

# Violence Against Women Act (VAWA) Implementation in Continua of Care: Emergency Transfer Focus

## Presented by:

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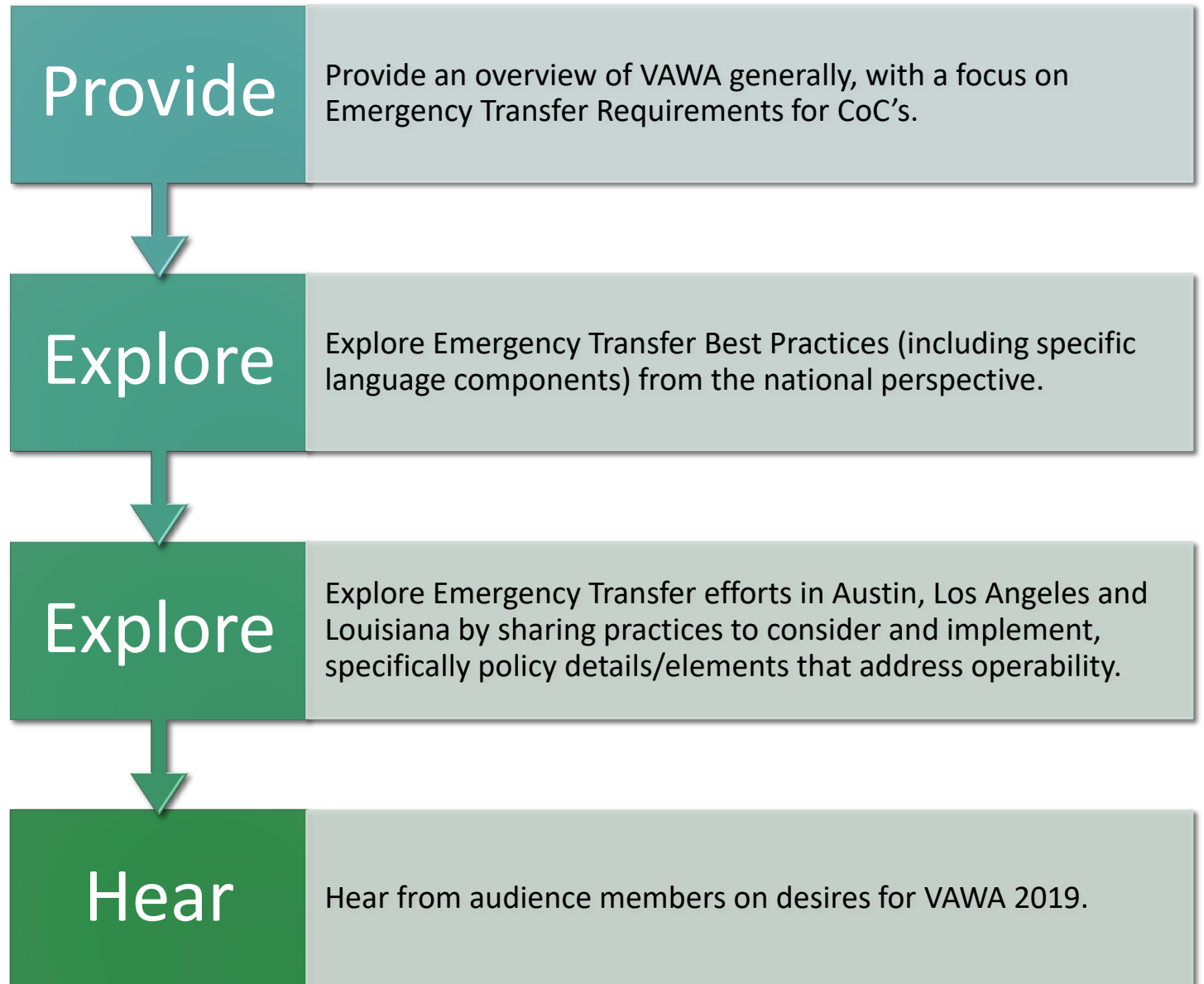
Debbie Fox, National Network to End Domestic Violence – NNEDV

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Gordon Levine, Louisiana Balance of State Continuum of Care

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# Objectives



# National Overview

# SAFE HOUSING PARTNERSHIPS.ORG

UNDERSTANDING THE INTERSECTIONS

BUILDING PARTNERSHIPS

EMPLOYING KEY APPROACHES

PUBLIC POLICIES

- Data, infographics, and reports on the intersections between domestic violence, sexual assault, homelessness/housing, and racial equity
- Strategies for building effective and sustainable partnerships across systems and case studies of successful collaborations
- Comprehensive resource collections organized around four key approaches to addressing and preventing housing instability among survivors
- Access to relevant federal laws, regulations, and policies

Use the site to contact the Consortium for technical assistance and training!



# National Alliance for Safe Housing

NASH's mission is to ensure that survivors of domestic and sexual violence have access to a full range of survivor-defined housing options, catalyzing a safe housing movement.

Our vision is to create a world, centering racial equity, where safe housing is a right shared by everyone.

We advance our mission by changing systems and public policy, supporting and uplifting communities and partnerships, and creating a culture shift around programs and practices.



# National Network to End Domestic Violence



- The National Network to End Domestic Violence (NNEDV) is a social change organization dedicated to creating a social, political and economic environment where violence against women no longer exists.
- NNEDV's Collaborative Approach to Safe Housing for Survivors Project provides training and technical assistance to improve coordination between domestic violence and homeless services from racial equity lens.
- NNEDV's Safety Net Project addresses the intersection of technology and abuse, and provides training and technical assistance to advocates, law enforcement, legal services, social services providers, survivors and other stakeholders.

# Violence Against Women Act Overview

- VAWA provides housing protections for survivors of domestic violence, sexual assault, dating violence, and stalking who are applying for or living in federally assisted housing. The law applies to a survivor (actual or perceived) regardless of sex, gender identity, sexual orientation, disability or age. Adopted in 2005 expanded in 2013.
- VAWA does not apply to market-rate rental housing (unless there is a voucher).

# Survivor Rights Under VAWA

- Not be denied admission, not be evicted, and not have their assistance terminated because of the violence committed against them;
- Get a notice of housing rights under VAWA;
- Request that an abuser be removed from the lease and housing, where applicable;
- For participants with Housing Choice Voucher assistance, move with continued assistance;



# Survivor Rights Under VAWA

- Seek an emergency transfer to another in the same program and/or to a unit under another federally subsidized housing program;
- Stay in the unit, even if there is (or has been) criminal activity that is directly related to the violence;
- Strict confidentiality of information;
- Self-certify using the HUD self-certification form. If there is conflicting information, a provider may ask for additional documentation.

# HUD Regulations & Implementation

- **In 2016**, HUD issued regulations implementing VAWA 2013. Required HUD-subsidized housing providers to develop and implement emergency transfer plans.
- **In 2017**, HUD Offices of Public and Indian Housing (PIH) and Multifamily Housing (Housing) issued VAWA notices. HUD Office of Community Planning and Development (CPD) has not issued a VAWA notice. Dept of Agriculture's Office of Rural Development issued an implementation notice for RD multi-family housing programs.

# Emergency Transfer Requirements and CoCs

- Emergency transfer plans must state that a participant, who is a survivor, qualifies for an emergency transfer if:
  - The participant “expressly requests” the transfer; and
  - The participant reasonably believes there is a threat of imminent harm from further violence if they remain in unit or the sexual assault occurred on the premises 90 days before the transfer request.
- Participants not in good standing can request emergency transfer.

**\*\*ET requirement slides from National Housing Law Project\*\***

# Emergency Transfer Requirements

- Allow participant to **make internal emergency transfer** when safe unit is immediately available.
- Include policies on **how to assist** when participant cannot get a safe and internal transfer immediately.
- Describe reasonable efforts housing provider will take to assist participant to **make external emergency transfer**.
- Describe policies for participant who has **tenant-based rental assistance** to move quickly with assistance.
- Incorporate **strict confidentiality** measures.
- Detail **measure of priority** given to participants with VAWA transfer requests in relation to other participants seeking transfers and those on waiting lists.

# Emergency Transfer Requirements

- Indicate what happens to **non-transferring family members**.
- **Prioritize assisted families** to receive a safe unit over new applicants. Survivor must be eligible for program and meet any additional criteria or preferences.
- Allow participant to **end lease or occupancy agreement without penalty**, if they qualify for an emergency transfer.
- Permit CoC grant funds to be used to **pay for damage to housing** due to action of program participant (cannot be more than one month's rent).
- **Be available** upon request.

# ETP Best Practices – Strategic Partnerships

Working with a range of partners to assist with development/implementation:

- CoC's, Legal services, domestic violence, sexual violence, human trafficking organizations, Coordinated Entry staff/leads, culturally-specific orgs, LGBTQ+ orgs, homeless and housing programs, domestic violence housing/shelter programs, Public Housing Authorities;
- Form a Taskforce/Working Group to draft policy/work on implementation/education.

# Best Practices – Components in the ETP

## External and Internal ETP

- Define them clearly;
- Include time frames that are viable and identified (15 days, 30 days from request);
- Consider using Coordinated Entry (identified liaison) for external transfer process;

# Best Practices – Components in the ETP

- CoC's should consider making the ETP apply to all funded housing programs/providers (more options for transfers);
- Identify and define short term housing option (if a comparable option is not available or no other option is available);
- Ensure survivors who are placed in housing that is not comparable (i.e. from RRH to transitional housing program) retains all rights to the comparable housing option and is moved into comparable housing within a specific time frame;
- Clearly specify that survivors do not need to be reassessed (i.e. VI-SPDAT) and survivor goes to top of list/prioritization;



# Best Practices – Components in the ETP

- “Retain homeless/chronically homeless status” particularly if survivor finds another short term safe housing option;
- Client determines what is safe for them/participant choice;
- Determine if a transfer request triggers a lease bifurcation (who continues to be eligible to stay in unit) - include lease bifurcation language;
- Specifying if a domestic violence or sexual assault incident/threat occurs again to the same survivor (whether accessed ETP before) the survivor the same rights to engage in the process under new circumstances;
- Statement about providing the notices and forms in multiple languages;

# Best Practices – Components in the ETP

- Language regarding using funding stream designated for one type of funding for another type OR for same type (i.e. RRH) - ensure alignments contracts/monitoring (i.e. security deposit payments, PSH to RRH, no new application, etc.);
- Porting language;
- Adding Human Trafficking specifically to the local plan.

# Austin/Travis County, Texas

**SAFE** | stop abuse for  
everyone



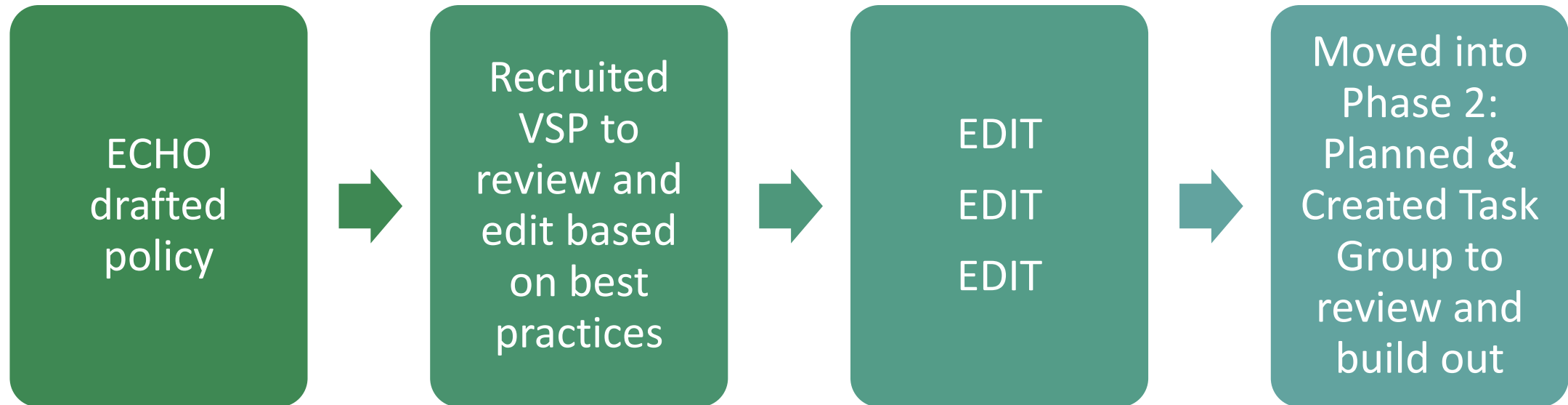
Austin/Travis County  
Continuum of Care (CoC)  
VAWA Policy & Emergency Transfer Plan

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CoC Performance Monitoring and Technical  
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Ending Community Homelessness Coalition

# Phase 1: Developing Policy



# Phase 2: Working with the Task Group

## Create Task Group

- Engage people interested in the work – not just required.
- Outline expectations: Homework, Basic understanding of regulations
- MUST have Victim Service Providers at the table
- Different funding = different perspectives! **DECIDE WHAT PERSPECTIVES YOU ARE READY FOR!**

## Feedback & Review Process

- Know your timelines and try to stick to them!
- Decide Group Responsibilities: Solicit Feedback vs. Review feedback vs. Provide feedback

## Incorporate Feedback

- Implement feedback
- Discuss how decisions will be made on what to incorporate
- Stuck? Leave vague and come back to!

## Governing Body Approval

- Be prepared and document along the way!
- Can't say no to requirements
- Community Voice is impactful - Avoid the lone wolf

# Lessons Learned: Maintaining Energy & Moving Forward

## Political Atmosphere: System & Community

- Know process for policy approval (CoC Agency)
- Know your audience

## Create Purpose for Group Members:

- Match people to roles based on strengths
- Organic vs Formal
- CoC: Push compliance w/ regulations (when needed)

## Service Providers: Incorporate Best Practices

- Safety, Client-Choice
- Appropriate terminology
- How to operationalize
- Resources to integrate and include

## Roles:



# Lessons Learned: Political Atmosphere

- Know process for policy approval (CoC Agency)
- Know your audience
- Transparent
  - Requested approval of policy with the understanding that we would update and build out certain areas.



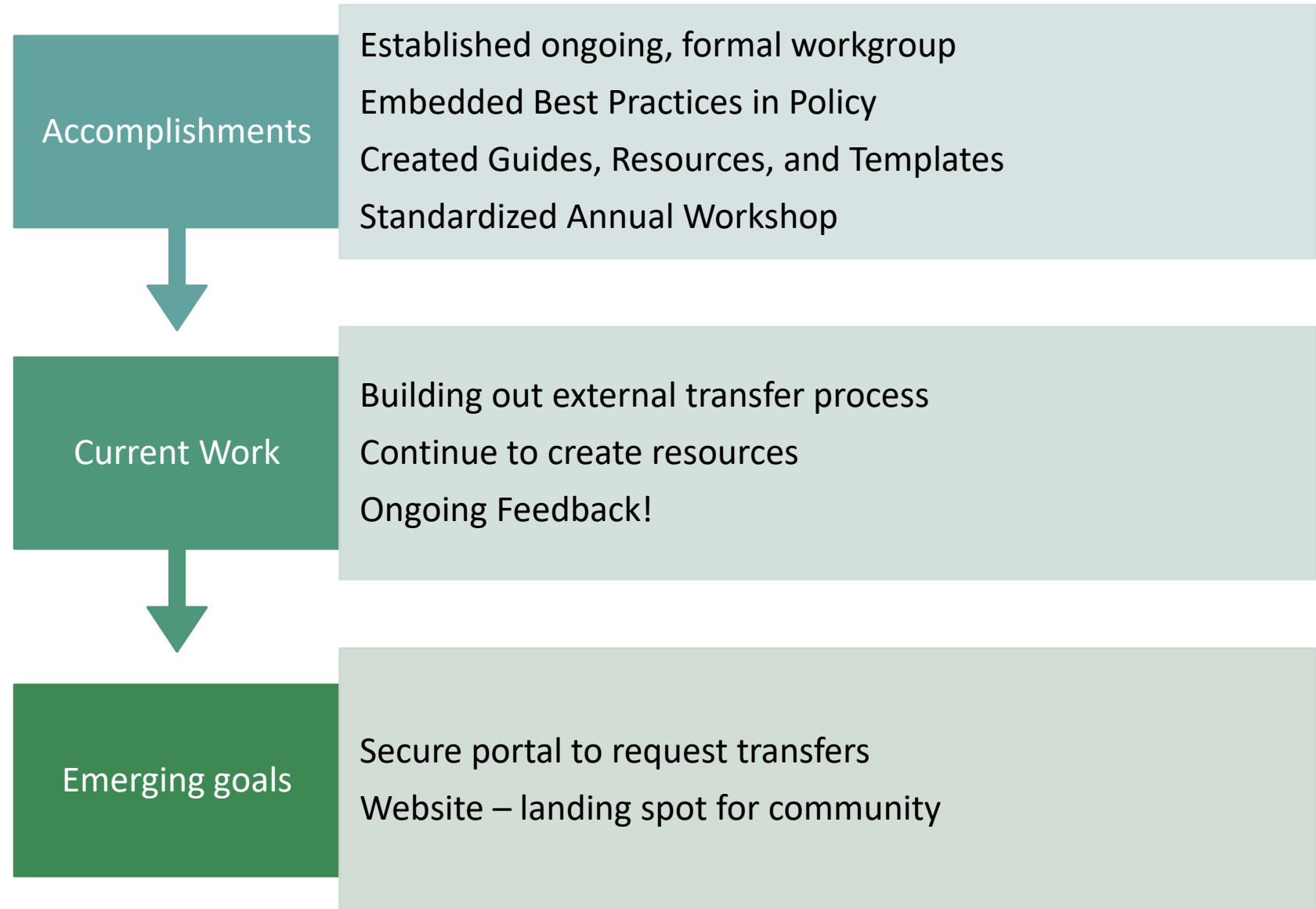


# Lessons Learned: Relationships Are Key

- Existing relationships set the stage
- Shared vision – not just a policy
- Encourage open communication
- Listen and be flexible to different needs
- Teach others HOW to be content experts and how to dig into regulations
- Avoid requirements when possible – provide options to select from.
- Accessible – figure out what technology is helpful.



# Best Practices: Sustainable & Ongoing VAWA Protections



# Los Angeles, California

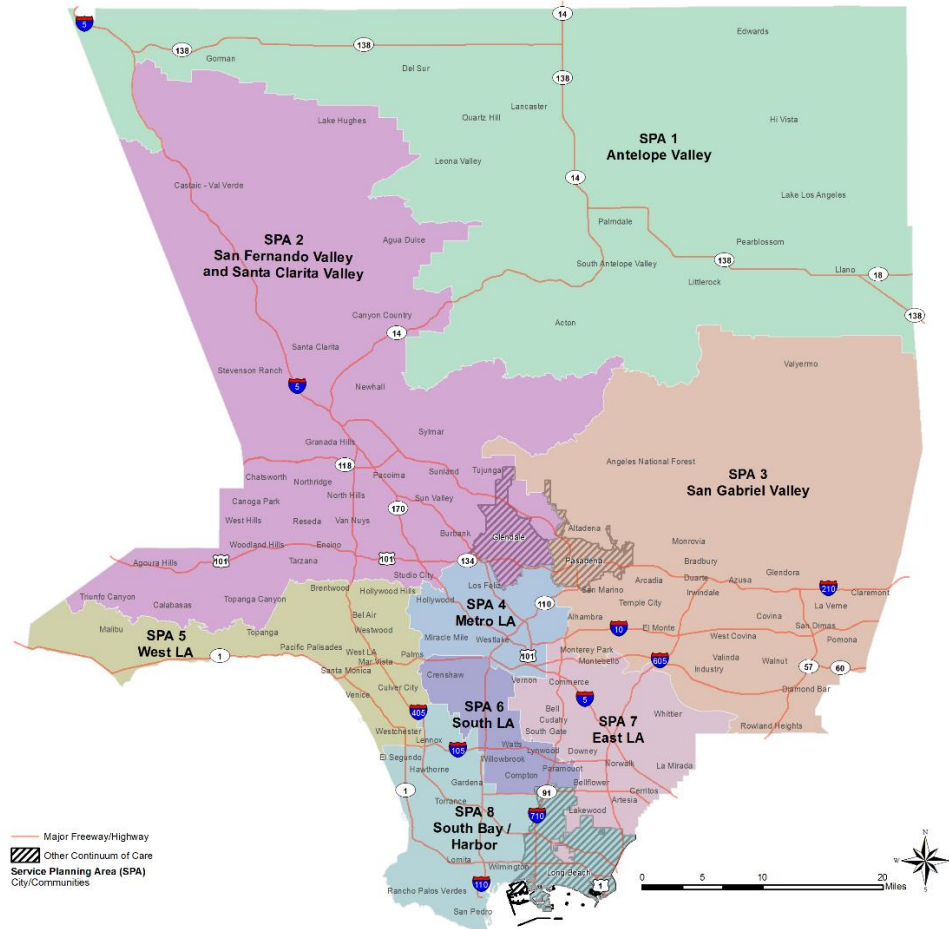


Los Angeles Homeless Services  
Authority  
VAWA Policy & Emergency Transfer  
Plan

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Cristina Cortes,  
Coordinator, Domestic Violence Systems  
Los Angeles Homeless Services Authority  
(LAHSA)

# Los Angeles Homeless Services Authority



# LAHSA's Role

- Lead Agency in the Los Angeles Continuum of Care
- Regional planning body that coordinates housing and services for homeless households
- Manage over \$300 million annually in federal, state, county, and city funds
- Partner with more than 100 nonprofit partner agencies that assist people experiencing homelessness achieve independence and stability in permanent housing
- Partners with both the city and county of Los Angeles to integrate services and housing opportunities to ensure wide distribution of service and housing options throughout the Los Angeles Continuum of Care

# VAWA Policy



Written with the assistance of  
Larisa Kofman and Karlo Ng



Approved by the LA CoC Board in  
December 2017



Approved by the Policy and  
Planning Committee in January  
2018

# VAWA Policy

Covers:

- Domestic violence
- Dating violence
- Sexual Assault
- Stalking
- Human trafficking



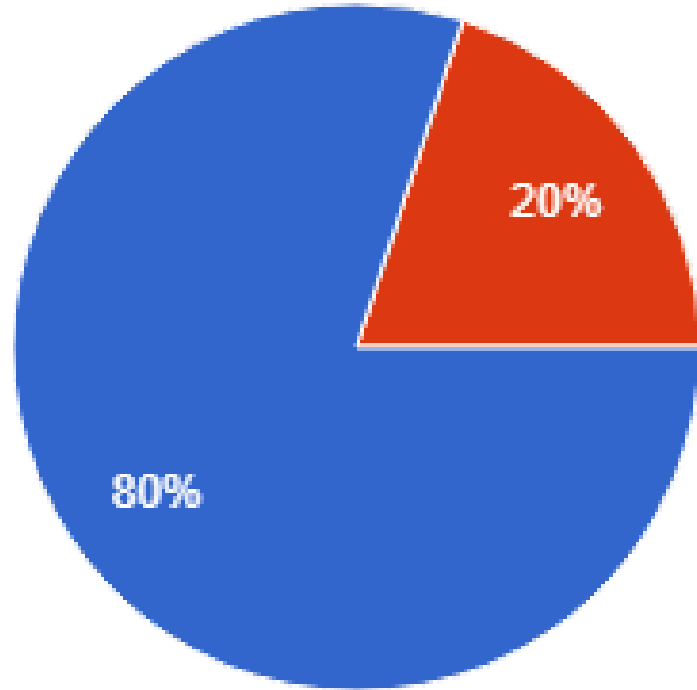
# Internal Survey Results

- We surveyed LAHSA housing providers regarding ET process
- Questions focused on whether there were policies (written or verbal), whether policies were utilized, how often ETs were requested/accessed
- Responses from 15 programs

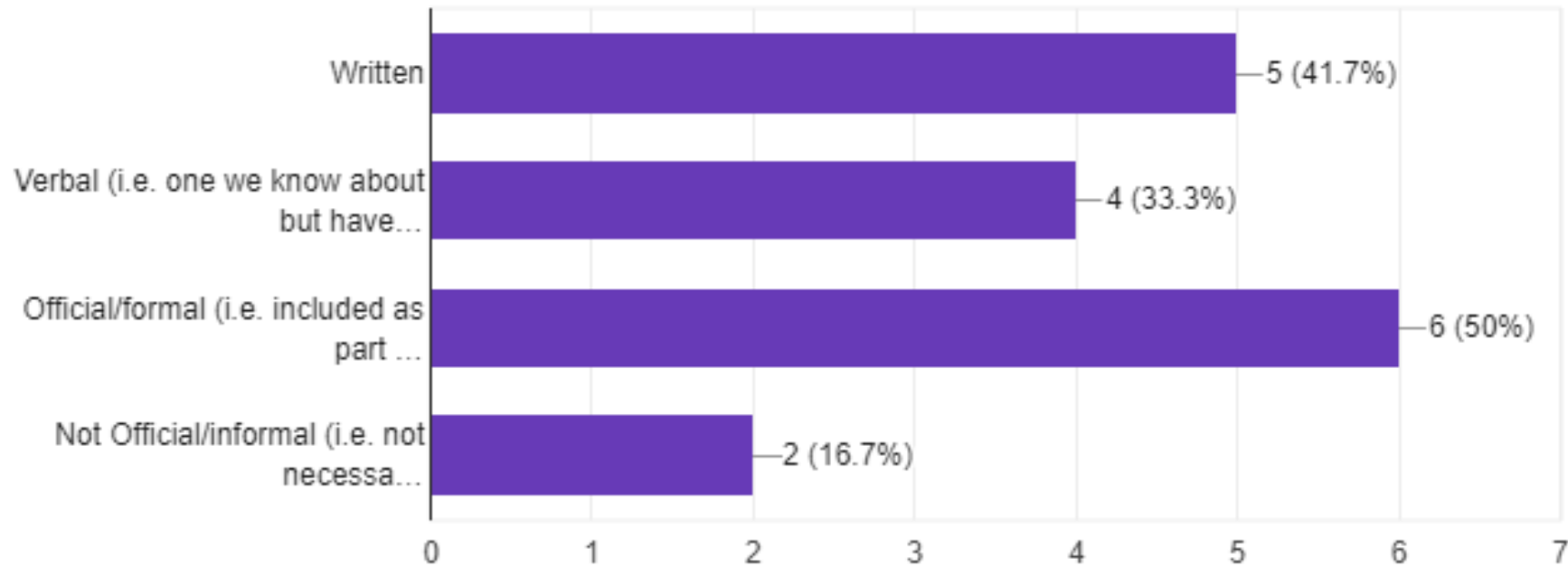
# Internal Survey Results

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Does your organization have a policy to address requests made by a program participant who is a survivor to be moved to another unit or location due to safety concerns related to domestic or sexual violence, human trafficking, dating violence, or stalking?



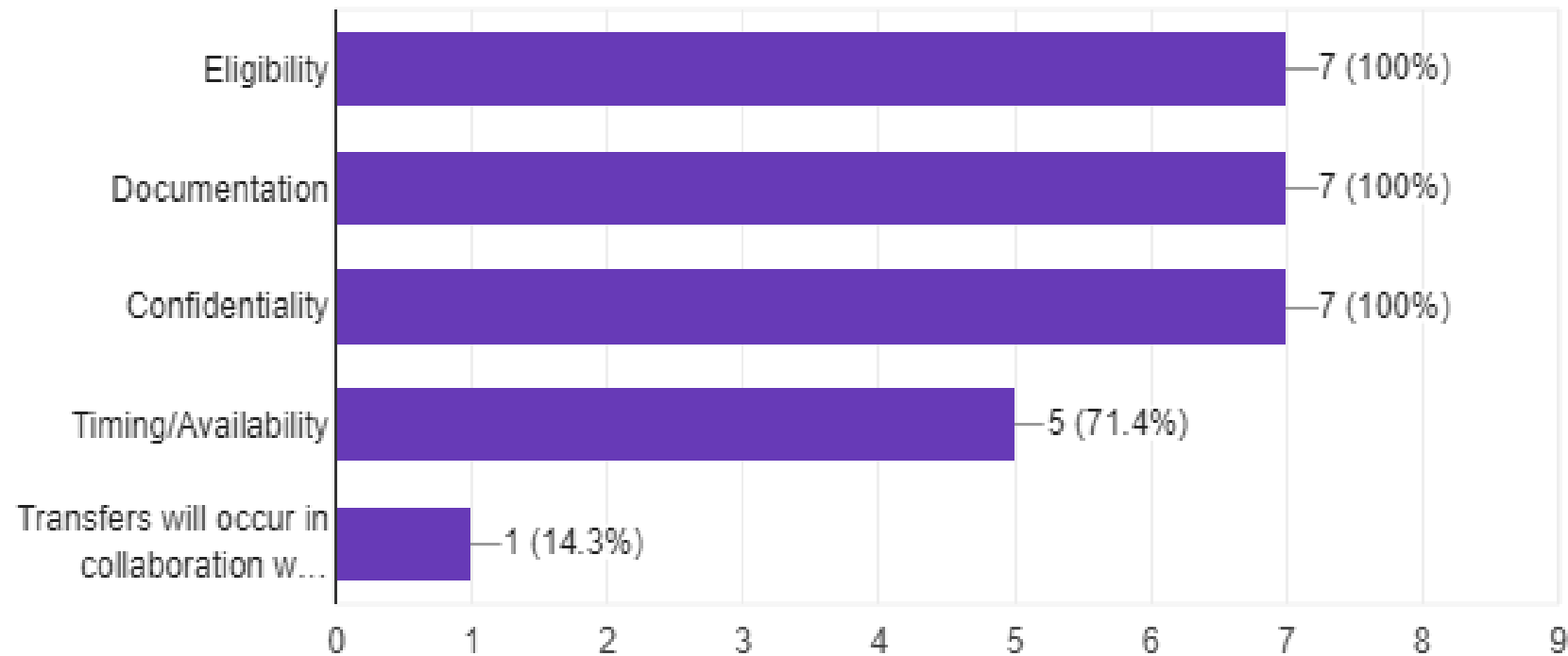
- Yes
- No
- Not sure



## Internal Survey Results

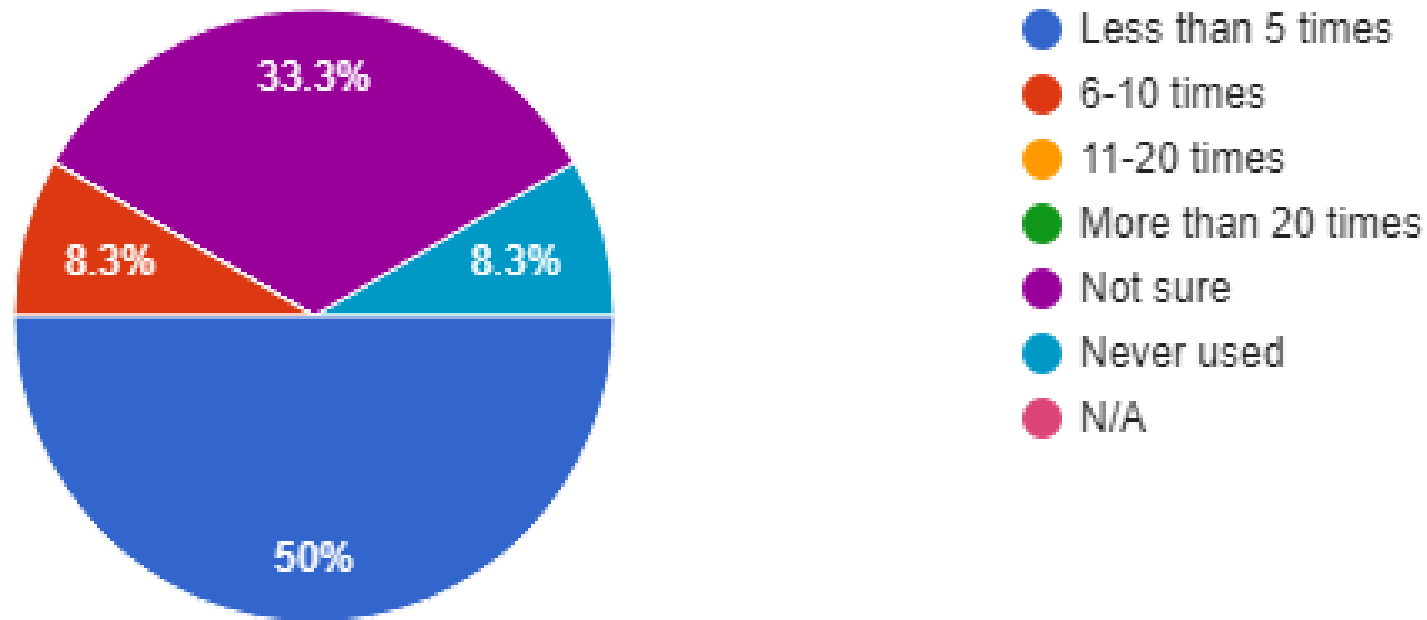
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What kind of policy is this?



## Internal Survey Results

If you said “yes” to having a written policy, what does the policy cover regarding emergency transfers?

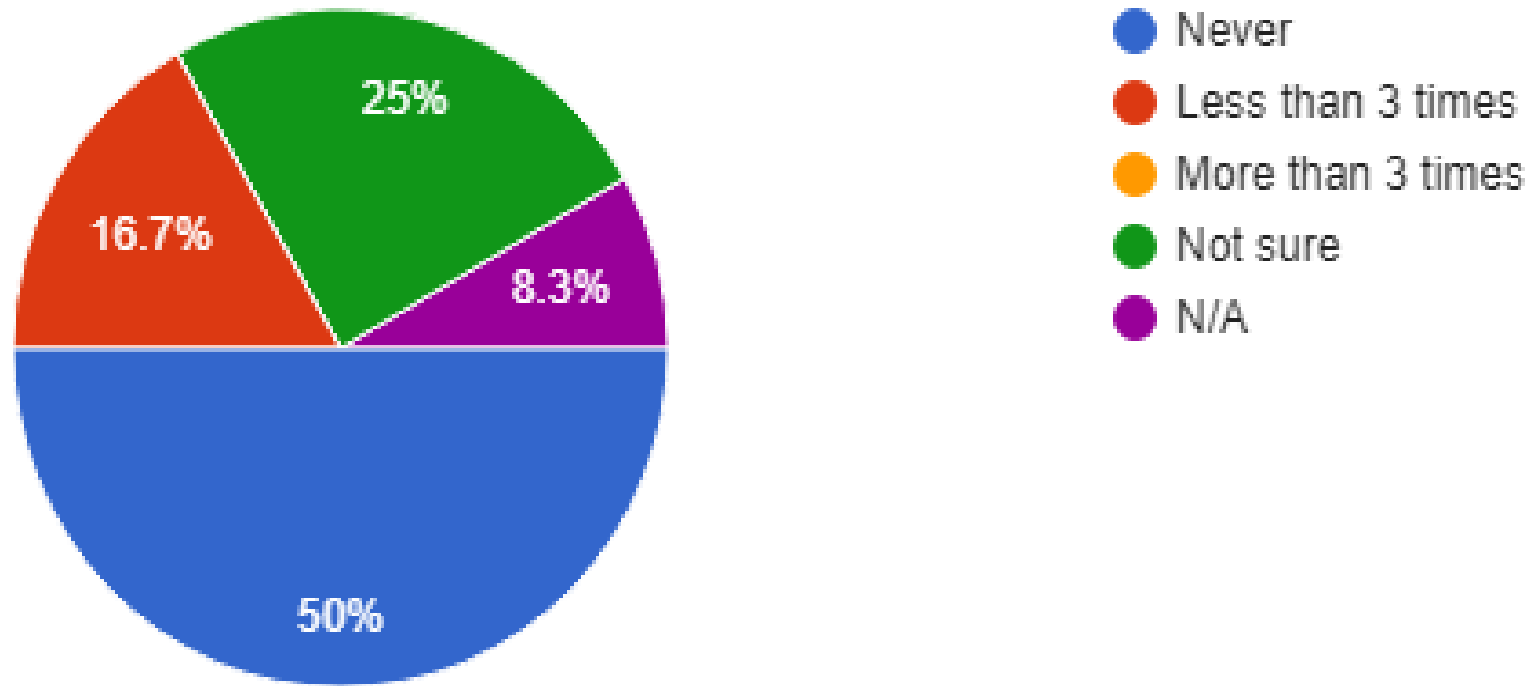


## Internal Survey Results

If you marked that you do have a policy (regardless of what kind), as far as you know, how often has the policy been used (i.e. a survivor has received an emergency transfer) in the last 12 months?

# Internal Survey Results

- Survivors do not ask to be moved.
- We don't have survivors in our program (i.e. we have not had survivors in our program over the last year).
- We don't serve survivors (i.e. we do not accept survivors into our program).
- We do not specifically service survivors. In this case, it was incidental.
- Policy used in one occasion.



## Internal Survey Results

If you marked yes to having a policy (regardless of what kind), as far as you know, how often were emergency transfer requests made but not received (did not occur)?

# VAWA ETP Task Force

- Homeless Service Providers
  - Family System
  - Adult System
  - Transitional Aged Youth
- Victim Service Providers
  - Domestic violence
  - Human trafficking
  - Sexual assault
- Housing Authorities
  - Housing Authority of the City of Los Angeles
  - Housing Authority of the County of Los Angeles
- County Departments
  - Department of Mental Health
  - Department of Health Services
- 8 Domestic Violence Regional Coordinators
- Survivors



# Louisiana



## VAWA Emergency Transfer Requirements in the Louisiana BoS CoC

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Gordon Levine  
Continuum of Care Manager,  
Louisiana Balance of State Continuum of  
Care | Louisiana Housing Corporation

- The LA BOSCOCC was incorporated in 2015
- Covers more than 20 parishes (counties) – about half the state’s geography
- Most is rural, but includes one larger urban area (city of baton rouge, pop. 225,000)
- 60%+ of homeless population is in baton rouge; the remainder is concentrated in ‘rural cities’– more on this later

# LA BOSCOCC Overview



# A Young CoC

- Incorporated in 2015; didn't fully implement Coordinated Entry policies and procedures until January 2017
- Divided into five Regions based on geographic area; none are contiguous
- ...but our ARD is relatively large: in FY 2018, more than \$18 million
- A lot of smaller, legacy providers from pre-merger CoCs



# VAWA Overview

- Like most of you: implemented VAWA requirements in advance of the FY 2018 CoC Program Competition
- We think we're handling VAWA/ETP implementation in an interesting way, especially given our large, non-contiguous, primarily rural geography
- ...but because we're a relatively young CoC with a relatively young VAWA implementation, mostly going to talk about our **process**, not our product





# First, Though: A Few Words on the Product

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# VAWA/ETP Overview

- 90% of our VAWA/ETP is built around “HUD’s Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking” (see link below)
- The remaining 10% goes slightly further:
  - “No additional documentation is required from the victim [beyond their written request]” to begin the emergency transfer process, and that “the housing provider cannot request further documentation”;
  - “Housing providers must review and approve requests within 3 business days” of receiving them in writing”;

<https://www.hud.gov/sites/documents/VAWA-APDIXB-EMERTRANSPLAN.DOCX>



# VAWA/ETP Overview (continued)

- The remaining 10% goes slightly further:
  - ...and Housing Providers must “identify the people/roles responsible for [...] reviewing and approving emergency transfer requests [and] facilitating the emergency transfer process.”
- In other words: our big change from the template was to create specific requirements (timing, responsibility) for our housing providers





# VAWA/ETP Overview (continued)

- Also, addressed the HQS problem: what if the housing provider can't find a unit that meets HQS before move-in?
  - VAWA is silent on the issue; CoC Program regs are clear under normal circumstances but conflict with VAWA timeliness standards
  - TA indicated we should resolve it in the policy
  - Our resolution: “if the housing provider is unable to identify a unit that meets HQS before move-in, the housing provider may move the participant into a unit that does not meet HQS before move-in”;
    - ...but if they do that, the unit must meet HQS within 30 days of move-in, or the participant must be moved to a different unit;
    - ...and housing providers are expected to use good judgment and identify units with only minor HQS flaws (e.g. no 24 hour fixes)



# VAWA/ETP and Coordinated Entry

- Our big challenge with VAWA/ETP was resolving the Coordinated Entry issue: how to prioritize ETP candidates in relation to the normal Prioritization List?
- Specifically: what if participant wants to move outside their current project's service range but stay inside the CoC?
- Our resolution:
  - Accept that while all homelessness is both tragic and urgent, some situations must, due to resource scarcity, be prioritized above others; and,
  - When the CoC accepts advanced responsibility for a participant by entering them into any permanent housing, the CoC must take accelerated action if that participant's permanent housing is threatened.



# VAWA/ETP and Coordinated Entry (cont'd)

- Normally, participants are prioritized exclusively based in their VI-SPDAT scores (level of need) and length of time homeless;
  - No special treatment for specific geographic areas or target populations;
- However, the CoC identified several groups that receive priority admission at the top of the Prioritization List (also in order of VI-SPDAT and LOT homeless), including:
  - People identified as “highest need,” e.g. in response to a localized natural disaster beyond anyone’s control;
  - People identified for bridging from RRH to PSH;
  - People in permanent housing who trigger the Emergency Transfer Policy and want to move to another Region in the CoC.





# And Now: Process

# Process Overview

## WHAT WE DID

- Developed VAWA language and ETP in response to the FY 2018 CoC Program Competition
- ...then enhanced it during our Coordinated Entry Policies and Procedures revision during late 2018/early 2019
- ...and will be training on it throughout March and April 2019 (it takes effect April 1, 2019 – not a joke!)
- ...while monitoring occurs continually



# Development Process: Who?

On the CoC management and TA side:

- **Collaborative Applicant:** CoC Manager, HMIS staff (to ensure policy rubber meets HMIS road)
- **Technical Assistance:** Technical Assistance Collaborative (TAC), National Alliance for Safe Housing



# Development Process: Who? (cont'd)

On the CoC membership/stakeholder side:

- **CoC Structure:** CoC Board, Coordinated Entry Committee, Domestic Violence Provider Working Group
- **CoC Members:** Nearly two dozen people/agencies through the Board, CE Committee, DV Working Group – many of them DV providers – and the statewide DV coalition



# Development Process: Who? (cont'd)

## Conclusions:

- Would not have been possible without strong TA partners
- Would not have been implementable without strong partners from the DV world (e.g. the statewide DV coalition, 2 DV provider agencies on Board, many DV providers on Coordinated Entry Committee, large DV working group)





# Development Process: Lessons Learned

In no particular order:

- Meet the requirement – because you have to!
  - ...but also, use the requirement as leverage: “if we’re going to do this, let’s do it *right!*”
- Make sure your policy is implementable by your information systems (e.g. HMIS)
  - We couldn’t have implemented Region transfer mechanism if we hadn’t moved our Prioritization List to a platform-agnostic database that takes data from HMIS and elsewhere



# Dev Process: Lessons Learned (cont'd)

- It helps having DV providers on your Board and in your committees
  - ...both in implementing VAWA/ETP and in having broader conversations: “yes, people fleeing domestic violence ARE eligible for homeless housing and services”
  - ...especially in rural CoCs; at least in the LA BOSCO, DV providers are often the only homeless providers in rural areas
  - ...and because writing DV policies in partnership with DV providers means better policies, faster implementation



# Dev Process: Lessons Learned (cont'd)

- Policy doesn't mean implementation!
  - ...no matter how good your policy is, you need to educate your providers about it
    - ...probably several times
  - ...and no matter how good your education is, you need to monitor your providers for compliance
    - ...probably several times

**Keep your eyes on the prize:** beyond compliance, *better, faster services for people fleeing domestic violence.*



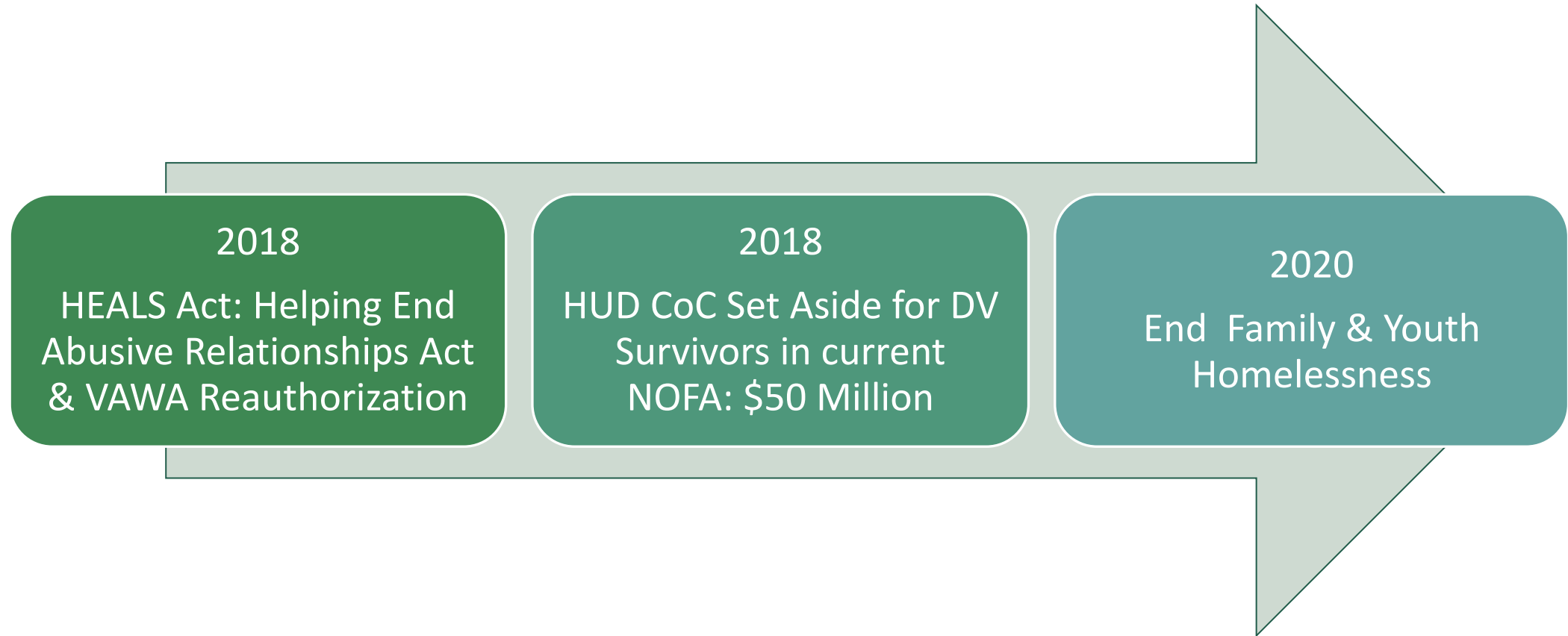
# How to Work With Your CoC on This

- Short answer: **get involved in your CoC's governance**
- One of the first things I did as CoC Manager: create a committee structure, give it real power, make it opt-in
  - ...and encourage our target population groups (DV, veterans, youth) to create working groups
  - ...then empower those working groups to take real action
- Also: be a resource! Your CoC Manager likely doesn't have your depth of subject knowledge; offer expertise in exchange for engagement



# National Landscape

# National Landscape



# VAWA 2019 Proposed Enhancements

Existing statutory protections and HUD rules are essential to providing basic protections for survivors of VAWA Crimes, but more must be done to ensure compliance and implementation

- (1) Strengthen protections for survivors of domestic violence from eviction due to any criminal actions of perpetrators.
  - Under current law, federal housing providers are prohibited from discriminating against prospective and current tenants based on their status as a survivor of VAWA Crimes. Unfortunately, survivors still face denial and eviction based on other criminal activity of the perpetrator even if they are not involved in or are coerced into criminal activity.
- (2) Allow victims to independently establish eligibility for housing assistance when leaving the household of an eligible perpetrator.
  - The current law does not require that survivors retain possession of the unit in the event of a family break-up. Without the ability to retain their housing and rental assistance, survivors often face homelessness when the perpetrator is removed from the household.

# VAWA 2019 Proposed Enhancements (Cont'd)

- (3) Enhance the emergency transfer process.
  - Require housing providers to provide alternative transfer options for survivors of VAWA crimes.
- (4) Strengthen compliance and implementation across agencies and providers
  - Implement annual reviews established by each housing agency to assess compliance with the provisions of this Act.
- (5) Protect the right to report crime and support effective law enforcement
  - Survivors must be able to feel secure in reporting instances of VAWA Crimes without risking losing their housing. But many jurisdictions have adopted ordinances that make it possible for survivors to be evicted based on a perpetrator's conduct—and, in many cases, even a survivor's efforts to report that conduct—that is deemed to be a nuisance or other violation of law.



# Presenter Contact Information

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# Questions?

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