

To: Housing Justice Network
From: NHLP Staff
Re: Emergency Housing Vouchers FAQ and Advocacy Tips
Date: June 14, 2021, updated September 28, 2021

1. What are Emergency Housing Vouchers (EHVs) and how are they different from Section 8 Housing Choice Vouchers (HCVs)?

The American Rescue Plan of 2021 (ARP) appropriated \$ 5 billion for new incremental vouchers to assist targeted populations in leasing decent, safe, sanitary, and affordable housing.¹ Eligible PHAs will receive increased funding for vouchers and administrative and other fees.² As part of administering EHVs, PHAs must collaborate with community partners, primarily the local Continuum of Care (CoC), to identify and serve eligible families.³ Many of the rules applicable to the Housing Choice Voucher program (HCV) are also applicable to EHVs, but HUD has waived several important HCV requirements.⁴ Unlike HCVs, the PHA may not reissue the EHVs after September 30, 2023, and EHVs cannot be project-based.⁵

2. What HUD rules apply to EHVs?

All statutory and regulatory requirements of the Housing Choice Voucher Program apply to the EHVs unless expressly waived by HUD,⁶ including policies set forth in the PHA's administrative plan unless those policies conflict with other EHV operational requirements. HUD issued HUD Notice [PIH 2021-15](#), describing the process HUD used to allocate EHVs to PHAs, the operating requirements for the program, and the applicable waivers and alternative requirements that apply to EHVs. HUD has also published an [FAQ](#) that the agency updates with some frequency. You can find HUD's guidance documents on its [website](#).⁷

3. Who qualifies for the EHVs? (Updated)

Families are eligible for an EHV if they are:

- a. Homeless;⁸

¹ American Rescue Plan of 2021, Pub. L. No. 117-2, § 3202, 135 Stat. 4, ____ (2021). For eligible families and individuals, see *infra* question 3.

² HUD, Notice PIH 2021-15 11-14 (2021), <https://www.hud.gov/sites/dfiles/PIH/documents/PIH2021-15.pdf> [hereinafter "PIH 2021-15"]; HUD, Emergency Housing Vouchers Frequently Asked Questions (FAQ) v.5 21-27(2021), https://www.hud.gov/sites/dfiles/PIH/documents/EHV_FAQs09222021.pdf [hereinafter "HUD FAQ (v.5)"].

³ Eligible families include single individual households. PIH 2021-15 at 1; HUD FAQ (v.5) at 3. For more about family eligibility, see *infra* question 3.

⁴ PIH 2021-15 at 1, 8-35. For more on EHVs waivers, see *infra* questions 12-13.

⁵ PIH 2021-15 at 2,41; HUD FAQ (v.5) at 17, 18. For more about the limited time period for initially issuing EHVs, see *infra* question 6.

⁶ PIH 2021-15 at 21-40, attachment 1. For more on EHVs waivers, see *infra* questions 12-13.

⁷ *Emergency Housing Vouchers*, HUD, <https://www.hud.gov/ehv> (last visited Jun. 1, 2021).

⁸ Homeless as defined in 42 U.S.C. 11302(a) and 24 CFR 578.3. See PIH 2021-15 at 17-18; HUD FAQ (v.5) at 2-3.

- b. At Risk of Homelessness;⁹
- c. Fleeing or attempting to flee or transferring on an emergency basis due to domestic violence, dating violence, sexual assault, stalking, or human trafficking;¹⁰
- d. Recently homeless and for whom providing rental assistance will prevent the family's homelessness or having high risk of housing instability.¹¹

Families are referred to the PHA by the CoC or other partner agencies, or the PHA may make an EHV available to facilitate an emergency transfer in accordance with the PHA's emergency transfer plan.¹² The CoC or other partner agencies must determine if a referred family meets one of the four eligibility categories and must provide supporting documentation verifying the family's eligibility.¹³ Additionally, HUD's guidance requires the family to include at least one member who is 18 years old or older. A household can also qualify under the category of fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking, on behalf of a survivor who is a minor,¹⁴ so long as there is at least one other household member who is at least 18 years old (though the adult need not be a survivor themselves).

HUD also states that the regular HCV immigrant eligibility limitations apply, which would include the mixed-status rule. The mixed status rules states that so long as one person in the home, even a minor child, has eligible immigration status or is a U.S. citizen, the family may be eligible for assistance but on a prorated basis.¹⁵ Note that VAWA self-petitioners are eligible for EHV's.¹⁶

Fleeing or attempting to flee or transferring on an emergency basis due to domestic violence, dating violence, sexual assault, stalking, or human trafficking

HUD has issued additional guidance regarding the category of "fleeing or attempting to flee" domestic violence, dating violence, sexual assault, stalking, or human trafficking.

First, HUD has stated that CoCs and VSPs "may accept survivors' self-definition of 'fleeing or attempting to flee' for the purpose of meeting eligibility for [an] EHV as a person fleeing or attempting to flee

⁹ At Risk of Homelessness as defined in 42 U.S.C. 11360(1) and 24 C.F.R. 578.3. See PIH 2021-15 at 18-19; HUD FAQ (v.5) at 2.

¹⁰ See PIH 2021-15 at 19-21; HUD FAQ (v.5) at 2, 4-5

¹¹ See PIH 2021-15 at 21; HUD FAQ (v.5) at 2.

¹² HUD has waived the applicability of 24 CFR 982.204(f) to EHV's (requirement to use a single waitlist for HCV's); however, PHAs must inform families on their waitlist of the availability of EHV's. PIH 2021-15 at 25, 26, 27.

¹³ PIH 2021-15 at 16. HUD includes template certifications agencies can use to document the verification on [its EHV website](#). The emergency transfer plan (ETP) can require the survivor to provide documentation, which may consist of the survivor's own written transfer request and documentation of the VAWA crime leading to the request. For more about ETPs, see Nat'l Hous. Law Project, HUD Housing Programs: Tenants' Rights § 13.2.7 (5th ed. 2019). Advocates should advocate for the posting of the ETP at public housing sites and administrative offices, and for the ETP to be published on the PHA's website.

¹⁴ HUD FAQ (v.5) at 5.

¹⁵ PIH 2021-15 at 33-34; HUD FAQ (v.5) at 4. For more information on immigration requirements for HUD's housing programs, see Nat'l Hous. Law Project, [Immigration Requirements: Other Assistance Programs for Housing and Homelessness \(ESG, CDBG, HOME, FEMA, CRF, and ERAP\)](#) (Jan. 29, 2021).

¹⁶ HUD FAQ (v.5) at 5.

domestic violence, dating violence, sexual assault, stalking, or human trafficking.”¹⁷ This means that if a survivor self-identifies as fleeing or attempting to flee one of these forms of violence, that survivor qualifies for an EHV.¹⁸ This HUD update is important because lack of clarity regarding what it means to “flee or attempt to flee” violence had caused confusion in the field.

Second, HUD stated that the category of “fleeing or attempting to flee” violence “includes cases where a HUD-assisted tenant reasonably believes that there is a threat of imminent harm from further violence if they remain within the same dwelling unit, or in the case of sexual assault, the HUD-assisted tenant reasonably believes there is a threat of imminent harm from further violence if they remain within the same dwelling unit that they are currently occupying.”¹⁹ Additionally, this category includes cases where a sexual assault occurred on the premises within the preceding 90 days. HUD has clarified that “imminent harm” references the “tenant’s belief or fear of the threat or danger of domestic violence, dating violence, sexual assault, stalking or human trafficking based on their particular experiences and responses to violence, threats, and trauma that they will or may face if they remain in the same unit that they are currently occupying.”²⁰ This means that “imminent harm” is based on the tenant’s own belief.

4. What is a CoC?

The term “CoC” refers to the Continuum of Care. CoCs were created by the Homeless Emergency Assistance and Rapid Transition to Housing Act of 2009 (HEARTH Act), which combined three existing homelessness programs (Shelter + Care, Section 8 Moderate Rehabilitation SRO, and the Supportive Housing programs) into the CoC program.

According to HUD, the CoC program is “designed to assist individuals (including unaccompanied youth) and families experiencing homelessness and to provide the services needed to help such individuals move into transitional and permanent housing, with the goal of long-term stability.”²¹ The CoC is composed of representatives from a range of local organizations and entities, including nonprofit homeless services providers, victim services providers, local governments, and social service providers.²² Your PHA may be part of the local CoC, but advocates should not assume that your PHA and CoC have an established history of collaboration.

HUD allocates CoC funds to nonprofit organizations, local governments, and states, which then can provide funds to subrecipients that carry out CoC grant activities.²³ CoCs are required to have a Coordinated Entry system, which is a centralized system that coordinates the CoC’s intake and referral processes within the CoC’s geographic area.²⁴

5. What’s the CoC’s role in the administration of the EHV’s?

¹⁷ HUD FAQ (v.5) at 5.

¹⁸ HUD FAQ (v.5) at 5.

¹⁹ PIH 2021-15 at 19.

²⁰ HUD FAQ (v.5) at 5

²¹ HUD, “Introductory Guide to the Continuum of Care (CoC) Program” (2012),

<https://files.hudexchange.info/resources/documents/CoCProgramIntroductoryGuide.pdf>.

²² For a more complete list of entities that may be part of the local CoC, see PIH 2021-15 at 23.

²³ *Id.*

²⁴ PIH 2021-15 at 23.

CoCs play a key role in the administration of the EHV because the CoC determines whether a family falls within one of the categories eligible for an EHV, as outlined in Question 3. PHAs must enter into a Memorandum of Understanding (MOU) with the local CoC regarding the distribution of EHV,²⁵ and so advocates should review the agreement to better understand the delineation of roles between the PHA and the CoC. The CoC must provide the PHA with documentation, to be kept in the family's PHA file, that shows the family falls within one of the EHV eligible categories.²⁶

PHAs must accept referrals from the CoC's Coordinated Entry system for EHV.²⁷ CoC staff can also accompany the family to meetings with PHAs regarding the admissions process for the EHV. Importantly, if the Coordinated Entry system does not have a sufficient number of eligible applicants for EHV, OR if the Coordinated Entry system does not identify survivors of domestic violence, dating violence, sexual assault, stalking, or human trafficking who may be eligible for EHV, the PHA must receive referrals from another entity, such as a victim services provider or homeless services provider.²⁸

Note that the PHA **does not determine eligibility for new admissions EHV**, and so if a family contacts the PHA seeking an EHV, the PHA must refer the family to the CoC (or, alternatively another services provider), who will then identify whether the family falls within one of the four EHV eligibility categories.

6. Do the vouchers sunset? What happens after the sunset date?

The PHA may not reissue an EHV after September 30, 2023. However, after September 30, 2023, a PHA may issue an EHV that was never previously issued (i.e., PHAs can issue EHV for the first time after the sunset date).²⁹ As such, PHAs are required to keep a separate financial record for its EHV program.³⁰ Note that vouchers need only be issued, and not under a HAP contract, prior to October 1, 2024.³¹ So, a family who is searching for a unit with an EHV that they have already received would be able to lease up after September 30, 2023, even if the lease and HAP have not been executed prior to that date.

7. How can I find out if my PHA has EHV?

HUD published to its [website](#) a spreadsheet with the number of EHV allocated to each participating PHA.³² The listed PHAs may see an increase in EHV because HUD plans to redistribute the EHV declined by other PHAs, per the PIH Notice 2021-15.³³

8. What is the PHAs' role in the administration of EHV?

The PHA's role in the administration of EHV will be very similar to their role in administering the HCV program. PHAs will continue to be responsible for tasks such as income verification, social security and

²⁵ PIH 2021-15 at 23.

²⁶ PIH 2021-15 at 16.

²⁷ PIH 2021-15 at 24.

²⁸ PIH 2021-15 at 25.

²⁹ PIH 2021-15 at 1.

³⁰ *Id.*

³¹ PIH 2021-15 at 41-42.

³² HUD, List of EHV Awardees (MS Excel) (Jun. 10, 2021), <https://www.hud.gov/ehv>

³³ Eligible PHAs initially offered EHV had the option to accept all or some of the EHV by May 24, 2021. PIH 2021-15 at 7-8. *Emergency Housing Vouchers*, HUD, <https://www.hud.gov/ehv>

citizenship/eligible immigrant verification, and rent reasonableness analysis. Unlike the HCV program, PHAs are required to collaborate with community partners, primarily the Continuum of Care (CoC), to identify and serve eligible families. PHAs will receive funding for EHV-specific fees to fund services aimed at the effective use of EHV to house families.³⁴ The additional funding can be used to provide a variety of support services, such as mobility counseling, covering security and utility deposits, landlord incentive and retention programs.³⁵

9. Do PHAs receive extra funding for EHV, and how can they use those funds? (Update in footnote)

Yes, PHAs will receive additional funding for the EHV. PHAs will initially be funded based on their per unit cost, adjusted for inflation and for initial terms longer than 12 months. However, PHAs may request an increase in EHV initial funding.³⁶ EHV funding will be renewed on a calendar basis. For renewals, HUD will calculate the baseline using the PHA's actual costs for administering the EHV program and then will apply the renewal funding inflation factor (RFIF).³⁷ EHV renewal funding will be separate from regular HCV annual funding.

PHAs will also receive administrative fees and other EHV specific fees.³⁸ Other EHV specific fees include:

- A. Preliminary Fees;³⁹
- B. Issuing Fees;⁴⁰
- C. Placement Fees;⁴¹
- D. Service Fees⁴²
 - a. Housing Search Assistance;⁴³

³⁴ PIH 2021-15 at 10-13; HUD FAQ (v.5) at 21-27. PHAs can directly provide these services or reimburse the CoC, other partner agencies, or other community partners for providing these services. PIH 2021-15 at 23-24; HUD FAQ (v.5) at 11.

³⁵ For more information on EHV-specific fees, see *infra* question 9.

³⁶ The PHA must demonstrate the request for increased initial funding is based on actual leasing and program costs, and that current EHV HAP funding is insufficient to cover cost during the initial term. PIH 2021-15 at 14-15; HUD FAQ (v.5) at 15.

³⁷ PIH 2021-15 at 15.

³⁸ PIH 2021-15 at 8-14; HUD FAQ (v.5) at 21-27.

³⁹ HUD will allocate PHAs \$400 per EHV to cover preliminary start-up costs for the administration of the EHV program. PHAs can also use this fee for any services fee. Preliminary fees are a one-time fee, meaning they will not be renewed year after year. PIH 2021-15 at 8.

⁴⁰ This fee is to cover the initial costs associated with quickly leasing families up with an EHV. A PHA will receive \$100 per EHV reported leased within 14 days of the voucher's issuance or by the date the data system becomes available for reporting (the later of the two). PIH 2021-15 at 8.

⁴¹ PHAs will receive an additional \$500 for each EHV used to house a family within four months of the effective date of the ACC and will receive \$250 for each EHV used to house a family within 4 to 6 months of the ACC. PHAs will receive this fee for the initial issuance of the EHV only. PIH 2021-15 at 8-10.

⁴² PHAs will receive \$3,500 per EHV to fund services aimed at the effective, efficient use of EHV to house families. Although HUD will calculate service fees based on the number of EHV the PHA receives, PHAs do not have to spend a specific amount of the service fees on each voucher. This flexibility allows PHAs to consult and collaborate with the CoCs and other homeless services/victim services about the best services needed to quickly house eligible families. Service fees are a one-time fee, meaning they will not be renewed year after year. PIH 2021-15 at 10-13.

⁴³ PHAs must make housing search assistance available to EHV participants in their initial housing search. HUD broadly defines "housing search assistance" but provides standards for how a service would meet the definition of

- b. Security and Utility deposit assistance;⁴⁴
- c. Rental Application and Holding Fees;⁴⁵
- d. Owner Recruitment and Retention Incentives,⁴⁶ and;
- e. Other miscellaneous uses to assist families to successfully lease up, such as moving expenses, essential household items, renter's insurance (if required in the lease)⁴⁷

Funding received for EHV-related fees may only be used for the administration of the EHV program and for other eligible expenses, and cannot be used for or applied to other PHA programs or vouchers.⁴⁸

10. How will PHAs decide who gets a voucher?

PHAs will select families from its EHV waitlist.⁴⁹ Families are referred to the PHA by the CoC or other partner agencies, but the PHAs must inform families on their HCV waitlist of the availability of EHV. ⁵⁰ The CoC or other partner agencies must make the determination if a referred family meets one of the four eligibility categories and must provide supporting documentation verifying the family's eligibility.⁵¹ If the PHA does not receive enough referrals from the CoC or other partner agencies, the PHA can seek a temporary or permanent waiver from HUD that would allow the PHA to take applications for EHV directly from applicant families.⁵² The PHA can also make an EHV available to facilitate a VAWA emergency transfer in accordance with the PHA's VAWA emergency transfer plan.⁵³

11. How can I find my local CoC?

housing search assistance. HUD's guidance includes a nonexclusive list of types of services considered housing search assistance. The PHA can provide the services or have the services provided through their partnership with the CoC or other partner agencies. PIH 2021-15 at 11-12, 27.

⁴⁴ PIH 2021-15 at 12-13.

⁴⁵ PIH 2021-15 at 12.

⁴⁶ PIH 2021-15 at 13.

⁴⁷ PIH 2021-15 at 13-14. HUD has also clarified that "moving expenses" can include lock changes and storage expenses. HUD FAQ (v.5) at 21. The FAQ notes that there are limitations on moving expenses for subsequent moves, although that limitation does not apply when a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking needs to move because of the violence.

⁴⁸ PIH 2021-15 at 8. *See also* HUD FAQ (v.5) at 21-27 about uses of CARES Act funding for EHV, additional guidance on calculating portability fee rates, and the use of improved office space or capital items/other equipment purchased with EHV funding after the closeout of the program.

⁴⁹ HUD has waived the applicability of 24 CFR 982.204(f) to EHV (requirement to use a single waitlist for HCVs); however, PHAs must inform families on their HCV waitlist of the availability of EHV. PIH 2021-15 at 25, 26, 27.

⁵⁰ PIH 2021-15 at 25-27.

⁵¹ PIH 2021-15 at 16. HUD includes template certifications agencies can use to document the verification on [its EHV website](#). *See also* HUD, Emergency Housing Voucher (EHV) Referral Packet Template: Example Forms for EHV Program (2021), <https://www.hudexchange.info/resource/6433/covid19-ehv-referral-packet-template-example-forms-for-ehv-program/>. For information on EHV eligibility, see *supra* question 3.

⁵² PIH 2021-15 at 26.

⁵³ The emergency transfer plan can require the survivor to provide documentation, which may consist of the survivor's own written transfer request and documentation of the VAWA violence leading to the request. For more about emergency transfer plans (ETP), see Nat'l Hous. Law Project, HUD Housing Programs: Tenants' Rights § 13.2.7 (5th ed. 2019). Advocates should advocate for the posting of the ETP at public housing sites and administrative offices, as well as published on the PHA's website.

You can find your local CoC by searching [this list on HUD's website](#).

Advocates should also consider reaching out to existing contacts at local agencies or organizations that are part of the CoC. CoCs often have websites where you may be able to find a list of member agencies and organizations.

12. Can PHAs waive rules related to admissions to make it easier for people with negative rental history or criminal history to qualify? (Updated)

Yes. For admissions, HUD has established alternative requirements for the EHV program that differ from the HCV program that make it easier for people with negative rental history or criminal records to qualify.

HUD still requires denial of admission for two types of households:⁵⁴ (1) households where any member “has ever been convicted of drug-related criminal activity for manufacture or production of methamphetamine on the premises of federally assisted housing to EHV applicants”; (2) households where any member is subject to a state lifetime sex offender registration program. These are the only two mandatory exclusions from the EHV program, if the household is otherwise eligible.

HUD has also eliminated a PHA’s ability to deny admissions on the following grounds:⁵⁵

- Prior eviction from federally assisted housing
- Owing rent to a PHA
- Failure to reimburse the PHA for “amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease”
- Prior breach of agreement to pay money owed to the PHA or owner
- Alcohol abuse
- Drug-related criminal activity (which HUD distinguishes from violent criminal activity against individuals)

Notice 2021-15 outlines the remaining permissible grounds for denying a household EHV admission, including violent criminal activity.⁵⁶ However, when applying a permissive prohibition for admission, the PHA must (1) consult with the CoC to discuss the impact of these prohibitions and consider the CoC’s feedback; and (2) conduct an individualized assessment, including mitigating circumstances. To assess mitigating factors where someone is a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking, HUD directs PHAs to HUD guidance regarding adverse factors (e.g., poor rental history, poor credit history) that impact survivors.⁵⁷

After the individualized assessment is conducted, a PHA must provide “prompt written notice” of a decision that denies admission.⁵⁸ The notice must provide a brief statement of reasons for the

⁵⁴ PIH 2021-15 at 29.

⁵⁵ PIH 2021-15 at 30-31.

⁵⁶ PIH 2021-15 at 29-30.

⁵⁷ HUD FAQ (v.5) at 14 (citing HUD PIH Notice 2017-08 and [HUD’s General Counsel Guidance re: Criminal Records](#)).

⁵⁸ HUD FAQ (v.5) at 14-15 (citing 24 C.F.R. § 982.201(f)).

decision.⁵⁹ The notice “must also state that the applicant may request an informal review of the decision and state how to arrange for the informal review.”⁶⁰

PHA notice must reflect the PHA’s policies regarding permissible prohibitions for EHV admissions.⁶¹

The waivers and alternative requirements that HUD has established for the EHV program present an opportunity for advocates to urge their local PHAs to apply *only the mandatory exclusions* regarding admissions to the EHV program, and to refrain from adopting any of the permissible grounds for denying an EHV applicant. EHV’s are intended to provide low-barrier assistance to populations that have historically experienced difficulties in obtaining and maintaining housing. Therefore, PHAs should use their discretion to eliminate barriers to housing when possible.

13. What other types of waivers are available to PHAs administering EHV’s?

- Waiver of income *targeting* requirements (though income eligibility requirements still apply)⁶²
- Allowing the use of income verification conducted within the last six months for another subsidized housing program⁶³
- Allowing for HQS pre-screening of units⁶⁴
- Allowing for initial lease terms lasting fewer than 12 months⁶⁵
- Allowing the PHA to establish higher payment standards for EHV’s than for HCV’s, including establishing payment standards of up to 120 percent of the Small Area Fair Market Rent for a zip code⁶⁶
- Requiring that EHV initial search terms last for, at minimum, 120 days.⁶⁷
- Prohibiting the adoption of residency preferences for EHV’s.⁶⁸

Note that this is not an exhaustive list, and advocates should read the entire section of the EHV notice that discusses waivers and alternative requirements.

14. What types of documentation can PHAs accept to prove eligibility for an EHV? (Updated)

HUD states that if a CoC has not provided the required documentation of EHV eligibility to the PHA, the PHA can still issue an EHV and rely on self-certification regarding income and assets, and initial self-certification regarding Social Security numbers and immigration verification, as outlined in more detail below.

PHAs can also use self-certification to initially verify a person’s disability and birthdate if other verification is unavailable, but that person must provide that information within 90 days of EHV

⁵⁹ HUD FAQ (v.5) at 14-15 (citing 24 C.F.R. § 982.201(f)).

⁶⁰ HUD FAQ (v.5) at 15 (citing 24 C.F.R. § 982.554).

⁶¹ PIH 2021-15 at 30.

⁶² PIH 2021-15 at 34.

⁶³ PIH 2021-15 at 34-35.

⁶⁴ PIH 2021-15 at 35.

⁶⁵ PIH 2021-15 at 35-36.

⁶⁶ PIH 2021-15 at 38-39.

⁶⁷ PIH 2021-15 at 35.

⁶⁸ PIH 2021-15 at 28-29.

admission.⁶⁹

Additionally, the PHA must accept self-certification as proof of abuse or violence for current PHA residents seeking an emergency transfer under VAWA, discussed below.

Self Certification of Income

To self-certify income eligibility, the family must submit an affidavit “attesting to reported income, assets, expenses and other factors which would affect an income eligibility determination.”⁷⁰

As an alternative to self-certification, a family may also submit third-party documentation that reflects the family’s income 60 days prior to the family’s voucher issuance/program admission, even if that documentation is not dated within the prior 60 days (i.e., the third-party documentation is more than 60 days old).⁷¹

Verification of Social Security Numbers and Eligible Immigration Status

HUD is waiving the requirement that PHAs must obtain Social Security number and eligible noncitizen documentation before issuing a voucher for EHV. Accordingly, PHAs may, but are not required to, admit “EHV applicants who are unable to provide the required SSN or citizenship documentation during the initial eligibility determination.”⁷² Instead, families “must provide the required documentation within 180 days of admission to be eligible for continued assistance, pending verification, unless the PHA provides an extension based on evidence from the family or confirmation from the CoC or other partnering agency that the family has made a good-faith effort to obtain the documentation.”⁷³

Advocates should urge the PHA to admit EHV applicants even if they are unable to provide the required immigration or SSN documentation right away, and should also urge the PHA to provide extensions for families who are making a good-faith effort to obtain the required documentation. One example of where this issue arises in practice is with respect to VAWA self-petitioners, who are eligible for HUD housing assistance that falls under the requirements of Section 214 of the Housing and Community Development Act of 1980 while their petition is pending as well as during the pendency of any appeal.⁷⁴ Accordingly, VAWA self-petitioners are also eligible for EHV pending their application and any appeals. However, VAWA self-petitioners do not have access to SSNs. Given this circumstance, advocates should urge their local PHAs to automatically consider VAWA self-petitioner households as qualifying for a

⁶⁹ PIH 2021-15 at 34.

⁷⁰ PIH 2021-15 at 32-33.

⁷¹ PIH 2021-15 at 32.

⁷² PIH 2021-15 at 33-34.

⁷³ PIH 2021-15 at 34.

⁷⁴ HUD, [Eligibility of Battered Noncitizen Self-Petitioners for Financial Assistance Under Section 214 of the Housing and Community Development Act of 1980](#), at 2 (Dec. 15, 2016) (“Under Section 214, once a self-petition (1-360 or 1-130 Forms) or I-797 Notice is submitted to the housing provider, and until a final determination by DHS as to LPR status is actually made, including any appeal of a determination on the self-petition or LPR status, the self-petitioner’s application for financial assistance cannot be denied, and financial assistance shall not be delayed, denied, reduced or terminated on the basis of immigration status. In addition, all the other protections afforded under VAWA apply to the self-petitioner throughout the verification process.”). In Version 5 of HUD FAQs, HUD stated that VAWA self-petitioners are eligible for EHV. HUD FAQ (v.5) at 5.

“good faith” extension of time. If possible, advocates should also take this opportunity to offer training to CoCs and PHAs on VAWA housing protections, immigration requirements, and fair housing.

Eligibility for an Emergency Transfer for Existing PHA Households

For *existing* PHA program participants who need an emergency transfer, under VAWA, PHAs must accept HUD Form 5382 (VAWA self-certification form) to demonstrate that the individual is a survivor of domestic violence, dating violence, sexual assault, or stalking for the purposes of establishing eligibility for an emergency transfer, unless there is conflicting information. PHAs are also free to create lower barrier forms of self-certification than Form 5382. Furthermore, PHAs must also accept any other form of documentation aside from the self-certification form outlined in 24 C.F.R. § 5.2007(b)(1)(ii), (iii).⁷⁵ Importantly, PHAs cannot have more demanding documentation requirements than what is outlined in 24 C.F.R. § 5.2007.

Note that this is a distinct process from a CoC (or other service provider) establishing that a person is a survivor of domestic violence, dating violence, sexual assault, stalking, or human trafficking for the purposes of a family seeking an EHV when the family *is not a current PHA household*.

15. Can a family accept their EHV and then move to another jurisdiction right away?

Yes. All EHV families can move immediately to another jurisdiction (port their EHV) upon receiving their EHV.⁷⁶

For the purposes of the EHV program, HUD has eliminated restrictions on moves within the first year that apply to mainstream Housing Choice Voucher (HCV) families who did not live in the PHA’s jurisdiction when applying for the program (known as “non-resident applicants”). Importantly, mainstream HCV restrictions on portability to another jurisdiction within the first year for non-residents already do not apply in situations where families need to move due to domestic violence, dating violence, sexual assault, or stalking.⁷⁷

16. I am working with a survivor of gender-based violence who needs to move, but is not a current PHA program participant. Can these EHV help?

Yes. As noted in Question 3, families who are fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, and human trafficking are eligible for EHV.

Advocates working with survivors should identify whether a local PHA [was awarded](#) EHV, and if so, how referrals for EHV are working (whether through the CoC or alternatively, through victim services providers).

17. Can EHV be used to assist survivors who already participate in a PHA program, but who need an emergency transfer?

⁷⁵ 24 C.F.R. § 5.2005(e)(10).

⁷⁶ HUD FAQ (v.5) at 27.

⁷⁷ 24 C.F.R. § 982.353(c)(4).

Yes. In addition to new applicants who fall within one of the EHV eligibility categories, PHAs can use EHV to effectuate Violence Against Women Act (VAWA) emergency transfers for existing PHA program participants who are survivors of domestic violence, dating violence, sexual assault, and stalking.⁷⁸ Advocates who are working with survivors who are current PHA program participants with a need to move due to domestic violence, dating violence, sexual assault, or stalking should consult their PHA's emergency transfer plan to request an emergency transfer. Because PHAs are not *required* to use EHV for emergency transfers, advocates representing survivors may need to urge PHAs to do so.

HUD's EHV notice regarding emergency transfers for current PHA program participants does not reference eligibility for survivors of other housing programs covered by VAWA 2013 housing protections (e.g., Low-Income Housing Tax Credits, project-based Section 8, etc.). However, survivors in these other covered housing programs can still contact their local CoC or victim services provider to see if they can establish eligibility for an EHV under the "fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking, or human trafficking" category.

18. Can a survivor who has already obtained an emergency transfer, or who previously moved because of the violence, be eligible for an EHV? (New)

Yes. A survivor who has previously received an emergency transfer under VAWA or moved because of the violence (including human trafficking) can qualify for an EHV. However, HUD notes that households cannot receive "duplicative federal rental assistance," and that a household that is currently receiving "HUD rental assistance must agree to end participation in that HUD program to receive EHV."⁷⁹

19. Are VAWA self-petitioners eligible for EHV's? (New)

Yes. VAWA self-petitioners are eligible for EHV's. HUD has stated that VAWA self-petitioners are in "satisfactory immigration status" for the purposes of Section 214 of the Housing and Community Development Act of 1980.⁸⁰

20. What are some ways that advocates can help ensure that EHV's meet the needs of their community?

Assist with Facilitating Partnerships between the PHA, CoCs and others. As part of administering EHV's, PHAs must collaborate with community partners, primarily the CoC, to identify and serve eligible families.⁸¹ In some jurisdictions, CoCs and PHAs already work collaboratively. In other jurisdictions, CoCs and PHAs do not have a working relationship. Where advocates have a relationship with the PHA, CoCs, or other community partners (victim service providers, homeless service providers, culturally specific organizations, etc.), the advocate can help to facilitate an effective partnership between the entities.

Inform Eligible Families about the Availability of EHV's. Families may not know of the local CoC or other agencies that have partnered with the PHA in the administration of EHV's. Because families are referred to the PHA by the CoC or other partner agencies, it is important that eligible families know how to

⁷⁸ PIH 2021-15 at 25.

⁷⁹ HUD FAQ (v.5) at 5.

⁸⁰ HUD FAQ (v.5) at 5.

⁸¹ PIH 2021-15 at 22-24; HUD FAQ (v.5) at 7-13.

contact these agencies and how to navigate the application process. Advocates can provide information to eligible families about EHV and how to apply for an EHV.

Review and Comment on EHV Policies in Administrative Plan. Many EHV policies must be outlined in the PHA Administrative Plan which typically requires a public notice and comment prior to PHA Board Approval and adoption. The Admin Plan process is a great way for advocates to get involved and comment on policies that run the risk of harming tenants or to come out in support of policies that will improve housing stability. Note, however, that some PHAs adopted a waiver due to Covid that allows PHA policies to be adopted outside of the normal Admin Plan process and without Board approval until 9/30/2021 (all policies must be adopted before the end of the year). Tenant notification of the impacts of policies is nonetheless required.

Informing Wrap-Around Services about EHV. In addition to informing eligible families, advocates should inform community organizations providing social services (victim service providers, homeless service providers, culturally specific organizations, community health services, food banks, etc.) about the new EHV. Community organizations may have the capacity to provide needed support to families as they navigate the application and lease up process. These organizations can also help to spread the word about the availability of EHV. Advocates can assist with keeping community organizations informed about the program, collaborate with community organizations to collect data, and advocate for improved program policies.

Advocate for waivers that increase housing opportunities for EHV participants. HUD waived a number of HCV requirements for EHV in hopes of expanding housing options for participants. Some waivers are discretionary and for some, HUD sets alternative requirements.⁸² Advocates should proactively engage PHAs about the waivers and suggest policies that ensure equitable and low barrier access to and use of EHV.

Advocate for higher EHV Payment Standards. PHAs have the discretion to set a separate payment standard for EHV. PHAs can set the payment standard between 90 to 120 percent of the FMR without HUD's approval.⁸³ Where the PHA decides to set an exception payment standard using the SAFMR, the PHA can set the exception payment standard up to 120 percent of the zip code's SAFMR.⁸⁴ HUD has provided this flexibility to increase housing opportunities for eligible families. PHAs may be hesitant to set higher payment standards for EHV due to budget concerns. However, PHAs can request an increase in the initial EHV funding if the current funding will not cover costs during the initial term.⁸⁵

Advocate for meaningful housing search assistance. PHAs must make housing search assistance available to EHV participants in their initial housing search. These services can be provided by the PHA,

⁸² For more information on EHV waivers, see *infra* questions 12-13. Discretionary waivers include the COVID-19 waivers, PHAs may choose to establish EHV-specific preferences, PHAs can use two alternatives methods to determine family's income, PHAs may admit an applicant prior to being provided the required SSN or citizenship documentation, PHAs can pre-inspect units, the initial lease terms can be less than 12 months, PHAs can set higher payment standards for EHV up to 120% of (SA)FMRs, PHAs may choose to apply an increased payment standard during a HAP contract after the increase rather than waiting until the family's next annual recertification.

⁸³ PIH 2021-15 at 39; HUD FAQ (v.5) at 19-20.

⁸⁴ *Id.*

⁸⁵ PIH 2021-15 at 14-15; HUD FAQ (v.5) at 15.

the CoC, other partner agencies, or other community partners.⁸⁶ HUD does not mandate specific services, but broadly defines “housing search assistance” and provides standards for how a service would meet the definition.⁸⁷ HUD will provide additional funding to PHAs for housing search assistance. Advocates have an opportunity to discuss with the administering agencies about the type of services that would best support eligible families and expand housing opportunities. In particular, the EHV program provides an opportunity to develop local mobility counseling programs to assist families to find and lease housing in higher resourced communities. Regardless of the type of housing search assistance provided, advocates should push for services to be provided in a trauma and culturally informed manner.

Advocate for the posting and public publication of the PHA’s emergency transfer plan. The PHA can make an EHV available to facilitate a VAWA emergency transfer in accordance with the PHA’s VAWA Emergency Transfer Plan (ETP).⁸⁸ Housing providers participating in HUD housing programs must adopt their own ETP that allows the survivor to transfer to another available and safe unit assisted under a covered program.⁸⁹ Assisted families may not know of their ability to transfer with continued assistance or about the PHA’s ETP. Advocates should advocate for the posting of the ETP at public housing sites and administrative offices, as well as published on the PHA’s website.

Advocate for minimum screening requirements. The waivers and alternative requirements that HUD has established for the EHV program present an opportunity for advocates to urge their local PHAs to apply *only the mandatory exclusions* regarding admissions to the EHV program, and to refrain from adopting any of the permissible grounds for denying an EHV applicant. EHV’s are intended to provide low-barrier assistance to populations that have historically experienced difficulties in obtaining and maintaining housing. Therefore, PHAs should use their discretion to eliminate barriers to housing when possible. Successful policies that screen applicants only for minimal criminal and rental history may also help advocates’ longer term goals with respect to tenant screening criteria.

Track the Local Use of EHV’s. To the extent possible, advocates should work with local PHAs and partner organizations to collect data about the use of the new EHV’s. PHAs are required to report mostly financial data about the EHV’s. There is currently no reporting requirement for demographic or other important family information. Advocates can work with local organizations and even governments to assess the program’s success.

⁸⁶ PHAs can directly provide these services or reimburse the CoC, other partner agencies, or other community partners for providing these services. PIH 2021-15 at 23-24; HUD FAQ (v.5) at 11.

⁸⁷ PIH 2021-15 at 11-12, 27.

⁸⁸ PIH 2021-15 at 25. For more about ETPs, see Nat’l Hous. Law Project, HUD Housing Programs: Tenants’ Rights § 13.2.7 (5th ed. 2019). HUD has waived the applicability of 24 CFR 982.204(f) to EHV’s (requirement to use a single waitlist for HCVs); however, PHAs must inform families on their waitlist of the availability of EHV’s. PIH 2021-15 at 25, 26, 27.

⁸⁹ Housing providers should transfer families where (1) a survivor tenant expressly requests the transfer and (2) either the requesting survivor “reasonably believes there is a threat of imminent harm from further violence if the tenant remains” in the unit, or the tenant is a victim of sexual assault on the premises within 90 days of the transfer request. 24 C.F.R. § 5.2005(e); id. § 5.2005(e)(2) (criteria for request). *See also* Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, 81 Fed. Reg. 80,732, 80,739–80,761 (Nov. 16, 2016).