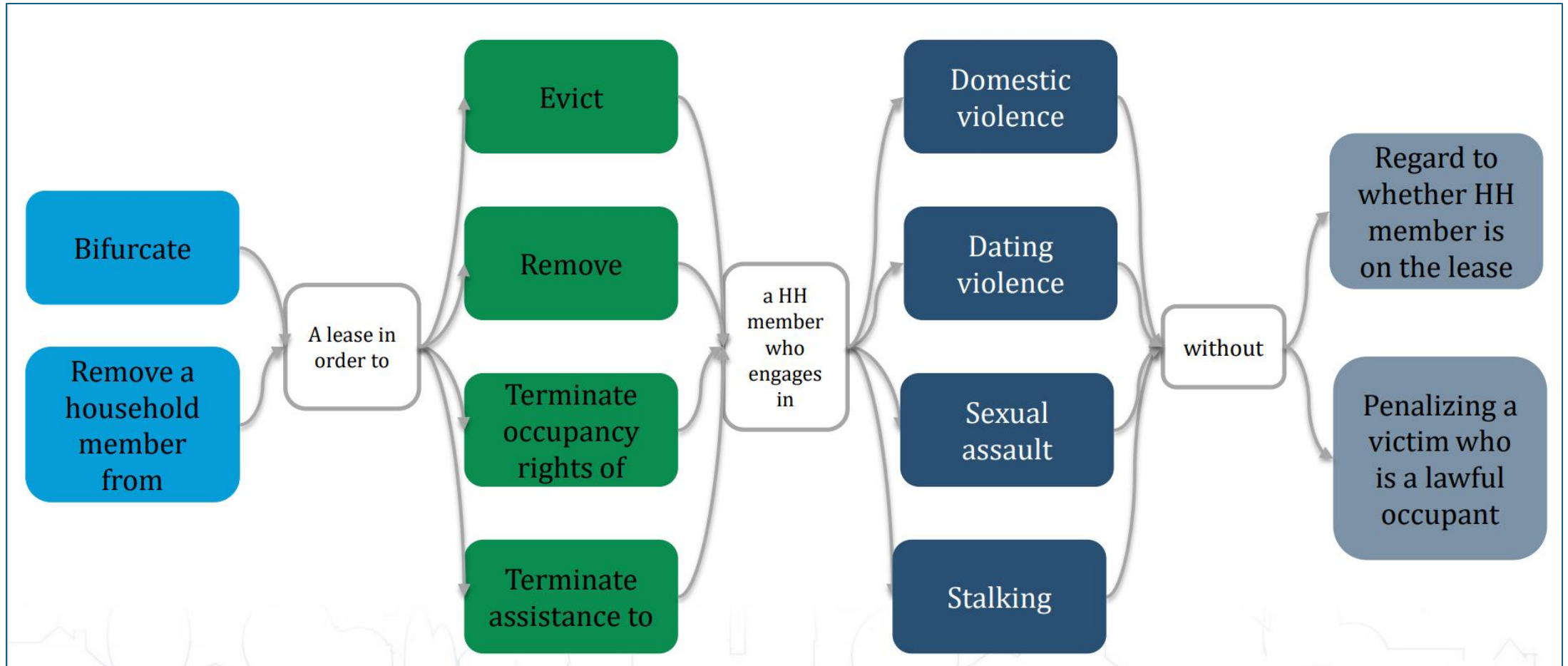
Completing an Emergency Transfer: Process Flow



Lease/Occupancy Agreement Addendums

- All Subrecipient Lease/Rental Assistance/Occupancy Agreements must include required language for 24 CFR part 5, subpart L
- [eCFR :: 24 CFR Part 5 Subpart L -- Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking](#)
- Please contact me (Natalie Burtzos) if you need help developing an addendum to agreements you may already use
- If this is not included in the lease or occupancy agreements, plan to implement in each one as the lease term ends!
- This will be reviewed (but not scored) in 2025 monitoring for feedback to Subrecipients

Lease Bifurcation and removal



Lease Bifurcation and removal (cont'd)

- Notes for PSH Projects
- If the Head of Household is the perpetrator and removed, and other household members did not have the same eligibility of Chronic Homelessness at project entry, you can only continue to provide housing to the remaining household members until the end of their current lease term
- Should be included/outlined in Notice of Occupancy Rights and/or Emergency Transfer Plan documents
- If other adult in household did have Chronic Homelessness documented, they can continue to be assisted

Next Steps for Subrecipients

Next Steps for Subrecipients

- Review drafts of documents
 - Share feedback and questions
- Identify areas that are out of compliance (i.e., steps in procedure where Notice of occupancy rights should be given, missing lease addendum language, etc.)
- View/review the “DV 101” training on Talent LMS for general best practices and information from experts
- Look forward to future trainings including DV 201
 - Let us know if there is any topic that you would like to see included in future training

Next Steps for Subrecipients (cont'd)

- Adjust your program manuals to reflect that required documents will be provided to participants at each required times!
 - For example, program manuals/documents should reflect procedures for staff to provide copies of VAWA documents/forms, should be specific at what step of your project entry/intake procedures they are provided
- For more information, check out <https://www.hud.gov/vawa>

Questions?

Thank you for attending!

I will be posting the recording for today's webinar on Talent LMS later this afternoon. I will email out the slides.

Natalie Burtzos

nburtzos@communityaction.us

Next Subrecipient Office Hours:

- Friday March 7th from 11-12
- Zoom invite sent to Subrecipient Leadership
- email nburtzos@communityaction.us if you need the invite
- We will be covering information about Subrecipient monitoring that will take place from March - May