



METROPOLITAN DEVELOPMENT AND HOUSING AGENCY

TENANT SELECTION PLAN (TSP)



NASHVILLE-MDHA.ORG

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**Introduction
TENANT SELECTION PLAN (TSP)**

This Tenant Selection Plan (TSP) establishes the policies and procedures governing the admission and continued occupancy of residents at **[Property Name]**, a Family Property located at **[Property Address]**, **[City]**, **[State]**. This TSP has been developed in accordance with HUD Handbook 4350.3 REV-1, applicable federal regulations, Fair Housing requirements, and all program requirements governing the property.

[Property Name] is committed to providing safe, decent, and sanitary housing and ensuring that all applicants are treated fairly, consistently, and without discrimination. The policies outlined in this TSP are designed to ensure compliance with HUD requirements and the equitable administration of housing opportunities for all eligible applicants.

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Chapter 1

NONDISCRIMINATION

1-A. OVERVIEW

Federal laws require MDHA to treat all applicants and tenant families equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of race, color, religion, sex, national origin, age, familial status, and disability. In addition, HUD regulations provide for additional protections regarding sexual orientation, gender identity, and marital status. MDHA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- Title VI of the Civil Rights Act of 1964
- Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988)
- Executive Order 11063
- Section 504 of the Rehabilitation Act of 1973
- The Age Discrimination Act of 1975
- Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern)
- The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the Federal Register February 3, 2012
- The Violence against Women Act (VAWA)
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted

When more than one civil rights law applies to a situation, the laws will be read and applied together.

1-B. NONDISCRIMINATION

Federal regulations prohibit discrimination against certain protected classes and other groups of people. State and local requirements, as well as MDHA policies, can prohibit discrimination against additional classes of people.

MDHA shall not discriminate because of race, color, sex, religion, familial status, age, disability, or national origin (called “protected classes”).

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

MDHA will not discriminate on the basis of marital status, gender identity, or sexual orientation [FR Notice 02/03/12; Executive Order 13988].

MDHA Policy

MDHA does not identify any additional protected classes.

MDHA will not use any of these factors to:

- Deny to any family the opportunity to apply for housing, nor deny to any qualified applicant the opportunity to participate in the program
- Subject anyone to segregation or disparate treatment
- Restrict anyone’s access to any benefit enjoyed by others in connection with the housing program
- Treat a person differently in determining eligibility or other requirements for admission
- Steer an applicant or tenant toward or away from a particular area based on any of these factors
- Deny anyone access to the same level of services
- Discriminate against someone because they are related to or associated with a member of a protected class
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons who are members of a protected class

1-C. POLICIES RELATED TO PERSONS WITH DISABILITIES

MDHA must ensure that persons with disabilities have full access to the agency's programs and services. This responsibility begins with the first inquiry of an interested family and continues through every programmatic area of the PBRA program [24 CFR Part 8].

MDHA Policy

MDHA will ask all applicants and resident families if they require any type of accommodations, in writing, on the intake application, reexamination documents, and notices of adverse action by MDHA, by including the following language:

“If you or anyone in your family is a person with disabilities, and you require a specific accommodation in order to fully utilize our programs and services, please contact the Management Office.”

A specific position and phone number will be provided as the contact person for requests for accommodation for persons with disabilities.

1-D. REASONABLE ACCOMMODATION

A *reasonable accommodation* is a change, exception, or adjustment to a policy, practice, or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

1-E. REQUEST FOR AN ACCOMMODATION

If an applicant or participant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that MDHA treat the information as a request for a reasonable accommodation, even if no formal request is made [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to the Agency's programs and services.

If the need for the accommodation is not readily apparent or known to Management, the family must explain the relationship between the requested accommodation and the disability.

MDHA Policy

Applicants and residents may request a reasonable accommodation at any time. Although MDHA encourages requests to be made in writing, a specific form is not required. Any communication that lets MDHA know a disability-related accommodation is needed will be considered a request for a reasonable accommodation.

1-F. VERIFICATION OF DISABILITY

The regulatory civil rights definition for persons with disabilities can be found at 24 CFR Parts 8.3 and 100.201. The definition of a *person with a disability* for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of *disability*, which is used for waiting list preferences and income allowances.

Before providing an accommodation, MDHA must determine that the person meets the definition of a *person with a disability*, and that the accommodation will enhance the family's access to the Agency's programs and services.

If a person's disability is obvious or otherwise known to the Management, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

If a family indicates that an accommodation is required for a disability that is not obvious or otherwise known to Management, Management must verify that the person meets the definition of a person with a disability, and that the limitations imposed by the disability require the requested accommodation.

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].
- MDHA must request only information that is necessary to evaluate the disability-related need for the accommodation. MDHA may not inquire about the nature or extent of any disability.
- Medical records will not be accepted or retained in the participant file.

1-G. APPROVAL/DENIAL OF A REQUESTED ACCOMMODATION [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

MDHA must approve a request for an accommodation if the following three conditions are met:

- The request was made by or on behalf of a person with a disability.
- There is a disability-related need for the accommodation.
- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on MDHA, or fundamentally alter the nature of the MDHA's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of the MDHA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs.

Before making a determination whether to approve the request, MDHA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that MDHA may verify the need for the requested accommodation.

MDHA Policy

Upon receipt of a request for a reasonable accommodation, MDHA will promptly review the request and engage in an interactive process as needed. MDHA will make every effort to provide a written determination within the following timeframes:

- Immediate Requests (Generally 1-3 Business Days): Requests involving an obvious disability and an apparent disability-related need for a common accommodation may be approved within 1 to 3 business days.
- Requests Requiring Verification (Generally Within 10 Business Days): Requests involving a non-obvious disability or disability-related need may require third-party verification. MDHA will make every effort to issue a written determination within 10 business days after receipt of all required supporting documentation.
- Complex Accommodation or Modification Requests (Generally Within 30 Calendar Days): Requests involving structural modifications, contractor estimates, architectural review, procurement processes, funding assessments, or other complex evaluations may require additional time. MDHA will process such requests as expeditiously as possible and will generally provide a written determination within 30 calendar days.

If MDHA is unable to make a determination within the timeframes above, MDHA will provide the requester with written notice regarding the status of the request, any additional information needed, and the anticipated timeframe for a final decision.

If MDHA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal the MDHA's decision.

If MDHA denies a request for an accommodation because it is not reasonable, MDHA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the PBRA program and without imposing an undue financial and administrative burden.

If MDHA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, MDHA will notify the family, in writing, of its determination within 10 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal the MDHA's decision.

1-H. PROGRAM ACCESSIBILITY FOR PERSONS WITH HEARING OR VISION IMPAIRMENTS [24 CFR 8.6]

HUD regulations require the MDHA to take reasonable steps to ensure that persons with disabilities related to hearing and vision have reasonable access to the Agency's programs and services [24 CFR 8.6].

MDHA Policy

At the initial point of contact with each applicant, MDHA shall inform all applicants of alternative forms of communication that can be used other than plain language paperwork.

Chapter 2

THE APPLICATION PROCESS

2-A. USE OF ELECTRONIC SIGNATURES [Notice H 2020-04]

HUD allows but does not require MDHA to use electronic signatures (e-signatures) in compliance with Notice H 2020-04 and federal, state, and local laws. Owners adopting policies on the use of electronic signatures must provide applicants and tenants the option use “wet” signatures (i.e., original signatures) and paper documents upon request.

MDHA Policy

MDHA will accept and use electronic signatures (e-signatures) during the application process, the leasing process, and the annual and interim recertification process, as described in this section and in compliance with Notice H 2020-04 and any applicable federal, state, and local laws.

In lieu of electronic signatures, tenants have the option to sign any required documents or forms on paper with a “wet” signature if they so request.

References to original signatures throughout this policy may be interpreted and implemented through electronic means.

MDHA will ensure appropriate data security for both the record being signed and the signature.

Acceptable methods of electronic signature include **DocuSign**.

YARDI Rent Cafe

2-B. TRANSMISSION OF FORMS, NOTICES, AND DOCUMENTS [Notice H 2020-04]

HUD allows but does not require MDHA to communicate electronically with applicants and tenants and/or provide documents and notices electronically when state and local law permits and in accordance with Notice H 2020-04.

If MDHA chooses to use electronic communication procedures, applicants and tenants may also choose to communicate electronically with the MDHA provided their choice is made affirmatively—not assumed with an opt-out procedure. MDHA may designate specific methods as acceptable for electronic transmissions from applicants and tenants.

When state and local law permits, MDHA may also provide documents and notices electronically or make such documents available in electronic format. However, when HUD regulations or notices or state or local law require notices to tenants be sent by first class mail, delivered directly to tenants or their units, or be posted in public spaces, electronic communication does not satisfy this requirement.

Applicants and tenants must have the opportunity to provide their information and documents in paper copy and to receive documents in paper form, including both before they have provided any information or documents electronically or after they have done so and wish to discontinue doing so. If MDHA chooses to provide documents electronically, MDHA should inform applicants or tenants of their option to receive such documents in paper form.

MDHA Policy

In compliance with federal, state, and local laws and HUD regulations, MDHA will securely, electronically transmit HUD-approved and required documents when feasible throughout the application, move-in, and annual and interim recertification process. Tenant and applicants may request paper copies of such documents and may provide information in paper form at any time.

MDHA will inform applicants of their ability to communicate electronically with Management and/or receive paper copies of documents via the application.

The following methods are acceptable for electronic submission of documents:

MDHA's method for transmitting documents electronically, e.g., complete online, scan, online apps, email, etc. per MDHA's software and equipment capabilities.

Acknowledgement of Receipt

If required notices, forms, and brochures are distributed electronically, HUD recommends that MDHA request an electronic acknowledgement of receipt. Where HUD does not specifically require applicant or tenant acknowledgement of receipt, the MDHA should nonetheless maintain records showing that they provided applicants or tenants with the electronic file or the electronic address used to access the document.

MDHA Policy

Where HUD requires an acknowledgement of receipt for certain documents or forms and MDHA has adopted a policy for electronic documents, MDHA will request an electronic acknowledgement of receipt from the applicant or tenant. For documents provided electronically that do not require acknowledgement of receipt, MDHA will maintain records showing they provided information electronically.

Effective Communication to Persons with Disabilities [24 CFR 8.6; 28 CFR 35.160; 28 CFR 36.303]

MDHA must ensure effective communication with persons with disabilities by ensuring that all notices and communications provided electronically are consistent with applicable fair housing laws and regulations and that electronic communications do not impose any barriers in accessing information, programs, and activities by persons with disabilities.

MDHA must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in appropriate accessible formats as needed (e.g., Braille, audio, large type, assistive listening devices, sign language interpreters, accessible websites and other electronic communications). In the event that a person with a disability is unable to use an electronic system or file that meets federal accessibility standards, MDHA must provide reasonable accommodations to afford users an equal opportunity to participate (e.g., in completing and signing documents or submitting documents in paper copy).

Effective Communication to Limited English Proficient (LEP) Individuals [Executive Order 13166]

MDHA is responsible for ensuring effective communication of electronic media includes reasonable steps taken to ensure meaningful access for persons with Limited English Proficiency (LEP) across technological platforms. Such formats may include, but are not limited to, multilingual websites and other electronic media.

2-C. MARKETING

MDHA will market available units in accordance with the HUD-approved Affirmative Fair Housing Marketing Plan (Form HUD-935.2A) in order to reach those who are least likely to apply and to attract a broad cross-section of the eligible population without regard to race, color, religion, sex, disability, familial status, gender identity, or national origin.

In addition to general marketing activities, MDHA will notify the public of waiting list openings and closings in accordance with its HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP). Such notice will include the location(s), method(s), and timeframe for submitting applications.

2-D. APPLYING FOR ASSISTANCE [24 CFR 880.603(a); HUD Handbook 4350.3, REV-1, CHG-4, Section 4-14]

2-D(1). Application Intake and Submission Methods

Applications for housing assistance will be accepted only when the waiting list is open. Any family that wishes to reside at the property must submit an application in the form and manner prescribed by MDHA.

The standard method for submitting applications is electronically through the MDHA's designated online application portal, which is available twenty-four (24) hours per day during open application periods. A valid email address is required to complete an online application.

Applicants who are unable to complete an electronic application due to a disability or other reason may request a reasonable accommodation. Upon request, MDHA will provide alternative methods for submitting an application, which may include in-person assistance during normal business hours, submission by mail, or other approved methods consistent with HUD requirements.

2-D(2). Application Processing Standards

It is the policy of MDHA to accept and process all applications in accordance with HUD Handbook 4350.3, REV-1, and all other applicable HUD regulations and fair housing requirements.

Applications must be completed in full in order to be accepted for processing. If an application is incomplete, Property Management will notify the applicant of the additional information required.

Every application must be signed by the Head of Household, spouse (if applicable), and all adult household members eighteen (18) years of age or older. All household members must be listed on the application.

Electronic signatures will be accepted in accordance with Notice H 2020-04. Applicants and tenants may request paper forms and “wet” signatures at any time.

2-D(3). Written Communication and Applicant Responsibilities

Unless otherwise required by HUD regulations or provided as a reasonable accommodation, written communications with applicants will be provided by First-Class Mail.

Applicants are responsible for responding to application-related notices within required timeframes. Failure to respond may result in withdrawal of the application from further processing.

MDHA may make reasonable exceptions to established deadlines when circumstances beyond the applicant’s control are documented, including but not limited to medical emergencies, extreme weather events, or approved reasonable accommodation requests.

Any family that wishes to reside at the property must apply for admission to the program. Applications must be signed by both the MDHA Representative and the applicant. HUD permits MDHA to determine the format and content of the application, as well how such applications will be made available to interested families and how applications will be accepted by MDHA. However, MDHA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of the application.

MDHA Policy

Depending upon the length of time between the date of application and the availability of housing, MDHA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and the amount of rent the family will pay.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, MDHA initially will require families to provide only the information needed to make an initial assessment of the family’s eligibility, and to determine the family’s placement on the waiting list on a pre-application form. The family will be

required to provide all of the information necessary to establish family eligibility and the amount of rent the family will pay when selected from the waiting list.

Families may obtain application forms from the Property Management's office during normal business hours or apply online when the waitlist is open. Families may also request—by telephone or by mail—that an application form be sent to the family via first class mail.

Completed applications must be returned to the Property Management Office by mail, electronically, or submitted in person during normal business hours. Applications must be filled out completely in order to be accepted by the MDHA for processing. If an application is incomplete, Property Management will notify the family of the additional information required.

Applications may be made in person or online during specified dates and business hours posted at the Property Management offices when waitlists are open.

Completed applications will be dated, time-stamped upon receipt, and referred to the Property Management's office where resident selection and assignment is processed.

Individuals who are unable to complete an application in person may contact the Management Office to make special arrangements to complete their application. If the applicant is visually impaired, or has limited English proficiency (LEP), all notices will be made available in a format understandable by the applicant.

All adult applicants will be given the opportunity to complete Form HUD-92006, Supplement to Application for Federally Assisted Housing, at the time of application and annually at recertification.

When a two-step application process is used, a pre-application may be accepted to obtain the minimum information necessary to determine preliminary eligibility and waiting list placement.

Placement on the waiting list does not guarantee admission to the program. When a unit becomes available, applicants selected from the waiting list must complete a full application, which will be processed in accordance with this Tenant Selection Plan to determine final eligibility.

2-E. ACCESSIBILITY OF THE APPLICATION PROCESS

MDHA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the standard MDHA application process.

MDHA must provide reasonable accommodation as needed for persons with disabilities to make the application process fully accessible. The facility where applications are accepted and the application process must be fully accessible, or MDHA must provide an alternate approach that provides equal access to the program.

MDHA will provide reasonable assistance to applicants during the application process, which may include answering questions and assisting applicants with literacy, vision, or language barriers. Such assistance is intended to ensure meaningful access for interested persons seeking housing assistance.

Applicants with disabilities may be provided alternative application processing methods as a reasonable accommodation.

Chapter 3

WAITING LIST PROCEDURES

3-A. PLACEMENT ON THE WAITING LIST

MDHA must review each completed application received and make a preliminary assessment of the family's eligibility. Areas to be reviewed include requirements for income, household size/composition, student status, special status requirements such as age or disability status if needed, and criminal history. Applicants for whom the waiting list is open must be placed on the waiting list to ensure the waiting list is auditable, and that no applicant was rejected except according to the screening criteria set forth in this plan.

Placement on the waiting list does not indicate that the family is, in fact, eligible for admission. When the family is selected from the waiting list, Management will verify any preferences claimed, if applicable, and determine eligibility and suitability for admission to the program.

No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list.

Ineligible for Placement on the Waiting List

MDHA Policy

If Management determines from the information provided that a family is ineligible, the family will not be placed on the waiting list. When a family is determined to be ineligible, Management will send written notification of the ineligibility determination within 10 (ten) business days of determination of ineligibility.

The written notice will specify the reasons for ineligibility and will inform the family of its right to respond to the owner in writing or request a meeting within 14 (fourteen) calendar days to dispute the rejection. The notice will state that applicants who are persons with disabilities have the right to request a reasonable accommodation. MDHA will provide a final written decision within five (5) business days after reviewing any information submitted in response to the notice.

Eligible for Placement on the Waiting List

MDHA Policy

Following the closure of the application period, MDHA will review all submitted applications for preliminary eligibility. Applicants who meet the baseline criteria (such as income limits and household size restrictions) will be entered into a randomized lottery pool. Within thirty (30) calendar days of the lottery drawing, MDHA will issue written notification to all applicants regarding their preliminary eligibility status. Eligible applicants will be informed of their specific, lottery-assigned rank on the waiting list, alongside any applicable local preferences. Preliminary placement and ranking on the waiting list do not guarantee final admission, subsidy, or unit placement. Comprehensive third-party eligibility verification, credit screenings, and

background checks will be conducted in sequence order as the applicant's lottery rank reaches the top of the waiting list and a unit becomes available.

3-B. PREFERENCES [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-6; 24 CFR 5.655(c); Notice H 2013-21]

MDHA must describe the method for selecting applicant families from the waiting list, including the system of admission preferences that the MDHA will use, if any. MDHA is permitted, but not required to, establish local preferences as long as they are subordinate to any program-specific preferences. Preferences do not guarantee admission. MDHA must inform all applicants about any available preferences and give all applicants the opportunity to show they qualify for available preferences. While HUD rules currently include four types of preferences, Section 8 properties may only implement owner-adopted preferences or state and local preferences. HUD approval is required for any state, local, or residency preferences. Owners may implement owner-adopted preferences outside of those cited in the regulations, such as a preference for homeless families [Notice H 2013-21]. If a homeless preference is adopted, it must be included in this TSP, which must then be submitted to HUD for approval.

MDHA Policy

In accordance with HUD Handbook 4350.3 and 24 CFR 5.655(c), this property has established owner-adopted preferences for admissions that do not require prior HUD approval. These preferences apply strictly to the ranking order of applicants on the waiting list and do not alter the baseline program eligibility requirements. The property utilizes the following preferences:

Elderly Preference (Single Adults 62+): Preference will be given to applicant households consisting of a single adult who is sixty-two (62) years of age or older at the time of preliminary screening.

Disability Preference (Single Adults with a Disability): Preference will be given to applicant households consisting of a single adult who meets the HUD definition of a person with a disability (as defined in Chapter 3 of HUD Handbook 4350.3).

Ranking and Application Order: Applicants who qualify for either the Elderly Preference OR the Disability Preference will be ranked equally ahead of applicants who do not qualify for either preference. Within this preferred group, applicants will be selected based on their randomized lottery rank (or date and time of application, as applicable). Households that do not meet the criteria for either preference will be placed below preferred applicants, ordered sequentially by lottery rank.

3-C. INCOME TARGETING REQUIREMENT [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-25]

HUD requires MDHA with Section 8 units to ensure that during a fiscal year at least 40 percent of the dwelling units assisted under the contract that become available, together with initial certification of in-place families (with the exception of in-place residents at the time of a RAD conversion), be extremely low-income (ELI) families. ELI families are those with annual incomes at or below the federal poverty level or 30 percent of the area median income,

whichever number is higher [FR notice 6/25/14]. To ensure this requirement is met, MDHA may skip non-ELI families on the waiting list in order to select an ELI family.

Current households in properties converting to PBRA under RAD are not subject to income targeting provisions at the time of conversion.

MDHA Policy

MDHA will monitor progress in meeting the ELI requirement throughout the fiscal year. ELI families will be selected ahead of other eligible families on an as-needed basis to ensure that the income targeting requirement is met.

a. Households with one or more members with a disability, when accessible units or features are designated for the disability.

b. Applicants will be taken from the waiting list in order EXCEPT, if, at any time, the admission of the next qualified applicant on the waiting list would cause the property to fall below the 40% under 30% requirement, the next qualified applicant who meets the under 30% income level requirement will be moved to the top of the list and admitted.

NOTE: This testing procedure will be applied to all admissions during the year and records regarding this procedure will be kept on an annual basis and in the rental office.

c. The marketing of these units will be targeted towards potential residents who have incomes that do not exceed 30% of the area's median income.

d. Within each of the above listed groups, approved applicants will be housed based solely on the date and time of application.

3-D. OPENING AND CLOSING THE WAITING LIST

MDHA will advertise that applications will be received only for certain bedroom sizes at a specific property at the Agency's discretion. Should the wait for one or more-bedroom size exceed five hundred applicants, MDHA can, at their discretion, close the waiting list and no longer accept applications.

MDHA Policy

Should the waitlist for one or more-bedroom size exceed five hundred applicants, MDHA can, at their discretion, close the waiting list and no longer accept applications.

When the waiting list is closed, the MDHA will make the public aware of the waiting list closing through the advertising and notification procedures outlined in the HUD-approved Affirmative Fair Housing Marketing Plan (AFHMP) and will state the reasons for closing the waiting list. Should the MDHA close the list, MDHA will refuse to take additional applications.

When the MDHA reopens the waiting list for one or more-bedroom sizes, it will again notify the public in the manner outlined in the AFHMP. This notification will be extensive and will state how, when, and where to apply for an apartment and how applications will be added to the waiting list.

3-E. UPDATING THE WAITING LIST [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-18]

Whenever a change is made in the waiting list, an action is taken, or an activity specific to an applicant occurs, a notation must be made on the waiting list.

MDHA Policy

At the time of initial application, the MDHA will advise families in writing that they are responsible for notifying the MDHA in writing when their circumstances, mailing address, phone numbers, or other means of contact change.

MDHA will require applicants to update their contact information every six months by contacting the property in person, verbally, writing, or by other method requested at initial application by applicants with disabilities. If no update is received by the designated due date, MDHA will remove the applicant from the waiting list.

Any time contact is made, an action is taken, or any activity occurs that is specific to an application, a notation will be made on the waiting list.

3-F. SELECTION FROM THE WAITING LIST

When the waiting list is opened for applications, it will remain open for a designated window advertised in accordance with the property's Affirmative Fair Housing Marketing Plan (AFHMP). The date and time an application is submitted within this window will have no impact on the applicant's placement or priority. Following the close of the application period, all preliminary eligible applications will be collected into a single pool and randomized via an automated electronic lottery drawing system.

3-G. APPLICANT INTERVIEW [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-24]

When an appropriate unit is available soon, MDHA must interview the applicant family to obtain current information about the family's circumstances. All information listed in Chapter 4 of the HUD Handbook 4350.3 must be discussed.

MDHA Policy

Applicant Interview and Verification Process:

When an applicant's lottery rank and preference status place them at the top of the waiting list and a unit is expected to become available, MDHA will schedule a formal interview to determine final eligibility. The interview may be conducted in person or via secure video-conferencing platforms upon request.

Method of Contact and Scheduling:

MDHA will initiate contact using a multi-channel approach to maximize delivery success. Notification will be sent simultaneously via U.S. Postal Service first-class mail and, if provided on the application, via electronic mail (email) and/or telephone/text. The written notice will specify the date, time, and location of the interview, along with a comprehensive checklist of all original documents and third-party verification authorizations required to complete the screening.

Applicant Response Timeline:

Applicants are required to respond to the interview notice within ten (10) business days from the date the letter was issued to confirm their attendance or request a reschedule. If an applicant requires a reasonable accommodation due to a disability or language barrier (LEP) to participate in the interview process, management will provide necessary modifications or translation services upon advance request.

Failure to Attend Scheduled Interview (No-Show Policy):

If an applicant fails to attend a scheduled interview, fails to respond to the initial contact notice within ten (10) business days, or arrives at the interview without the mandatory documentation required to establish eligibility, the application will be subject to preliminary withdrawal.

The Two-Step Rejection Safeguard:

Before a formal rejection and removal from the waiting list occurs, MDHA will issue a Notice of Intent to Withdraw Application via first-class mail and email. This notice will inform the applicant that they failed to complete the mandatory interview step. The applicant will be granted fourteen (14) calendar days from the date of the notice to:

1. Contact management to document a verifiable mitigating circumstance (such as a medical emergency, hospitalization, or temporary displacement) that prevented attendance, AND
2. Reschedule and successfully complete the interview process.

Formal Removal and Right to Dispute:

If the applicant fails to respond to the Notice of Intent to Withdraw within fourteen (14) calendar days, or fails to provide an acceptable mitigating circumstance, the application will be formally rejected and removed from the waiting list. A written Rejection Notice will be sent in accordance with HUD Handbook 4350.3 Chapter 4-9 guidelines. The applicant will retain the right to dispute the rejection and request an informal hearing within fourteen (14) calendar days of the final rejection notice date.

Chapter 4

PROJECT ELIGIBILITY

Program eligibility determines whether applicants are eligible for assistance, while project eligibility establishes whether applicants are eligible to reside in the specific project to which they have applied. Project eligibility may be affected by:

- Whether some or all of the units in the project are designated for specific family types
- Project-specific occupancy standards (See Section 4-C)
- Whether some or all of the units in the project are layered with other programs and therefore may have different requirements

Definitions

- A. Family Status – All households must have a Head of Household, or coheads of household. Family includes, but is not limited to, the following, regardless of actual or perceived sexual orientation, gender identity, or marital status [Notice H 2015-06].
1. An elderly family, which is:
 - a. A family whose head, spouse, or co-head is at least 62 years of age;
 - b. Two or more persons who are at least 62 years of age living together; or
 - c. One or more persons who are at least 62 years of age living with one or more live-in aides; or
 2. A disabled family, which is:
 - a. A family whose head, spouse, co-head or sole member is a person with a disability;
 - b. Two or more persons with disabilities living together; or
 - c. One or more persons with disabilities living with one or more live-in aides.
 - d. For purposes of qualifying for low-income housing, HUD does not include a person whose disability is based solely on any drug or alcohol dependence.
 3. The remaining member of a tenant family.

4-A. PROJECT-SPECIFIC REQUIREMENTS [HUD Handbook 4350.3, REV-1, CHG-4, Chapter 3, Section 2]

MDHA is required to define if the property is designated for a special population, such as elderly or disabled.

MDHA Policy

MDHA has submitted a request to HUD on May 1, 2026, for approval to designate Edgefield Manor as housing for elderly persons and persons with disabilities. As of the effective date of this Tenant Selection Plan, HUD approval has not yet been received. Until written approval is obtained from HUD, the property will continue to accept applications and determine eligibility in accordance with existing HUD occupancy requirements and the eligibility criteria contained in this Tenant Selection Plan.

If HUD approves the requested designation, this Tenant Selection Plan will be revised as necessary to reflect the approved occupancy designation and all applicable HUD requirements. Applicants and residents will be notified of any changes affecting eligibility, occupancy standards, or waiting list procedures resulting from HUD's approval.

4-B. INCOME ELIGIBILITY [24 CFR 5.653; HUD Handbook 4350.3, REV-1, CHG-4, Section 3-6, Figure 3-3]

Income Limits

HUD is required by law to establish income limits that determine the income eligibility of applicants for HUD's assisted housing programs, including the PBRA program. The income limits are published annually and are based on HUD estimates of the median incomes for families of different sizes in a particular area or county. Income limits are determined by HUD program type.

Types of Low-Income Families

Low-income family. A family whose annual income does not exceed 80 percent of the median income for the area, adjusted for family size.

Very low-income family. A family whose annual income does not exceed 50 percent of the median income for the area, adjusted for family size.

Extremely low-income family. A family whose annual income does not exceed the federal poverty level or 30 percent of the median income for the area, whichever number is higher.

Area median income is determined by HUD, with adjustments for smaller and larger families. HUD may establish income ceilings higher or lower than 30, 50, or 80 percent of the median income for an area if HUD finds that such variations are necessary because of unusually high or low family incomes.

Using Income Limits for Eligibility

Income limits are used for eligibility only at admission. Eligibility is established by comparing a family's annual income with HUD's published income limits. To be income eligible, the

household's annual income does not exceed applicable program income limits, a copy of which will be available upon request.

MDHA Policy

Admission to the property is limited to households whose annual gross income does not exceed the HUD-established income limits applicable to the property at the time of admission.

This property serves Extremely Low-Income, Very Low-Income, and Low-Income households according to HUD program and regulatory agreement. Income eligibility is determined at the time of admission using HUD-published income limits and is verified in accordance with HUD Handbook 4350.3 and applicable program requirements.

RAD Requirements [Notice H 2019-09]

Pursuant to RAD statute, at conversion, current households are not subject income eligibility provisions. In order to facilitate the right to return to the assisted property, this also applies to current public housing residents at the converting project that will reside in non-RAD PBRA units placed in a project that contains RAD PBRA units. RAD PBRA properties will use the low-income limit to determine eligibility for new admissions to the property.

4-C. OCCUPANCY STANDARDS [HUD Handbook 4350.3, REV-1, CHG-4, Section 3-23]

In selecting a family to occupy a particular unit, MDHA may match characteristics of the family with the type of unit available, for example, number of bedrooms [24 CFR 5.655(b)(4)]. HUD does not specify the number of persons who may live in units of various sizes. Although the O/A does determine the size of unit the family qualifies for under the occupancy standards, the O/A does not determine who shares a bedroom/sleeping room. Occupancy standards will be applied in a manner consistent with fair housing requirements. Applicants will be housed in a unit size appropriate for their household.

Live-in aides and foster children and adults are considered for purposes of unit size. HUD defines a foster adult as a member of the household who is 18 years or older and meets the definition of a foster adult under state law. State-level agencies define who is considered a foster adult/child, so the classification may vary from state to state. In general, a foster adult is unable to live independently due to a debilitating physical or mental condition and is placed with the family by an authorized placement agency or by judgment, decree, or other order of any court of competent jurisdiction.

HUD defines a foster child as a member of the household who meets the definition of a foster child under state law. In general, a foster child is placed with the family by an authorized placement agency (e.g., public child welfare agency) or by judgment, decree, or other order of any court of competent jurisdiction.

In accordance with HUD Handbook 4350.3, REV-1, CHG 4, household members include, but are not limited to the following:

- All full-time family members
- All anticipated children, defined as the following:
 - Children expected to be born to a pregnant woman
 - Children in the process of being adopted by an adult family member
 - Children whose custody is being obtained
 - Foster children who will reside in the unit
 - Children who are temporarily in a foster home who will return to the family
 - Children in joint custody arrangements who are present in the household 50 percent or more of the time
- Children who are away at school and who live at home during recesses
- Live-in aides
- Foster adults living in the unit

MDHA Policy

MDHA will reference the following standards in determining the appropriate unit bedroom size for a family:

Property Unit Sizes	Number of Bedrooms	Number of Persons	
		Minimum	Maximum
	0 BR	1	1
	1 BR	1	2
	2 BR	2	4
	3 BR	3	6
	4 BR	4	8
	5 BR	5	10
	6 BR	6	12

The family may only be on the waiting list for one bedroom size at any property. For example, if the family qualifies for both a one- and a two-bedroom waiting list, the family may not be on both lists. Once the family selects a bedroom size, they may not switch to a different bedroom size waiting list unless they experience a qualifying event such as birth, adoption, or court-awarded custody of a child.

RAD Requirements [Notice H 2019-09]

If at the time of conversion, an eligible family assisted under the HAP contract is occupying a unit that is larger than appropriate because of the family's composition, the family will be permitted to continue to occupy the unit until an appropriate-sized unit

becomes available in the project. When an appropriate-sized unit becomes available, the family living in the under-occupied unit must move to the appropriate-sized unit within 30 days. If they do not move within that time frame, they are required to pay full market rent in their current unit.

Chapter 5

PROGRAM ELIGIBILITY

MDHA is responsible for ensuring that every individual and family admitted to the program meets all program eligibility requirements. This includes any individual approved to join the family after the family has been admitted. The family must provide any information needed by MDHA to confirm eligibility and determine the level of the family's assistance.

In addition to meeting the requirements listed in this section, in order to be eligible:

The unit for which the applicant household is applying will be the household's sole place of residence.

At the time of admission, the applicant may not be receiving rental assistance in another unit unless that assistance will be terminated at the time of admission.

RAD Requirements [Notice H 2019-09]

Pursuant to RAD statute, at conversion, current households are not subject to rescreening. Consequently, current households will be grandfathered for conditions that occurred prior to conversion, but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

5-A. CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS [HUD Handbook 4350.3, REV-1, CHG-4, Section 3-12; 24 CFR 5, Subpart E]

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. At least one family member must be a citizen, national, or noncitizen with eligible immigration status in order for the family to qualify for any level of assistance.

All applicant families must be notified of the requirement to submit evidence of their citizenship status when they apply. Where feasible, and in accordance with the MDHA's Limited English Proficiency (LEP) Plan, the notice must be in a language that is understood by the individual if the individual is not proficient in English.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen, or an ineligible noncitizen, and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously assisted occupancy [24 CFR 5.508(g)(5)].

Declaration [24 CFR 5.508]

HUD requires each family member to declare whether the individual is a citizen, a national, or an eligible noncitizen, except those members who elect not to contend that they have eligible immigration status. Those who elect not to contend their status are considered to be ineligible noncitizens. For citizens, nationals, and eligible noncitizens, the declaration must be signed personally by the head, spouse, cohead, and any other family member 18 years of age or older, and by a parent or guardian for minors. The family must identify in writing any family members who elect not to contend their immigration status (see Ineligible Noncitizens below). No declaration is required for live-in aides, foster children, or foster adults.

Timeframes for Submitting Evidence of Citizenship/Immigration Status to the Owner

1. Applicants must submit required documentation of citizenship/immigration status no later than the date MDHA initiates verification of other eligibility factors. Because of the prohibition against delaying assistance to obtain verification of citizenship/immigration status, owners are advised to implement procedures to verify eligible immigration status in advance of other verification efforts.
2. If the applicant cannot supply the documentation within MDHA's specified timeframe, MDHA may grant the applicant an extension of not more than 30 days, but only if the applicant certifies that the documentation is temporarily unavailable and additional time is needed to collect and submit the required documentation. Although the extension period may not exceed 30 days, MDHA may establish a shorter extension period based on the circumstances of the individual case.
3. MDHA must inform the applicant in writing if an extension request is granted or denied. If the request is granted, the owner must include the new deadline for submitting the documentation. If the request is denied, the owner must state the reasons for the denial in the written response. When granting or rejecting extensions owners must treat applicants consistently.

U.S. Citizens and Nationals

In general, citizens and nationals are required to submit only a signed declaration that claims their status. However, HUD regulations permit MDHA to request additional documentation of their status, such as a birth certificate or U.S. passport.

MDHA Policy

Family members who declare citizenship or national status will not be required to provide additional documentation unless MDHA receives information indicating that an individual's declaration may not be accurate.

Eligible Immigrants

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

For family members age 62 or older who claim to be eligible immigrants, proof of age is required. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, MDHA must verify immigration status with the U.S. Citizenship and Immigration Services (USCIS).

MDHA will follow all USCIS protocols for verification of eligible immigration status.

Ineligible Noncitizens

Those noncitizens who do not wish to contend their immigration status are required to have their names listed on a noncontending family members listing, signed by the head, spouse, or cohead (regardless of citizenship status), indicating their ineligible immigration status. MDHA is not required to verify a family member's ineligible status and is not required to report an individual's unlawful presence in the U.S. to the United States Citizenship and Immigration Services (USCIS).

5-B. SOCIAL SECURITY NUMBERS [24 CFR 5.216; Notice H 2023-10]

The family must provide documentation of a valid Social Security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing residents who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

MDHA must accept the following documentation as acceptable evidence of the Social Security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document which contains the name and SSN
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

If the tenant's SSN becomes verified in EIV, then no further verification is required. If the tenant's SSN fails the SSA identity match, then MDHA must obtain a valid SSN card issued by the SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN of the individual, along with other identifying information of the individual. The tenant's assistance must be terminated if they fail to provide the required documentation.

MDHA may only reject documentation of an SSN provided by an applicant or resident if the document is not an original document, if the original document has been altered, mutilated, or illegible, or if the document appears to be forged.

For applicant families, if all household members have not disclosed and/or provided verification of SSNs for all household members at the time a unit is available and offered to the household, the next eligible applicant will be offered the available unit. The applicant family that has not disclosed SSNs for all household members must disclose and provide verification of SSNs for all household members within 90 calendar days of the date of they are first offered a unit, during which time, the family may remain on the waiting list. If after 90 days of the first unit offer the applicant has not provided the SSN and verification documentation, the applicant will be determined ineligible and removed from the waiting list.

If an applicant family includes a child under six years of age who joined the household within the six months prior to the date of program admission, an otherwise eligible family may be admitted and must provide documentation of the child's SSN within 90 days. A 90-day extension will be granted if MDHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control.

When a resident requests to add a new household member who is at least six years of age, or who is under the age of six and has an SSN, the resident must provide the complete and accurate SSN assigned to each new member at the time of recertification, in addition to the documentation required to verify it. MDHA may not add the new household member until such documentation is provided.

When a resident requests to add a new household member who is under the age of six and has not been assigned an SSN, the resident must provide the SSN assigned to each new child and the required documentation within 90 calendar days of the child being added to the household. A 90-day extension will be granted if the MDHA determines that the resident's failure to comply was due to unforeseen circumstances and was outside of the resident's control. During the period MDHA is awaiting documentation of the SSN, the child will be counted as part of the assisted household.

Social security numbers must be verified only once during continuously assisted occupancy.

MDHA Policy

Once an individual's status is classified as "verified" in HUD's EIV system, MDHA will not remove copies of documentation accepted as evidence of Social Security numbers.

5-C. STUDENTS ENROLLED IN INSTITUTIONS OF HIGHER EDUCATION [24 CFR 5.612; FR Notice 4/10/06; FR Notice 9/21/16; HUD Handbook 4350.3, REV-1, CHG-4, Section 3-13]

Section 327 of Public Law 109-115 and the implementing regulation at 24 CFR 5.612 established restrictions on the eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving Section 8 assistance as of November 30, 2005, the student's eligibility must be examined along with the income eligibility of the student's parents. In these cases, both the student and the student's parents must be income eligible for the student to receive Section 8 assistance. If, however, a student in these circumstances is determined independent from their parents based on the Department of Education's definition of an *independent student*, which has been expanded to include "vulnerable youth" as defined below, the income of the student's parents will not be considered in determining the student's eligibility.

The Department of Education's definition of an *independent student* includes an individual who meets one or more of the following criteria:

- The individual is 24 years of age or older by December 31 of the award year
- The individual is an orphan, in foster care, or a ward of the court, or was an orphan, in foster care, or a ward of the court at any time when the individual was 13 years of age or older
- The individual is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's state of legal residence
- The individual is a veteran of the Armed Forces of the United States or is currently serving on active duty in the Armed Forces for other than training purposes
- The individual is a graduate or professional student
- The individual is married
- The individual has legal dependents other than a spouse
- The individual has been verified during the school year in which the application is submitted as either an unaccompanied youth who is a homeless child or youth, or as unaccompanied, at risk of homelessness, and self-supporting, by:
 - A local educational agency homeless liaison;
 - The director of a program funded under the Runaway and Homeless Youth Act or a designee of the director;
 - The director of a program funded under subtitle B of title IV of the McKinney-Vento Homeless Assistance Act (relating to emergency shelter grants) or a designee of the director; or
 - A financial aid administrator
- The individual is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances

The law does not apply to students who reside with parents who are applying to receive Section 8 assistance. It is limited to students who are seeking assistance on their own, separately from their parents.

If a student is applying for assistance on their own, apart from their parents, MDHA must determine whether the student is subject to the eligibility restrictions contained in 24 CFR 5.612. If the student is subject to those restrictions, MDHA must ensure that: (1) the student is individually eligible for the program, (2) either the student is independent from their parents or the student's parents are income eligible for the program, (3) the "family" with which the student is applying is collectively eligible for the program, (4) is of legal contract age under state law, (5) has established a household separate from parents or legal guardians for at least one year, (6) is not being claimed as a dependent by parents or legal guardians pursuant to IRS regulations, and (7) obtains a signed certification of the amount of financial assistance provided by parent(s) providing the support.

5-D. FAMILY CONSENT TO RELEASE OF INFORMATION [HUD Handbook 4350.3, REV-1, CHG-4, Section 5-12; Notice H 2023-10]

The family must supply any information that MDHA or HUD determines is necessary to the administration of the program and must consent to MDHA verification of that information.

All adult family members (and the head and spouse/cohead, regardless of age) are required to sign the Consent to Release of Information Forms HUD-9887 and 9887-A at admission.

MDHA has the discretion to establish policies around when family members must sign consent forms when they turn 18. MDHA must establish these policies stating when family members will be required to sign consent forms at intervals other than at recertification.

MDHA Policy

Household members turning 18 years of age between annual recertifications will be notified in writing that they are required to sign the required Consent to the Release of Information Forms HUD-9887 and 9887A within 30 (thirty) calendar days of turning 18 years of age.

MDHA may obtain any financial record from any financial institution, as the terms financial record and financial institution are defined in the Right to Financial Privacy Act (12 U.S.C. 3401), whenever MDHA determines, the record is needed to establish an applicant's or resident's eligibility for assistance or level of benefits [24 CFR 5.230(c)(4)].

All adult members must also sign all MDHA-created individual verification forms. If any family member who is required to sign a consent form fails to do so, MDHA will deny admission to applicants or terminate the assistance of tenants.

However, this does not apply if the applicant, resident, or any member of their family, revokes their consent with respect to the ability of MDHA to access financial records from financial institutions, unless MDHA establishes a policy that revocation of consent to access financial records will result in denial or termination of assistance or admission [24 CFR 5.232(c)]. MDHA may not process interim or annual reexaminations recertifications of income without the family's executed consent forms.

MDHA Policy

MDHA has established a policy that revocation of consent to access financial records will result in denial of admission or termination of assistance in accordance with MDHA policy.

In order for a family to revoke their consent, the family must provide written notice to MDHA.

Within 10 (ten) business days of the date the family provides written notice, MDHA will send the family a notice acknowledging receipt of the request and explaining that revocation of consent will result in denial or termination of assistance, as applicable. At the same time, MDHA will notify their local HUD office.

Chapter 6

SCREENING CRITERIA

Screening is the determination that an otherwise eligible household has the ability to pay rent on time and meet the requirements of the lease. MDHA is required to establish written screening criteria to prohibit admission of certain individuals and are permitted to establish additional written screening criteria to determine whether applicants will be suitable tenants.

Live-in aides are screened using the same requirements listed for applicants, with the exception of any criteria involving credit or ability to pay rent.

The cost of screening must not be charged to applicants.

RAD Requirements [Notice H 2019-09]

As stated in Chapter 5, pursuant to RAD statute, at conversion, current households are not subject to rescreening provisions. Current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.

6-A. REQUIRED DENIAL OF ADMISSION [HUD Handbook 4350.3, REV-1, CHG-4, Section 4-7; 24 CFR Part 5, Subpart I]

HUD requires MDHA to deny assistance in the following cases:

- Any member of the household has been evicted from federally assisted housing in the last three years for drug-related criminal activity. HUD permits but does not require MDHA to admit an otherwise-eligible family if the household member has completed an MDHA-approved drug rehabilitation program or the circumstances which led to eviction no longer exist (e.g., the person involved in the criminal activity no longer lives in the household).

MDHA Policy

MDHA will admit an otherwise-eligible family who was evicted from federally assisted housing within the past three years for drug-related criminal activity, if MDHA is able to verify that the household member who engaged in the criminal activity has completed a supervised drug rehabilitation program approved by MDHA, or the person who committed the crime is no longer living in the household.

- MDHA determines that any household member is determined to be currently engaged in the illegal use a controlled substance (e.g., marijuana). A controlled substance is defined in section 102 of the Controlled Substances Act [21 U.S.C. 802].

MDHA Policy

Currently engaged in is defined as any use of illegal drugs during the previous three months.

- MDHA has reasonable cause to believe that any household member's current use or pattern of use of illegal drugs, or current abuse or pattern of abuse of alcohol, may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents.

MDHA Policy

In determining reasonable cause, MDHA will consider all credible evidence, including but not limited to, any record of convictions or arrests of household members related to the use of illegal drugs or the abuse of alcohol. A conviction will be given more weight than an arrest. MDHA will also consider evidence from treatment providers or community-based organizations providing services to household members.

- Any household member is subject to a lifetime registration requirement under a state sex offender registration program.

MDHA Policy

At the time of application processing, MDHA will screen all applicants and household members for state sex offender registration in all states where the applicant and members of the applicant's household have resided using the Dru Sjodin National Sex Offender Database (<http://www.nsopw.gov>).

If it is determined that a household member is subject to a state lifetime sex offender registration requirement, the household will be denied, or assistance will be terminated, unless the ineligible household member is removed from the household. For applicant households, the ineligible household member must be removed from the application, or the application will be denied.

MDHA will screen all household members for state sex offender registration and criminal history at the time of each resident's annual recertification. Should there be any evidence that any member of the applicant/resident household is subject to a state lifetime sex offender registration program or that any prior records have been falsified or not properly disclosed, or that a criminal history is discovered that violates the above policies in effect at the time of the annual recertification, the resident's lease may be immediately terminated or the family will be given the opportunity to remove the offender from the household.

In the cases listed above, proof that the ineligible member has been removed from the household must be provided to management. This would include (1) executing a new lease without the ineligible household member, or (2) established utility account at another address, or (3) verification of a change in address from the U. S. Postal Service for the ineligible member.

- Any member of the family fails to sign and submit consent forms for obtaining information.

6-B. OTHER PERMITTED REASONS FOR DENIAL OF ADMISSION

MDHA is responsible for screening family behavior and suitability for tenancy.

MDHA Policy

If any household member is currently engaged in, or has engaged in any of the following criminal activities, within the past three years, the family will be denied admission:

Drug-related criminal activity, defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug [24 CFR 5.100].

Violent criminal activity, defined by HUD as any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage [24 CFR 5.100].

Criminal activity that may threaten the health, safety, or welfare of other tenants.

Criminal activity that may threaten the health or safety of MDHA staff, contractors, subcontractors, or agents.

Criminal sexual conduct, including but not limited to sexual assault, incest, open and gross lewdness, or child abuse.

Evidence of such criminal activity includes, but is not limited to, any record of convictions or arrests for suspected drug-related or violent criminal activity of household members within the past three years. A conviction for such activity will be given more weight than an arrest.

MDHA will deny admission to an applicant family if MDHA determines that the family:

Has a pattern of unsuitable past performance in meeting financial obligations, including rent within the past three years

Has a pattern of disturbance of neighbors, destruction of property, or living or housekeeping habits at prior residences within the past three years which may adversely affect the health, safety, or welfare of other tenants

Owes rent or other amounts to this or any other Owner/Agent or PHA in connection with any assisted housing program

Misrepresented or does not provide complete information related to eligibility, including income, award of preferences for admission, expenses, family composition, or rent

Has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program

Has engaged in or threatened violent or abusive behavior toward MDHA personnel

Abusive or violent behavior towards MDHA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

6-C. CONSIDERATION OF CIRCUMSTANCES

HUD authorizes MDHA to consider all relevant circumstances when deciding whether to deny admission based on a family's history except in the situations for which denial of admission is mandated.

In the event MDHA receives unfavorable information with respect to an applicant, consideration must be given to the time, nature, and extent of the applicant's conduct (including the seriousness of the offense). In a manner consistent with its policies, MDHA may give consideration to factors that might indicate a reasonable probability of favorable future conduct.

MDHA Policy

MDHA will consider the following facts and circumstances prior to making its decision:

- The seriousness of the case, especially with respect to how it would affect other residents' safety or property

- The effects that denial of admission may have on other members of the family who were not involved in the action or failure to act

- The extent of participation or culpability of individual family members, including whether the culpable family member is a minor or a person with disabilities, or a victim of domestic violence, dating violence, sexual assault, or stalking

- The length of time since the violation occurred, including the age of the individual at the time of the conduct, as well as the family's recent history and the likelihood of favorable conduct in the future

When there is a record of arrest, the MDHA may obtain a copy of the police report associated with the arrest and consider the circumstances of the arrest, including:

- Any statements made by witnesses or the applicant not included in the police report

- Whether criminal charges were filed

- Whether, if filed, criminal charges were abandoned, dismissed, not prosecuted, or ultimately resulted in an acquittal

- Any other evidence relevant to determining whether or not the applicant engaged in disqualifying activity

- Evidence of criminal conduct, if it indicates a demonstrable risk to safety or property

- Evidence of the applicant family's participation in or willingness to participate in social service or other appropriate counseling service programs

In the case of drug or alcohol abuse, MDHA will consider whether the culpable household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully.

MDHA will require the applicant to submit evidence of the household member's current participation in or successful completion of a supervised drug or alcohol rehabilitation program, or evidence of otherwise having been rehabilitated successfully.

Further, MDHA acknowledges that a victim of domestic violence, dating violence, sexual assault, or stalking may have an unfavorable history (e.g., a poor credit history, poor rental history, a record of previous damage to an apartment, a prior arrest record) due to adverse factors that would warrant denial under the MDHA's policies.

While MDHA is not required to identify whether adverse factors that resulted in the applicant's denial are a result of domestic violence, dating violence, sexual assault, or stalking, the applicant may inform MDHA in accordance with Chapter 8 of this TSP that their status as a victim is directly related to the grounds for the denial. MDHA will request that the applicant provide enough information to MDHA to allow MDHA to make an objectively reasonable determination, based on all circumstances, whether the adverse factor is a direct result of their status as a victim.

Removal of a Family Member's Name from the Application

MDHA Policy

As a condition of receiving assistance, a family may agree to remove the culpable family member from the application.

After admission to the program, the family must present evidence of the former family member's current address upon MDHA request.

Reasonable Accommodation

MDHA Policy

If the family indicates that the behavior of a family member with a disability is the reason for the proposed denial of admission, MDHA will determine whether the behavior is related to the disability. If so, upon the family's request, MDHA will determine whether alternative measures are appropriate as a reasonable accommodation. MDHA will only consider accommodations that can reasonably be expected to address the behavior that is the basis of the proposed denial of admission.

6-D. CREDIT HISTORY

MDHA Policy

In order for a credit report to be considered acceptable, the credit report may show minor, moderate, or limited credit problems within the last three years. A lack of a credit history will not automatically result in an application being denied.

MDHA will consider the existence of mitigating factors, such as loss of employment or other financial difficulties, before denying admission to an applicant based on the failure to meet prior financial obligations.

6-E. RENTAL HISTORY

MDHA Policy

In order to determine the suitability of applicants, MDHA will examine applicant history for the past three years.

Any one of the following by any household member listed on the application may result in rejection of the application:

- Any history that the applicant has moved out of a residence owing a balance

- Any eviction from a previous residence in the last three years for eviction from federally assisted housing for drug-related criminal activity

- Four or more late payments of rent within a 12-month period from a current or previous residence

- Any one report that the applicant, or their household members or guests, were destructive to the unit or common areas at a current or previous residence

- Any one report that the applicant has or had poor housekeeping habits rising to the level of a health or safety threat from a current or previous residence

- Any one report that the applicant caused or was involved in disturbances at a current or previous residence

- Any one report that the applicant did not abide by the rules and regulations at a current or previous residence

MDHA will also consider utility company references covering the monthly amount of utilities, late payment, disconnection, return of a utility deposit, and whether the applicant can get utilities turned on in their name. (Use of this inquiry will be reserved for applicants applying for units where there are tenant-paid utilities.)

If an applicant has no rental payment history, MDHA will check court records of financial judgments and credit reports. A lack of rental history will not disqualify someone from becoming a resident, but a poor rental history may.

Applicants with no rental payment history will also be asked to provide MDHA with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial

obligations is available. The applicant will also be required to complete a checklist documenting their ability to meet financial obligations.

6-F. EXISTING TENANT SEARCH

As part of the application review process, HUD requires that MDHA use the EIV system to determine if the applicant or any member of the applicant household is currently receiving HUD assistance. The Existing Tenant Search will indicate if an applicant or any member of the household is currently receiving subsidy at another community. This report will be printed and maintained in the application file in accordance with HUD's recordkeeping requirements.

MDHA Policy

If the EIV Existing Tenant Search reveals that the applicant or a member of the applicant's household is currently receiving HUD rental assistance at another residence, MDHA must follow up first with the resident to discuss the details of their circumstances, and then with the respective Owner/Agent or PHA to confirm the individual's program participation status prior to admission.

MDHA will also attempt to coordinate move-out and move-in dates with the resident and the respective Owner/Agent or PHA at the other location.

In addition, applicants will be verbally notified that rental assistance will not be provided for the new unit until the day after assistance stops in the current residence, as identified in TRACS.

Prior to move-in, the applicant will be required to submit to MDHA a move-out inspection form, signed and dated by the previous landlord.

6-G. MISREPRESENTATION OF INFORMATION

An application will be rejected if during the course of processing it becomes evident that an applicant or any applicant household member has falsified or otherwise misrepresented any facts about their current situation, history, or behavior in a manner that would affect eligibility or applicant selection criteria qualifications, including preferences, income, assets, allowances, or rent. This provision shall not be applied to minor and unintentional mistakes that produce no benefit to the applicant.

6-H. PET POLICY

MDHA Pet Policy

Pet ownership is governed by MDHA's Pet Policy and applicable HUD regulations. Assistance animals are not considered pets and are addressed through the property's reasonable accommodation procedures.

Chapter 7

UNIT TRANSFER POLICY

7-A. TRANSFER REQUESTS

MDHA is required to develop written unit transfer policies in the TSP that include transfer waiting lists, acceptable reasons for transfers, procedures for filling vacancies, and whether unit transfers take priority over applicants from the property waiting list.

MDHA's transfer policy must be reasonable, must ensure that families are not discriminated against based on race, color, religion, sex, national origin, age, familial status, and disability, and must be applied consistently.

MDHA Policy

Residents requesting a transfer to another unit must submit a written transfer request and any required supporting documentation. Management will review the request and determine eligibility based on the property's transfer policy and HUD requirements.

Approved transfer requests will be placed on the appropriate transfer waiting list according to the type and priority of transfer requested. Residents will be offered the next available appropriately sized unit for which they qualify when their name reaches the top of the transfer waiting list.

Residents who refuse an offered unit without good cause may be removed from the transfer waiting list unless otherwise required by law, HUD regulations, or a reasonable accommodation.

Upon acceptance of the transfer unit and execution of all required transfer documentation, the new unit will become the resident's permanent residence. Residents must comply with all move and occupancy requirements established by management.

7-B. TYPES OF TRANSFERS

MDHA Policy

The following are the only instances in which a transfer will be approved:

Emergency Transfers

Maintenance conditions in the resident's unit, building, or at the site that pose an immediate, verifiable threat to the health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Unit is uninhabitable through no fault of the resident (i.e., fire, flood, tornado, etc.), and emergency transfers under VAWA.

Uninhabitable Unit

If there is no vacant unit available in the case of an uninhabitable unit, the resident will be directed to the Red Cross or other appropriate agencies for temporary housing, then rehoused in their original unit after all repair work has been completed.

If more than one resident is displaced due to a fire, flood, tornado, etc., households will be placed in appropriately sized vacant units in order of initial move-in date. If no vacant units are available, the same procedures will be followed as described above.

Violence Against Women Act (VAWA)

For a verified incident of domestic violence, dating violence, sexual assault, stalking, or human trafficking. For instances of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the threat may be established through documentation outlined in Chapter 8. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383), although, MDHA may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If MDHA accepts an individual's statement, MDHA will document acceptance of the statement in the individual's file in accordance with Chapter 8 of this TSP.

MDHA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, stalking, or human trafficking. MDHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. MDHA defines *immediately available* as a vacant unit that is ready for move-in within a reasonable period of time, not to exceed 30 days.

MDHA has adopted an emergency transfer plan, which is included as Exhibit 8-1 to this plan.

These transfers are mandatory.

Reasonable Accommodations

In case of a reasonable accommodation transfer, MDHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, MDHA will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

MDHA will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family and/or provider.

MDHA will respond within 10 (ten) business days of the submission of the family's request.

Emergency Safety Transfer

MDHA may approve an Emergency Safety Transfer when credible evidence demonstrates that a resident or household member faces an immediate or ongoing threat to their health, safety, or welfare and relocation is necessary to protect the

household. This transfer category is intended for extraordinary circumstances that do not otherwise qualify under VAWA, Reasonable Accommodation, or other established transfer categories.

Requests must be submitted in writing and supported by available documentation, which may include law enforcement recommendations, court documents, documentation from government agencies, social service providers, victim advocates, or other reliable sources. Additional documentation may be required.

Approval authority for Emergency Safety Transfers is limited to the President/Chief Executive Officer, or in their absence, the Chief Operating Officer. Approved transfers may receive priority status when necessary to address an immediate safety concern.

Residents approved for an Emergency Safety Transfer will be offered the next available appropriately sized unit for which they qualify. Information related to the transfer request will be maintained confidentially to the extent permitted by law.

MDHA-Required Transfers

The types of transfers that may be required by MDHA include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, and transfers for demolition, disposition, revitalization, or rehabilitation.

Transfers required by MDHA are mandatory.

Transfers to Make an Accessible Unit Available

When a non-accessible unit becomes available, MDHA will transfer a family living in an accessible unit that does not require the accessible features to an available unit that is not accessible. MDHA may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

If a resident is required to transfer to make an accessible unit available, the resident has 30 days after they have been notified that an appropriately sized unit is available for them. If they do not move within that time frame, they are required to pay full market rent in their current unit.

Occupancy Standards Transfers

MDHA will transfer a family when the family size has changed and the family is now too large (under-housed) or too small (over-housed) for the unit occupied.

MDHA may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on MDHA's occupancy standards when MDHA determines there is a need for the transfer.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) will only be required to transfer if it is necessary to comply with the approved exception.

If a resident is required to transfer due to a change in household composition, the resident has 30 days after they have been notified that an appropriately sized unit is available for them. If they do not move within that time frame, they are required to pay full market rent in their current unit.

Transfers for Medical Reasons

MDHA may approve a Medical Transfer when a resident or household member has a verified medical condition, disability, or mobility impairment that cannot be reasonably accommodated in the current unit and relocation is necessary to provide safe and appropriate housing. Examples may include the need for an accessible unit, a unit with accessibility features, a ground-floor unit, an elevator-accessible unit, or other housing modifications that cannot be provided in the resident's current unit.

Requests for a Medical Transfer must be submitted in writing and supported by verification from a knowledgeable third party, such as a physician, licensed healthcare provider, or other qualified professional. The verification must establish that the transfer is necessary due to the resident's medical condition or disability-related need but shall not require disclosure of the specific diagnosis or medical details.

Approved Medical Transfers will receive priority in accordance with MDHA's transfer hierarchy and will be processed as a reasonable accommodation when applicable.

Transfers for Demolition, Disposition, Revitalization, or Rehabilitation

For households temporarily displaced due to a project involving demolition, disposition, revitalization, or rehabilitation of their current unit, MDHA will comply with all requirements in the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

RAD Requirements

For households displaced as a direct result of MDHA planning or implementing resident moves due to a conversion of a public housing project under RAD, MDHA will comply with all requirements in the RAD Civil Rights – Relocation Notice H 2016-17.

7-C. TRANSFER LIST

MDHA Policy

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions, VAWA, Emergency

Safety Transfer)

2. High-priority transfers (verified medical condition, and reasonable accommodation)
3. Transfers to alleviate verified medical problems of a serious or life-threatening nature
4. Transfers to make accessible units available
5. Demolition, renovation, etc.
6. Occupancy standards
7. Extenuating Circumstances requiring Departmental Director approval.

(This type of transfer is for situations beyond MDHA's control under the lease. The transfer may require additional documentation of the circumstances (i.e. A family member dies in the unit). To qualify for this, transfer a resident may be required to provide additional documentation that will support his or her claim of extenuating circumstances. The transfer will need to be approved by the Department Director.)

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

Transfers will take precedence over waiting list admissions. Existing residents approved to receive Section 8 assistance will also be given priority over external applicants when allocating available Section 8 assistance slots.

Chapter 8

THE VIOLENCE AGAINST WOMEN ACT (VAWA)

8-A. OVERVIEW

The Violence against Women Reauthorization Act (VAWA) provides special protections for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking who are applying for or receiving assistance under the PBRA program. If state or local laws provide greater protection for such victims, those apply in conjunction with VAWA.

- Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA. In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

In addition to definitions of key terms used in VAWA, this chapter contains general VAWA requirements and MDHA policies in three areas: notification, documentation, and confidentiality, as well as the MDHA Emergency Transfer Plan required under VAWA.

8-B. DEFINITIONS [24 CFR 5.2003]

As used in VAWA:

- The term *affiliated person* means the tenant's spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant's household; or anyone for whom the tenant acts as parent/guardian.
- The term *bifurcate* means, with respect to a public housing or Section 8 lease, to divide a lease as a matter of law such that certain tenants can be evicted or removed while the remaining family members' lease and occupancy rights are allowed to remain intact.
- The term *dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship
 - The type of relationship
 - The frequency of interaction between the persons involved in the relationship

- The term *domestic violence* includes felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction receiving grant funding, and in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who is:
 - The current or former spouse or intimate partner of the victim, or person similarly situated to a spouse or intimate partner of the victim
 - A person who is cohabitating or has cohabitated with the victim as a spouse or intimate partner
 - A person with whom the victim shares a child in common
 - A person who commits acts against a youth or adult victim who is protected from those acts under the domestic or family violence laws of the jurisdiction
- The term *economic abuse* means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use, or maintain economic resources to which they are entitled, including using coercion, fraud, and manipulation to:
 - Restrict a person's access to money, assets, credit, or financial information
 - Unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage
 - Exert undue influence over a person's financial and economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or to whom one has a fiduciary duty.
- The term *sexual assault* means:
 - Any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent
- The term *stalking* means:
 - To engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others, or suffer substantial emotional distress.

- The term *technological abuse* means an act or pattern of behavior that occurs within domestic violence, dating violence, sexual assault, or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort, or monitor another person, except as otherwise permitted by law, that occurs using any form of technology, including but not limited to:
 - Internet enabled devices
 - Online spaces and platforms
 - Computers
 - Mobile devices
 - Cameras and imaging programs
 - Apps
 - Location tracking devices
 - Communication technologies
 - Any other emerging technologies
- The term *victim* means any victim of VAWA violence/abuse, regardless of actual or perceived sexual orientation, gender identity, sex, or marital status.

8-C. NOTIFICATION [24 CFR 5.2005(a)]

Notification to Public

MDHA adopts the following policy to help ensure that all actual and potential beneficiaries of its program are aware of their rights under VAWA.

MDHA Policy

MDHA will post the following information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it.

A copy of form HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act (Exhibit 8-1)

A copy of form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Exhibit 8-2)

A copy of the MDHA's emergency transfer plan (Exhibit 8-3)

A copy of the MDHA's Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5383 (Exhibit 8-4)

The National Domestic Violence Hot Line: 1-800-799-SAFE (7233) or 1-800-787-3224 (TTY)

Contact information for local victim advocacy groups or service providers

Notification to Applicants and Tenants [24 CFR 5.2005(a)]

MDHA must provide the Notice of Occupancy Rights (HUD-5380) and certification form (HUD-5382) at admission, along with any notice of denial or eviction.

MDHA Policy

MDHA will provide all applicants with information about VAWA at the time they request an application for housing assistance. MDHA will also include such information in all notices of denial of assistance.

MDHA will provide all tenants with information about VAWA at the time of admission and at annual reexamination. MDHA will also include such information in all termination of assistance and termination of tenancy (eviction) notices.

MDHA is not limited to providing VAWA information at the times specified in the above policy.

MDHA Policy

Whenever MDHA has reason to suspect that providing information about VAWA to a tenant or affiliated individual might place a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking at risk, it will attempt to deliver the information by hand directly to the victim, or by having the victim come to an office or other space that may be safer for the individual, making reasonable accommodations as necessary. For example, MDHA may decide not to send mail regarding VAWA protections to the victim's unit if MDHA believes the perpetrator may have access to the victim's mail, unless requested by the victim.

When discussing VAWA with the victim, MDHA will take reasonable precautions to ensure that no one can overhear the conversation, such as having conversations in a private room.

The victim may, but is not required to, designate an attorney, advocate, or other secure contact for communications regarding VAWA protections.

8-D. VAWA COMPLAINT PROCESSING [Notice FHEO 2023-01]

A complainant may, not later than one year after an alleged VAWA violation has occurred or terminated, file a complaint with FHEO alleging such violation. If there is a violation that began prior to a year before the complaint is filed, but it continues into the one-year time period, HUD will accept the complaint. FHEO will investigate the complaint if it is timely and FHEO otherwise has jurisdiction. If a complaint is filed more than one year after the alleged violation occurred or terminated, FHEO may, but is not required to, investigate the allegations under the additional authority and procedures described in FHEO 2023-01.

Complaints do not need to allege a violation of the Fair Housing Act for FHEO to accept and investigate the complaint.

MDHA Policy

Applicants or tenant families who wish to file a VAWA complaint against the O/A may notify MDHA either orally or in writing.

MDHA will advise the family of their right to file a VAWA complaint with HUD's Office of Fair Housing and Equal Opportunity (FHEO). MDHA will inform the family that not later than one year after an alleged VAWA violation has occurred or terminated, applicants and tenants who believe they have been injured by a VAWA violation or will be injured by such a violation that is about to occur may file a VAWA complaint using FHEO's online complaint form via mail, email, or telephone.

MDHA will attempt to remedy complaints made against MDHA and will conduct an investigation into all allegations of discrimination.

MDHA will keep a record of all complaints, investigations, notices, and corrective actions.

8-E. FAMILY BREAKUP AND REMAINING MEMBER OF TENANT FAMILY

Family Breakup

Except under the following conditions, MDHA has discretion to determine which members of an assisted family continue to receive assistance if the family breaks up:

- If the family breakup results from an occurrence of domestic violence, dating violence, sexual assault, stalking, or human trafficking, MDHA must ensure that the victim retains assistance. (For documentation requirements and policies related to domestic violence, dating violence, sexual assault, stalking, and human trafficking, see Section 8-F of this plan.)
- If a court determines the disposition of property between members of the assisted family, the MDHA is bound by the court's determination of which family members continue to receive assistance.

MDHA Policy

When a family on the waiting list breaks up into two otherwise eligible families, only one of the new families may retain the original application date. Other former family members may submit a new application with a new application date if the waiting list is open.

If a family breaks up into two otherwise eligible families while living on the property, only one of the new families will retain occupancy of the unit.

If a court determines the disposition of property between members of an applicant or resident family, MDHA will abide by the court's determination.

In the absence of a judicial decision or an agreement among the original family members, MDHA will determine which family will retain their placement on the waiting list or continue in occupancy. In making its determination, MDHA will take into consideration the following factors: (1) the interest of any minor children, including custody arrangements; (2) the interest of any ill, elderly, or disabled family members; (3) the interest of any family member who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, including a family member who was forced to leave a HUD-assisted unit as a result of such actual or threatened abuse, and provides documentation in accordance with section 8-F of this TSP; (4) any possible risks to family members as a result of criminal activity; and (5) the recommendations of social service professionals.

8-F. DOCUMENTATION [24 CFR 5.2007]

If MDHA is presented with a claim for initial or continued assistance based on status as a victim or threatened victim of domestic violence, dating violence, sexual assault, stalking, human trafficking, or criminal activity related to any of these forms of abuse may—but is not required to—request that the individual making the claim document the abuse. Any request for documentation must be in writing, and the individual must be allowed at least 14 business days after receipt of the request to submit the documentation. MDHA may extend this time period at its discretion. However, in the case of conflicting certifications, MDHA may require documentation within 30 days from the date of the request [24 CFR 5.2007(a)].

The individual may satisfy the MDHA's request by providing any one of the following three forms of documentation [24 CFR 5.2007(b)]:

1. A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking)
2. A federal, state, tribal, territorial, or local police report or court record, or an administrative record
3. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, stalking, or human trafficking or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider, an attorney, a mental health professional, or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

Tenants cannot be expected and cannot be asked or required to claim, document, or prove victim status or VAWA violence/abuse other than as stated in the Notice of Occupancy rights [Form HUD-5382]. MDHA may not require third-party documentation (forms 2 and 3) in addition to certification (form 1), except as specified below under “Conflicting Documentation,” nor may it require certification in addition to third-party documentation [24 CFR 5.2007(b)(2)].

MDHA Policy

Any request for documentation of domestic violence, dating violence, sexual assault, stalking or human trafficking, will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

MDHA may, at its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, MDHA will consider factors that may contribute to the victim’s inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim’s need to address health or safety issues. Any extension granted by MDHA will be in writing.

Once the victim provides documentation, MDHA will acknowledge receipt of the documentation within 10 business days.

A hearing will be held by a third party with experience in adjudicating domestic violence cases, upon mutual agreement by MDHA and involved parties, within 10 business days of receipt of documentation. Notification of the outcome of the hearing will be provided in writing to the involved parties within 10 business days of the meeting.

Conflicting Documentation [24 CFR 5.2007(b)(2)]

In cases where MDHA receives conflicting certification documents from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, MDHA may determine which is the true victim by requiring each to provide acceptable third-party documentation, as described above (forms 2 and 3). MDHA may also request third-party documentation when submitted documentation contains information that conflicts with existing information already available to MDHA. MDHA must honor any court orders issued to protect the victim or to address the distribution of property. In cases of conflicting information, MDHA may require an applicant or tenant to submit third-party documentation within 30 calendar days of the date of the request for the third-party documentation.

MDHA Policy

If presented with conflicting certification documents (two or more forms HUD-5382) from members of the same household, MDHA will attempt to determine which is the true victim by requiring each of them to provide third-party documentation in accordance with 24 CFR 5.2007(b)(2) and by following any HUD guidance on how such determinations should be made.

If MDHA does not receive third-party documentation within the required timeframe (and any extensions), MDHA will deny VAWA protections and will notify the applicant or tenant in writing of the denial.

The individuals requesting relief under VAWA will have 30 calendar days to submit third-party documentation. MDHA may, at its discretion, extend the deadline for 10 business days. Any extension granted by MDHA will be in writing.

When requesting third-party documents, MDHA will provide contact information for local domestic violence and legal aid offices. In such cases, applicants or tenants will be given 30 calendar days from the date of the request to provide such documentation.

Discretion to Require No Formal Documentation [24 CFR 5.2007(b)(1)(iv)]

MDHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

MDHA Policy

If MDHA accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault, stalking, or human trafficking, MDHA will document acceptance of the statement or evidence in a separate file, away from the resident's file, in a secure place.

Failure to Provide Documentation [24 CFR 5.2007(a)(2)]

In order to deny relief for protection under VAWA, MDHA must provide the individual requesting relief with a written request for documentation of abuse. If the individual fails to provide the documentation within 14 business days from the date of receipt, or such longer time as MDHA may allow, MDHA may deny relief for protection under VAWA.

8-G. CONFIDENTIALITY [24 CFR 5.2007(c)]

If a tenant inquires or requests any VAWA protections or represents that they or a household member are a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, and therefore entitled to VAWA protections, MDHA must keep any information they provide concerning the VAWA violence/abuse strictly confidential, including their or a household member's status as a victim. This information should be securely and separately kept from tenant files. MDHA (1) may not enter the information into any shared database, (2) may not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and (3) may not provide the information to any other entity or individual, except to the extent that the disclosure is (a) requested or consented to by the individual in writing, (b) required for use in an eviction proceeding, or (c) otherwise required by applicable law.

MDHA Policy

If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, MDHA will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

EXHIBIT 8-1: SAMPLE EMERGENCY TRANSFER PLAN

Metropolitan Development and Housing Agency

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

Section 8 Project-Based Rental Assistance Program

Emergency Transfers

MDHA 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), MDHA 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. VAWA protections are not limited to women and are available regardless of age or actual or perceived sexual orientation, gender identity, sex, or marital status. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex (including perceived or actual sexual orientation or gender identity), familial status, disability, or age. HUD-assisted and HUD-insured housing must also be made available to all otherwise eligible individuals and families regardless of age, or actual or perceived gender identity, sexual orientation, or marital status.

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 emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency that oversees that the **Section 8 Project-Based Rental Assistance program** is in compliance with VAWA.

Definitions

- **External emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit. **Ex. A tenant requests relocation from a unit at one property to a unit at a different property.**
- **Internal emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process. **Ex. A tenant requests relocation from one unit to another unit within the same property.**
- **Safe unit** refers to a unit that the victim of VAWA violence/abuse believes is safe.
- **VAWA violence/abuse means** an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR 5.2003 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (Form HUD-5382).

Eligibility for Emergency Transfers

A tenant may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and MDHA must provide a copy if requested. MDHA may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

A Tenant is eligible for an emergency transfer if:

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; **AND**
3. **EITHER**
 - a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; **OR**
 - b. If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

MDHA, in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Emergency Transfer Policies

Internal transfers when a safe unit is immediately available: If you are a resident and request an emergency transfer as described in this plan, MDHA will attempt to assist you in moving to a safe unit quickly. MDHA will make exceptions as required to policies restricting moves.

The tenant may request an internal transfer within the same single or scattered site property in which the tenant resides or may request an external move to move out of the property in which they reside.

At your request, MDHA will refer you to organizations that may be able to further assist you.

Internal transfers when a safe unit is not immediately available:

MDHA will allow the tenant to make an internal transfer when a safe unit is not immediately available. The owner defines *immediately available* as a vacant unit, ready for move-in within a reasonable period of time based on local factors. MDHA will ensure that requests for internal emergency transfers under VAWA are given the same priority already provided to other types of emergency transfer requests. The tenant will be offered the first available vacant unit ready for move-in in the same property or in another building that is part of the same scattered-site property in accordance with this plan. The victim will be allowed to assess the availability of the units and the suitability according to the individual circumstances of the household. If the first unit offered is not suitable due to these circumstances, MDHA will continue to make every effort to provide an alternative unit as soon as one is available that meets the criteria for the household. If an internal transfer is not viable, MDHA will discuss transfer options for external moves with the victim in accordance with this plan.

The victim may request both an internal transfer and an external move concurrently if an internal safe unit is not immediately available. MDHA will make all reasonable efforts to assist tenants with requesting both internal and external transfers.

External transfers:

If MDHA is unable to accommodate an internal emergency transfer within the Multifamily program, you may request assistance in identifying alternative housing options.

MDHA does not transfer residents directly between housing programs. Households seeking assistance through another program must apply separately and meet all eligibility and screening requirements for that program

Programs that may be available include:

- Project-Based Rental Assistance (PBRA)
- Low-Income Housing Tax Credit (LIHTC)
- HCV tenant-based program (HCV)
- HCV project-based assistance (PBV)
- Other programs administered by MDHA (such as state housing programs)

Please note:

- Requesting an external emergency transfer does not provide priority placement or admission into another program.
- Admission is subject to waiting list availability and program-specific eligibility requirements.
- Multifamily properties may accept Housing Choice Vouchers; however, participation in the HCV program does not constitute a transfer between programs.

At your request, MDHA will refer you to organizations that may be able to further assist you.

An external move may be requested when a unit that meets the victim's safety standard is not available at the current property or is not immediately available. If an external move is required, MDHA will, at a minimum, provide the victim with contact information for relevant local service providers, government agencies, and other affordable housing developments in the area.

Note that qualifying for an emergency transfer does not guarantee either continued assistance under the current program or an external move to another covered housing program. Emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program. Tenants must still meet the eligibility criteria for the property to which they are moving.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify the MDHA's management office and submit a written request for a transfer to **any MDHA office**. If MDHA does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, MDHA may ask for this documentation in accordance with 24 CFR 5.2007. Unless MDHA receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), MDHA cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. MDHA 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, including trauma, if the tenant (or household member) were to remain in the same dwelling unit; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.

Form HUD-5383 may be used for making a written request for an emergency transfer.

Any request for documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking will be in writing, will specify a deadline of 14 business days following receipt of the request, will describe the three forms of acceptable documentation, will provide explicit instructions on where and to whom the documentation must be submitted, and will state the consequences for failure to submit the documentation or request an extension in writing by the deadline.

MDHA may, in its discretion, extend the deadline for 10 business days. In determining whether to extend the deadline, MDHA will consider factors that may contribute to the victim's inability to provide documentation in a timely manner, including cognitive limitations, disabilities, limited English proficiency, absence from the unit, administrative delays, the danger of further violence, and the victim's need to address health or safety issues. Any extension granted by MDHA will be in writing.

Once the victim provides documentation, MDHA will acknowledge receipt of the documentation within 10 business days.

MDHA has the discretion to provide benefits to an individual based solely on the individual's statement or other corroborating evidence—i.e., without requiring formal documentation of abuse in accordance with 24 CFR 5.2007(b). HUD recommends documentation in a confidential manner when a verbal statement or other evidence is accepted.

If MDHA accepts an individual's statement or other corroborating evidence (as determined by the victim) of domestic violence, dating violence, sexual assault, stalking, or human trafficking, MDHA will document acceptance of the statement or evidence in the individual's file.

Confidentiality

If a tenant inquires about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections, MDHA must keep any information they provide concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member's status as a victim strictly confidential. This information should be securely and separately kept from tenant files. All the information provided by or on behalf of the tenant to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as "Confidential Information") may only be accessed by MDHA employees or contractors if explicitly authorized by MDHA for reasons that specifically call for those individuals to have access to that information under applicable federal, State, or local law.

Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

- Written permission by the victim in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance;
or
- Otherwise required by applicable law.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse.

Emergency Transfer Timing and Availability

MDHA cannot specify how long it will take from the time a transfer request is approved until the tenant can be placed in a new, safe unit. MDHA will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If MDHA identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. MDHA may be unable to transfer a tenant and their household to a particular unit if the tenant and their household has not established or cannot establish eligibility for that unit.

If MDHA does not have any safe and available units for which the tenant is eligible, MDHA will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move. At the tenant's request, MDHA will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse.

Making the Emergency Transfer Plan Available

MDHA will post a copy of the Emergency Transfer Plan in its offices and on its website. It will also make the information readily available to anyone who requests it.

All materials will ensure effective communication with individuals with disabilities, including making materials available in alternative accessible formats, as well as providing reasonable accommodations.

Additionally, MDHA will make VAWA forms available in the language(s) outlined in their language access plan to meet limited English proficiency (LEP) obligations.

Safety and Security of Tenants

When MDHA receives any inquiry or request regarding an emergency transfer, MDHA will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, tenants are not required to receive guidance or assistance from a victim service provider.

For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact **YWCA Nashville & Middle Tennessee at 615-983-5170 (text) or call 1-800-334-4628 or Jean Crowe Advocacy Center at 615-862-4767.**

For 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>.

For help regarding sexual assault, you may contact the **Sexual Assault Center at 615-259-9055**. Victims of stalking seeking help may contact the **Metro Police Domestic Violence Division at 615-880-3000 (before 10 p.m.)**

EXHIBIT 8-2: SAMPLE NOTICE OF OCCUPANCY RIGHTS UNDER THE VIOLENCE AGAINST WOMEN ACT, FORM HUD-5380

Protections for Victims of Domestic Violence, Dating Violence, Sexual Assault or Stalking

When should I receive this form? A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you are admitted as a tenant, when you receive an eviction or termination notice and prior to termination of tenancy, or when you are denied as an applicant. A covered housing provider may provide these forms at additional times.

What is the Violence Against Women Act (“VAWA”)? This notice describes protections that may apply to you as an applicant or a tenant under a housing program covered by a federal law called the Violence Against Women Act (“VAWA”). VAWA provides housing protections for victims of domestic violence, dating violence, sexual assault or stalking. VAWA protections must be in leases and other program documents, as applicable. VAWA protections may be raised at any time. You do not need to know the type or name of the program you are participating in or applying in order to seek VAWA protections.

What if I require this information in a language other than English? To read this information in Spanish or another language, please contact MDHA at 615-252-8469. For TDD services, call 615-252-8599 or go to www.nashville-mdha.org. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

What do the words in this notice mean?

- *VAWA violence/abuse* means one or more incidents of domestic violence, dating violence, sexual assault, or stalking.
- *Victim* means any victim of VAWA violence/abuse, regardless of actual or perceived sexual orientation, gender identity, sex, or marital status.
- *Affiliated person* means the tenant’s spouse, parent, sibling, or child; or any individual, tenant, or lawful occupant living in the tenant’s household; or anyone for whom the tenant acts as parent/guardian.

- Covered housing program¹ includes the following HUD programs:
 - Public Housing
 - Tenant-based vouchers (TBV, also known as Housing Choice Vouchers or HCV) and Project-based Vouchers (PBV) Section 8 programs
 - Section 8 Project-Based Rental Assistance (PBRA)
 - Section 8 Moderate Rehabilitation Single Room Occupancy
 - Section 202 Supportive Housing for the Elderly
 - Section 811 Supportive Housing for Persons with Disabilities
 - Section 221(d)(3)/(d)(5) Multifamily Rental Housing
 - Section 236 Multifamily Rental Housing
 - Housing Opportunities for Persons With AIDS (HOPWA) program
 - HOME Investment Partnerships (HOME) program
 - The Housing Trust Fund
 - Emergency Solutions Grants (ESG) program
 - Continuum of Care program
 - Rural Housing Stability Assistance program
- Covered housing provider means the individual or entity under a covered housing program that is responsible for providing or overseeing the VAWA protection in a specific situation. The covered housing provider may be a public housing agency, project sponsor, housing owner, mortgagor, housing manager, State or local government, public agency, or a nonprofit or for-profit organization as the lessor.

What if I am an applicant under a program covered by VAWA? You can't be denied housing, housing assistance, or homeless assistance covered by VAWA just because you (or a household member) are or were a victim or just because of problems you (or a household member) had as a direct result of being or having been a victim. For example, if you have a poor rental or credit history or a criminal record, and that history or record is the direct result of you being a victim of VAWA abuse/violence, that history or record cannot be used as a reason to deny you housing or homeless assistance covered by VAWA.

¹ For information about non-HUD covered housing programs under VAWA, see Interagency Statement on the Violence Against Women Act's Housing Provisions at <https://www.hud.gov/sites/dfiles/PA/documents/InteragencyVAWAHousingStmnt092024.pdf>.

What if I am a tenant under a program covered by VAWA? You cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because you (or a household member) are or were a victim of VAWA violence/abuse. You also cannot lose housing, housing assistance, or homeless assistance covered by VAWA or be evicted just because of problems that you (or a household member) have as a direct result of being or having been a victim. For example, if you are a victim of VAWA abuse/violence that directly results in repeated noise complaints and damage to the property, neither the noise complaints nor property damage can be used as a reason for evicting you from housing covered by VAWA. You also cannot be evicted or removed from housing, housing assistance, or homeless assistance covered by VAWA because of someone else's criminal actions that are directly related to VAWA abuse/violence against you, a household member, or another affiliated person.

How can tenants request an emergency transfer? Victims of VAWA violence/abuse have the right to request an emergency transfer from their current unit to another unit for safety reasons related to the VAWA violence/abuse. An emergency transfer cannot be guaranteed, but you can request an emergency transfer when:

1. You (or a household member) are a victim of VAWA violence/abuse;
2. You expressly request the emergency transfer; AND
3. EITHER
 - a. you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same dwelling unit; OR
 - b. if you (or a household member) are a victim of sexual assault, either you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) were to stay in the unit, or the sexual assault occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

You can request an emergency transfer even if you are not lease compliant, for example if you owe rent. If you request an emergency transfer, your request, the information you provided to make the request, and your new unit's location must be kept strictly confidential by the covered housing provider. The covered housing provider is required to maintain a VAWA emergency transfer plan and make it available to you upon request.

To request an emergency transfer or to read the covered housing provider's VAWA emergency transfer plan, **contact your site's Property Management. You can also visit MDHA's website at www.nashville-mdha.org** The VAWA emergency transfer plan includes information about what the covered housing provider does to make sure your address and other relevant information are not disclosed to your perpetrator.

Can the perpetrator be evicted or removed from my lease? Depending on your specific situation, your covered housing provider may be able to divide the lease to evict just the perpetrator. This is called "lease bifurcation."

What happens if the lease bifurcation ends up removing the perpetrator who was the only tenant who qualified for the housing or assistance? In this situation, the covered housing provider must provide you and other remaining household members an opportunity to establish eligibility or to find other housing. If you cannot or don't want to establish eligibility, then the covered housing provider must give you a reasonable time to move or establish eligibility for another covered housing program. This amount of time varies, depending on the covered housing program involved. The table below shows the reasonable time provided under each covered housing programs with HUD. Timeframes for covered housing programs operated by other agencies are determined by those agencies.

Covered Housing Program(s)

HOME and Housing Trust Fund, Continuum of Care Program (except for permanent supportive housing), ESG program, Section 221(d)(3) Program, Section 221(d)(5) Program, Rural Housing Stability Assistance Program

Permanent supportive housing funded by the Continuum of Care Program

Housing Choice Voucher, Project-based Voucher, and Public Housing programs (for Special Purpose Vouchers (e.g., HUD-VASH, FUP, FYI, etc.)), see also program specific guidance)

Section 202/811 PRAC and SPRAC

Section 202/8

Reasonable Time for Remaining Household Members to Continue to Receive Assistance, Establish Eligibility, or Move.

Because these programs do not provide housing or assistance based on just one person's status or characteristics, the remaining tenant(s), or family member(s) in the CoC program, can keep receiving assistance or living in the assisted housing as applicable.

The remaining household member(s) can receive rental assistance until expiration of the lease that is in effect when the qualifying member is evicted.

If the person removed was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.

For HUD-VASH, if the veteran is removed, the remaining family member(s) can keep receiving assistance or living in the assisted housing as applicable. If the veteran was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days to establish program eligibility or find alternative housing.

The remaining household member(s) must be given 90 calendar days from the date of the lease bifurcation or until the lease expires, whichever is first, to establish program eligibility or find alternative housing.

The remaining household member(s) must be given 90 calendar days from the date of the lease bifurcation or when the lease expires, whichever is

first, to establish program eligibility or find alternative housing.

If the person removed was the only tenant who established eligible citizenship/immigration status, the remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.

Section 236 (including RAP); Project-based Section 8 and Mod Rehab/SRO

The remaining household member(s) must be given 30 calendar days from the date of the lease bifurcation to establish program eligibility or find alternative housing.

HOPWA

The remaining household member(s) must be given no less than 90 calendar days, and not more than one year, from the date of the lease bifurcation to establish program eligibility or find alternative housing. The date is set by the HOPWA Grantee or Project Sponsor.

Are there any reasons that I can be evicted or lose assistance? VAWA does not prevent you from being evicted or losing assistance for a lease violation, program violation, or violation of other requirements that are not due to the VAWA violence/abuse committed against you or an affiliated person. However, a covered housing provider cannot be stricter with you than with other tenants, just because you or an affiliated person experienced VAWA abuse/violence. VAWA also will not prevent eviction, termination, or removal if other tenants or housing staff are shown to be in immediate, physical danger that could lead to serious bodily harm or death if you are not evicted or removed from assistance. **But only if no other action can be taken to reduce or eliminate the threat** should a covered housing provider evict you or end your assistance, if the VAWA abuse/violence happens to you or an affiliated person. A covered housing provider must provide a copy of the Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382) when you receive an eviction or termination notice and prior to termination of tenancy.

What do I need to document that I am a victim of VAWA abuse/violence? If you ask for VAWA protection, the covered housing provider may request documentation showing that you (or a household member) are a victim. BUT the covered housing provider must make this request in writing and must give you at least 14 business days (weekends and holidays do not count) to respond, and you are free to choose any one of the following:

1. A self-certification form (for example, Form-HUD 5382), which the covered housing provider must give you along with this notice. Either you can fill out the form or someone else can complete it for you;

2. A statement from a victim/survivor service provider, attorney, mental health professional or medical professional who has helped you address incidents of VAWA violence/abuse. The professional must state “under penalty of perjury” that he/she/they believes that the incidents of VAWA violence/abuse are real and covered by VAWA. Both you and the professional must sign the statement;
3. A police, administrative, or court record (such as a protective order) that shows you (or a household member) were a victim of VAWA violence/abuse; OR
4. If allowed by your covered housing provider, any other statement or evidence provided by you.

It is your choice which documentation to provide and the covered housing provider must accept any one of the above as documentation. The covered housing provider is prohibited from seeking additional documentation of victim status or requiring more than one of these types of documentation, unless the covered housing provider receives conflicting information about the VAWA violence/abuse.

If you do not provide one of these types of documentation by the deadline, the covered housing provider does not have to provide the VAWA protections you requested. If the documentation received by the covered housing provider contains conflicting information about the VAWA violence/abuse, the covered housing provider may require you to provide additional documentation from the list above, but the covered housing provider must give you another 30 calendar days to do so.

Will my information be kept confidential? If you share information with a covered housing provider about why you need VAWA protections, the covered housing provider must keep the information you share strictly confidential. This information should be securely and separately kept from your other tenant files. No one who works for your covered housing provider will have access to this information, unless there is a reason that specifically calls for them to access this information, your covered housing provider explicitly authorizes their access for that reason, and that authorization is consistent with applicable law.

Your information **will not be disclosed** to anyone else or put in a database shared with anyone else, except in the following situations:

1. If you give the covered housing provider written permission to share the information for a limited time;
2. If the covered housing provider needs to use that information in an eviction proceeding or hearing; or
3. If other applicable law requires the covered housing provider to share the information.

How do other laws apply? VAWA does not limit the covered housing provider's duty to honor court orders about access to or control of the property, or civil protection orders issued to protect a victim of VAWA abuse/violence. Additionally, VAWA does not limit the covered housing provider's duty to comply with a court order with respect to the distribution or possession of property among household members during a family break up. The covered housing provider must follow all applicable fair housing and civil rights requirements.

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. To request a reasonable accommodation, please contact **your site's Property Management**. You can also visit MDHA's website at www.nashville-mdha.org. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Have your protections under VAWA been denied? If you believe that the covered housing provider has violated these rights, you may seek help by contacting the local HUD Office at 615-736-5213. You can also find additional information on filing VAWA complaints at <https://www.hud.gov/VAWA> and https://www.hud.gov/program_offices/fair_housing_equal_opp/VAWA. To file a VAWA complaint, visit <https://www.hud.gov/fairhousing/fileacomplaint>.

Need further help?

- For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>.
- To talk with a housing advocate, contact **Legal Aid Society of Middle Tennessee and the Cumberlands at 615-244-6610**.

Public reporting burden for this collection of information is estimated to range from 45 to 90 minutes per each covered housing provider's response, depending on the program. This includes time to print and distribute the form. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, D.C. 20410. This notice is required for covered housing programs under section 41411 of VAWA and 24 CFR 5.2003. Covered housing providers must give this notice to applicants and tenants to inform them of the VAWA protections as specified in section 41411(d)(2). This is a model notice, and no information is being collected. A Federal 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.

EXHIBIT 8-3: CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATE DOCUMENTATION, FORM HUD-5382

U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Exp. 1/31/2028

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of or applicant for housing assisted under a covered housing program, or if you are applying for or receiving transitional housing or rental assistance under a covered housing program, and ask for protection under the Violence Against Women Act (“VAWA”), you may use this form to comply with a covered housing provider's request for written documentation of your status as a “victim”. This form is accompanied by a “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380.

VAWA protects individuals and families regardless of a victim’s age or actual or perceived sexual orientation, gender identity, sex, or marital status.

You are not expected and cannot be asked or required to claim, document, or prove victim status or VAWA violence/abuse other than as stated in “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380.

This form is **one of your available options** for responding to a covered housing provider’s written request for documentation of victim status or the incident(s) of VAWA violence/abuse. If you choose, you may submit one of the types of third-party documentation described in Form HUD-5380, in the section titled, “What do I need to document that I am a victim?”. Your covered housing provider must give you at least 14 business days (weekends and holidays do not count) to respond to their written request this documentation.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person’s access for that reason, and (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, or (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I require this information in a language other than English? To read this in Spanish or another language, please contact MDHA at 615-252-8469. For TDD services, call 615-252-8599 or go to www.nashville-mdha.org. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary

to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. Your covered housing provider must also ensure effective communication with individuals with disabilities. Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact Legal Aid Society of Middle Tennessee and the Cumberlands at 615-244-6610.

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Name(s) of victim(s): _____
2. Your name (if different from victim's): _____
3. Name(s) of other member(s) of the household: _____

4. Name of the perpetrator (if known and can be safely disclosed): _____

5. What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

☐ Phone Phone Number: _____

Safe to receive a voicemail: ☐ Yes ☐ No

☐ E-mail E-mail address: _____

Safe to receive an e-mail: ☐ Yes ☐ No

☐ Mail Mailing Address: _____

Safe to receive mail from your housing provider: ☐ Yes ☐ No

☐ Other Please List: _____

6. Anything else your housing provider should know to safely communicate with you?

Applicable definitions of domestic violence, dating violence, sexual assault, or stalking:

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who lives with or has lived with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, 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.

Spouse or intimate partner of the victim includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (2) 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.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others or
- (2) Suffer substantial emotional distress.

Certification of Applicant or Tenant: By signing below, I am certifying that the information provided on this form is true and correct to the best of my knowledge and recollection, and that one or more members of my household is or has been a victim of domestic violence, dating violence, sexual assault, or stalking as described in the applicable definitions above.

Signature _____ **Date** _____

Public Reporting Burden for this collection of information is estimated to average 20 minutes per response. This includes the time for collecting, reviewing, and reporting. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. Housing providers in programs covered by VAWA may request certification that the applicant or tenant is a victim of VAWA violence/abuse. A Federal 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.

**EXHIBIT 8-4: EMERGENCY TRANSFER REQUEST FOR CERTAIN VICTIMS OF
DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING,
FORM HUD-5383**

U.S. Department of Housing and Urban Development

OMB Approval No. 2577-0286

Exp. 1/31/2028

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT,
OR STALKING**

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of housing assisted under a covered housing program, or if you are receiving transitional housing or rental assistance under a covered housing program, you may use this form to request an emergency transfer and certify that you qualify for an emergency transfer under the Violence Against Women Act (“VAWA”). This form refers to domestic violence, dating violence, sexual assault, or stalking as “VAWA violence/abuse.”

VAWA protects individuals and families regardless of a victim’s age or actual or perceived sexual orientation, gender identity, sex, or marital status.

You may request an emergency transfer when:

1. You (or a household member) are a victim of VAWA violence/abuse;
2. You expressly request the emergency transfer; **AND**
3. **EITHER**
 - a. you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same dwelling unit; or
 - b. if you (or a household member) are a victim of sexual assault, either you reasonably believe there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the unit, or the sexual assault occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

A covered housing provider, in response to an emergency transfer request, should not evaluate whether you are in good standing as part of the assessment or provision of an emergency transfer. Whether or not you are in good standing does not impact your ability to request an emergency transfer under VAWA.

However, submitting this form does not necessarily mean that you will receive an emergency transfer. See your covered housing provider’s VAWA Emergency Transfer Plan for more information about VAWA emergency transfers and see “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380, for additional housing rights you may be entitled to.

Am I required to submit any documentation to my covered housing provider? Your covered housing provider may request documentation proving that you, or a household member, are a victim of VAWA violence/abuse, in addition to completing this emergency transfer request form. The request can be met by completing and submitting the VAWA Self-certification Form (Form HUD-5382), unless the covered housing provider receives conflicting information about the VAWA violence/abuse. If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you may, instead, choose to submit that documentation to your covered housing provider. See “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380, for more information.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This

information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person's access for that reason, and (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, or (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I need this information in a language other than English? To read this in Spanish or another language, please contact MDHA at 615-252-8469. For TDD services, call 615-252-8599 or go to www.nashville-mdha.org. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. Your covered housing provider must also ensure effective communication with individuals with disabilities. Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact Legal Aid Society of Middle Tennessee and the Cumberlands at 615-244-6610.

TO BE COMPLETED BY OR ON BEHALF OF THE TENANT REQUESTING AN EMERGENCY TRANSFER

1. Name(s) of victim(s): _____
2. Your name (if different from victim's): _____
3. Name(s) of other household member(s): _____

4. Name(s) of other household member(s) who would transfer with the victim: _____

5. Name of the perpetrator (if known and can be safely disclosed): _____

6. Address of location from which the victim seeks to transfer: _____

7. Current Unit Size (# of bedrooms): _____
8. What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

☐ Phone Phone Number: _____

Safe to receive a voicemail: ☐ Yes ☐ No

☐ E-mail E-mail address: _____

Safe to receive an e-mail: ☐ Yes ☐ No

☐ Mail Mailing Address: _____

Safe to receive mail from your housing provider: ☐ Yes ☐ No

☐ Other Please List: _____

9. Anything else your housing provider should know to safely communicate with you?

10. What features are requested for a safe unit? You may list here any information that would facilitate a suitable transfer, such as accessibility needs, and a description of where it is safe or unsafe for you to live.

(Please note that the ability to provide an emergency transfer is based on unit availability.)

- | | |
|---|--|
| ☐ New Neighborhood | ☐ New Building |
| ☐ First Floor Unit | ☐ Second Floor Unit (and above) |
| ☐ Near an Exit | ☐ Well-lit hallways/walkways |
| ☐ 24-hour Security | ☐ Accessible unit |

☐ Other

11. To approve your request for an emergency transfer, your covered housing provider may require that you provide written documentation that you (or a household member) are a victim of VAWA violence/abuse. Your covered housing provider must make this request for documentation in writing. You can choose to submit any one of the following types of documentation:

- Form HUD-5382 Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation, which asks your name and the perpetrator's name (if known and safe to provide);

- A document signed by a victim service provider, attorney, mental health professional, or medical professional who has helped you address the VAWA violence/abuse. The professional must state “under penalty of perjury” that he/she/they believe in the occurrence of the incident of VAWA violence/abuse and that it is covered by VAWA. Both you and the professional must sign the statement;
- A police, administrative, or court record (such as a protective order) that shows you (or a household member) are a victim of VAWA violence/abuse; OR
- If permitted by your covered housing provider, a statement or other evidence provided by you.

Certification of Tenant: By signing below, I am certifying that the information provided on this form is true and correct to the best of my knowledge and recollection, and that I meet the conditions described on this form to qualify for an emergency transfer.

Signature _____ Date _____

Public reporting burden for this collection of information is estimated to average 20 minutes per response. This includes the time for collecting, reviewing, and reporting. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. Covered housing providers in programs covered by VAWA may ask for a written request for an emergency transfer for a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking. Housing providers may distribute this form to tenants and tenants may use it to request an emergency transfer. The information is subject to the confidentiality requirements of VAWA. A Federal 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.