

**RESIDENT SELECTION PLAN  
CAPE COD APARTMENTS  
FALMOUTH, MA**

1. Marketing and rentals will be performed in a manner which will minimize vacancy loss to the property and in conformance with the Property's Affirmative Fair Marketing Plan.
2. Upon receipt of an inquiry for housing from a prospective resident, C.A.N. Property Management Services, LLC (management) will forward to such person an application. Applications will be available; on site during regular working hours, will be sent by mail or via email. Completed applications will be accepted at the site office during normal working hours or via mail. Completed applications will not be accepted via email.
3. Upon receipt of completed application, the application will be date/time stamped, reviewed and pre-qualified, based on applicants self-certification, for income eligibility criteria indicated below. If the application is determined to be complete including signed citizenship forms, signed 9887 and copy of social security card and birth certificate, the applicant will be placed on the waiting list for either an efficiency or one-bedroom apartment. Applications will be placed on the waiting list in date order.
4. The applicant will be advised, in writing, of the preliminary acceptance of their application. Notice will include an estimated length of time the applicant can expect to wait for an apartment based on prior turnover trends at the property.
  - a. If the owner/agent does not place an applicant on the waiting list or immediately processes the application for admission, the owner/agent will promptly notify the applicant, in writing of the rejection and explain in the rejection notice;
    - i. The reason for the rejection
    - ii. Inform applicant he/she has 14-Days to respond in writing or to request a meeting to discuss the rejection
    - iii. If the applicant is disabled, the applicant may inform the owner/agent of this fact and may request the owner/agent to make reasonable accommodations in nonessential policies or practices to enable the applicant equal opportunity.
  - b. Any meeting with the applicant or review of applicant's written response will be conducted by a member of the owner/agent's staff who did not make the initial decision to reject the applicant.
  - c. If the applicant appeals the rejection, the owner/agent will give the applicant a written final decision within 5 days of the response or meeting.
  - d. The owner/agent will keep the following materials on file for at least three (3) years; application, initial rejection notice, any applicant replies, owner/agent's final response; and all interview notes and verified information on which the owner/agent based the rejection.

5. When an apartment is available, the following information will be verified; Income information (source documents (no less than 8 current and consecutive pay stubs) may be used after 2 attempts and a minimum of 10 days has passed since attempting to obtain 3<sup>rd</sup> party verification of income), social security awards will be verified through the EIV System (HUD's Secure System), current and previous landlords (must current 5 years), credit references or other indicators of financial responsibility. Management will also collect prior year's W-2 and income tax forms. \*For Section 8 units; management will also collect documentation to support deductions such as; medical insurance or other medical expenses.
6. Upon completion of the application and all verifications, Management will review the application and if approved, will notify applicant and assign the next available unit.
7. If the application is disqualified on the basis of the information received, the same rejection procedures will be followed as indicated in number 4 above.
8. Management's rental policy is predicated on Equal Housing Opportunity and Title VIII of the Civil Rights Act of 1968 as amended by the Housing and Community Act of 1974. Posters evidencing this policy are posted at the on-site management office.
9. Reasons for Disqualifying an Application:

An applicant and the applicant household shall be disqualified for a unit in a HUD Administered or financed development for any of the following reasons;

- a. The applicant, or household member, has disturbed a neighbor or neighbors in a prior residence by behavior, which if repeated by a tenant in HUD administered or financed housing, would substantially interfere with the rights of other residents to peaceful enjoyment of their units.
- b. The applicant, or household member, has caused damage or destruction of property at a prior residence, and such damage or destruction of property, if repeated by tenant in HUD administered or financed development, would have a material adverse effect on the housing development or any unit in such development.
- c. The applicant, or a household member, has displayed living habits or poor housekeeping at a prior residence, and such living habits or poor housekeeping, if repeated by a tenant in HUD administered or financed housing, would pose a substantial threat to the health or safety of the resident or other residents or would adversely affect the decent, safe and sanitary condition of all or part of the housing.
- d. The applicant or household member in the past has engaged in criminal activity, or activity in violation of M.G.G. c. 151B, S4, which if repeated by a tenant in HUD administered or financed housing, would interfere with or threaten the rights of other tenants to be secure in their persons or in their property or with the rights of other tenants to the peaceful enjoyment of their units and the common areas of the housing development.

- e. The applicant or any household member who will be assuming part of the rent obligation has a history of non-payment of rent and such non-payment, if repeated by a tenant in HUD administered or financed housing would cause monetary loss; provided; however, that if the applicant or household member paid at least 50% of his/her household's monthly income for rent each month during a tenancy but was unable to pay the full rent, an eviction for non-payment of the balance shall not disqualify such individual from housing pursuant to this paragraph.
- f. The applicant or household member has a history of failure to meet material lease terms or the equivalent at one or more prior residences, and such failure if repeated by a tenant of HUD administered or financed housing, would be detrimental to the housing development or to the health, safety, security or peaceful enjoyment of residents.
- g. The applicant has failed to provide information reasonably necessary for the housing provider to process the applicant's application.
- h. The applicant has misrepresented or falsified any information required to be submitted as part of the applicant's application or a prior application submitted within the last three years, and the applicant fails to establish that the misrepresentation or falsification was unintentional.
- i. The applicant, or a household member, has directed abusive or threatening behavior which was unreasonable and unwarranted towards a management agent's employee during the application process or any prior application process within three (3) years
- j. The applicant does not intend to occupy housing, if offered, as his/her primary residence.
- k. The applicant, or household member, is a current illegal user of one or more controlled substances as defined in M.G.L. c 94Cs1. A person's illegal use or possession of a controlled substance within the preceding twelve months shall create a presumption that such person is a current illegal user of a controlled substance, but the presumption may be overcome by a convincing showing that he person has permanently ceased all illegal use of controlled substances. This disqualification of c current illegal users of controlled substances shall not apply to applicants for housing provided through treatment program for illegal users of controlled substances.
- l. Any household member has been evicted from federally assisted housing for drug related criminal activity within the last three years. The manager may admit the household if the evicted household member has successfully completed an approved, supervised drug rehabilitation program.
- m. Any household member is subject to a lifetime registration requirement under a state sex offender registration program.
- n. Other reasons for rejection include the following;
  - i. Income is over the income limits established by HUD
  - ii. Does not meet program requirements regarding age, disability, student eligibility or citizenship established by HUD
  - iii. Does not demonstrate the ability to pay rent on a timely basis
  - iv. No credit references or other verification to demonstrate the ability to make timely payments
  - v. The composition of family is too large for the unit available

- vi. Poor references from landlord(s)
- vii. There are discrepancies between information furnished and what is verified
- viii. Refusal to furnish information requested
- ix. Do not have the demonstrated ability to comply with the lease rules and regulations for the community

10. Disclosure of Income:

- a. HUD has instituted a policy in which they will check income reported by the IRS/Social Security against income reported to management at the time of recertification. If a discrepancy in reported income is found, resident(s) will be notified in writing by HUD or the Real Estate Assessment Center (REAC).

If your family receives such a letter, it will be your responsibility to provide a copy of this letter to management as outlined in the letter you receive.

- b. If the tenant disagrees with the income information in the letter, the owner is required to verify the income information in the letter that the tenant received from HUD. When there are discrepancies, owner/agent must re-certify tenants at the appropriate rent and require, where necessary, the applicable reimbursement

11. All residents must pay a minimum monthly rent of no less than \$25.00

- a. Hardship Exception: Management will waive the minimum rent requirement to any resident unable to pay due to financial hardship as outlined in HUD notice H 00-18.

12. Income Limits and Targeting:

- a. To be eligible for residency a Cape Cod Apartment's market rate units, applicant's gross income must not exceed HUD's low income limits for Barnstable County, MA.
- b. 40% of all units available each calendar year will be marketed to extremely low income applicants (30% of area median income). Manager will market units by contacting local elder services such as but not limited to the Falmouth Senior Center, and Cape Cod council on Aging for listings of possible leads. After a period of 30 days if management is unable to find a qualified extremely low income applicant, management will offer the unit to the next available applicant on the waiting list.
- c. Manager will keep records of all reasonable steps taken to find an eligible extremely low income applicant. Records will include copies of all advertisements and names and dates of all agencies contacted.
- d. Tenants will be selected from the waiting list with the following exceptions.
  - i. Manager may skip higher income applicants in order to comply with 40% extremely low-income target.
  - ii. Priority will be given to existing residents who qualify for section 8, paying more than 35% of gross income towards rent and utilities and are currently

on the subsidy waiting list. The external waiting list will be skipped to accommodate rent burdened existing residents.

- iii. Priority will be given to existing residents who have requested a larger size unit providing larger units will be offered to couples on the external waitlist first. *This applies to households that are non-section 8 (market units only).*

- e. Applicants/Residents who refuse a unit will be placed at the bottom of the waitlist only 1 time. Failure to accept a second offer will result in removal from the waitlist.

13. Student Eligibility Requirements: Eligibility restrictions have been imposed on students enrolled at institutions of higher education and seeking section 8 assistance. No Assistance shall be provided under section 8 of the 1937 Act to any individual who:

- a. Is enrolled in an institution of higher education, as defined under section 102 of the Higher Education Act or 1965;
- b. Is under 24 years of age;
- c. Is not a veteran of the United States Military;
- d. Is unmarried;
- e. Does not have a dependent child;
- f. Is not otherwise individually eligible, or has parents who, individually or jointly, are not eligible on the basis of income to receive assistance under section 8 of the 1937 act.
- g. For a student under the age of 24 who is not a veteran, is unmarried, does not have a dependent child and who is seeking section 8 assistance, section 327(a) of the Act sets up a two-part income eligibility test. Both parts of this test must be affirmatively met. That is, both the student and the student's parents (the parents individually or jointly) must be income eligible for the student to receive Section 8 assistance. If it is determined that the parents are not income eligible, the student is ineligible to receive Section 8 Assistance. If the student can demonstrate independence from his or her parent(s) the parent(s) income is not relevant. A student's independence from his or her parent's needs to be verified in determining the student's eligibility for assistance by taking into consideration all of the following:
  - i. The individual must be of legal contract age under state law;
  - ii. Reviewing and verifying previous address information to determine evidence of a separate household, the individual must have established a household separate from his or her parents or legal guardian for at least one year prior to the application for occupancy, or verifying that the student meets the U.S. Department of Education's definition of "independent student\*"
  - iii. Reviewing prior year income tax returns to verify if a parent or guardian has claimed the student as a dependent, the individual must not be claimed as a depend by parents or legal guardians pursuant to IRS regulations (except in the

student meets the Department of Education's definition of "independent student"\* , and

- iv. Verifying income provided by the parent by requiring a written certification from the individual providing the support. Certification is also required if the parent is providing no support to the student. Financial assistance that is provided by persons not living in the unit is part of annual income.

\*Note that the definition of "independent Student" utilized by the Department of Education reads:..."a student must meet one or more of the following criteria;(a) Be at least 24 years old by December 3 of the award year for which aid is sought; (b) Be an orphan or ward of the court through the age of 18; (c) Be a veteran of the U.S. Armed Forces; (d) Have legal dependents other than a spouse (for example, dependent children or an elderly dependent parent); (E) Be a graduate or a professional student; or, (f) be married."

Financial assistance received in excess of amounts for tuition is to be counted as annual income to the student, unless the student is over the age of 23 and has dependent children. Loans are not considered financial assistance for the purpose of determining annual income. If the student is not income eligible when financial aid in excess of tuition is included in annual income, the student may not receive Section 8 assistance.

#### **EIV UPDATE TO RESIDENT SELECTION PLAN:**

HUD has developed and implemented the Upfront Income Verification (UIV) system, now known as the EIV System. The EIV System serves as a central repository and source for income and benefit data, securely accessible over the internet, for use by Public Housing Authorities (PHA's) and Owner/Agents to improve the accuracy of rent and income determinations.

Management will be accessing EIV to run the **Existing Tenant Search** for all applicant household members during the processing of the rental application. This report will determine if the applicant or any applicant household member(s) are currently residing at another Multifamily Housing or Public and Indian Housing (PIH) location. If the applicant or a member of the applicant's household is residing at another location, we will discuss this with the applicant, giving the applicant the opportunity to explain any circumstances relative to his/her being assisted at another location. This may be the case where the applicant wants to move from his/her existing location or where two assisted families share custody of a minor child.

Depending on the outcome of the discussion with the applicant, we may need to follow-up with the respective PHA or Owner/Agent to confirm the individual's program participation status before admission. The report gives Management the ability to coordinate move-out and move-in dates with the PHA or Owner/Agent of the property.

Management does not need a form HUD-9887, Notice of Consent for the Release of Information, signed by the applicant or applicant family members on file in order to use the **Existing Tenant Search** in EIV.

## Addendum to the Tenant Selection Plan

This Addendum implements the Violence Against Women and Justice Department Reauthorization Act of 2005 (VAWA) for the Multifamily Project-Based Section 8 Housing Assistance Payments Program. The VAWA provides legal protections to victims of domestic violence, dating violence or stalking. These protections prohibit Owners/Agents from evicting or terminating assistance from individuals being assisted under a project based Section 8 program if the asserted grounds for such action is an instance of domestic violence, dating violence or stalking.

### APPLICABILITY

This Addendum is applicable to all project-based Section 8 programs under the United States Housing Act of 1937 (42 U.S.C. 1437):

- New Construction
- State Agency Financed
- Substantial Rehabilitation
- Loan Management Set-Aside (LMSA)
- Property Disposition Set-Aside (PDSA)
- Section 202 Projects With Section 8 Assistance (Section 202/8)
- Rural Housing Section 515 Projects With Section 8 Assistance (RHS Section 515/8)

### DEFINITIONS

The following definitions are provided as assistance in understanding and implementing the VAWA protections. The definitions for domestic violence, dating violence, stalking and immediate family member have been incorporated into the United States Housing Act.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, 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.

**Dating Violence** means violence committed by a person: (A) who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) 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.

**Stalking** means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or

serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) a member of the immediate family of that person; or (iii) the spouse or intimate partner of that person.

**Immediate Family Member** means, with respect to a person: (a) a spouse, parent, brother or sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood or marriage.

**Bifurcate** means to divide a lease as a matter of law so that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.

## **PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING**

The law offers the following protections against eviction or denial of housing based on domestic violence, dating violence or stalking:

- A. An applicant's or program participant's status as a victim of domestic violence, dating violence or stalking is not a basis for denial of rental assistance or for denial of admission, if the applicant otherwise qualifies for assistance or admission.
- B. An incident or incidents of actual or threatened domestic violence, dating violence or stalking will not be construed as serious or repeated violations of the lease or other "good cause" for terminating the assistance, tenancy, or occupancy rights of a victim of abuse.
- C. Criminal activity directly related to domestic violence, dating violence or stalking, engaged in by a member of a tenant's household or any guest or other person under the tenant's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts.
- D. Assistance may be terminated or a lease "bifurcated" in order to remove an offending household member from the home. Whether or not the individual is a signatory to the lease and lawful tenant, if he/she engages in a criminal act of physical violence against family members or others, he/she stands to be evicted, removed, or have his/her occupancy rights terminated. This action is taken while allowing the victim, who is a tenant or a lawful occupant, to remain.
- E. The provisions protecting victims of domestic violence, dating violence or stalking engaged in by a member of the household, may not be construed to limit the O/A, when notified, from honoring various court orders issued to either protect the victim or address the distribution of property in case a family breaks up.
- F. The authority to evict or terminate assistance is not limited with respect to a victim that commits unrelated criminal activity. Furthermore, if an O/A can show an actual and imminent threat to other tenants or those employed at or providing service to the property if an unlawful tenant's residency is not terminated, then evicting a victim is an option, the VAWA notwithstanding. Ultimately, O/As may not subject victims to more demanding standards than other tenants.



- G. The VAWA protections shall not supersede any provision of any federal, state, or local law that provides greater protection for victims of domestic violence, dating violence or stalking. The laws offering greater protection are applied in instances of domestic violence, dating violence or stalking.

### **TENANT RIGHTS AND RESPONSIBILITIES**

Tenants and family members of tenants who are victims of domestic violence, dating violence or stalking are protected by the VAWA from being evicted or from housing assistance being terminated because of the acts of violence against them.

If requested, tenants are required to submit to Management a completed Certification of Domestic Violence, Dating Violence or Stalking, Form HUD-91066, or other supporting documentation within 14 business days of the management's request, or any extension of that date provided by the management. If the certification or other supporting documentation is not provided within the specified timeframe, the landlord may begin eviction proceedings.

Other Supporting Document in lieu of or in addition to HUD 91066 may include:

- ◆ federal, state, tribal, territorial, or local police record or court record or
- ◆ documentation signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the victim has sought assistance in addressing domestic violence, dating violence or stalking or the effects of the abuse. The signatory attests under penalty of perjury (28 U.S.C. §1746) to his/her belief that the incident in question represents bona fide abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

If the tenant has sought assistance in addressing domestic violence, dating violence or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the tenant may submit written proof of this outreach.

Note: It is possible for someone lawfully occupying the unit, who is also a victim, to be evicted or removed from the home. If the victim commits separate criminal activity, a landlord may evict them for engaging in crime. Furthermore, if a victim poses "an actual and imminent threat to other tenants or those employed at or providing service to the property," they could be evicted, despite the VAWA. Of paramount consideration within the VAWA is that the landlord may not hold the victim to a more demanding standard than other tenants.

**Cape Cod Apartments, Inc.**

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

**Emergency Transfers**

**Cape Cod Apartments, Inc. (acronym HP for purposes of this model plan)** 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),<sup>1</sup> HP 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.<sup>2</sup> The ability of HP 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 HP 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

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

<sup>2</sup> Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that **Cape Cod Apartments** 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 HP's management office and submit a written request for a transfer to Cape Cod Apartments 62 Locust Street, Falmouth, MA. 02540 HP 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 HP'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.

**Confidentiality**

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP 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 HP'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**

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

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP 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, HP 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 plan.

### **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>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING 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, legal assistance provider, pastoral counselor, 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) \_\_\_\_\_

**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, an attorney, or medical professional, or a mental health 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): \_\_\_\_\_

10. Location of incident(s): \_\_\_\_\_

<p>In your own words, briefly describe the incident(s):</p> <p>_____</p> <p>_____</p> <p>_____</p> <p>_____</p>
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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.