
Proposed Revisions to HOC's Violence Against Women Act Policy

Please note: Existing Language is in **BLACK** and proposed changes are in **RED**.



Violence Against Women Act Policy

Last Revision:

~~July 2017~~

April 2022

I. INTRODUCTION

The purpose of this Violence Against Women Act (VAWA) Policy (“Policy”) is to implement the applicable provisions of the Violence Against Women Reauthorization Act of 2013 (Public Law 113-4, 127 Stat. 54, approved March 7, 2013, at 127 Stat. 101) **and additional subsequent HUD notices, PIH Notice 2017-08 Violence Against Women Reauthorization act of 2013 Guidance and Housing Notice 2017-05 Violence Against Women Act (VAWA) Reauthorization Act of 2013**, and more generally to set forth the policies and procedures of the Housing Opportunities Commission of Montgomery County (HOC) with regard to VAWA. Notwithstanding its title, this policy is gender-neutral, and its protections apply to all HOC customers who are victims of domestic violence, dating violence, sexual assault, or stalking, regardless of sex, gender identity, or sexual orientation.

Furthermore, the policies and procedures described herein are applied by HOC in a consistent and nondiscriminatory manner as directed by the fair housing requirements of the U.S. Department of Housing and Urban Development (HUD). As per the Code of Federal Regulations (CFR) at 24 CFR 5.2001, HOC’s VAWA Policy is consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), such that victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. Additionally, this Policy is operated consistently with HUD’s Equal Access Rule at 24 CFR 5.105(a)(2).

This Policy is applicable to the administration of all federally subsidized public housing and Section 8 rental assistance under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.). Additionally, HOC extends this Violence Against Women Act Policy to apply to all housing programs as may be provided by HOC.

The implementation of VAWA protections for participants in HUD and other housing programs increases opportunities for all individuals to live in safe housing and reduces the risk of homelessness for individuals who might otherwise be evicted, be denied housing assistance, or flee their homes.

II. GOALS AND OBJECTIVES

This Policy has the following principal goals and objectives:

- A. Maintaining compliance with all applicable legal requirements imposed by VAWA;
- B. Ensuring the physical safety of victims of actual or threatened domestic violence, dating violence, sexual assault, or stalking who are assisted by HOC;
- C. Providing and maintaining housing opportunities for victims of domestic violence, dating violence, sexual assault, or stalking;
- D. Creating and maintaining collaborative arrangements between HOC, law enforcement authorities, victim service providers, and others to promote the safety and well-being of victims of actual and threatened domestic violence, dating violence, sexual assault, or stalking, who are assisted by HOC; and

- E. Taking appropriate action in response to an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, affecting individuals who HOC assists.

III. OTHER HOC POLICIES AND PROCEDURES

This Policy is referenced in, and attached to, HOC's Five-Year and Annual Public Housing Agency (PHA) Plans demonstrating its applicability to the Public Housing (PH) and Housing Choice Voucher (HCV) programs. Additionally, this Policy shall apply to any and all other HOC housing programs as described in Section I of this document. To the extent that any provision of this Policy shall vary or contradict any previously adopted policy or procedure of HOC, the provisions of this Policy shall prevail.

IV. DEFINITIONS

The following definitions apply as used in this Policy, as per the Code of Federal Regulations (CFR) at Title 24, Section 5.2003:

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. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual, with respect to an individual, means:

- (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
- (2) Any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants are subject to eviction 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.

Covered housing program consists of the following HUD programs and Non-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. 12901 et seq.), with implementing regulations at 24 CFR part 574.

- (4) HOME Investment Partnerships (HOME) program (42 U.S.C. 12741 et 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. 11360 et 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).
- (6) 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.
- (7) Multifamily rental housing under section 236 of the National Housing Act (12 U.S.C. 1715z-1), with implementing regulations at 24 CFR part 236.
- (8) HUD programs assisted under the United States Housing Act of 1937 (42 U.S.C. 1437 et 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).
- (9) The Housing Trust Fund (12 U.S.C. 4568) (with implementing regulations at 24 CFR part 93).
- (10) The Low Income Housing Tax Credit (LIHTC). If a property is layered with Section 8, implement Section 8 Rules and continue to comply with the additional requirements outlined by the other governing agency.

Covered housing provider refers to the individual or entity under a covered housing program that has responsibility for the administration and/or oversight of VAWA protections and includes PHAs, sponsors, owners, mortgagors, **manager management agents**, State and local governments or agencies thereof, nonprofit or for-profit organizations or entities. The program-specific regulations for the covered housing programs identify the individual or entity that carries out the duties and responsibilities of the covered housing provider as set forth in part 5, subpart L. For any of the covered housing programs, it is possible that there is more than one covered housing provider. This is dependent upon the VAWA duty or responsibility performed by a covered housing provider, whereas the covered housing provider is not always the same individual or entity.

Dating violence means violence committed by a person:

- (1) Who is or was previously 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:
 - (i) The length of the relationship;

- (ii) The type of relationship; and
- (iii) The frequency of interaction between the persons involved in the relationship.

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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. The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

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.

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

V. ADMISSIONS AND SCREENING

- A. *Non-Denial of Assistance.* HOC will not deny admission to any of its housing programs to any person because that person is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, provided that such person is otherwise qualified for such admission.
- B. *Tenant Selection Plan.* Where applicable, properties' Tenant Selection Plans (TSP) must include policies and procedures covering VAWA protections. In compliance with instructions provided on Paragraph 4-4 or HUD Handbook 4350.3, if a property updates or adds any new preferences, all existing waiting list applicants must be notified, so they may take advantage of any qualifying preference.

VI. TERMINATION OF TENANCY OR ASSISTANCE

- A. *VAWA Protections.* Under VAWA, HOC's housing program participants have the following specific protections, which HOC observes:
 - 1. An incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking will not be considered to be a "serious or repeated" violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating the tenancy or occupancy rights of or assistance to the victim of that violence.

2. In addition to the foregoing, HOC will not terminate tenancy or assistance as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence, sexual assault, or stalking engaged in by a member of the assisted household, a guest or another person under the customer's control, and the customer or an immediate family member is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
 - (a) Nothing contained in this paragraph shall limit any otherwise available authority of HOC or a Section 8 owner or ~~manager~~ **management agent** to terminate tenancy, evict, or to terminate assistance for any violation of a lease or program requirement not premised on the act or acts of domestic violence, dating violence, sexual assault, or stalking in question against the customer or a member of the customer's household. However, in taking any such action, neither HOC nor a Section 8 ~~manager~~ **management agent** or owner may apply a more demanding standard to the victim of domestic violence, dating violence, sexual assault, or stalking than that applied to other customers.
 - (b) Nothing contained in this paragraph shall be construed to limit the authority of HOC or a Section 8 owner or ~~manager~~ **management agent** to evict or terminate from assistance any tenant or lawful applicant if the owner, ~~manager~~ **management agent** or HOC can demonstrate an actual and imminent threat to other customers or to those employed at or providing service to the property, if the customer is not evicted or terminated from assistance.
- B. *Removal of Perpetrator.* Further, notwithstanding anything in paragraph VI.A.2. or Federal, State or local law to the contrary, HOC or a Section 8 owner or ~~manager~~ **management agent**, as the case may be, may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who engages in acts of physical violence against family members or others. Such action against the perpetrator of such physical violence may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant. Such eviction, removal, termination of occupancy rights, or termination of assistance shall be effected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by HOC. Leases used for all housing operated by HOC and, at the option of Section 8 owners or ~~managers~~ **management agents**, leases for dwelling units occupied by families assisted with Section 8 rental assistance administered by HOC, shall contain provisions setting forth the substance of this paragraph.

VII. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

- A. *Requirement for Verification.* The law allows, but does not require, HOC or a section 8 owner or ~~manager~~ **management agent** to verify that an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth

in this policy. Subject only to waiver as provided in paragraph VII. C., HOC shall require verification in all cases where an individual claims protection against an action involving such individual proposed to be taken by HOC. Those Section 8 owners or ~~managers~~ **management agents** receiving rental assistance, which HOC administers, may elect to require verification, or not to require it as permitted under applicable law.

Verification of a claimed incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking may be accomplished in one of the following three ways:

1. *HUD-approved form* – Victims may provide to HOC, or to the requesting Section 8 owner or ~~manager~~ **management agent**, a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD), that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking. On this form, the victim must also state that the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definition(s) set forth in this Policy. The incident or incidents in question must be described in reasonable detail as required in the HUD-approved form, and the completed certification must include the name of the perpetrator. **A copy of HOC’s HUD-Approved form Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation is provided in Appendix C of this Policy.**
 2. *Other documentation* – Victims may provide to HOC, or to the requesting Section 8 owner or ~~manager~~ **management agent**, written documentation signed by an employee, agent, or volunteer of a victim service provider, **social worker**, an attorney **or other legal assistance provider**, **pastoral counselor**, a medical professional or a mental health professional, **or other professional (collectively, “professional”)**. In order to use such third-party documentation, the victim must have sought assistance in addressing the domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse, described in such documentation from the third-party. The professional providing the documentation must sign and attest under penalty of perjury (28 U.S.C. 1746) to the professional’s belief that the incident or incidents in question are bona fide incidents of abuse meeting the requirements of the applicable definition(s) set forth in this Policy. The victim of the incident or incidents of domestic violence, dating violence, sexual assault, or stalking described in the documentation must also sign and attest to the documentation under penalty of perjury.
 3. *Police or court record* – Victims may provide to HOC, or to the requesting Section 8 owner or ~~manager~~ **management agent**, a Federal, State, tribal, territorial, local police, or court record describing the incident, or incidents, in question.
- B. *Time allowed to provide verification/ failure to provide.* An individual who claims protection against adverse action based on an incident or incidents of actual or threatened domestic violence, dating violence, sexual assault, or stalking, and who is requested by HOC, or a Section 8 owner or ~~manager~~ **management agent** to provide verification, must provide such verification within 14 business days (i.e., 14 calendar days, excluding Saturdays, Sundays, and federally-recognized holidays) after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action.

- C. *Waiver of verification requirement.* The Executive Director of HOC, or a Section 8 owner, or **manager management agent**, may, with respect to any specific case, waive the above-stated requirements for verification and provide the benefits of this policy based on the victim's statement or other corroborating evidence. The Executive Director, owner, or **manager management agent** has the sole discretion to grant such a waiver, which HOC will submit in writing. A waiver in a particular instance or instances shall not operate as precedent for, or create any right to, a waiver in any other case or cases, regardless of similarity in circumstances.

VIII. CONFIDENTIALITY

- A. *Right of confidentiality.* All information (including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking) provided to HOC or to a Section 8 owner, or **manager management agent** in connection with a verification required under section VII of this policy or provided in lieu of such verification where a waiver of verification is granted, shall be retained by the receiving party in confidence and shall neither be entered in any shared database nor provided to any related entity, except where disclosure is:
1. Requested or consented to by the individual in writing; or
 2. Required for use in an HOC housing eviction proceeding or in connection with termination of Section 8 assistance, as permitted in VAWA; or
 3. Otherwise required by applicable law.
- B. *Notification of rights.* All tenants of HOC housing and tenants participating in the Section 8 rental assistance program administered by HOC shall be notified in writing concerning their right to confidentiality and the limits on such rights to confidentiality.

IX. TRANSFER TO NEW RESIDENCE

- A. *Emergency Transfer Plan.* According to HOC's Unit Transfer Guidelines, the highest priority for transfers, Priority 1, is given to victims of domestic violence, dating violence, sexual assault, or stalking. More specifically, in situations where a victim of domestic violence, dating violence, sexual assault, or stalking, seeks an emergency transfer from HOC, the following regulations describe the requirements of eligibility for an emergency transfer under VAWA. Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. **A copy of HOC's Emergency Transfer Request form is provided in Appendix A of this Policy.**

1. Emergency Transfers

HOC is concerned about the safety of its customers, and such concern extends to customers who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), HOC allows customers who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the customer'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

HOC to honor such request for customers currently receiving assistance, however, may depend upon a preliminary determination that the customer is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HOC has another dwelling unit that is available and is safe to offer the customer for temporary or more permanent occupancy.

This plan identifies customers 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 customers 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 that HOC is in compliance with VAWA.

2. Eligibility for Emergency Transfers

A customer 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 customer reasonably believes that there is a threat of imminent harm from further violence if the customer remains within the same unit. If the customer is a victim of sexual assault, the customer 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 customer requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

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

3. Emergency Transfer Request Documentation

To request an emergency transfer, the customer shall notify HOC's management office and submit a written request for a transfer to the appropriate Property ~~Manager~~ **Management Agent** or Housing Specialist. HOC will provide reasonable accommodations to this policy for individuals with disabilities. The customer's written request for an emergency transfer should include either:

- (a) A statement expressing that the customer reasonably believes that there is a threat of imminent harm from further violence if the customer were to remain in the same dwelling unit assisted under HOC's program;

OR

- (b) A statement that the customer was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the customer's request for an emergency transfer.

4. Requests for VAWA Accommodation

Similar to Section 504, and the reasonable accommodation policies, which are designed to assist people with disabilities, the VAWA accommodation is designed to assist the customer, who is a victim of a VAWA crime, with a request to accommodate/modify a policy, in order to exercise their protections. HOC will review them on a case-by-case basis in a fair and consistent manner within 14 business days of receipt of all the necessary documents to render a decision. Some examples of accommodations include:

- a) Waiver of tenant selection criteria (credit, eviction screening).
- b) Reconsider rejection.
- c) Modify lease term (waive the notice to vacate requirement).
- d) Evict a member of the household.

HOC does not require the customer to complete a formal request form for VAWA accommodation, but prefers that the customer makes the request in writing.

The VAWA accommodation will not require the customer to provide specific information, or any additional information not listed within this policy, unless HOC requires disclosure or verification information. HOC may deny the VAWA accommodation request if the customer does not provide the required documentation. Note: if the request for the VAWA accommodation is deemed fraudulent, HOC may terminate or remove the customer or family member from the lease.

HOC will retain the VAWA accommodation records for a period of three years, or for the time specified in the program regulation.

5. Confidentiality

HOC will keep confidential any information that the customer submits in requesting an emergency transfer, and information about the emergency transfer, unless the customer gives HOC 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 includes keeping confidential the new location of the dwelling unit of the customer, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the customer. See the Notice of Occupancy Rights under the Violence Against Women Act for more information about HOC's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking. **A copy of HOC's Notice of Occupancy Rights is provided in Appendix B of this Policy.**

6. Emergency Transfer Timing and Availability

HOC cannot guarantee the approval of a transfer request or how long it will take to process a transfer request. HOC will, however, act as quickly as possible to move a customer 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 customer reasonably believes a proposed transfer would not be safe, the customer may request a transfer to a different unit. If a unit is available, the transferred customer must agree to abide by the terms and conditions that govern occupancy in the unit to which the customer has been transferred. HOC may be unable to transfer a customer to a particular unit if the customer has not, or cannot, establish eligibility for that unit.

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

B. *Emergency Transfer and the Housing Choice Voucher and Project-Based Voucher Program.* This section is an addition to HOC's Emergency Transfer Plan, where the Policy does not specifically address the voucher program(s). As vouchers are tenant-based assistance, the HCV customer may request a voucher to move to another unit. (See section D. *Portability* for moves outside of HOC's jurisdiction).

1. **Housing Choice Voucher Program (HCV)**

If an HCV applicant or customer who is a victim completes the required documents to request a transfer, and the request is deemed reasonable, HOC will expedite the administrative process and may conduct a one-on-one briefing to issue a voucher. Additionally, HOC will allow the victim to submit up to three Request for Tenancy Approval (RFTA) forms. When the customer submits an RFTA, HOC's Inspection Services will expedite the review of the RFTA to ensure the necessary documents are on file and complete and schedule the Housing Quality Standards (HQS) inspection as quickly as possible.

2. **Project-Based Voucher Program (PBV)**

The PBV program is governed by the HCV program regulations. Unlike families receiving HCV assistance, which is tenant-based, PBV families cannot move with their assistance as it is tied to the unit. If a PBV victim makes an emergency request and completes the required documents to request an Emergency Transfer, HOC must review the request, and determine the most appropriate response to address the PBV VAWA request. The PBV victim family is not required to give advanced written notice of intent to vacate the PBV unit if the family requests to move to protect the safety of the victim.

HOC does not offer tenant-based assistance for PBV applicants and customers that have not lived in a PBV unit for more than one year. If the PBV victim makes an emergency transfer request and has been living in the unit for less than one year, HOC may refer and transfer the PBV victim to another safe PBV unit. If there are no available PBV units, HOC may offer the PBV victim to other housing opportunities in the community to address the request.

If the PBV victim requests and is approved for an emergency VAWA transfer, HOC will refer the family to another PBV unit, subject to availability and safety of the unit. If the victim reasonably believes the proposed unit would not be safe, the PBV victim may request another PBV unit. The PBV victim must agree to abide by the terms of governing occupancy of the unit. HOC may not be able to transfer the PBV victim to the unit if the PBV victim cannot establish program eligibility requirements.

If there are no available units for which the PBV victim is eligible and needs an emergency transfer, HOC will assist in identifying other housing providers who may have safe and available units to which the victim may be able to move. HOC may assist in contacting and will provide a list of local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking included with this policy.

If the PBV victim makes an emergency request and has been living in the PBV unit for more than one year, and if subsidy is available, HOC must give the PBV victim priority to receive the next available opportunity for continued tenant-based rental assistance (24 CFR 983.261).

HOC cannot guarantee approval of a transfer request or how long it will take to process the request. HOC will act as quickly as possible to transfer the PBV victim subject to the availability and safety of a PBV unit. HOC will expedite the administrative process regarding the PBV referral, voucher issuance, and the RFTA process, and schedule the HQS inspection as quickly as possible.

The PBV victim should also refer to the property's Emergency Transfer Plan.

Note: If the PBV victim requests to move sooner than a tenant-based voucher is available, HOC must give the family priority to receive the next available opportunity for tenant-based assistance, even if the family left the unit to protect the family's safety.

- C. *Portability.* HOC will not deny a Section 8-assisted customer's request for portability to units located in another jurisdiction so long as the following criteria are met:
1. The term of the customer's existing lease must be complete to the satisfaction of the current landlord, or the family has not occupied the unit for 12 months;
 2. The customer has complied with all other requirements of the Section 8 program; or
 3. The customer is moving from the unit in order to protect the health or safety of an individual member of the household who is, or has been, the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believes that the customer or other household member will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

X. COURT ORDERS

- A. *Court orders.* It is HOC's policy to honor orders entered by courts of competent jurisdictions affecting individuals assisted by HOC and their property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

XI. RELATIONSHIPS WITH SERVICE PROVIDERS

It is HOC's policy to cooperate with organizations and entities, both private and governmental, which provide shelter and/or services to victims of domestic violence. If HOC staff becomes aware that an HOC assisted individual is a victim of domestic violence, dating violence, sexual assault, or stalking, HOC will refer the victim to such providers of shelter or services as appropriate. Notwithstanding the foregoing, this Policy does not create any legal obligation requiring HOC either to maintain a relationship with any particular provider of shelter or services to victims of domestic violence, dating violence, sexual assault, or stalking or to make a referral in any particular case. HOC's Emergency Transfer Plan shall describe providers of shelter or other services to victims of domestic violence, dating violence, sexual assault, or stalking with which HOC has referral or other cooperative relationships. **A copy of HOC's Emergency Transfer Plan is provided in Appendix D of this Policy.**

XII. NOTIFICATION

HOC shall provide written notification to applicants, tenants, and Section 8 owners and **managers management agent**, concerning the rights and obligations created under VAWA relating to confidentiality, denial of assistance, and termination of tenancy or assistance as described in this Policy.

- A. *Notice of Occupancy Rights.* HOC provides notice to a tenant or applicant of their occupancy rights under VAWA at three specific times:
1. When an individual is denied residency under an assisted program;
 2. When an individual is admitted to a dwelling unit assisted under the covered housing program; and
 3. With any notification of eviction or termination of assistance.

HOC believes that it is important to provide a separate Notice of Occupancy Rights under VAWA so as to ensure that applicants and residents are aware of their rights under the Act. Therefore, HOC provides a separate Notice of Occupancy Rights to program participants at the times specified in this rule. **A copy of HOC's Notice of Occupancy Rights is provided in Appendix B of this Policy.**

- B. *New Victim Certification Form.* HOC provides all customers and applicants with a copy of the Agency's Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternative Documentation Form. If an HOC customer is seeking VAWA protections from their housing provider, this is the appropriate form with which to provide the requested written documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking. The victim, or someone on the victim's behalf, can complete this form. The New Victim Certification Form also describes HOC's system for submitting various types of third-

party documentation. **A copy of HOC's New Victim Certification Form is provided in Appendix C of this Policy.**

XIII. RELATIONSHIP WITH OTHER APPLICABLE LAWS

Neither VAWA, nor this Policy implementing it, shall preempt or supersede any provision of Federal, State, or local law that provides greater protection than that provided under VAWA for victims of domestic violence, dating violence, sexual assault, or stalking.

XIV. AMENDMENT

HOC may amend this Policy from time to time, as approved by the Agency's Board of Commissioners.

Appendix A

**EMERGENCY TRANSFER
REQUEST FOR CERTAIN
VICTIMS OF DOMESTIC VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing
and Urban Development**

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

The requirements you must meet are:

- (1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- (2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.
- (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 submit this form or otherwise expressly request the transfer.

Submission of Documentation: If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, **attorney or** legal assistance provider, pastoral counselor, **medical or** mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept

confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: _____

2. Your name (if different from victim's): _____

3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____

6. Address or phone number for contacting the victim: _____

7. Name of the accused perpetrator (if known and can be safely disclosed): _____

8. Relationship of the accused perpetrator to the victim: _____

9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? If yes, skip question 11. If no, fill out question 11. _____

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Appendix B

Housing Opportunities Commission of Montgomery County NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT

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. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that the Housing Opportunities Commission of Montgomery County (HOC) is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.

Protections for Applicants

If you otherwise qualify for assistance under any HOC program, 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 from HOC, 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 under any HOC program 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

HOC may divide (bifurcate) your lease in order to evict the individual or 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 HOC chooses to remove the abuser or perpetrator, HOC 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, HOC 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, HOC must follow Federal, State, and local eviction procedures. In order to divide a lease, HOC 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, HOC 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, HOC 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 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 your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.
- (2) You expressly request the emergency transfer.** Your housing 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.

HOC 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.

HOC's emergency transfer plan provides further information on emergency transfers, and HOC 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

HOC 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 request from HOC must be in writing, and HOC 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. HOC 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 HOC as documentation. It is your choice which of the following to submit if HOC asks 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 HOC 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, **social worker**, an attorney **or other legal assistance provider**, **pastoral counselor**, a medical professional or a mental health professional, **or other 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 HOC has agreed to accept.

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

Confidentiality

HOC 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.

HOC must not allow any individual administering assistance or other services on behalf of HOC (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.

HOC must not enter your information into any shared database or disclose your information to any other entity or individual. HOC, however, may disclose the information provided if:

- You give written permission to HOC to release the information on a time limited basis.
- HOC needs 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 HOC or your landlord to release the information.

VAWA does not limit HOC'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, HOC 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 HOC can demonstrate that not evicting you or 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 HOC can demonstrate the above, HOC should only terminate your assistance or 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 a covered housing provider’s violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the Washington, D.C. HUD Field Office.

For Additional Information

You may view a copy of HUD’s final VAWA rule at <https://portal.hud.gov/hudportal/documents/huddoc?id=5720-F-03VAWAFinRule.pdf>. Additionally, HOC must make a copy of HUD’s VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact ~~HOC’s Housing Programs Coordinator, Ethan Cohen. Mr. Cohen can be reached at 240-627-9764 or via email at.~~ **Compliance Department** at 240-627-9400 or via email at HOCVAWA@hocmc.org.

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 any of the following local organizations in Montgomery County:

Montgomery County Abused Persons Program 1301 Piccard Dr, Rockville, MD 20850 Abused Persons Program 24 Hour Crisis Services: 240-777-4000 Service/Intake: 240-777-4195 Administrative Office: 240-777-4210	Montgomery County Sheriff’s Office Domestic Violence Section 50 Maryland Avenue Room T400 Rockville, MD 20850 240-777-7016
Montgomery County Family Justice Center Foundation 600 Jefferson Plaza #500 Rockville, MD 20852 240-773-0444	States Attorney’s Office 50 Maryland Avenue Rockville, MD 20850 240-777-7300
Victim Information and Notification Everyday (VINE) Service 1-866-MD4VINE (1-866-634-8463)	

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 any of the local organizations in Montgomery County listed above.

Victims of stalking seeking help may also contact any of the local organizations in Montgomery County listed above.

Appendix C

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286
Exp. 06/30/2017

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, **social worker**, an attorney **or other legal assistance provider**, **pastoral counselor**, or medical or mental health professional, **or other professional** (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed): _____

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s): _____ _____ _____ _____
--

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

Appendix D

Housing Opportunities Commission of Montgomery County EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Emergency Transfers

HOC 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), HOC allows 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 HOC 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 on whether HOC 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 that HOC is in compliance with VAWA.

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.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HOC's management office and submit a written request for a transfer to the appropriate Property ~~Manager~~ Management Agent or Housing Specialist. HOC 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 HOC'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.

Requests for VAWA Accommodation

Similar to Section 504, and the reasonable accommodation policies, which are designed to assist people with disabilities, the VAWA accommodation is designed to assist the customer, who is a victim of a VAWA crime, with a request to accommodate/modify a policy, in order to exercise their protections. HOC will review them on a case-by-case basis in a fair and consistent manner within 14 business days of receipt of all the necessary documents to render a decision. Some examples of accommodations include:

- a) Waiver of tenant selection criteria (credit, eviction screening).
- b) Reconsider rejection.
- c) Modify lease term (waive the notice to vacate requirement).
- d) Evict a member of the household.

HOC does not require the customer to complete a formal request form for VAWA accommodation, but prefers that the customer makes the request in writing.

The VAWA accommodation will not require the customer to provide specific information, or any additional information not listed within this policy, unless HOC requires disclosure or verification information. HOC may deny the VAWA accommodation request if the customer does not provide the required documentation. Note: if the request for the VAWA accommodation is deemed fraudulent, HOC may terminate or remove the customer or family member from the lease.

HOC will retain the VAWA accommodation records for a period of three years, or for the time specified in the program regulation.

Confidentiality

HOC will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HOC 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 includes keeping confidential the new location of the dwelling unit of the tenant, 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. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HOC's responsibility to maintain the

confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

HOC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HOC 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. HOC may be unable to transfer a tenant to a particular unit if the tenant has not, or cannot, establish eligibility for that unit.

If HOC has no safe and available units for which a tenant who needs an emergency transfer is eligible, HOC 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, HOC will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this Transfer Plan.

Emergency Transfers and the Housing Choice Voucher and Project-Based Voucher Programs. This section is an addition to HOC's Emergency Transfer Plan, where the Policy does not specifically address the voucher program(s). As vouchers are tenant-based assistance, the HCV customer may request a voucher to move to another unit. (See section D. Portability for moves outside of HOC's jurisdiction).

1. Housing Choice Voucher Program (HCV)

If an HCV applicant or customer who is a victim completes the required documents to request a transfer, and the request is deemed reasonable, HOC will expedite the administrative process and may conduct a one-on-one briefing to issue a voucher. Additionally, HOC will allow the victim to submit up to three Request for Tenancy Approval (RFTA) forms. When the customer submits an RFTA, HOC's Inspection Services will expedite the review of the RFTA to ensure the necessary documents are on file and complete and schedule the Housing Quality Standards (HQS) inspection as quickly as possible.

2. Project-Based Voucher Program (PBV)

The PBV program is governed by the HCV program regulations. Unlike HCV, families receiving HCV assistance, which is tenant-based, PBV families cannot move with their assistance as it is tied to the unit. If a PBV victim makes an emergency request and completes the required documents to request an Emergency Transfer, HOC must review the request, and determine the most appropriate response to address the PBV VAWA request. The PBV victim family is not required to give advanced written notice of intent to vacate the PBV unit if the family requests to move to protect the safety of the victim.

HOC does not offer tenant-based assistance for PBV applicants and customers that have not lived in a PBV unit for more than one year. If the PBV victim makes an emergency transfer

request and has been living in the unit for less than one year, HOC may refer and transfer the PBV victim to another safe PBV unit. If there are no available PBV units, HOC may offer the PBV victim to other housing opportunities in the community to address the request.

If the PBV victim requests and is approved for an emergency VAWA transfer, HOC will refer the family to another PBV unit, subject to availability and safety of the unit. If the victim reasonably believes the proposed unit would not be safe, the PBV victim may request another PBV unit. The PBV victim must agree to abide by the terms of governing occupancy of the unit. HOC may not be able to transfer the PBV victim to the unit if the PBV victim cannot establish program eligibility requirements.

If there are no available units for which the PBV victim is eligible and needs an emergency transfer, HOC will assist in identifying other housing providers who may have safe and available units to which the victim may be able to move. HOC may assist in contacting and will provide a list of local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking included with this policy.

If the PBV victim makes an emergency request and has been living in the PBV unit for more than one year, and if subsidy is available, HOC must give the PBV victim priority to receive the next available opportunity for continued tenant-based rental assistance (24 CFR 983.261).

HOC cannot guarantee approval of a transfer request or how long it will take to process the request. HOC will act as quickly as possible to transfer the PBV victim subject to the availability and safety of a PBV unit. HOC will expedite the administrative process regarding the PBV referral, voucher issuance, and the RFTA process, and schedule the HQS inspection as quickly as possible.

The PBV victim should also refer to the property's Emergency Transfer Plan.

Note: If the PBV victim requests to move sooner than a tenant-based voucher is available, HOC must give the family priority to receive the next available opportunity for tenant-based assistance, even if the family left the unit to protect the family's safety.

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 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>.

List of Local Organizations Offering Assistance to Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

- **Montgomery County Abused Persons Program**
1301 Piccard Dr, Rockville, MD 20850
Abused Persons Program 24 Hour Crisis Services: 240-777-4000
Service/Intake: 240-777-4195
Administrative Office: 240-777-4210

- **Montgomery County Family Justice Center Foundation**
600 Jefferson Plaza #500
Rockville, MD 20852
240-773-0444

- **Montgomery County Sheriff's Office
Domestic Violence Section**
50 Maryland Avenue
Room T400
Rockville, MD 20850
240-777-7016

- **States Attorney's Office**
50 Maryland Avenue
Rockville, MD 20850
240-777-7300

- **Victim Information and Notification Everyday (VINE) Service**
1-866-MD4VINE (1-866-634-8463)

- **Montgomery County District Courts Filing for Ex-Parte and Peace Orders
Emergency Evaluation Petitions
Filing of violations and modifications of existing orders issued by the District Court**
 - **Rockville District Court**
27 Courthouse Square
Rockville, MD 20850
301-279-1500
Note: From 9am to 3pm Victim Assistance is available at this location.

- **Silver Spring District Court**
8552 Second Avenue
Silver Spring, MD 20910
301-563-8550

Interim Protective and Peace Orders are available after hours or whenever the District Courts are closed from a District Court Commissioner at:

- **Central Processing Unit**
1307 Seven Locks Road
Rockville, MD
- **Montgomery County Circuit Court Filing for Ex-Parte Orders**
Emergency Evaluation Petitions
Filing of violations and modifications of existing orders issued by the Circuit Court
 - 50 Maryland Avenue, 3rd floor
Rockville, MD
240-777-9115
Note: Victim Assistance and legal consultation are available at this location.
 - **District Court Commissioner**
Central Processing Unit
1307 Seven Locks Rd.
Rockville, MD
301-610-7217 (24 Hours)