

COORDINATED ENTRY- EATON COUNTY

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

Emergency Transfers:

All of the HUD funded agencies within the Eaton County Housing and Homeless Coalition, a Michigan Balance of State Local Planning Body (LPB), are concerned about the safety of its clients, and such concern extends to those placed into housing programs who are victims of domestic violence, dating violence, sexual assault or stalking. In accordance with the Violence Against Women Act (VAWA), the Eaton County LPB agencies allow tenants who are victims of domestic violence, dating violence, sexual assault or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity or sexual orientation. The ability of the agencies to honor such a requests from tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault or stalking and also on whether the agency involved has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees the CoC agencies to be in compliance with VAWA. (See Appendix L for the required HUD-5380 on which is plan is adopted.)

Eligibility for Emergency Transfers:

A tenant who is a victim of domestic violence, dating violence, sexual assault or stalking, as provided in HUD' s regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

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

This plan is designed to cover all persons regardless of race, color, national origin, religion, sex, familial status, disability or age. HUD- assistance and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity or marital status.

Emergency Transfer Request Documentation:

To request an emergency transfer, the tenant shall notify the appropriate HUD funded agency and submit a written request for a transfer. That agency will then provide a reasonable accommodation if needed to complete the emergency transfer documentation.

The written request must include either:

- 1) A statement expressing that the tenant reasonably believes that there is a threat of eminent harm from further violence if the tenant were to remain in the same dwelling assisted under the HUD-funded program, OR
- 2) A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

Confidentiality:

All HUD-funded agencies under this plan will keep confidential any information that the tenant submits in requesting an emergency transfer, and the information about the emergency transfer, unless the tenant gives written permission to release the information on a time limited basis or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This statement includes keeping confidential the tenant's new location, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault or stalking against the tenant. Refer to the Notice of Occupancy Rights under the Violence Against Women Act for All Tenants for more information.

Emergency Transfer Timing and Availability:

The HUD-funded agencies within the Eaton LPB cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The agencies will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault or stalking to another unit, subject to availability and safety of the new unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in that unit to which the tenant has been transferred.

The HUD-funded agencies may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the particular HUD-funded agency has no safe and available units for which a tenant who needs an emergency is eligible, the HUD-funded agency will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the particular HUD-funded agency will also assist the tenant in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault or stalking that are attached to this plan.

Safety and Security of Tenants:

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

Tenants who are or have been victims of domestic violence, dating violence, sexual assault or stalking are encouraged to contact the 24-hour crisis line for SIREN/Eaton Shelter at: 1-800-899-9997.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at: 1-800-799-7233, or a local domestic violence shelter for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling: 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at: 1-800-656-HOPE (4673), or visit the online hotline at <https://ohl.rainn.org/online>.

Tenants who are or have been victims of stalking seeking assistance may visit the National Center for Victims of Crime's Stalking Resource Center at: <https://victimsofcrime.org/out-programs/stalking-resource-center>.

Landlord Involvement:

Every landlord paid using HUD funds will receive notification of the VAWA requirements by using the HUD-91067 form when the first payment is made. See attached in Appendix L.



Notice to Applicants and Tenants Regarding the Violence Against Women Act (VAWA)

To all Tenants and Applicants

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. This notice explains your rights under VAWA. If you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking and you wish to use your rights under VAWA, please ask your housing agency to sign HUD Form-5382.

Protections for Applicants

If you otherwise qualify for assistance under HUD-funded homeless assistance programs, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Protections for Tenants

If you are receiving assistance under a HUD-funded program, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Also, if you or an affiliated Individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking. Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated Individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

Removing the Abuser or Perpetrator from the Household

The landlord may divide (bifurcate) your lease in order to evict the individual and the housing assistance provider may terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking. If your landlord and/or housing assistance provider chooses to remove the abuser or perpetrator, they may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the housing assistance provider and/or your landlord must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing. In removing the abuser or perpetrator from the household, the landlord must follow Federal, State, and local eviction procedures. In order to divide a lease, the landlord may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

Moving to Another Unit

Upon your request, the housing assistance provider may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, the housing assistance provider may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for emergency transfer, the housing assistance provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an emergency transfer under VAWA. The criteria are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.

If the housing assistance provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, they may ask you for such documentation, as described in the documentation section below.

(2) You expressly request the emergency transfer.

The housing assistance provider may choose to require that you submit a form or may accept another written or oral request.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.

This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR



You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.

If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

The housing assistance provider and/or HARA will keep confidential requests for emergency transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families. The community's emergency transfer plan provides further information on emergency transfers, and they must make a copy of its emergency transfer plan available to you if you ask to see it.

Documenting You Are or Have Been a Victim of Domestic Violence, Dating Violence, Sexual Assault or Stalking

The housing assistance provider can, but is not required to, ask you to provide documentation to "certify" that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking. Such requests must be in writing, and the housing assistance provider must give you at least 14 business days (Saturdays, Sundays, and Federal holidays do not count) from the day you receive the request to provide the documentation. The housing assistance provider may, but does not have to, extend the deadline for the submission of documentation upon your request. You can provide one of the following to the housing assistance provider as documentation. It is your choice which of the following to submit. If they ask you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

- A complete HUD-approved certification form given to you by the Housing Assessment and Resource Agency (HARA) and/or housing assistance provider with this notice, that documents an incident of domestic violence, dating violence, sexual assault, or stalking. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
- A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.
- Any other statement or evidence that the housing assistance provider or HARA has agreed to accept.

If you fail or refuse to provide one of these documents within the 14 business days, the housing assistance provider does not have to provide you with the protections contained in this notice.

If the housing assistance provider or HARA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), they have the right to request that you provide third-party documentation within thirty (30) calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, they do not have to provide you with the protections contained in this notice.

Confidentiality

The HARA and/or housing assistance provider must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA. The HARA and/or housing assistance provider must not allow any individual administering assistance or other services on behalf of them (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The HARA and/or housing assistance provider must not enter your information into any shared database or disclose your information to any other entity or individual. The HARA, however, may disclose the information provided if:

- You give written permission to them to release the information on a time limited basis.
- They need to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.
- A law requires the HARA, housing assistance provider, or your landlord to release the information.

VAWA does not limit the HARA or housing assistance provider's duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

Reasons a Tenant Eligible for Occupancy Rights under VAWA May Be Evicted or Assistance May Be Terminated

You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to domestic violence, dating violence, sexual assault, or stalking committed against you. However, the housing assistance provider cannot hold tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking. The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if the landlord can demonstrate that not evicting you or the housing assistance provider can demonstrate that not terminating your assistance would present a real physical danger that:

- 1) Would occur within an immediate time frame, and
- 2) Could result in death or serious bodily harm to other tenants or those who work on the property.

If the above can be demonstrated, the housing assistance provider should only terminate your assistance and the landlord should only evict you if there are no other actions that could be taken to reduce or eliminate the threat.

Other Laws

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Non-Compliance with The Requirements of This Notice

You may report violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the HUD Detroit Field Office at 800-955-2232.

For Additional Information

You may view a copy of HUD's final VAWA rule at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>. Additionally, the HARA must make a copy of HUD's VAWA regulations available to you if you ask to see them. For questions regarding **VAWA**, please contact your assigned MSHDA Homeless Assistance Specialist.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact Michigan 211 for local resources.

For tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our_programs/stalking-resource-center.

For help regarding sexual assault, you may contact the National Sexual Assault Hotline operated by **RAINN** at 1-800-656-**HOPE**.

Victims of stalking seeking help may contact the Victim Connect Resource Center at **1-855-484-2846**.

*Adapted from form HUD-5380 - Notice of Occupancy Rights under the Violence Against Women Act
Attachment: Certification form HUD-5382

<p>Si no puede leer este documento porque eres incapaz de leer Ingles, o requerir que esta comunicaci3n sea interpretada o traducida y no conoces a alguien que es capaz de traducir, por favor llame a nuestra oficina para una interpretaci3n o traducci3n de fonna gratuita. Nuestro numero de telefono de la oficina es 517.373.9344.</p>	<p>If you or a member of your household is a disabled person and require a reasonable accommodation in order to participate in MSHDA's affordable housing program(s) or services, please submit your request to your Housing Agent. We prefer that your request be submitted in writing. If you are unable to submit a written request for a reasonable accommodation, you may make your request by calling your Housing Agent at the phone number provided to you.</p>
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Notice to Owners and Managers Regarding the Violence Against Women Act (VAWA)

A federal law that went into effect in 2006 protects individuals who are victims of domestic violence, dating violence, sexual assault and stalking. The name of the law is the Violence against Women Act, or "VAWA." This law was expanded in 2013. This notice explains your obligations under VAWA.

Protections for Victims

You cannot refuse to rent to an applicant solely because he or She is a victim of domestic violence, dating violence, sexual assault or staking.

You cannot evict a tenant who is the victim of domestic violence, dating violence, sexual assault. or stalking based on acts or threats of violence committed against the victim. Also, criminal acts directly related to the domestic Violence, dating violence, sexual assault, or stalking that are caused by a household member or guest cannot be cause for evicting the victim of the abuse.

Permissible Evictions

You can evict a victim of domestic violence, dating violence, sexual assault, or stalking If you can demonstrate that there is an *actual* or *imminent* (immediate) threat to other tenants or employees at the property if the victim is not evicted. Also, you may evict a victim for serious or repeated lease violations that are not related to the domestic violence, dating violence, sexual assault, or stalking. You cannot hold a victim of domestic violence, dating violence, sexual assault, or stalking to a more demanding standard than tenants who are not victims.

Removing the Abuser from the Household

You may split the lease to evict a tenant who has committed criminal acts of violence against family members or others, while allowing the victim and other household members to stay in the unit. If you choose to remove the abuser, you may not take away the remaining tenants' rights to the unit or otherwise punish the remaining tenants. In removing the abuser from the household, you must follow federal, state, and local eviction procedures.

Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking

If a tenant asserts VAWA's protections, you can ask the tenant to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You are not required to demand official documentation and may rely upon the victim's statement alone. If you choose to request certification, you must do so in writing and give the tenant at least 14 business days to provide documentation. You are free to extend this deadline. A tenant can certify that he or she is a victim by providing any one of the following three documents:

- By completing a HUD-approved certification form. The most recent form is HUD-538; this form is available at <http://www.hud.gov/offices/adm/hudclls/>.
- By providing a statement from a victim service provider, attorney, or medical professional who has helped the victim address incidents of domestic violence, dating violence, sexual assault. or stalking. The professional must state that he or she believes that the incidents of abuse are real. Both the victim and the professional must sign the statement under penalty of perjury.
- By providing a police or court record, such as a protective order.

If the tenant fails to provide one of these documents within 14 business days, you may evict the tenant if authorized by otherwise applicable law and lease provisions.

Confidentiality

You must keep confidential any information a tenant provides to certify that he or she is a victim of domestic violence, dating violence, sexual assault, or stalking. You cannot enter the information into a shared database or reveal it to outside entities unless:

- The tenant provides written permission releasing the information.
- The information is required for use in an eviction proceeding, such as to evict the abuser.
- Release of the information is otherwise required by law.

The victim should inform you if the release of the information would put his or her safety at risk.

VAWA and Other Laws

VAWA does not limit your obligation to honor court orders regarding access to or control of the property. This includes orders issued to protect the victim and orders dividing property among household members in cases where a family breaks up.

VAWA does not replace any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence, or stalking.

Additional Information

- HUD Notice PIH 2006-42 contains detailed information regarding VAWA's certification requirements. The notice is available at <http://www.hud.gov/offices/adm/hudclips/>.
- An overview of VAWA's housing provisions is available at <http://edocket.access.gpo.gov/2007pdf/E7-4795.pdf>

Definitions

For purposes of determining whether a tenant may be covered by VAWA, the following list of definitions applies: VAWA defines **domestic violence** to include felony or misdemeanor crimes of violence committed by any of the following:

- A current or former spouse of the victim
- A person with whom the victim shares a child in common
- A person who is cohabitating with or has cohabitated with the victim as a spouse
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies
- 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

VAWA defines **dating violence** as 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:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Sexual assault is defined by VAWA 2013 as

- Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent;

VAWA defines **stalking** as (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate another person OR (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person AND (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person, (ii) a member of the immediate family of that person, or (iii) the spouse or intimate partner of that person.

Si no puede leer este documento porque es incapaz de leer inglés, o requerir que esta comunicación sea interpretada o traducida y no conoces a alguien que es capaz de traducir, por favor llame a nuestra oficina para una interpretación o traducción de forma gratuita. Nuestro número de teléfono de la oficina es 517.373.9344.

If you or a member of your household is a disabled person and require a reasonable accommodation in order to participate in MSHDA's affordable housing program(s) or services, please submit your request to your Housing Agent. We prefer that your request be submitted in writing. If you are unable to submit a written request for a reasonable accommodation, you may make your request by calling your Housing Agent at the phone number provided to you.

* Adapted from a Notice prepared by the National Housing Law Project

LEASE ADDENDUM

VIOLENCE AGAINST WOMEN AND JUSTICE DEPARTMENT REAUTHORIZATION ACT OF 2013

TENANT:

LANDLORD:

UNIT NO. & ADDRESS:

This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant and Landlord.

Purpose of the Addendum

The lease for the above reference unit is being amended to include the provisions of the Violence Against Women and Justice Department Reauthorization Act of 2013 (VAWA).

Conflicts with Other Provisions of the Lease

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

Term of the Lease Addendum

The effective date of this Lease Addendum is _____. This Lease Addendum shall continue to be in effect until the Lease is terminated.

VAWA Protections

1. The Landlord may not consider incidents of domestic violence, dating violence or stalking as serious or repeated violations of the lease or other "good cause" for termination of assistance, tenancy or occupancy rights of the victim of abuse.
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant's family is the victim or threatened victim of that abuse.
3. The Landlord may request in writing that the victim, or a family member on the victim's behalf, certify that the individual is a victim of abuse and that the Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-5382, or other documentation as noted on the certification form, be completed and submitted within 14 business days, or an agreed upon extension date, to receive protection under the VAWA. Failure to provide the certification or other supporting documentation within the specified timeframe may result in eviction.

Tenant Signature:	Date:
Landlord Signature:	Date: