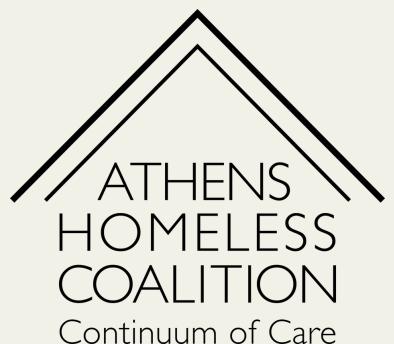
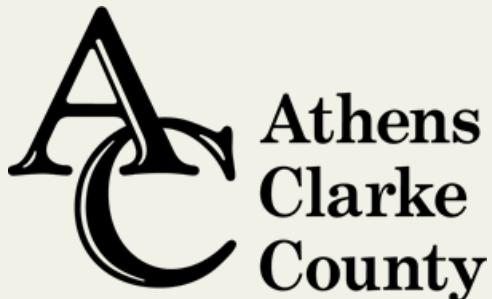


FEBRUARY 2022 - 2025

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

Approved by
The Athens-Clarke County Homeless Coalition: Domestic
Violence, Sexual Assault, & Homelessness Committee



Athens-Clarke County, GA Continuum of Care

Model Emergency Transfer Plan (ETP) for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Section 1. Emergency Transfers

The Athens-Clarke County Continuum of Care (ACC-CoC) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ all housing providers in the ACC-CoC must 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.² The ability of the ACC-CoC to honor such request for 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 whether ACC-CoC 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

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted 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 plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the ACC-CoC complies with VAWA.

Definitions

Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time-frame, and could result in death or serious bodily harm. All providers are highly encouraged to consult with the Project Safe's Domestic Violence Hotline (706-543-3331) or Georgia's 24-Hour Statewide Domestic Violence Hotline (1-800-334-2836) about safety assessment and client's safety planning, without disclosing participants' personal information without consent.

Bifurcate means to divide a lease as a matter of law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

Domestic Violence, Intimate Partner Violence [Centers for Disease Control and Prevention (CDC) Division of Violence Prevention definition] includes physical violence, sexual violence, stalking and psychological aggression (including coercive tactics) by a current or former intimate partner (i.e. spouse, boyfriend/girlfriend, dating partner, or ongoing sexual partner. Georgia Coalition Against Domestic Violence (GCADV) defines domestic violence as emotional abuse, psychological abuse, economic abuse, sexual abuse, and physical abuse. Some other terms used to refer to domestic violence are intimate partner violence (IPV), family violence, relationship violence, spousal violence, and dating violence.

External emergency transfer refers to an emergency relocation of a participant to another assisted unit outside the inventory of their current housing provider, where the tenant would be categorized as a new applicant. For example, a move from Property A to Property B is an external transfer – this also means that the household goes from being a tenant at Property A to an applicant at Property B.

Intimate Partner is a person with whom one has close personal relationship that may be characterized by the partners' emotional connectedness, regular contact, ongoing physical contact and sexual behavior, identify as a couple, and familiarity and knowledge about each other's lives. The relationship need not involve all of these dimensions. Intimate partners may or may not be cohabitating; Intimate partners can be opposite or same sex.

Human Trafficking refers to subjecting a person to an act or practice of:

- (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

Internal emergency transfer refers to an emergency relocation of a participant to another assisted unit within the inventory of their current housing provider. The transfer can be performed without the tenant reapplying for housing assistance.

Safe unit refers to a unit that the victim of domestic violence, dating violence, sexual assault, human trafficking, or stalking believes is safe. The victims determines whether the unit is safe.

Sexual Violence [based on Centers for Disease Control and Prevention (CDC) and Women Organized Against Rape (WOAR) definitions] refers to sexual activity when consent is not obtained or not given freely. This term is used to define the continuum of acts of violence, which can violate a person's trust, and sense of safety. The continuum of sexual violence includes rape, incest, child sexual assault, date and acquaintance rape, statutory rape, marital or partner rape, sexual exploitation, unwanted sexual contact, sexual harassment, exposure, and voyeurism.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for the person's individual safety or the safety of others; or (2) Suffer substantial emotional distress. Trauma-informed refers to approaches delivered with an understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach recognizes signs of trauma in staff, clients, and others, and responds by integrating knowledge about trauma into policies, procedures, practices, and settings. Trauma-informed approaches place priority on restoring the survivor's feelings of safety, choice, and control. Programs, services, organizations, and communities can be trauma-informed.

Vacant Unit is defined as ready for move-in with a reasonable period of time.

VAWA means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.)

Victim-centered refers to placing the victim's priorities, needs, and interests at the center of the work with the victim; providing nonjudgmental assistance, with an emphasis on client self-determination, where appropriate, and assisting victims in making informed choices; ensuring that restoring victims' feelings of safety and security are a priority and safeguarding against

policies and practices that could inadvertently re-traumatize victims; ensuring that victims' rights, voices, and perspectives are incorporated when developing and implementing system- and community-based efforts that impact victims of violence.

Section 2. 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. All forms have been translated into other languages.

Accessible links with language options are provided within the corresponding Appendix. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section. A request does not guarantee continued assistance or an external transfer to other HUD housing.

Section 3. Notice of Occupancy Rights under VAWA and Certification Form

All housing providers in the ACC-CoC must provide all tenants with the Notice of Occupancy Rights Under VAWA (see Appendix IV) and the VAWA Certification Form (see Appendix III) to document an incident of domestic violence, dating violence, sexual assault, or stalking. The Notice of Occupancy Rights Under VAWA must be provided to applicants by housing providers:

1) At the time they are denied assistance or admission to the housing program; or 2) At the time they are admitted into or provided assistance by the housing program. The Notice of Occupancy Rights Under VAWA must be provided to current tenants by housing providers: 1) Immediately to all current tenants if they have not already received the Notice of Occupancy Rights Under VAWA; and 2) With any notification of eviction or termination of assistance.

Section 4. Emergency Transfer Request Documentation

Every housing provider in the ACC-CoC must have a procedure that complies with a requirement in this plan to request an emergency transfer. Housing providers' emergency transfer procedures must be written into their policies and procedures and housing providers must inform all tenants of their ability to request an emergency transfer and the documentation that is required. A model procedure is in Appendix VI.

Housing providers do not have to require third-party documentation of incidents of domestic violence, dating violence, sexual assault, or stalking, to approve an emergency transfer, but housing providers may require certain documents. To request an emergency transfer, the tenant shall notify their housing provider's management office and submit a written request for a transfer, if required. All housing providers will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under CoC's 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.

If a housing provider requires written third-party documentation to approve an emergency transfer, they must allow a tenant to use any of the following forms of documentation to certify their need for an emergency transfer:

- A complete VAWA certification form from Appendix III of this document;
- 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;
- A statement, signed by the tenant, along with the signature of an employee, agent, advocate, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, "professional") from whom the tenant sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional attesting under penalty of perjury that he/she/they believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection; or
- Housing providers may also choose to accept other forms of documentation, as long as they also accept the three forms of documentation above.

Housing providers cannot require tenants to submit more than one form of documentation.

If a housing provider receives documentation that contains conflicting information (including 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 perpetrator), the housing

provider may (a) obtain verbal verification from a domestic violence advocate or (b) require an applicant or tenant to submit third-party documentation, as described above, within 30 calendar days of the date of the request for the third-party documentation.

Section 5. Confidentiality

Any housing provider that receives a request for an emergency transfer will keep confidential any information that the tenant submits in requesting an emergency transfer and information about the emergency transfer. The housing provider may only release information about the emergency transfer if:

- The tenant gives written permission to release the information on a time limited basis;
- Disclosure of the information is required by law; or
- Disclosure of the information is required by a court or official court documents for use in an eviction proceeding or required by federal, state, or local law or regulation for hearings regarding termination of assistance from the covered program.

If a tenant gives written permission to share information on a time limited basis with one or more agencies in the ACC-CoC and/or Victim Service Providers, those agencies will also keep all information regarding the transfer strictly confidential. See the Notice of Occupancy Rights under the Violence Against Women Act (Appendix IV of this document) for more information about housing providers' responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Section 6. Emergency Transfer Timing and Availability

The ACC-CoC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. All housing providers 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 a 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 the unit to which the tenant has been transferred. Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available. It is recommended that this policy be clearly stated in the plan. A housing provider 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 tenant's current housing provider has no safe and available units for which a tenant who needs an emergency transfer is eligible, their housing provider, the ACC-CoC Coordinated Entry Lead staff, and ACC-CoC will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. The original housing provider is responsible for ensuring the emergency transfer is completed quickly and safely.

Tenants who qualify for an emergency transfer but a safe unit is not immediately available for an emergency transfer with their current agency, shall have priority over all other applicants for rapid rehousing, transitional housing, permanent supportive housing, and other rental assistance projects in the CoC provided that: the individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA; and the individual or family meets any additional criteria or preferences established in accordance with § 578.93(b)(1), (4), (6), or (7). The individual or family shall not be required to meet any other eligibility criteria or preferences for

the project. The individual or family shall retain their original homeless or chronically homeless status for the purposes of the transfer.

With the tenant's approval, the housing provider, ACC-CoC Coordinated Entry Lead staff, and/or ACC-CoC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

If a tenant receives tenant-based rental assistance and is approved for an emergency transfer as outlined in this policy, they may move out of the CoC's catchment area using their current assistance, as long as the housing provider can still meet all statutory requirements, including participating in HMIS, ensuring the housing meets quality standards, and ensuring the educational needs of children are met. As outlined in HUD's mobility amendment to the CoC interim rule, regulatory requirements would be waived.

Section 7. Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. Tenants can find a listing of local shelters and other resources at <https://nccadv.org/get-help> or [Contact a Domestic Violence Program - GCADV.org](#)

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 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>. 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>.

Section 8. Prohibited Basis for Denial or Termination of Assistance or Eviction

An applicant for assistance or tenant assisted by a housing program in the ACC-CoC may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy. A tenant, or an affiliated individual of the tenant, who is a victim or threatened victim of domestic violence, dating violence, sexual assault or stalking, and resides in a housing program in the ACC-CoC, may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if that criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant. An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as

- A violation or cause for termination by a landlord and/or housing provider; or
- A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or

- Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.

Section 9. Lease Bifurcation

In order to effect an emergency transfer, households may bifurcate a lease to remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting or terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

If a housing provider exercises the option to bifurcate a lease and the individual who was evicted or for whom assistance was terminated was the eligible tenant under the covered housing program, the housing provider shall provide to any remaining tenant or tenants that were not already eligible a period of 90 calendar days from the date of bifurcation of the lease to:

- A. Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease; or
- B. Establish eligibility under another covered housing program; or
- C. Find alternative housing.

The covered housing provider may extend the 90-calendar-day period up to an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the program or unless the time period would extend beyond expiration of the lease.

If the victim of domestic violence, dating violence, sexual assault, or stalking receives tenant-based rental assistance and chooses to move to a new unit in order to affect an emergency transfer, the remaining family members may remain in the original unit as long as they had not violated the terms of the lease by engaging in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. Household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members may have 90 days to establish this eligibility.

Section 10. Leases, Sub-leases, and Occupancy Agreements

Any lease, sub-lease, or other occupancy agreement between a tenant and a housing provider in the ACC-CoC must permit the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the housing provider determines that the program participant qualifies for an emergency transfer under this emergency transfer plan.

Housing providers that operate tenant-based rental assistance must enter into a contract with the owner or landlord of the housing that requires the owner or landlord of the housing to comply with all provisions of VAWA regulations under 24 CFR part 5, subpart L and requires the owner or landlord of the housing to include a lease provision that:

- Includes the prohibited bases for eviction under Section 8 of this plan; and
- If the tenant is approved for an emergency transfer by the housing provider, allows the tenant to bifurcate the lease under Section 9 of this plan or terminate the lease under Section 10 without penalty if either action is necessary to affect the emergency transfer.

- Landlords may use HUD's VAWA Lease Addendum if their current lease does not comply with VAWA regulations. HUD's VAWA Lease Addendum is in Appendix V. The lease may specify that the protections under 24 CFR part 5, subpart L and above, only apply while the program participant receives tenant-based rental assistance under the Continuum of Care Program.

Section 11. Record Keeping

All providers in the ACC CoC must keep confidential records of all emergency transfers requested and the outcomes of such requests. Providers must retain these records for three years.

Section 12. Review of Emergency Transfer Plan

The Homeless Coalition Governing Board and/or designated committee(s) will review the VAWA Emergency Transfer Plan every three years to ensure compliance with any updates to VAWA/HUD regulations and ACC community resources.

**Appendix I: Local Organizations offering assistance to Victims of Domestic Violence,
Dating Violence, Sexual Assault, or Stalking**

Athens-Clarke County Police Department (ACCPD)

The mission of the Athens-Clarke County Police Department is to support and defend the US Constitution, protect and safeguard all life, and ensure equal protection of rights for all as we work to reduce both crime and the fear of crime.

Emergency: 911

Non Emergency: 706-613-3345

East Precinct/Administration: 706-613-3330

West Precinct: 706-353-4218

East Substation: 706-613-3358

West Substation: 706-208-1718

Downtown Substation: 706-613-3705

www.accgov.com/200/Police/police

Project Safe

Emergency Shelter, Housing Services, Protective Orders, Bilingual Service (mobile advocate), Outreach Services Walk-in Clinic, Support Groups. For Outreach Services, please call the hotline.

24/7 Hotline: 706-543-3331

Text line: 706-765-8019

Business line: 706-549-0922

www.project-safe.org

The Cottage

Adult and child sexual assault crisis line, Forensic Interviews, Support Groups including LGBTQ and LGBTQ-People of Color.

24/7 Hotline: 1-877-363-1912

Deaf or Hard of Hearing, call relay at 711 and provide hotline number

Office: 706-546-1133

Office Address: 3019 Lexington Road, Athens, GA, 30605

www.northgeorgiacottage.org

UGA Family Violence Clinic

Free legal services available to victims of domestic violence.

706-369-6272

Appendix II: Covered Housing Programs

The following programs are subject to the requirements of the VAWA 2013 and 24 CFR Part 5, Subpart L – Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking. Covered housing programs consist of the following HUD programs:

1. Section 202 Supportive Housing for the Elderly (12 U.S.C. 1701q), with implementing regulations at 24 CFR part 891.
2. Section 811 Supportive Housing for Persons with Disabilities (42 U.S.C. 8013), with implementing regulations at 24 CFR part 891.
3. Housing Opportunities for Persons with AIDS (HOPWA) program (42 U.S.C. 12901et seq.), with implementing regulations at 24 CFR part 574.

4. HOME Investment Partnerships (HOME) program (42 U.S.C. 12741et seq.), with implementing regulations at 24 CFR part 92.
5. Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11360et seq.), including the Emergency Solutions Grants program (with implementing regulations at 24 CFR part 576), the Continuum of Care program (with implementing regulations at 24 CFR part 578), and the Rural Housing Stability Assistance program (with regulations forthcoming).
7. Multifamily rental housing under section 221(d)(3) of the National Housing Act (12 U.S.C. 17151(d)) with a below-market interest rate (BMIR) pursuant to section 221(d)(5), with implementing regulations at 24 CFR part 221.
9. Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z1), with implementing regulations at 24 CFR part 236.
10. HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437et seq.); specifically, public housing under section 6 of the 1937 Act (42 U.S.C. 1437d) (with regulations at 24 CFR Chapter IX), tenant-based and project-based rental assistance under section 8 of the 1937 Act (42 U.S.C. 1437f) (with regulations at 24 CFR chapters VIII and IX), and the Section 8 Moderate Rehabilitation Single Room Occupancy (with implementing regulations at 24 CFR part 882, subpart H).
11. The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93)

Appendix III: HUD-Approved Certification Form for Emergency Transfer

<https://www.hud.gov/sites/documents/5382.docx>

Other languages (search by number in the document link above):

[HUD-5a-Forms | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/portal/doc?docId=5380)

Agencies must provide this form to tenants to help them certify eligibility for an emergency transfer. See Section 4 of this document for more information about documentation.

Appendix IV: Notice of occupancy rights under VAWA

<https://www.hud.gov/sites/documents/5380.docx>

Other languages (search by number in the document link above):

[HUD-5a-Forms | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/portal/doc?docId=5380)

All housing providers must provide this notice to all tenants and potential tenants.

See Section 3 of this document for more information about when to provide this notice to tenants.

Appendix V: HUD-Approved VAWA Lease Addendum

<https://www.hud.gov/sites/documents/91067.doc>

Other languages (search by number in the document link above):

[HUD-5a-Forms | HUD.gov / U.S. Department of Housing and Urban Development \(HUD\)](https://www.hud.gov/portal/doc?docId=5380)

All landlords receiving HUD funds must comply with all provisions of VAWA regulations under 24 CFR part 5, subpart L. The VAWA Lease Addendum adds the required regulations to the landlords current lease if they do not have the language in their standard lease.

Appendix VI: Model Housing Provider Emergency Transfer Plan

All housing providers in the ACC-CoC must complete the following emergency transfer plan, include it in their written policies and procedures, and alert all tenants of their ability to receive an emergency transfer.

SAMPLE EMERGENCY TRANSFER PLAN

The Model Emergency Transfer Plan (form HUD- 5381) is a model form and provides guidance for completing a comprehensive plan. Using the model as is will not satisfy VAWA's Emergency Transfer Plan requirement.

<https://www.hud.gov/sites/documents/5380.docx>

This site is for beta evaluation only. Please provide feedback using the Feedback button at the bottom right.

 Displaying the eCFR effective on 8/12/2021. Title 24 is up to date as of 9/02/2021.

Title 24

§ 5.2005 VAWA protections.

(a) ***Notification of occupancy rights under VAWA, and certification form.***

- (1) A covered housing provider must provide to each of its applicants and to each of its tenants the notice of occupancy rights and the certification form as described in this section:
 - (i) A "Notice of Occupancy Rights under the Violence Against Women Act," as prescribed and in accordance with directions provided by HUD, that explains the VAWA protections under this subpart, including the right to confidentiality, and any limitations on those protections; and
 - (ii) A certification form, in a form approved by HUD, to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault or stalking, and that:
 - (A) States that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;
 - (B) States that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under this subpart meets the applicable definition for such incident under § 5.2003; and
 - (C) Includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide.
- (2) The notice required by paragraph (a)(1)(i) of this section and certification form required by paragraph (a)(1)(ii) of this section must be provided to an applicant or tenant no later than at each of the following times:
 - (i) At the time the applicant is denied assistance or admission under a covered housing program;
 - (ii) At the time the individual is provided assistance or admission under the covered housing program;
 - (iii) With any notification of eviction or notification of termination of assistance; and
 - (iv) During the 12-month period following December 16, 2016, either during the annual recertification or lease renewal process, whichever is applicable, or, if there will be no recertification or lease renewal for a tenant during the first year after the rule takes effect, through other means.

- (3) The notice required by paragraph (a)(1)(i) of this section and the certification form required by paragraph (a)(1)(ii) of this section must be made available in multiple languages, consistent with guidance issued by HUD in accordance with Executive Order 13166 (Improving Access to Services for Persons with Limited English Proficiency, signed August 11, 2000, and published in the **FEDERAL REGISTER** on August 16, 2000 (at 65 FR 50121)).
- (4) For the Housing Choice Voucher program under 24 CFR part 982, the project-based voucher program under 24 CFR part 983, the public housing admission and occupancy requirements under 24 CFR part 960, and renewed funding or leases of the Section 8 project-based program under 24 CFR parts 880, 882, 883, 884, 886, as well as project-based section 8 provided in connection with housing under part 891, the HUD-required lease, lease addendum, or tenancy addendum, as applicable, must include a description of specific protections afforded to the victims of domestic violence, dating violence, sexual assault, or stalking, as provided in this subpart.

(b) ***Prohibited basis for denial or termination of assistance or eviction -***

- (1) ***General.*** An applicant for assistance or tenant assisted under a covered housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from the housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.
- (2) ***Termination on the basis of criminal activity.*** A tenant in a covered housing program may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if:
 - (i) The criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, and
 - (ii) The tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault or stalking.

(c) ***Construction of lease terms and terms of assistance.*** An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:

- (1) A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or
- (2) Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.

(d) ***Limitations of VAWA protections.***

- (1) Nothing in this section limits the authority of a covered housing provider, when notified of a court order, to comply with a court order with respect to:
 - (i) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or
 - (ii) The distribution or possession of property among members of a household.
- (2) Nothing in this section limits any available authority of a covered housing provider to evict or terminate assistance to a tenant for any violation not premised on an act of domestic violence, dating violence, sexual assault, or stalking that is in question against the tenant or an affiliated individual of the tenant. However, the covered housing provider must not subject the tenant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking,

or is affiliated with an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking, to a more demanding standard than other tenants in determining whether to evict or terminate assistance.

- (3) Nothing in this section limits the authority of a covered housing provider to terminate assistance to or evict a tenant under a covered housing program if the covered housing provider can demonstrate an actual and imminent threat to other tenants or those employed at or providing service to property of the covered housing provider would be present if that tenant or lawful occupant is not evicted or terminated from assistance. In this context, words, gestures, actions, or other indicators will be considered an “actual and imminent threat” if they meet the standards provided in the definition of “actual and imminent threat” in § 5.2003.
- (4) Any eviction or termination of assistance, as provided in paragraph (d)(3) of this section should be utilized by a covered housing provider only when there are no other actions that could be taken to reduce or eliminate the threat, including, but not limited to, transferring the victim to a different unit, barring the perpetrator from the property, contacting law enforcement to increase police presence or develop other plans to keep the property safe, or seeking other legal remedies to prevent the perpetrator from acting on a threat. Restrictions predicated on public safety cannot be based on stereotypes, but must be tailored to particularized concerns about individual residents.

- (e) **Emergency transfer plan.** Each covered housing provider, as identified in the program-specific regulations for the covered housing program, shall adopt an emergency transfer plan, no later than June 14, 2017 based on HUD's model emergency transfer plan, in accordance with the following:

- (1) For purposes of this section, the following definitions apply:
 - (i) **Internal emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
 - (ii) **External emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit.
 - (iii) **Safe unit** refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.
- (2) The emergency transfer plan must provide that a tenant receiving rental assistance through, or residing in a unit subsidized under, a covered housing program who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:
 - (i) The tenant expressly requests the transfer; and
 - (ii)
 - (A) The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or
 - (B) In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

- (3) The emergency transfer plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.
- (4) The emergency transfer plan must incorporate strict confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.
- (5) The emergency transfer plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
- (6) The emergency transfer plan must describe policies for assisting a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available, and these policies must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests.
- (7) The emergency transfer plan must describe reasonable efforts the covered housing provider will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. The plan must include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the covered housing provider's program or project, and a tenant who is seeking an external emergency transfer under VAWA into the covered housing provider's program or project. These policies may include:
 - (i) Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves; and
 - (ii) Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.
- (8) Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.
- (9) Where applicable, the emergency transfer plan must describe policies for a tenant who has tenant-based rental assistance and who meets the requirements of paragraph (e)(2) of this section to move quickly with that assistance.
- (10) The emergency transfer plan may require documentation from a tenant seeking an emergency transfer, provided that:
 - (i) The tenant's submission of a written request to the covered housing provider, where the tenant certifies that they meet the criteria in paragraph (e)(2)(ii) of this section, shall be sufficient documentation of the requirements in paragraph (e)(2) of this section;
 - (ii) The covered housing provider may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and
 - (iii) No other documentation is required to qualify the tenant for an emergency transfer.
- (11) The covered housing provider must make its emergency transfer plan available upon request and, when feasible, must make its plan publicly available.
- (12) The covered housing provider must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and

outcomes of such requests must be reported to HUD annually.

(13) Nothing in this paragraph (e) may be construed to supersede any eligibility or other occupancy requirements that may apply under a covered housing program.

[\[+\] View all text of Subpart F \[§ 578.73 - § 578.99\]](#)

§ 578.99 - Applicability of other Federal requirements.

In addition to the requirements set forth in [24 CFR part 5](#), use of assistance provided under this part must comply with the following federal requirements:

- (a) *Environmental review.* Activities under this part are subject to environmental review by HUD under [24 CFR part 5](#) as noted in § 578.31.
- (b) *Section 6002 of the Solid Waste Disposal Act.* State agencies and agencies of a political subdivision of a state that are using assistance under this part for procurement, and any person contracting with such an agency with respect to work performed under an assisted contract, must comply with the requirements of Section 6003 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. In accordance with Section 6002, these agencies and persons must:
 - (1) Procure items designated in guidelines of the Environmental Protection Agency (EPA) at [24 CFR part 5](#) that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired in the preceding fiscal year exceeded \$10,000;
 - (2) Procure solid waste management services in a manner that maximizes energy and resource recovery; and
 - (3) Must have established an affirmative procurement program for the procurement of recovered materials identified in the EPA guidelines.
- (c) *Transparency Act Reporting.* Section 872 of the Duncan Hunter Defense Appropriations Act of 2009, and additional requirements published by the Office of Management and Budget (OMB), requires recipients to report subawards made either as pass-through awards, subrecipient awards, or vendor awards in the Federal Government Web site www.frsr.gov or its successor system. The reporting of award and subaward information is in accordance with the requirements of the Federal Financial Assistance Accountability and Transparency Act of 2006, as amended by section 6202 of Public Law 110-252 and in OMB Policy Guidance issued to the federal agencies on September 14, 2010 (75 FR 55669).
- (d) *The Coastal Barrier Resources Act of 1982* ([16 U.S.C. 3501](#) et seq.) may apply to proposals under this part, depending on the assistance requested.
- (e) *Applicability of uniform administrative requirements, cost principles, and audit requirements for Federal awards.* The requirements of [24 CFR part 5](#) apply to recipients and subrecipients, except where inconsistent with the

Based Paint Hazard Reduction Act of 1992 ([42 U.S.C. 4851-4856](#)), and implementing regulations at [24 CFR part 5](#), subparts A, B, H, J, K, M, and R apply to activities under this program.

(g) ***Audit.*** Recipients and subrecipients must comply with the audit requirements of [24 CFR part 5](#), subpart F.

(h) ***Davis-Bacon Act.*** The provisions of the Davis-Bacon Act do not apply to this program.

(i) ***Section 3 of the Housing and Urban Development Act.*** Recipients and subrecipients must, as applicable, comply with Section 3 of the Housing and Urban Development Act of 1968 and its implementing regulations at [24 CFR part 5](#), as applicable.

(j) ***Protections for victims of domestic violence, dating violence, sexual assault, or stalking - (1) General.*** The requirements set forth in [24 CFR part 5](#), subpart L (Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), implementing the requirements of VAWA apply to all permanent housing and transitional housing for which Continuum of Care program funds are used for acquisition, rehabilitation, new construction, leasing, rental assistance, or operating costs. The requirements also apply where funds are used for homelessness prevention, but only where the funds are used to provide short- and/or medium-term rental assistance. Safe havens are subject only to the requirements in paragraph (j)(9) of this section.

(2) ***Definition of covered housing provider.*** For the Continuum of Care program, "covered housing provider," as such term is used in HUD's regulations in [24 CFR part 5](#), subpart L refers to:

(i) The owner or landlord, which may be the recipient or subrecipient, for purposes of [24 CFR 5.2005\(d\)\(1\)](#) and [5.2009\(a\)](#);

(ii) The recipient, subrecipient, and owner or landlord for purposes of [24 CFR 5.2005\(d\)\(2\)](#) through (d)(4); and

(iii) The recipient, subrecipient, and owner or landlord for purposes of [24 CFR 5.2007](#). However, the recipient or subrecipient may limit documentation requests under [§ 5.2007](#) to only the recipient or subrecipient, provided that:

(A) This limitation is made clear in both the notice described under [24 CFR 5.2005\(a\)\(1\)](#) and the rental assistance agreement;

(B) The entity designated to receive documentation requests determines whether the program participant is entitled to protection under VAWA and immediately advise the program participant of the determination; and

(C) If the program participant is entitled to protection, the entity designated to receive documentation requests must notify the owner in writing that the program participant is entitled to protection under VAWA and work with the owner on the program participant's behalf. Any further sharing or disclosure of the program participant's information will be subject to the requirements in [24 CFR 5.2007](#).

(3) ***Effective date.*** The core statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking, applied upon enactment of VAWA 2013 on March 7, 2013. Compliance with the VAWA regulatory requirements under this section and at [24 CFR part 5](#), subpart L, is required for grants awarded pursuant to NOFAs published on or after December 16, 2016.

described in [24 CFR 5.2005](#) at each of the following times:

- (A) When an individual or family is denied permanent housing or transitional housing;
- (B) When a program participant is admitted to permanent housing or transitional housing;
- (C) When a program participant receives notification of eviction; and
- (D) When a program participant is notified of termination of assistance.

(ii) When grant funds are used for rental assistance, the recipient or subrecipient must ensure that the owner or manager of the housing provides the notice and certification form described in [24 CFR 5.2005\(a\)](#) to the program participant with any notification of eviction. This commitment and the confidentiality requirements under [24 CFR 5.2007\(c\)](#) must be set forth in a contract with the owner or landlord.

(5) *Contract, lease, and occupancy agreement provisions.* (i) Recipients and subrecipients must include in any contracts and leases between the recipient or subrecipient, and an owner or landlord of the housing:

- (A) The requirement to comply with [24 CFR part 5](#), subpart L; and
- (B) Where the owner or landlord of the housing will have a lease with a program participant, the requirement to include a lease provision that include all requirements that apply to tenants, the owner or the lease under [24 CFR part 5](#), subpart L, as supplemented by this part, including the prohibited bases for eviction and restrictions on construing lease terms under [24 CFR 5.2005\(b\)](#) and (c).

(ii) The recipient or subrecipient must include in any lease, sublease, and occupancy agreement with the program participant a provision that include all requirements that apply to tenants, the owner or the lease under [24 CFR part 5](#), subpart L, as supplemented by this part, including the prohibited bases for eviction and restrictions on construing lease terms under [24 CFR 5.2005\(b\)](#) and (c). The lease, sublease, and occupancy agreement may specify that the protections under [24 CFR part 5](#), subpart L, apply only during the period of assistance under the Continuum of Care Program. The period of assistance for housing where grant funds were used for acquisition, construction, or rehabilitation is 15 years from the date of initial occupancy or date of initial service provision.

(iii) Except for tenant-based rental assistance, recipients and subrecipients must require that any lease, sublease, or occupancy agreement with a program participant permits the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the recipient or subrecipient determines that the program participant qualifies for an emergency transfer under the emergency transfer plan established under paragraph (j)(8) of this section.

(iv) For tenant-based rental assistance, the recipient or subrecipient must enter into a contract with the owner or landlord of the housing that:

- (A) Requires the owner or landlord of the housing to comply with the provisions of [24 CFR part 5](#), subpart L; and
- (B) Requires the owner or landlord of the housing to include a lease provision that include all requirements that apply to tenants, the owner or the lease under [24 CFR part 5](#), subpart L, as supplemented by this part, including the prohibited bases for eviction and restrictions on construing lease terms under [24 CFR 5.2005\(b\)](#) and (c). The lease may specify that the protections under [24 CFR part 5](#), subpart L, apply only during the period of assistance under the Continuum of Care Program. The period of assistance for housing where grant funds were used for acquisition, construction, or rehabilitation is 15 years from the date of initial occupancy or date of initial service provision.

(6) *Transition.* (i) The recipient or subrecipient must ensure that the requirements set forth in paragraph (j)(5) of this section apply to any contracts, leases, subleases, or occupancy agreements entered into, or renewed, following the expiration of an existing term, on or after the effective date in paragraph (j)(2) of this section. This obligation includes any contracts, leases, subleases, and occupancy agreements that will automatically renew on or after the effective date in paragraph (j)(3) of this section.

(ii) For leases for tenant-based rental assistance existing prior to the effective date in paragraph (j)(2) of this section, recipients and subrecipients must enter into a contract under paragraph (j)(6)(iv) of this section before the next renewal of the lease.

(7) *Bifurcation.* For the purposes of this part, the following requirements shall apply in place of the requirements at [24 CFR 5.2009\(b\)](#):

(i) If a family who is receiving tenant-based rental assistance under this part separates under [24 CFR 5.2009\(a\)](#), the family's tenant-based rental assistance and any utility assistance shall continue for the family member(s) who are not evicted or removed.

(ii) If a family living in permanent supportive housing separates under [24 CFR 5.2009\(a\)](#), and the family's eligibility for the housing was based on the evicted individual's disability or chronically homeless status, the remaining tenants may stay in the project as provided under § 578.75(i)(2). Otherwise, if a family living in a project funded under this part separates under [24 CFR 5.2009\(a\)](#), the remaining tenant(s) will be eligible to remain in the project.

(8) *Emergency transfer plan.* The Continuum of Care must develop an emergency transfer plan for the Continuum of Care, and recipients and subrecipients in the Continuum of Care must follow that plan. The plan must comply with [24 CFR 5.2005\(e\)](#) and include the following program requirements:

(i) For families receiving tenant-based rental assistance, the plan must specify what will happen with respect to the non-transferring family member(s), if the family separates in order to effect an emergency transfer.

(ii) For families living in units that are otherwise assisted under this part (assisted units), the required policies must provide that for program participants who qualify for an emergency transfer but a safe unit is not immediately available for an internal emergency transfer, the individual or family shall have priority over all other applicants for rental assistance, transitional housing, and permanent supportive housing projects funded under this part, provided that: The individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA; and the individual or family meets any additional criteria or preferences established in accordance with § 578.93(b)(1), (4), (6), or (7). The individual or family shall not be required to meet any other eligibility criteria or preferences for the project. The individual or family shall retain their original homeless or chronically homeless status for the purposes of the transfer.

(9) *Protections with respect to safe havens.* The following requirements apply to safe havens funded under this part:

(i) No individual may be denied admission to or removed from the safe haven on the basis or as a direct result of the fact that the individual is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the individual otherwise qualifies for admission or occupancy.

[77 FR 45442, July 31, 2012, as amended at 80 FR 75940, Dec. 7, 2015; 81 FR 80810, Nov. 16, 2016; 81 FR 87812, Dec. 6, 2016; 85 FR 61568, Sept. 29, 2020]

AUTHORITY: [12 U.S.C. 1701x, 1701 x-1; 42 U.S.C. 11381](#)

SOURCE: 77 FR 45442, July 31, 2012, unless otherwise noted.

CITE AS: 24 CFR 578.99

§ 578.7 - Responsibilities of the Continuum of Care.

(a) *Operate the Continuum of Care.* The Continuum of Care must:

- (1) Hold meetings of the full membership, with published agendas, at least semi-annually;
- (2) Make an invitation for new members to join publicly available within the geographic at least annually;
- (3) Adopt and follow a written process to select a board to act on behalf of the Continuum of Care. The process must be reviewed, updated, and approved by the Continuum at least once every 5 years;
- (4) Appoint additional committees, subcommittees, or workgroups;
- (5) In consultation with the collaborative applicant and the HMIS Lead, develop, follow, and update annually a governance charter, which will include all procedures and policies needed to comply with subpart B of this part and with HMIS requirements as prescribed by HUD; and a code of conduct and recusal process for the board, its chair(s), and any person acting on behalf of the board;
- (6) Consult with recipients and subrecipients to establish performance targets appropriate for population and program type, monitor recipient and subrecipient performance, evaluate outcomes, and take action against poor performers;
- (7) Evaluate outcomes of projects funded under the Emergency Solutions Grants program and the Continuum of Care program, and report to HUD;
- (8) In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and operate either a centralized or coordinated assessment system that provides an initial, comprehensive assessment of the needs of individuals and families for housing and services. The Continuum must develop a specific policy to guide the operation of the centralized or coordinated assessment system on how its system will address the needs of individuals and families who are fleeing, or attempting to flee, domestic violence, dating violence, sexual assault, or stalking, but who are seeking shelter or services from nonvictim service providers. This system must comply with any requirements established by HUD by Notice.
- (9) In consultation with recipients of Emergency Solutions Grants program funds within the geographic area, establish and consistently follow written standards for providing Continuum of Care assistance. At a minimum, these written standards must include:
 - (i) Policies and procedures for evaluating individuals' and families' eligibility for assistance under this part;
 - (ii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive

(iii) Policies and procedures for determining and prioritizing which eligible individuals and families will receive rapid rehousing assistance (these policies must include the emergency transfer priority required under § 578.99(j)(8));

(iv) Standards for determining what percentage or amount of rent each program participant must pay while receiving rapid rehousing assistance;

(v) Policies and procedures for determining and prioritizing which eligible individuals and families will receive permanent supportive housing assistance (these policies must include the emergency transfer priority required under § 578.99(j)(8)); and

(vi) Where the Continuum is designated a high-performing community, as described in subpart G of this part, policies and procedures set forth in [24 CFR 576.400\(e\)\(3\)\(vi\), \(e\)\(3\)\(vii\), \(e\)\(3\)\(viii\), and \(e\)\(3\)\(ix\)](#).

(b) *Designating and operating an HMIS.* The Continuum of Care must:

- (1) Designate a single Homeless Management Information System (HMIS) for the geographic area;
- (2) Designate an eligible applicant to manage the Continuum's HMIS, which will be known as the HMIS Lead;
- (3) Review, revise, and approve a privacy plan, security plan, and data quality plan for the HMIS;
- (4) Ensure consistent participation of recipients and subrecipients in the HMIS; and
- (5) Ensure the HMIS is administered in compliance with requirements prescribed by HUD.

(c) *Continuum of Care planning.* The Continuum must develop a plan that includes:

- (1) Coordinating the implementation of a housing and service system within its geographic area that meets the needs of the homeless individuals (including unaccompanied youth) and families. At a minimum, such system encompasses the following:
 - (i) Outreach, engagement, and assessment;
 - (ii) Shelter, housing, and supportive services;
 - (iii) Prevention strategies.

(2) Planning for and conducting, at least biennially, a point-in-time count of homeless persons within the geographic area that meets the following requirements:

- (i) Homeless persons who are living in a place not designed or ordinarily used as a regular sleeping accommodation for humans must be counted as unsheltered homeless persons.
- (ii) Persons living in emergency shelters and transitional housing projects must be counted as sheltered homeless persons.
- (iii) Other requirements established by HUD by Notice.

(3) Conducting an annual gaps analysis of the homeless needs and services available within the geographic

(5) Consulting with State and local government Emergency Solutions Grants program recipients within the Continuum's geographic area on the plan for allocating Emergency Solutions Grants program funds and reporting on and evaluating the performance of Emergency Solutions Grants program recipients and subrecipients.

(d) **VAWA emergency transfer plan.** The Continuum of Care must develop the emergency transfer plan for the Continuum of Care that meets the requirements under § 578.99(j)(8).

[77 FR 45442, July 31, 2012, as amended at 81 FR 80809, Nov. 16, 2016]

AUTHORITY: [12 U.S.C. 1701x, 1701 x-1; 42 U.S.C. 11381](#)

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Athens-Clarke County, GA CoC:
VAWA Emergency Transfer Plan Checklist

Housing Provider

Date

Reviewer

	Plan Requirements:	Y/N	Page #	Comments:
1	Describe VAWA protections for applicants and recipients of housing services			
2	Describe how applicants or recipients of housing services may request a reasonable accommodation from VAWA requirements, if needed			
3	Describe how the Housing Provider (HP) will prioritize the various types of transfers			
4	Describe the HP policies and procedures for providing emergency relocations for internal and external transfers			
5	Describe the confidentiality provisions that the HP has in place to protect victims			

6	Provide contact info for Local Law Enforcement			
7	Describe how the housing services recipient will be assisted with finding a location deemed safe			
8	Provide a list of resources for DV, Sexual Assault, and Stalking, with contact information			
9	Describe how all VAWA communications and materials will be provided to persons with hearing, visual, and other communication related disabilities			
10	Explain how HP's will take reasonable steps to ensure meaningful access to materials for populations with limited English proficiency			
11	Describe when and how applicants and current housing services recipients will receive the plan			
12	How often will the plan be reviewed and revised			
13	Define internal emergency transfer, external emergency transfer, immediately available, and safe units			
14	Explain what happens if a transfer isn't an option (for example - no available units)			
15	Make plan available by request, and publicly posted (if feasible)			