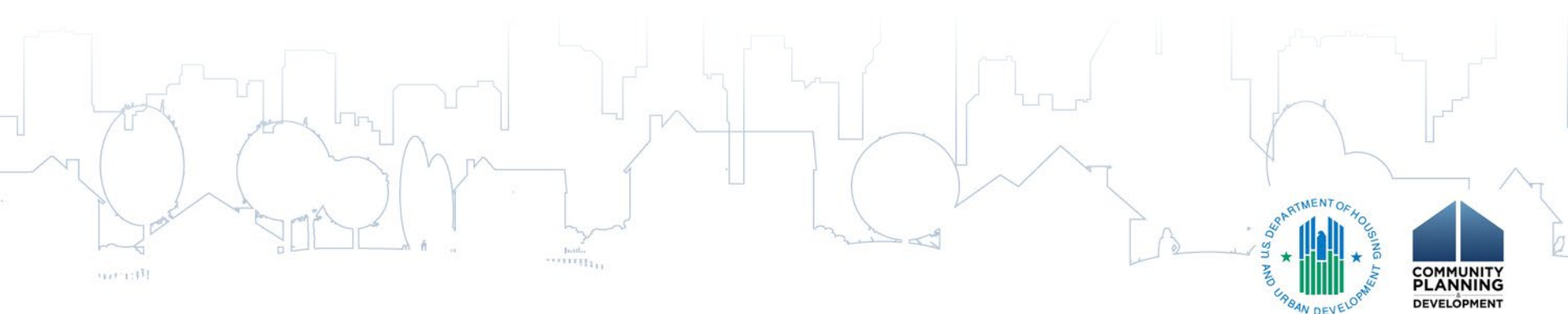


VAWA Emergency Transfer Plans: CoC and ESG Requirements and Best Practices

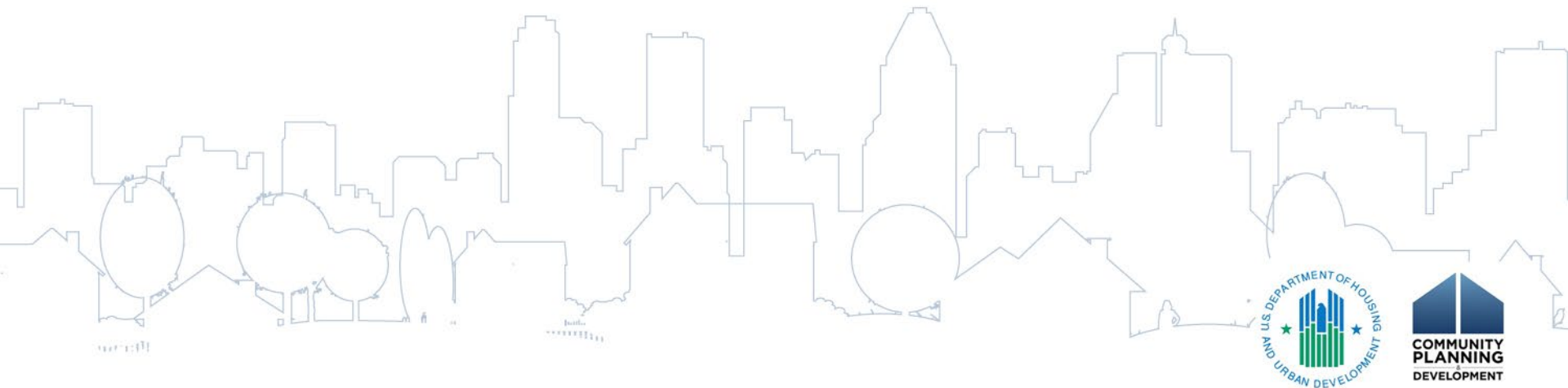
**“VAWA 2022” Foundations for
CoC and ESG Webinar Series**

August 17, 2023



Welcome & Introductions

- Gwen Beebe (she/they), ICF
- Gordon Levine (he/him), ICF





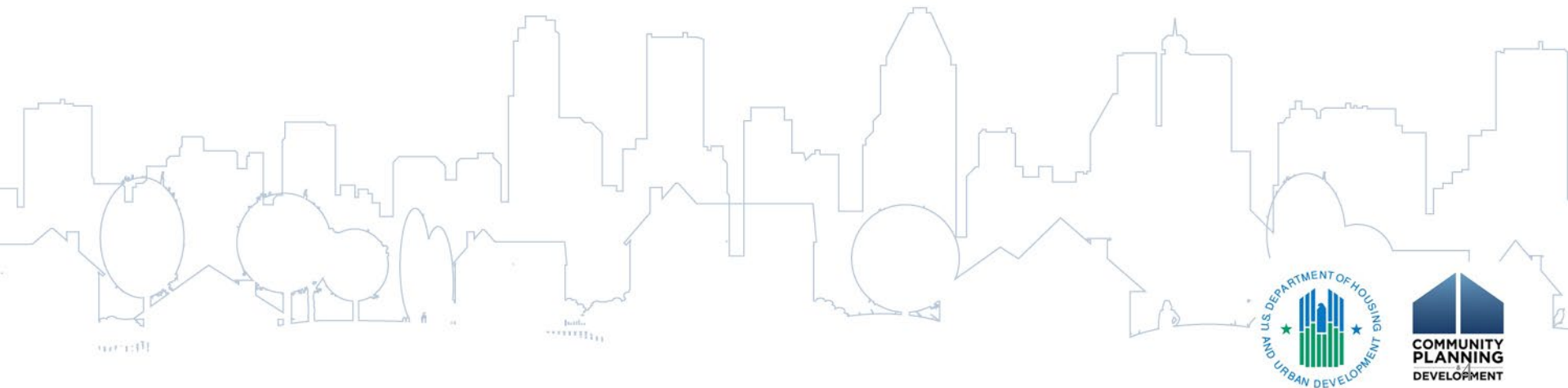
CONTENT WARNING

This presentation is about serving victims of domestic violence, sexual assault, stalking, dating violence, and other forms of gender-based violence.

This presentation's slides do not contain explicit imagery or language. However, content does not need to be explicit to be triggering. Attendees are encouraged to take breaks as appropriate.

Agenda

- VAWA and Homeless Services
- Emergency Transfer Plan: Definitions and Requirements
- Emergency Transfer Plan: Implementation
- Question and Answer



Intended Audience

	CoC	ESG
Governing and Policy-Making Entities	CoCs, including collaborative applicants, CoC board members, and others as appropriate	ESG recipients
Receiving funds	CoC and ESG recipients and subrecipients	

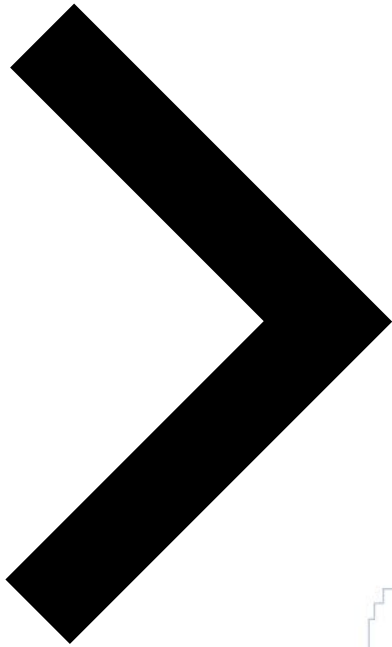


“VAWA 2022” Foundations for CoC and ESG Series Dates and Topics

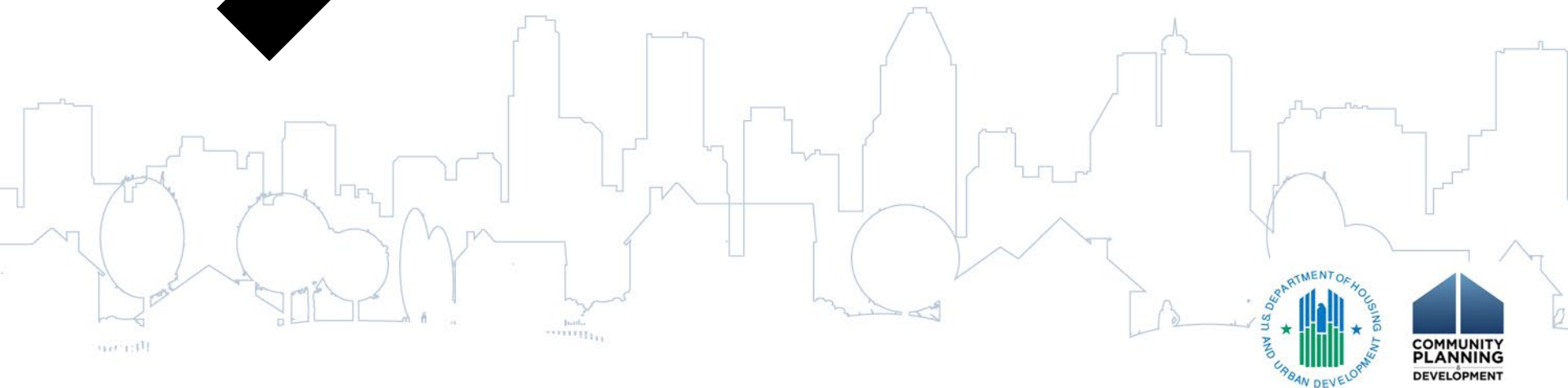
Topic	Date and Time
Understanding VAWA This session will provide CoCs and ESG recipients an overview of VAWA and the 2022 Reauthorization.	August 10, 2023 1:00-2:30 pm EDT
VAWA Emergency Transfers This session will provide in-depth knowledge for CoCs and ESG recipients about developing an Emergency Transfer Plan (ETP) as required by VAWA.	August 17, 2023 1:00-2:30 pm EDT
Community Conversations: VAWA in practice This session will feature a panel of VAWA experts and community leaders discussing all aspects of VAWA implementation for CoCs and CoC/ESG recipients.	August 31, 2023 1:00-2:30 pm EDT

[Click here to visit the webinar series page on the HUD Exchange](#)





VAWA and Homeless Services



Violence Against Women Act (VAWA)

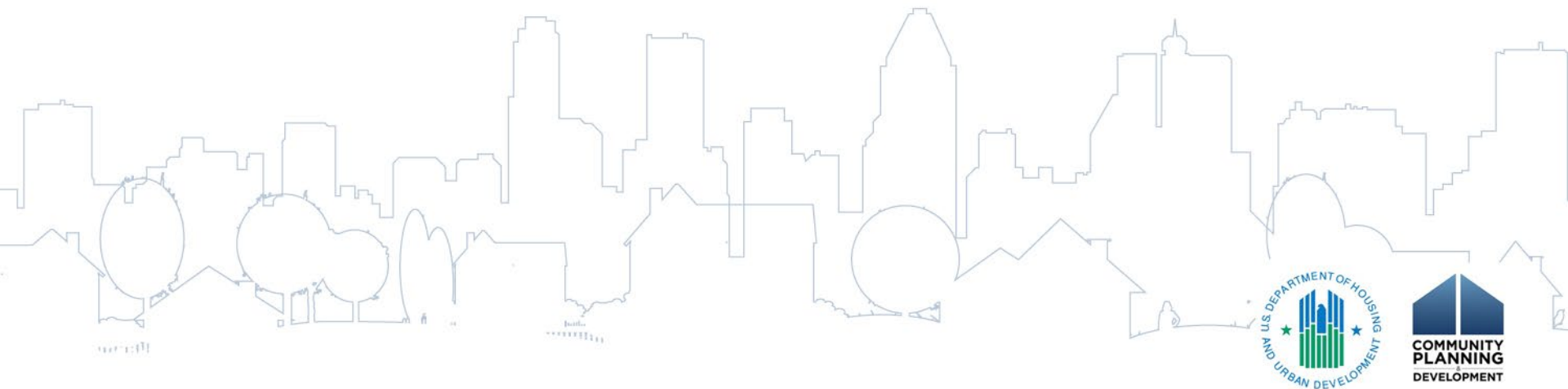
The Violence Against
Women Act (VAWA)

VAWA
housing
protections



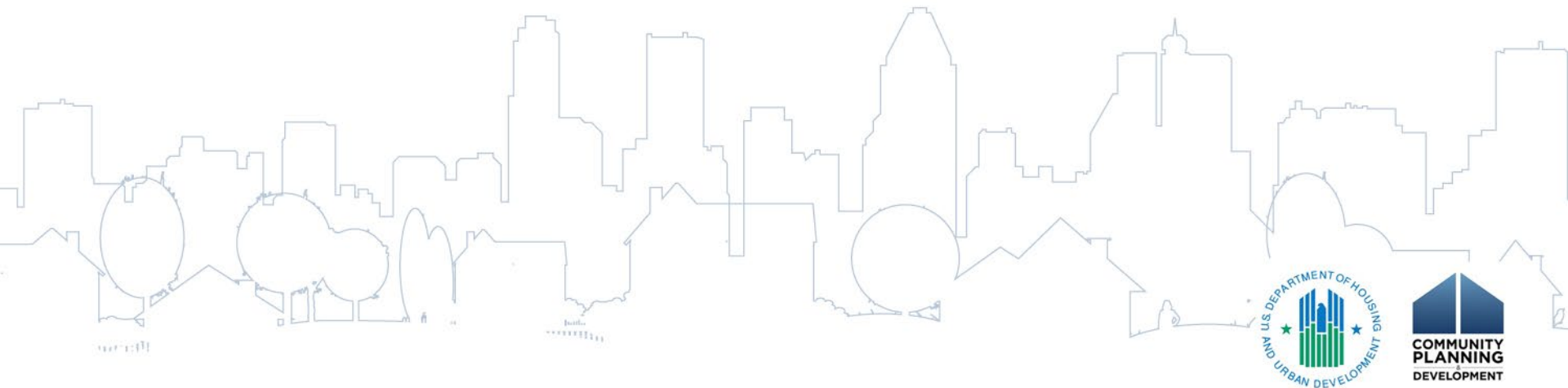
VAWA and Homeless Services

Why do we talk about **VAWA**
and **domestic violence** in
homeless services?



VAWA and Homeless Services

VAWA requirements apply to **all CoCs**, to **CoC recipients** and subrecipients, and to **ESG recipients*** and subrecipients



Domestic Violence and Homeless Services

44%

of cities identified domestic violence as the *primary cause* of homelessness

More than
90%

of women experiencing homelessness have experienced severe physical or sexual abuse

38%

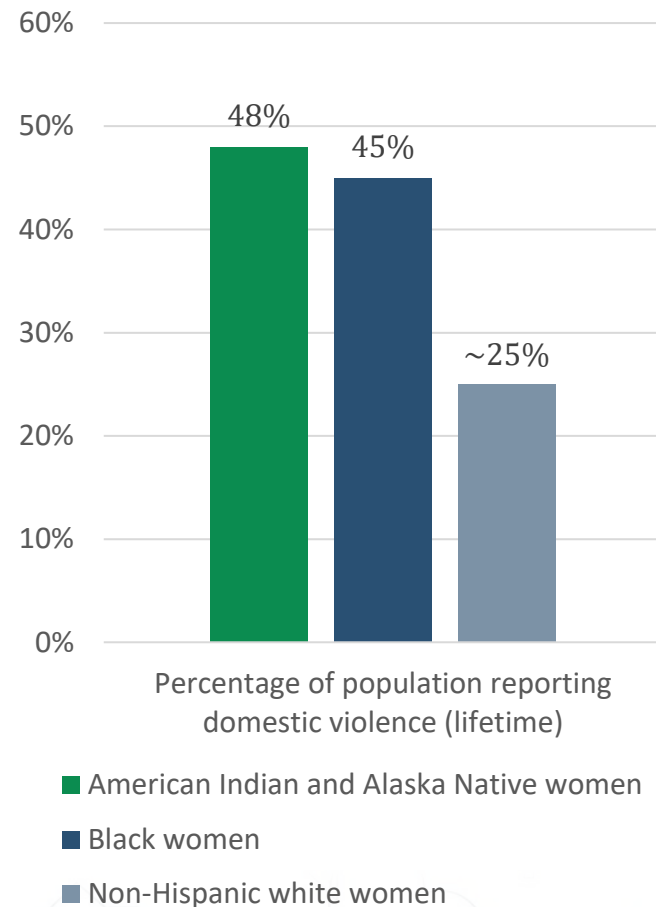
of all domestic violence survivors experience homelessness

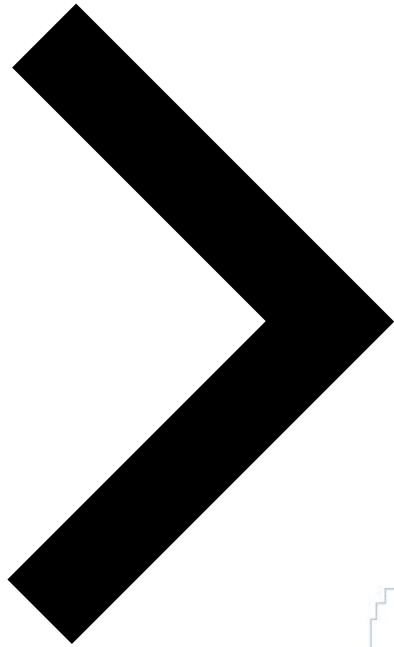


VAWA Housing Protections and Building Trust

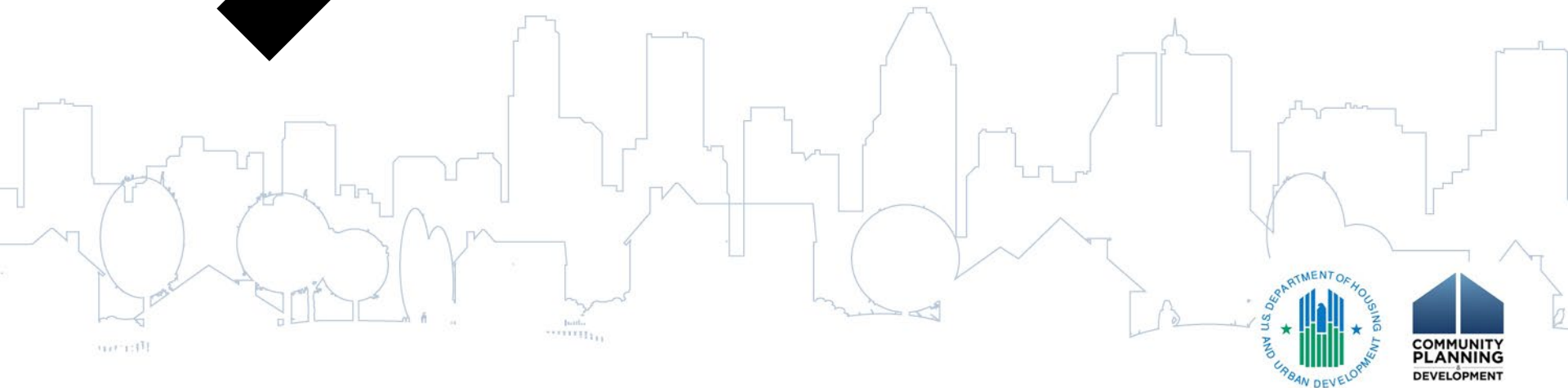
VAWA housing protections **foster trust**, especially among people from **marginalized populations** who are experiencing homelessness and have acute safety needs

LGBTQ+ youth are
2.2x
more likely to experience homelessness





Emergency Transfer Plan: Definitions and Requirements



Definitions

Covered Housing Providers: CoC

- Rapid Re-Housing
- Transitional Housing
- Permanent Supportive Housing

Covered Housing Providers: ESG

- Homelessness Prevention
- Rapid Re-Housing



Definitions

Emergency Transfer Plan

- An Emergency Transfer Plan (ETP) is a process for transferring a tenant in CoC- or ESG-funded housing to a new, safe housing unit if their current housing has become unsafe because:
 - The tenant reasonably believes there is a threat of imminent harm from further violence if they remain in their current housing; OR
 - In the case of a tenant who is a victim of sexual assault: either they reasonably believe there is a threat of imminent harm from further violence if they remain in their current housing OR the sexual assault occurred on the premises of their current housing during the 90-calendar-day period preceding the date of their transfer request



Definitions

Victim of Domestic Violence

- This slide and others use the term “victim of domestic violence,” which reflects the language in VAWA, the HEARTH Act, and the CoC and ESG Program interim rules
- Many service providers, advocates, and victims of domestic violence instead use the term “survivor of domestic violence”
- Both terms have different, sometimes overlapping uses: generally,
 - “Victim” refers to someone who has recently experienced domestic violence; it’s also commonly used in reference to a crime or the criminal justice system
 - “Survivor” refers to someone who is going through the domestic violence recovery process, including from the long-term impacts of domestic violence

Further information about these terms is available through the Sexual Assault Kit Initiative (SAKI): [“Victim or Survivor: Terminology from Investigation Through Prosecution”](#)



Definitions

Safe Unit

- Per 24 CFR 5.2005: “a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe”
- Not constrained by anyone else’s opinion about what is or is not ‘safe’
- Not constrained by geography:
 - *For ESG:* may be within or outside the ESG subrecipient’s service area, the ESG recipient’s geography, or even outside the state
 - *For CoC:* may be within or outside the CoC recipient/subrecipient’s service area, the CoC’s geography, or even outside the state



Definitions

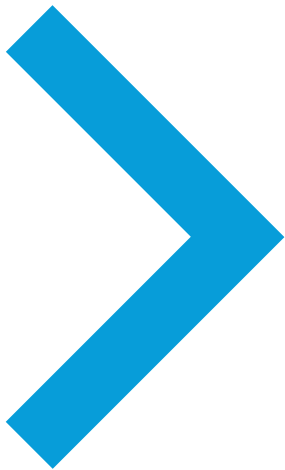
Internal emergency transfer

- Emergency relocation of a tenant to another unit where they would not be categorized as a new applicant
- In effect: the tenant may reside in the new unit without undergoing an application process
- Offered if an internal unit is immediately available AND if an internal unit becomes available later

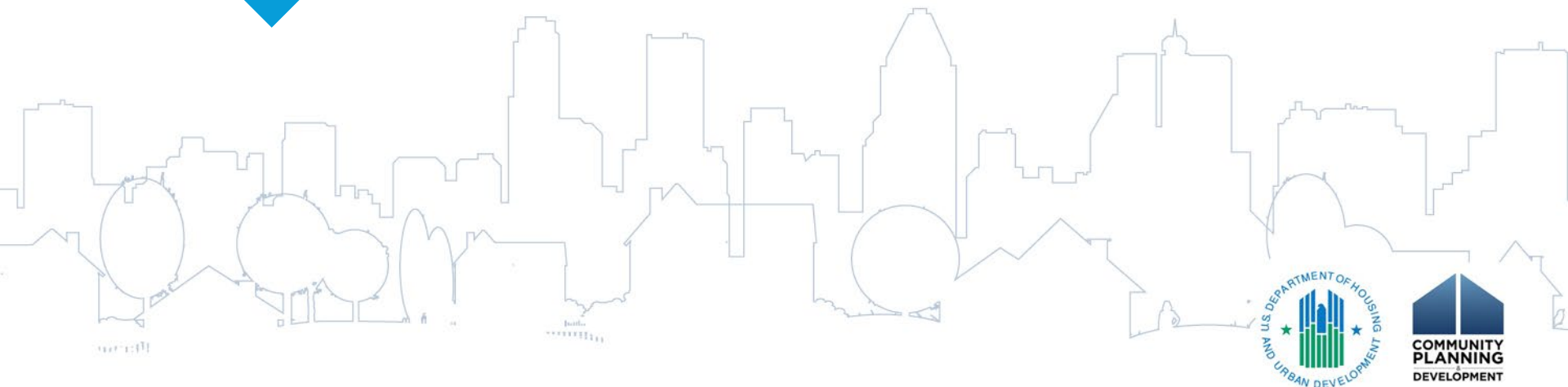
External emergency transfer

- Emergency relocation of a tenant to another unit where they would be categorized as a new applicant
- In effect: the tenant must undergo an application process for the new unit
- Offered if an internal unit is not immediately available





ETPs **must** be available for
review on request and **should**
be available to the public
where feasible



Requesting an Emergency Transfer: Process

A tenant in a CoC or ESG
covered housing provider
program requests a transfer

and

The tenant
believes there
is threat of
imminent
harm

or







The tenant
was sexually
assaulted on
the premises
within the last
90 days



Requesting an Emergency Transfer: Prohibited Considerations

Providers are **prohibited** from considering anything other than a tenant's eligibility (per the previous slide) when processing an emergency transfer request.

Common examples of **prohibited considerations** include:

-  Gender
-  Mental health
-  Family size/configuration
-  Age
-  Race or ethnicity
-  Perceived reliability



Requesting an Emergency Transfer: Tenant Process & Documentation

Requesting the transfer

- The tenant must expressly request the transfer
- Transfer requests are often made in writing, but it isn't a statutory requirement
- CoCs may choose to require transfers requests in writing or offer a more flexible approach

Requests must be documented

- Recipients must document both request and outcome
- Outcomes must be reported annually to HUD
- Records must be maintained for at least 3 years



Requesting an Emergency Transfer: Allowable Documentation Requirements

ETPs
may...

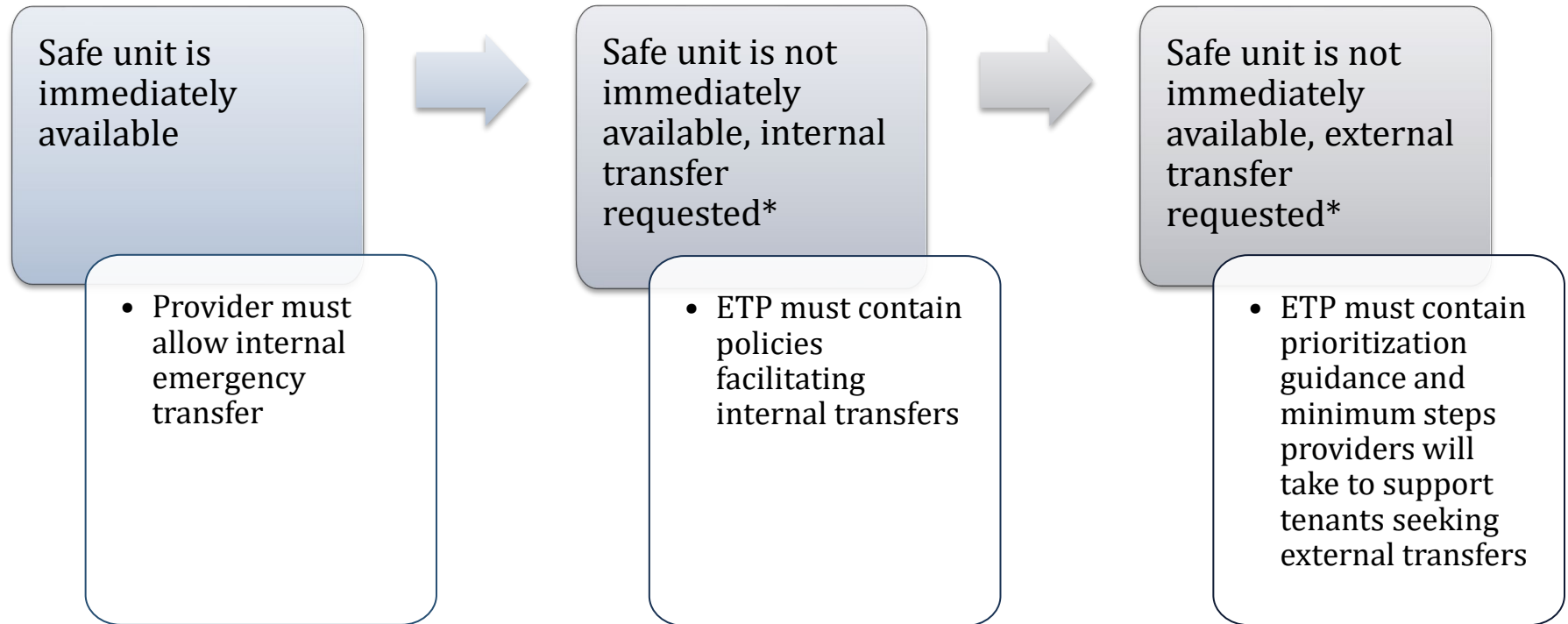
- Require written self-certification from the survivor to document eligibility for an emergency transfer.

Providers
may...

- Choose to ask survivors for documentation of the incident IF the survivor has not already provided this documentation



Completing an Emergency Transfer: Process Flow

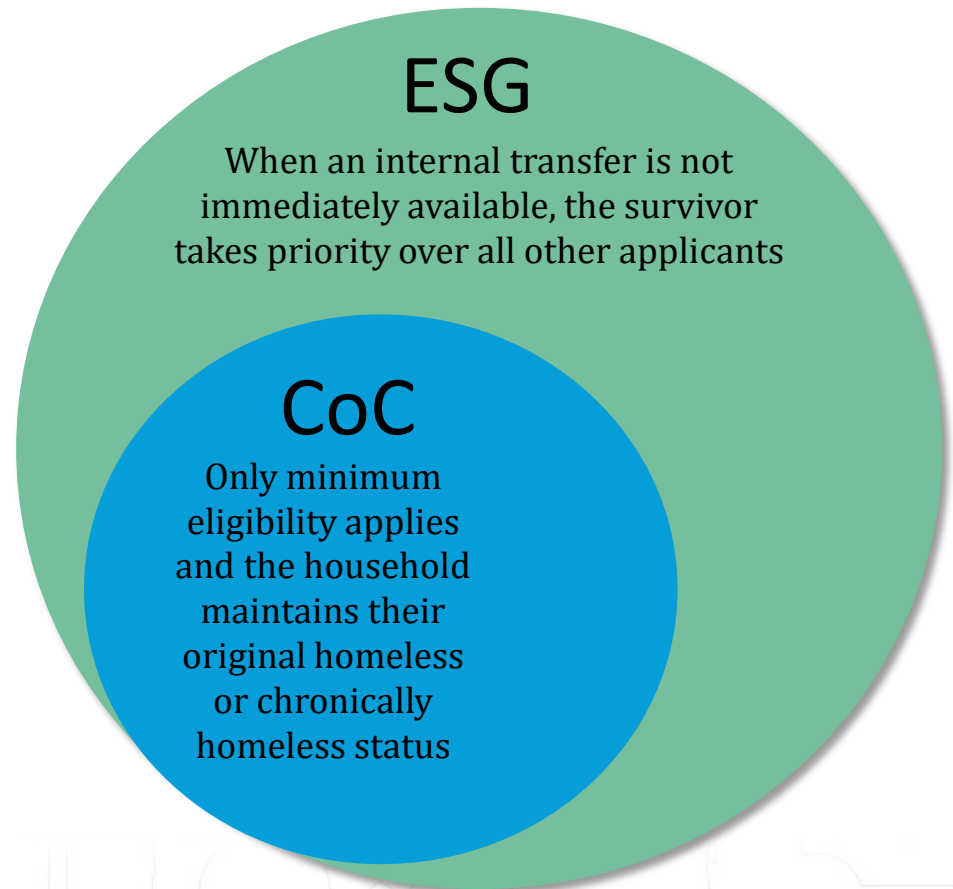


Completing an Emergency Transfer: Prioritization

All emergency transfer plans must explicitly **describe the prioritization of survivors** receiving transfers with respect to others still waiting for units

Internal transfers must receive, at minimum, **any additional priority** given to other emergency transfer types

Other Federal funding sources have additional recommendations and/or requirements for ETP prioritization



Completing an Emergency Transfer: Prioritization (cont'd)

If a safe unit is not immediately available, the participant **must have priority** over all other applicants for **all** of the following:

- ESG-funded rental assistance under rapid re-housing and homelessness prevention
- CoC-funded rapid re-housing
- CoC-funded transitional housing
- CoC-funded permanent supportive housing

Participants must meet all of the following criteria to receive priority for and admission to a given project:



All eligibility criteria required by Federal law or HUD NOFA/NOFO



Any additional criteria or preferences established under 24 CFR 579.93(b)(1, 4, 6, 7)



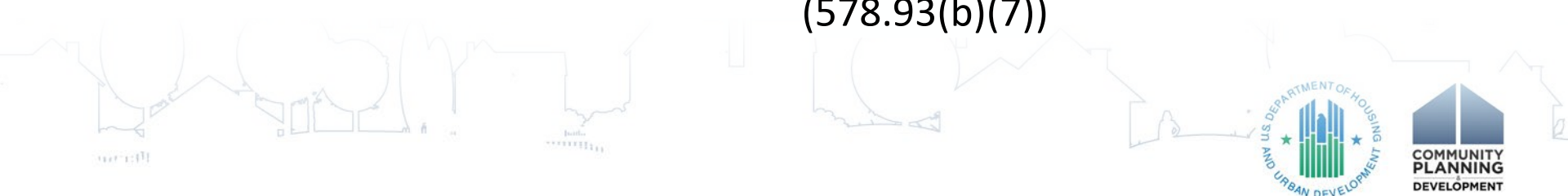
Completing an Emergency Transfer: Criteria and Preferences Under 24 CFR 578.93(b)

Housing may be limited to one sex if the housing is a single structure AND it has shared bedrooms or bathing facilities that make it appropriate for housing to be limited (578.93(b)(1))

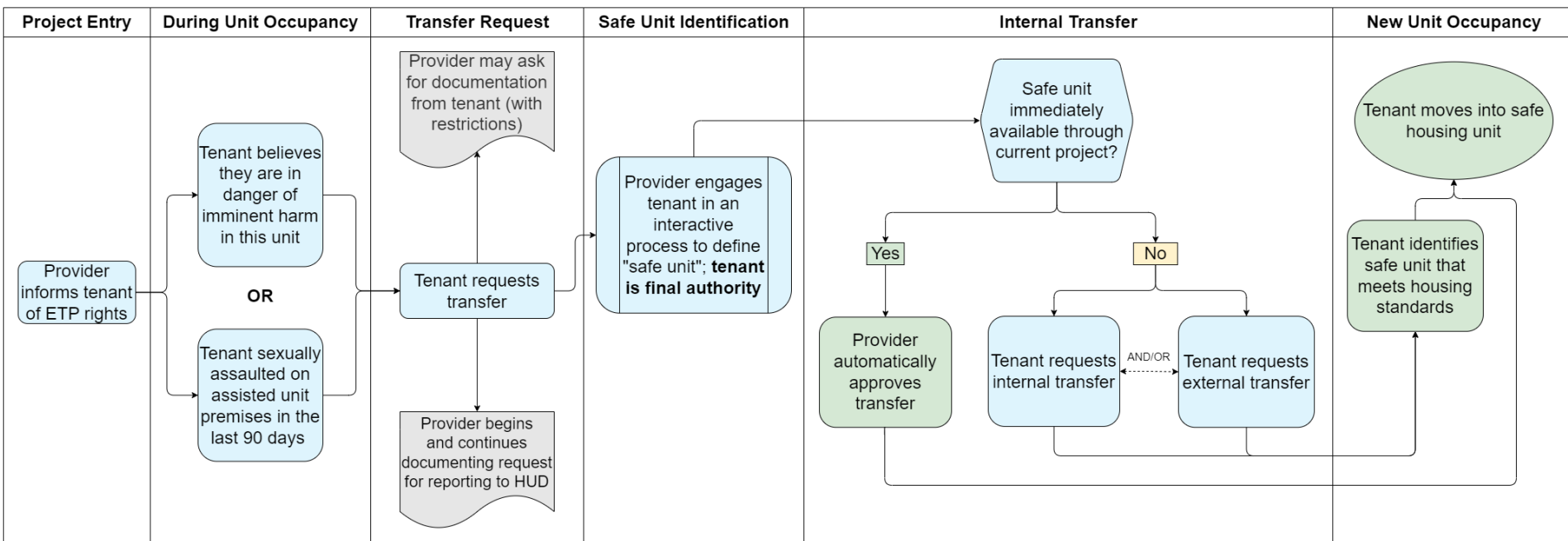
Housing with at least one family with a child under 18 may exclude registered sex offenders and people with a criminal record that includes a violent crime (578.93(b)(4))

Housing assisted under a Federal program that is limited to a specific subpopulation (e.g. HOPWA for people living with AIDS), housing may be limited to that subpopulation (578.93(b)(6))

Housing may be limited to an approved subpopulation that needs specialized services (e.g. substance use disorder treatment); some restrictions apply regarding projects designed to serve people with specific disabilities (578.93(b)(7))

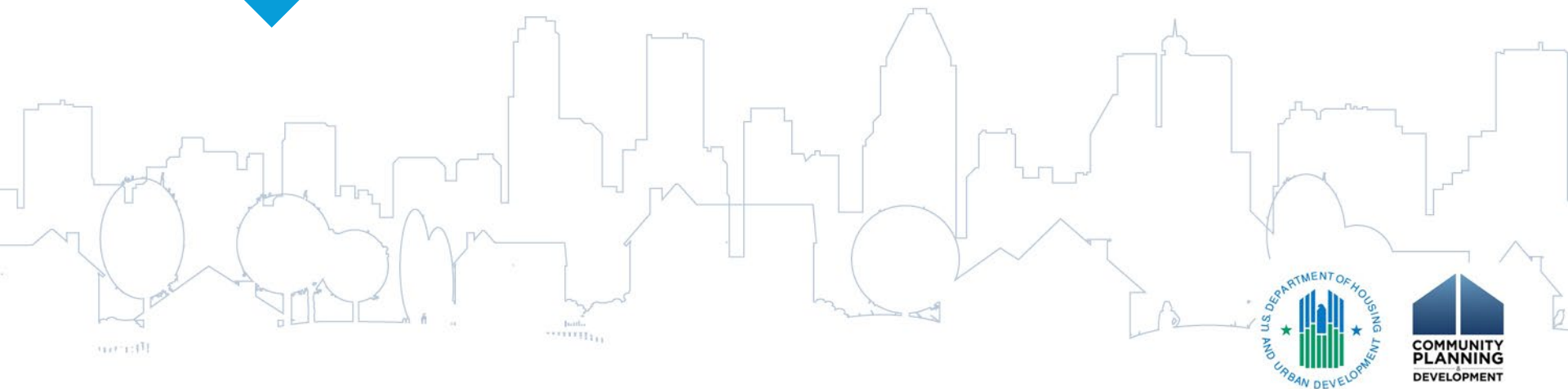


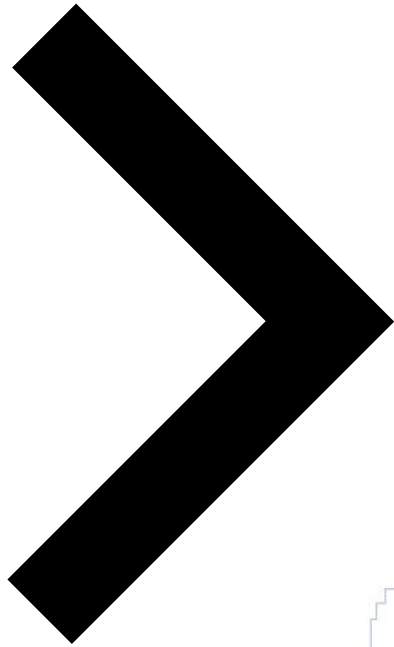
Completing an Emergency Transfer: Process Flow



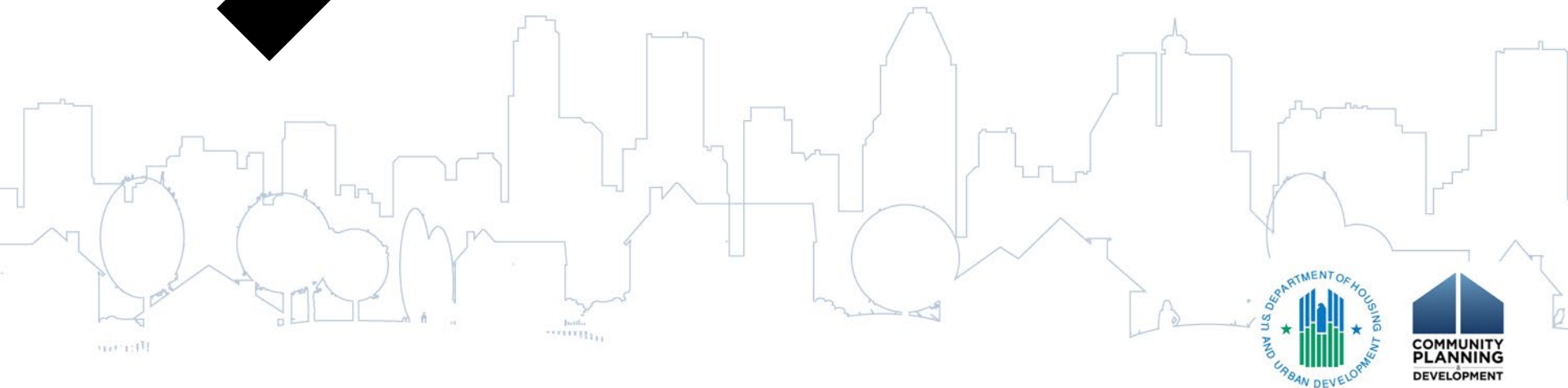


Emergency transfer plans must incorporate **strict confidentiality measures** to ensure survivor information is protected from access by their abuser



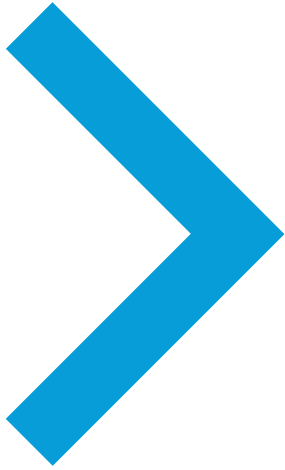


Emergency Transfer Plan: Implementation

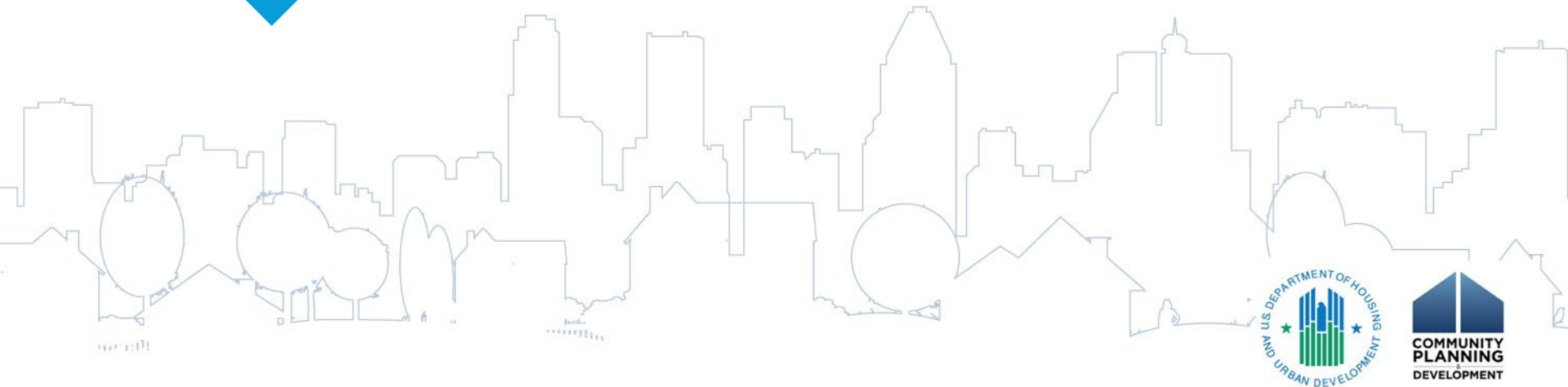


Implementation: Key Considerations





Every community has unique needs and strengths—which means every community needs a **customized emergency transfer plan**



Implementation: Local Needs

ETPs are not one-size-fits-all. Communities need to develop ETPs that **meet their needs** and **incorporate their strengths**.

Communities also need to ensure their ETPs are **advertised** to participants and **understood** by service providers. A high-quality design process helps accomplish both.

Essential

HUD's model ETP meets the minimum requirements under VAWA. All ETPs should begin with the model plan—but the model plan is only a starting point.

Flexible

Communities have significant discretion in designing an ETP that meets their needs. ETPs can exceed minimum requirements in a variety of ways. (More information on a later slide.)

Tailored

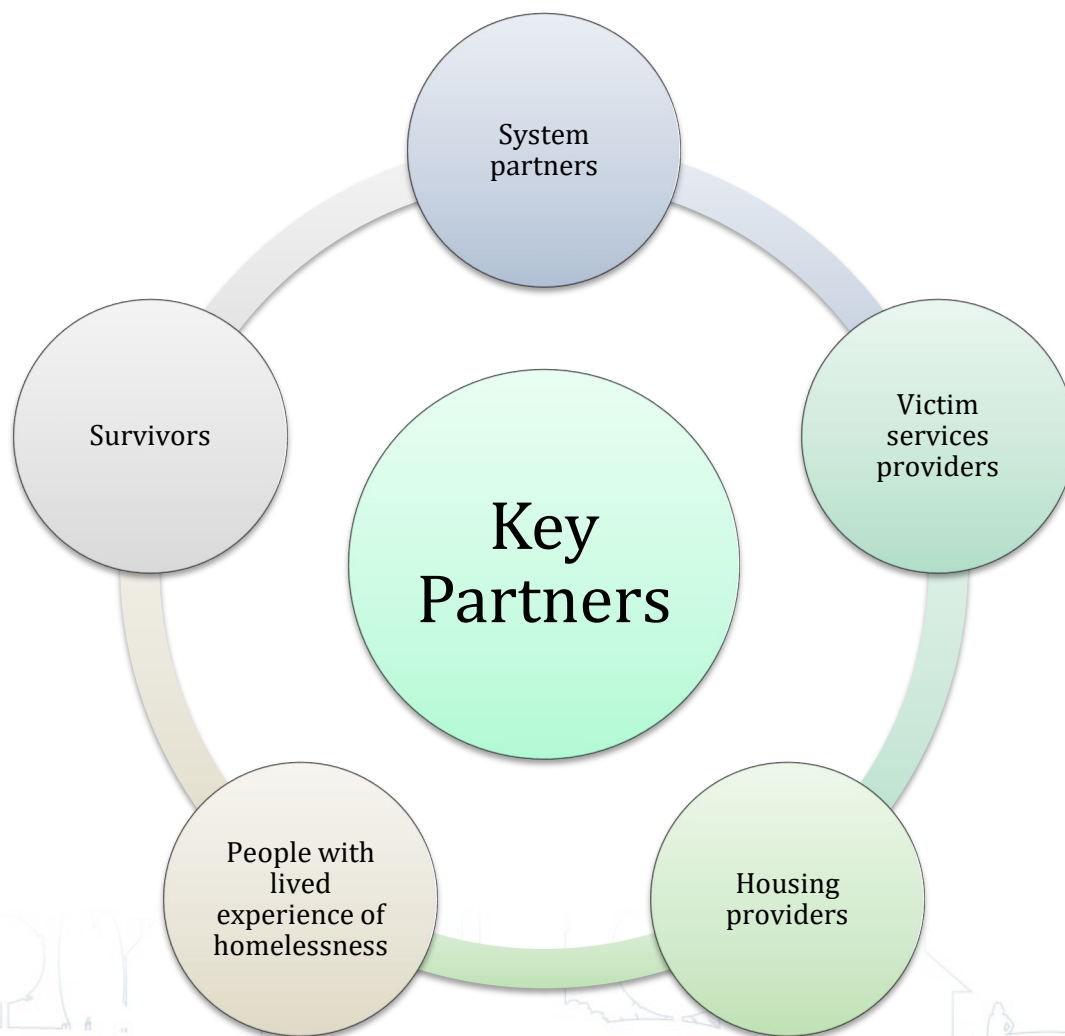
Each community's unique pattern of needs and strengths will inform its ETP design.

Shared

The process of designing an ETP as a community cultivates buy-in and builds knowledge among key players—both essential to putting an ETP into practice.



Implementation: Key Partners



Implementation: Sample Areas of Flexibility

Incorporating
other programs into
the ETP process

Defining minimum
standards for
ETP request
processing times

Requiring service
providers to engage
in safety planning as
part of ETP requests

Extending the
window for reporting
a sexual assault
beyond 90 days

Creating an external
transfer process
within the local
coordinated entry
system



Implementation:

Sample Areas of Flexibility (cont'd)

Implementing
program-to-
program transfers

Funding a provider
to manage ETP
facilitation

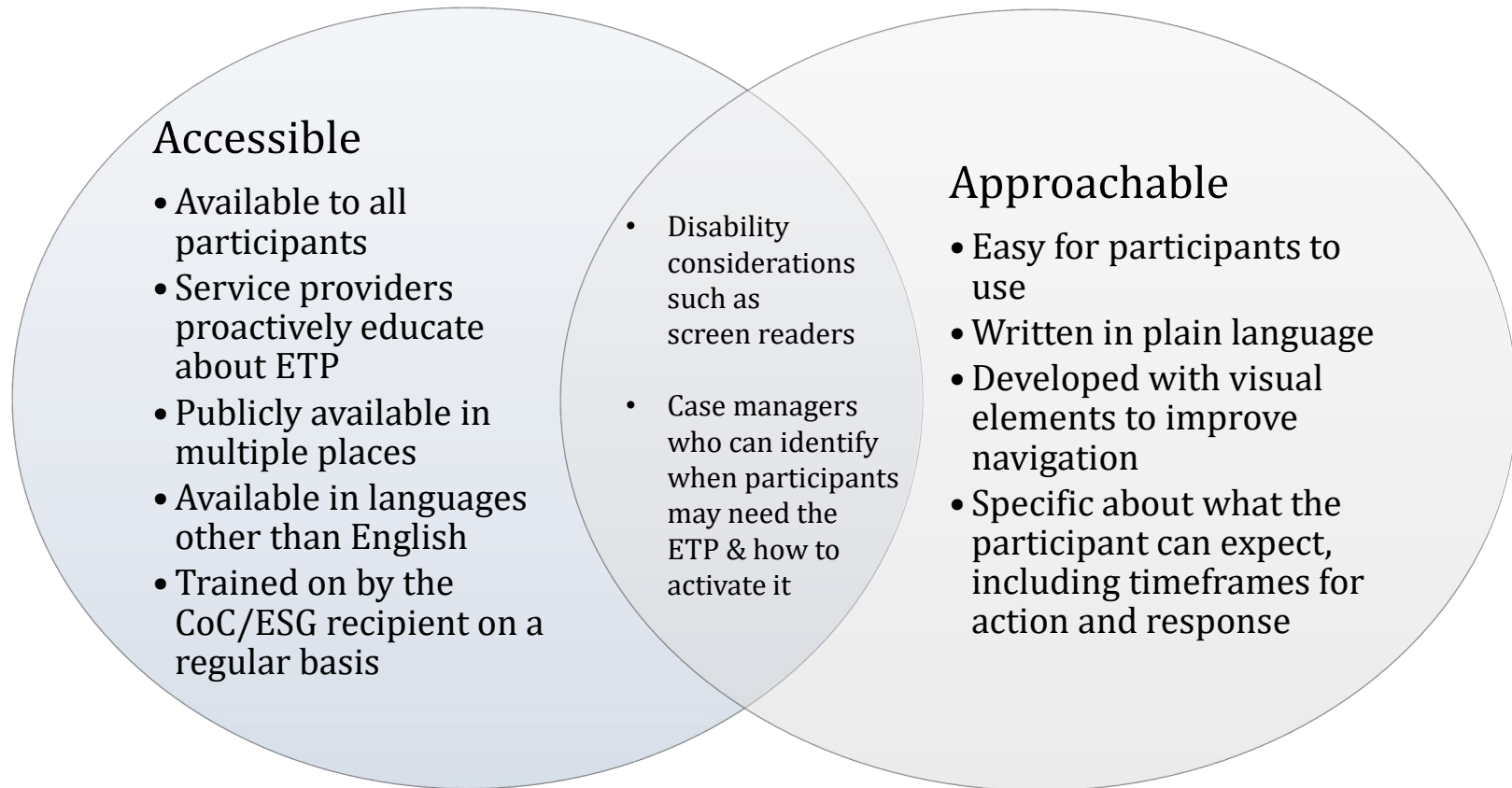
Creating an ETP
for safety concerns
other than
domestic violence

Using the ETP as
an opportunity to
right-size
assistance



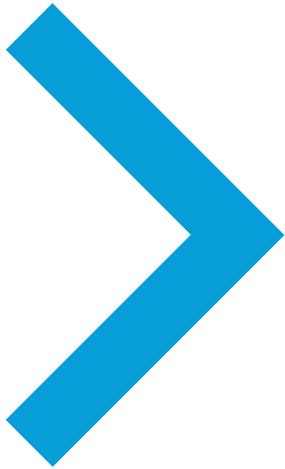
Implementation:

Sample Areas of Flexibility (cont'd)

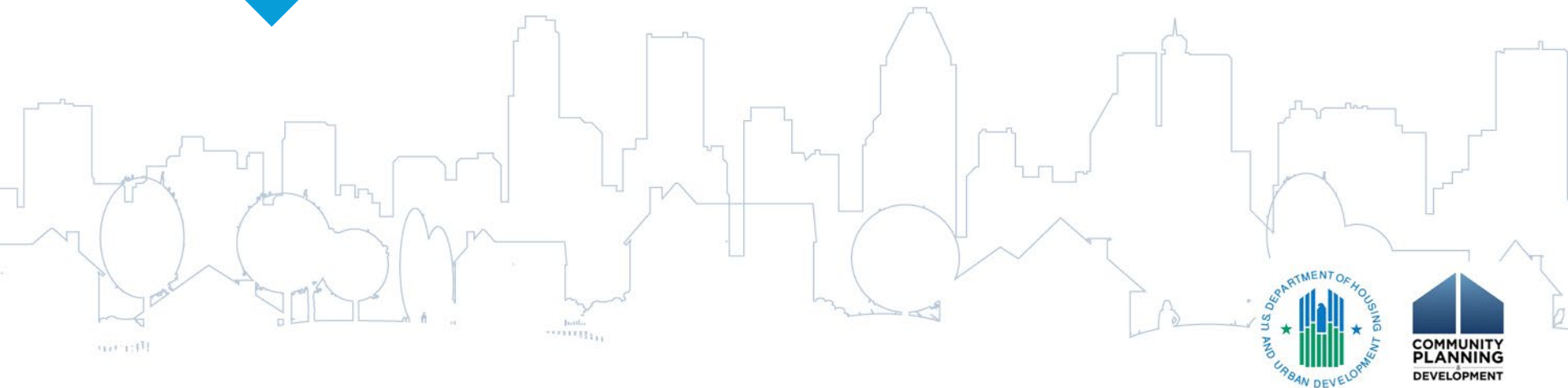


Safe housing is a human right; creating an accessible, approachable ETP is one way that CoCs and ESG recipients guarantee that right to all people experiencing homelessness





Emergency transfer plans cannot be
successfully implemented without
knowledgeable, well-trained service
providers



Implementation: Training Partners

CoC/ESG Recipient

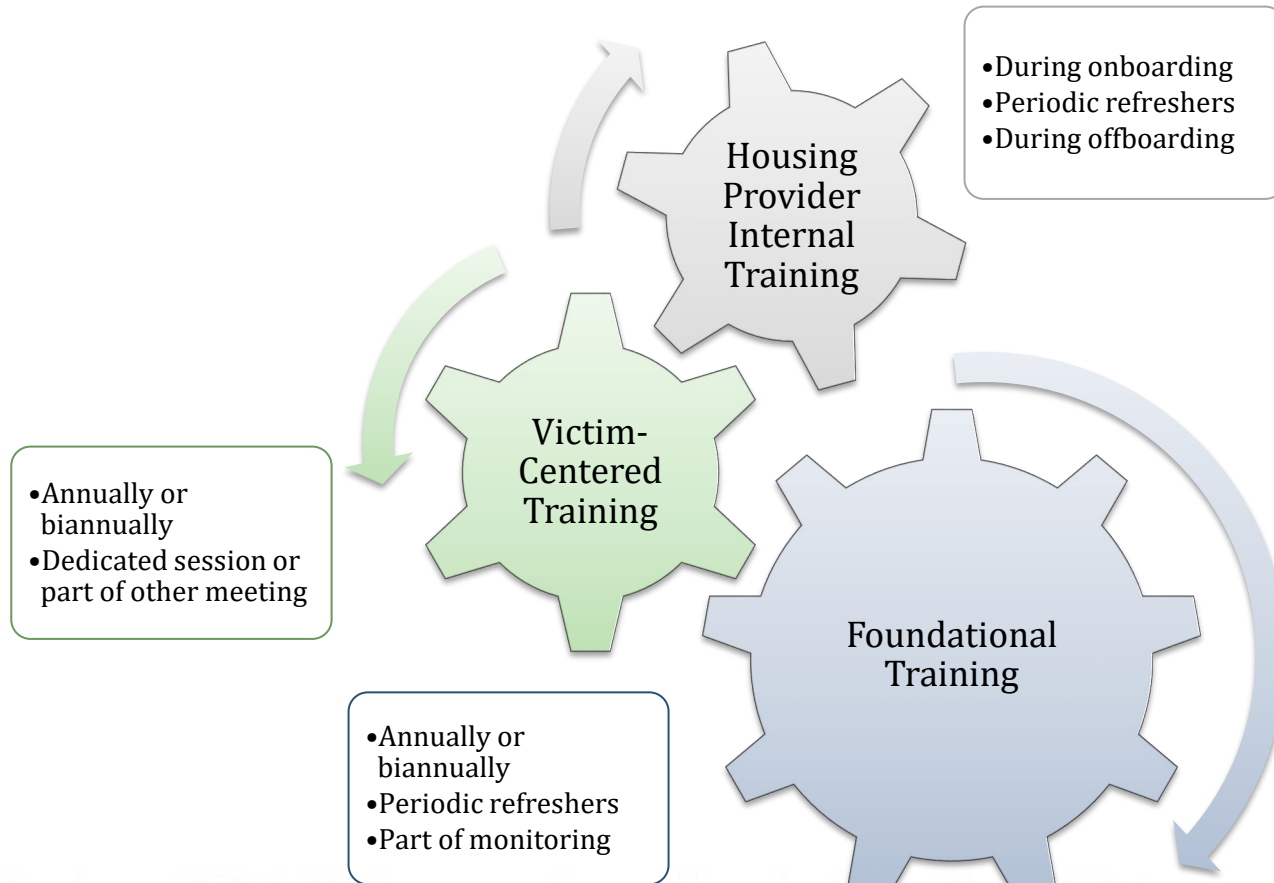
VSPs/Statewide
Coalitions Against DV

Experienced Housing
Provider Staff

All of these
**can and
should** be
partners in
the ETP
training
plan



Implementation: Training Intervals



Tracking and Reporting

Covered housing provider

Records all requests in client files and a separate dedicated location. Updates records in real time. Reports deidentified records to the CoC/ESG recipient during grant closeout via APR, CAPER, etc.

CoC/ESG recipient

Collects records throughout the year. Compiles a report, including context, at the end of the calendar year. Reports to HUD during the year-end and monitoring processes.

HUD

Reviews year-end reports during the monitoring process. Provides feedback as appropriate.

Under VAWA 2022: HUD will eventually require # of transfers requested, # granted, and length of time needed to process transfers.

Providers may fill multiple roles in this system; for example, housing providers might also have monitoring and compliance requirements



Paying for Emergency Transfer Plan Costs: Continuum of Care

CoC Planning

- Developing an ETP
- Training CoC members on implementing ETP requirements
- Developing an ETP outcome tracking and reporting process
- Monitoring ETP requests and outcomes
- Reporting on ETP outcomes, including to CoC members and HUD

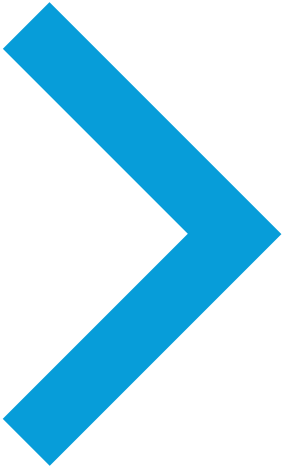
HMIS

- *For providers:* costs associated with recording and reporting on ETP outcomes via HMIS; potentially, staff costs of attending training on ETP outcome tracking and reporting
- *For HMIS Leads:* developing an ETP outcome tracking and reporting infrastructure; training providers on ETP outcome tracking and reporting; reporting on ETP outcomes

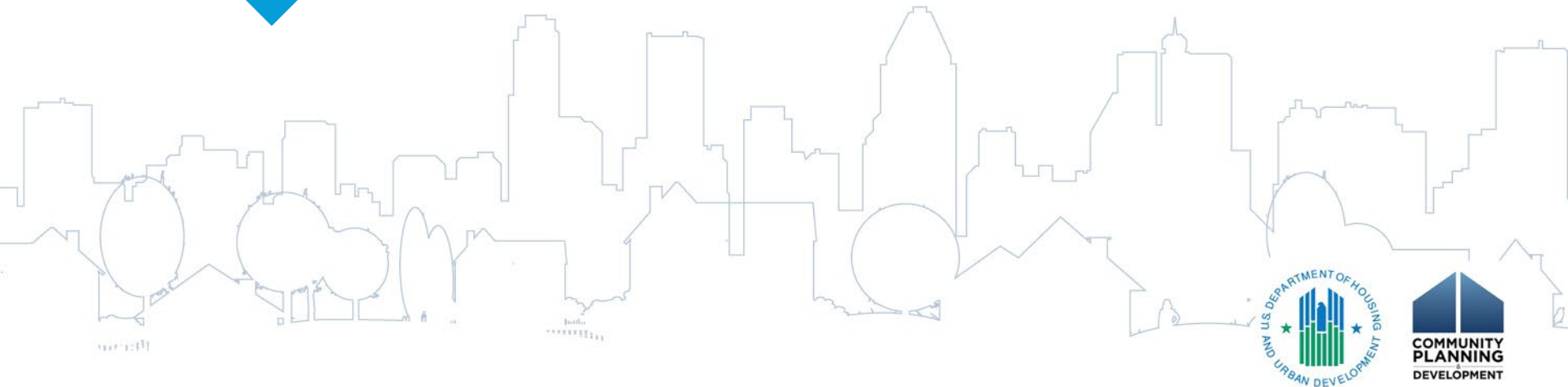
Other Budget Lines

- *Administrative costs:* monitoring and reporting on ETP requests and outcomes; potentially, staff costs of attending ETP training
- *Rental Assistance:* the cost of breaking a tenant-based rental assistance lease in response to an ETP request





VAWA 2022 adds **new eligible costs** related to VAWA implementation under the CoC Program; they include facilitating and coordinating activities related to emergency transfer plan requirements



Paying for Emergency Transfer Plan Costs: Emergency Solutions Grant

Administrative Activities

- Developing an ETP
- Training ESG subrecipients on implementing ETP requirements
- Developing an ETP outcome tracking and reporting process
- Monitoring ETP requests and outcomes
- Reporting on ETP outcomes to HUD
- Potentially, staff costs of attending ETP training

HMIS

- *For providers:* costs associated with recording and reporting on ETP outcomes via HMIS; potentially, staff costs of attending training on ETP outcome tracking and reporting
- *For HMIS Leads:* developing an ETP outcome tracking and reporting infrastructure; training providers on ETP outcome tracking and reporting; reporting on ETP outcomes

Housing Relocation & Stabilization Services

- *For participants receiving short- to medium-term rental assistance under ESG Homelessness Prevention or Rapid Re-Housing:* the cost of breaking a lease in response to an ETP request; these costs are not subject to the 24-month limit on rental assistance





Safety Planning

Rates of domestic violence victimization are high in homeless populations, and many victims experiencing homelessness either choose not to disclose (or do not recognize) incidents of domestic violence. CoCs and ESG recipients have a significant incentive to offer safety planning to every participant as part of ongoing case management. Safety planning is an essential part of ensuring every participant has access to safe housing.



Links and Further Reading

HUD's Model Transfer Plan for Victims of Domestic Violence:

<https://www.hud.gov/sites/documents/5381.docx>

Title 24 Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, ETP section: <https://www.ecfr.gov/current/title-24/part-5/section-5.2005>

VAWA ETP requirements: 24 CFR § 5.2005(e)

Continuum of Care Program interim rule: <https://www.ecfr.gov/current/title-24/subtitle-B/chapter-V/subchapter-C/part-578>

CoC ETP requirements: 24 CFR § 578.99(j)(8)

Emergency Solutions Grant Program interim rule: <https://www.ecfr.gov/current/title-24/subtitle-B/chapter-V/subchapter-C/part-576>

ESG ETP requirements: 24 CFR § 578.99(j)(8)

Contact information:

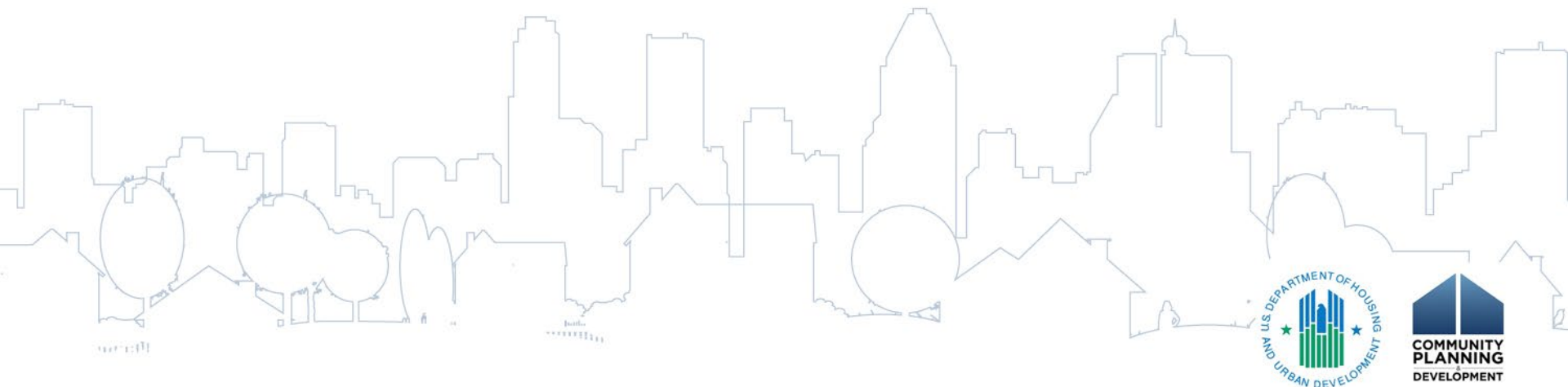
...for CoCs ([click here](#))

...for ESG recipients ([click here](#))

...for state coalitions against domestic violence: <https://ncadv.org/state-coalitions>



Questions and Answers



Additional Information

For additional information and questions about VAWA requirements and housing protections under the CoC and ESG programs, please [submit a request using the HUD Exchange's Ask a Question portal](#)

