



Violence Against Women Act (VAWA) FASTForms Description 7/2018

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Thank you for your consideration.

Modifying the VAWA Policy and Associated Forms

PLEASE NOTE: These sample documents have been created in Microsoft Word or Microsoft Excel. The VAWA Policy Template include references to HUD guidance. We used HH 4350.3 R1, C4, HUD’s Monthly Activity Transmission (MAT) Guide, HUD’s RHIIP ListServ and various memos and Notices to create these documents.

The Policy Template and supporting forms included on the CD must be carefully reviewed and edited before they are “finalized” and implemented in your own policies and procedures. We have chosen the most common options indicated by our customers, but smoking policies, pet policies and resident screening may vary from owner/agent to owner/agent. The Policy Templates and supporting forms include notes about options. These notes are in blue and start with “(Note from RBD…)”.

Review by the owner/agent’s compliance team and legal counsel – particularly a fair housing attorney – is strongly recommended.

While the forms can be edited, you cannot save changes to the FASTForms CD. You should create a dedicated directory on your hard drive and save any changes to forms there. Be sure to use the “Save As” option and remove “Notes from RBD” from the final version of each form. The original, unedited version will remain on the VAWA FASTForms CD.

Making the Forms Fillable

Forms can be made “fillable” by following the instruction below.

Microsoft Word 2007 +

1. Click on Review
2. Click on Restrict Editing
3. Make sure there is a check next to option #2 – Allow only this type of editing in the document
4. Make sure “filling in forms” is the option selected in the drop-down menu
5. Click on “Yes, start enforcing Protection”
6. Requiring a password is optional – when prompted, you can skip this step by clicking on OK without entering a password

If you need to make edits after making the form fillable, just follow the steps above but click on the Stop Protection option

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VAWA Policy Template

VAWA Policy: Updated 7/2018. This is a sample of a simple policy describing a Violence Against Women Act policy. This conforms to instruction provided in the Final Rule published in November 2016 and to HUD HSG Notice 2017-05. This policy includes the standard policy and the VAWA Emergency Transfer Plan language. Please edit to conform with your own policies. Alternative language option was added to comply with Limited English Proficiency recommendations. Alternative language added is Spanish. Please refer to your Language Assistance Plan (LAP) to determine if other languages may be more appropriate.

HUD's VAWA Forms

HUD 5380 VAWA Notice Occupancy Rights

Link to HUDClips version: [VAWA Notice of Occupancy Rights Under the Violence Against Women Act, form HUD-5380](#)

Copy of form part of VAWA FASTForms: [HUD 5380 VAWA Notice](#)

Edited version part of VAWA FASTForms: [HUD 5380 VAWA Notice Edited](#)

Must be provided to any applicant who is rejected and to any family that moves in. Also provided with initial notice of termination of assistance, termination of tenancy or eviction. **You are NOT required to provide this form at every AR.** You will need to add your property information, program information, HUD field office information and information about local resources for victims of VAWA crimes. See HUD HSG Notice 17-05 [Violence Against Women Act \(VAWA\) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents](#) for additional guidance. **Please note: this form expired 6/30/2017. OAs should check HUDClips periodically to see if a new form has been released.**

HUD 5381 Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Link to HUDClips version: [Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking](#)

This HUD form can be used to develop your own VAWA Emergency Transfer Plan. HUD Form 5381 is not fully compliant with HUD's requirements. HUD disclosed this information in a VAWA presentation available on YouTube at <https://www.youtube.com/watch?v=FhraC7t2Cxo>. The VAWA Policy Template included on this FASTForms CD includes a comprehensive Emergency Transfer Plan. There is also a separate VAWA Emergency Transfer Plan that you can provide to applicants and residents upon request. You are not required to distribute your VAWA Emergency Transfer Plan to applicants or residents unless they ask for a copy. **Please note: this form expired 6/30/2017. OAs should check HUDClips periodically to see if a new form has been released.**

HUD 5382 VAWA Certification as a Victim

Link to HUDClips version: [VAWA Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, form HUD-5382](#)

Copy of form part of VAWA FASTForms: [HUD 5382 VAWA Cert](#)

Must be provided to any applicant who is rejected and to any family that moves in. Also provided with initial notice of termination of assistance, termination of tenancy or eviction. **You are NOT required to provide this form at every AR.** You will need to add your property information, program information, HUD field office information and information about local resources for victims of VAWA crimes. See HUD HSG Notice 17-05 [Violence Against Women Act \(VAWA\) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents](#) for additional guidance. **Please note: this form expired 6/30/2017. OAs should check HUDClips periodically to see if a new form has been released.**

HUD 5383 VAWA Emergency Transfer Request

Link to HUDClips version: [Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking](#)

Copy of form part of VAWA FASTForms: [HUD 5383 VAWA Emergency Transfer Request](#)

You are NOT required to provide this form to applicants or residents unless they request one. You will need to add your property information, program information, HUD field office information and information about local resources for victims of VAWA crimes. See HUD HSG Notice 17-05 [Violence Against Women Act \(VAWA\) Reauthorization Act of 2013 – Additional Guidance for Multifamily Owners and Management Agents](#) for additional guidance. **Please note: this form expired 6/30/2017. OAs should check HUDClips periodically to see if a new form has been released.**

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VAWA Supporting Forms

[VAWA Accommodation Request](#) Updated 7/2018. This document can be used by an applicant or resident to request a VAWA Accommodation. A VAWA Accommodation is a change to a rule or policy requested because the applicant or resident is a victim of a VAWA crime (domestic violence, dating violence, stalking or sexual assault). An example of a VAWA Accommodation requested by an applicant may be to waive credit screening because credit was negatively affected as a result of the applicant's status as a victim. An example of a VAWA Accommodation requested by a resident may be to waive the requirement to provide a 30-Day Notice to Move because a victim wishes to move away from his/her abuser.

[VAWA Interview Worksheet](#) Updated 7/2018. Owner/agents may use this form to ensure consistent practices when owner/agents are attempting to assist applicants or residents who are exercising their right to protections provided under VAWA 2013. People seeking VAWA protections should understand that they are not required to respond to these questions but doing so helps the manager understand the level of help that is necessary for the person seeking protections to live in peaceful and quiet enjoyment of their home. **Once completed, this form is maintained in the applicant/resident's VAWA file and is kept secure and separate from the applicant/resident file.**

VAWA Notices to Applicants & Residents

[VAWA Accommodation Approval](#) Updated 7/2018. This document can be used to notify an applicant or resident that a requested VAWA accommodation has been approved.

[VAWA Accommodation Request for Additional Information](#) Updated 7/2018. This document can be used to request a meeting with an applicant or resident who has requested a VAWA accommodation.

[VAWA Accommodation Denial](#) Updated 7/2018. This document can be used to notify an applicant or resident that a requested a reasonable accommodation or modification has been denied.

[VAWA Notice Requirement to Meet](#) Updated 7/2018. When VAWA protections have been invoked, this Notice is sent to remaining household members when the accused perpetrator is currently listed on the 50059 and the lease. This notice is provided after the accused perpetrator moves out of the unit. The notice is sent to the family members who remain in the unit to advise them that they must report for an interim certification/eligibility interview. Failure to participate in the meeting will result in termination of assistance or tenancy as appropriate.

[VAWA Notice Request for Certification](#) Updated 7/2018. Owner/agents must give residents three options to certify their status as a victim of a VAWA crime. When the OA requests such certification, the request must be in writing and the owner/agent must provide at least 14 days to allow the victim of the VAWA crime to provide certification.

[VAWA Notice Request for Verification – Conflicting Information](#) Updated 7/2018. If the resident/applicant has provided HUD Form 5382 – VAWA Certification as the only means of certification AND if the owner/agent's investigation results in conflicting information, the owner/agent may ask for additional information to verify the applicant/resident's status as a victim of a VAWA crime. The owner/agent must provide the victim at least 30 days to provide such verification.

[VAWA Verification – Professional Affidavit](#) Updated 7/2018. Residents/applicants who are victims of VAWA crimes have three options to certify their status as a victim of a VAWA crime. One option is *“The owner/agent will also accept a document signed and attested to by a professional (employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse.”*

Because that professional statement must contain required language, must be signed by the professional and must be signed by the applicant/resident, we have created a form that can be provided to ensure that the VAWA file contains required information.

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[VAWA Notice Applicants New VAWA Preference](#) Updated 7/2018. If you opt to provide a VAWA preference for applicants (external VAWA Emergency Transfer into the property), you must notify all applicants on the waiting list so that they may notify you if they qualify for such a preference.

[VAWA Notice Units Not In Contract](#) Added 7/2018. In some cases, an owner/agent may be managing a property that is partially subsidized. This means that some of the units include residents receiving federal housing assistance and some units are not included in housing assistance contracts. When an owner/agent wishes to extend VAWA protections to all residents, regardless of their inclusion in a federal housing program, the OA may wish to provide notification. This type of notification is not required under the Violence Against Women Reauthorization Act.

VAWA Emergency Transfer Plan Documents

[VAWA Emergency Transfer Plan Template](#) Updated 7/2018. Owner/agents must adopt an emergency transfer plan, no later than June 14, 2017 based on HUD's Model Emergency Transfer Plan. The covered housing provider must make its VAWA Emergency Transfer Plan (VET Plan) available upon request and, when feasible, must make its plan publicly available. We, at RBD, suggest that you post your VAWA Emergency Transfer Plan on the property bulletin board when appropriate. This VET and Addendum A of the VAWA Policy must match. Some owner/agents may choose not to have a separate VET Plan.

[VAWA Emergency Transfer Request](#) Updated 7/2018. This is an alternative request to the HUD Form 5383. Owner/agents may use HUD's form or may create their own form.

[VAWA Emergency Transfer Record](#) Updated 7/2018. This master record may be used to complete a summary of how each VAWA Emergency Transfer request was handled. This document is generally a summary completed after all actions have been taken. **Once completed, this form is maintained in the applicant/resident's VAWA file and is kept secure and separate from the applicant/resident file.**

[VAWA Annual VET Report](#) Updated 7/2018. Owner/agents must keep a record of all emergency transfer requested under its Emergency Transfer Plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually.

Sample Language for the TSP or the House Rules

[Fair Housing TSP & House Rules Language](#) Updated 7/2018. HUD Handbook 4350.3 R1, C4, Paragraph 4-4 states that VAWA Policies must be described in the property tenant selection plan and the property House Rules. When the instruction was published, this requirement applied to Section 8 programs only. However, subsequent Notices extend these requirements to non-Section 8 properties as well.

See HH 4350.3 R1, C4, Paragraph 4-4.

**VAWA protections: The plan, as well as House Rules where applicable, must include policies and procedures covering the VAWA protections. Owner policies must support or assist victims of domestic violence, dating violence or stalking and protect victims, as well as members of their family, from being denied housing or from losing their HUD assisted housing as a consequence of domestic violence, dating violence or stalking.*

- (a) Owners must provide notice to Section 8 tenants of their rights and obligations under VAWA.
- (b) Certification of Domestic Violence, Dating Violence or Stalking.
 - (1) Owners must provide tenants the option to complete the Certification of Domestic Violence, Dating Violence or Stalking, form HUD-91066. The certification form may be made available to all eligible families at the time of admission or, in the event of a termination or start of an eviction for cause proceeding, the certification may be enclosed with the appropriate notice, directing the family to complete, sign and return the form within fourteen (14) business days. The owner may extend this time period at his/her discretion.
 - (2) Alternately, in lieu of the certification form or in addition to it, owners may accept:
 - (i) A federal, state, tribal, territorial, or local police record or court record, or
 - (ii) Documentation signed by an employee, agent, volunteer of a victim service provider, an attorney, or medical professional from whom the victim has sought assistance in addressing domestic violence, dating violence, or stalking or, the effects of the abuse in which the professional attests

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under penalty of perjury under 28 U.S.C 1746 to the professional's belief that the incident or incidents are bona fide incidents of abuse, and the victim of domestic violence, dating violence or stalking has signed or attested to the documentation.

- (3) *Owners are not required to demand that an individual produce official documentation or physical proof of an individual's status as a victim of domestic violence, dating violence or stalking in order to receive the protections of the VAWA. Owners, at their discretion, may provide assistance to an individual based solely upon the individual's statement or other corroborating evidence. Owners are encouraged to carefully evaluate abuse claims as to avoid conducting an eviction based on false or unsubstantiated accusations.*
 - (4) *Owners should be mindful that the delivery of the certification form to the tenant via mail may place the victim at risk, e.g., the abuser may monitor the mail. Therefore, in order to mitigate risks, owners are encouraged to work with the tenant in making acceptable delivery arrangements, such as inviting them into the office to pick up the certification form or making other discreet arrangements.*
- (c) **Confidentiality of Information.**
The identity of the victim and all information provided to owners relating to the incident(s) of domestic violence, dating violence or stalking must be retained in confidence by the owner and must not be entered into any shared database or provided to a related entity, except to the extent that the disclosure is:
- (1) *Requested or consented to by the individual in writing;*
 - (2) *Required for use in an eviction proceeding; or*
 - (3) *Otherwise required by applicable law.*
- The HUD-approved certification form provides notice to the tenant of the confidentiality of the form and the limits thereof.*
- (d) **Retention of information.**
Owners must retain all documentation relating to an individual's domestic violence, dating violence or stalking in a separate file that is kept in a separate secure location from other tenant files.
- (e) **VAWA Lease Addendum.** *(Note from RBD – Currently this only applies to S8 programs)*
Owners must have tenants sign the VAWA lease addendum, form HUD-91067 (see Chapter 8 for requirements on issuance of modifications to the model lease).

After discussing many options with our customers, we have opted to create an Appendix for both the TSP and the House Rules that describes all of the Fair Housing protections including the VAWA Protections.

TSP VAWA Preference Description Updated 7/2018. Owner/agents must describe any preferences in their Tenant Selection Plan. When developing policies for the VAWA Emergency Transfer (VET), OAs should remember that there are three types of VET – 1) an internal VET, 2) an external VET out of the property and 3) an external VET into the property. For an internal VET, OAs are required to provide preference equal to any other emergency transfer. OAs are encouraged to but not required to provide a preference when an applicant requests an external VET into the property. This sample language should be modified to describe your property preferences in regards to the VET.