# MODIFICATION TO TENANT SELECTION PLAN

**NEAHMA Mutual Participation for VAWA Emergency Transfers in Massachusetts”**

# DEVELOPMENT NAME:

This Modification to Tenant Selection Plan (the “Modification”) modifies a Tenant Selection Plan for (the “Development”), a unit multifamily housing development located at , dated as of

(the “Plan”) as prepared by **.** (the “Agent”), as the management agent for (“the Owner”), as follows:

1. Participation in the Massachusetts Mutual Participation Agreement for VAWA Emergency Transfers

The Owner has elected to participate in the VAWA Massachusetts Pilot Program for Mutual Participation (the “Program”), through which preference will be given to victims of domestic violence, dating violence, sexual assault and stalking by the Owner in the selection of applicants for units covered by one or more of the list covered housing programs. Most of VAWA’s housing provisions apply specifically to “covered housing programs.” HUD’s covered housing programs under 24 C.F.R. 5.2003 include: • Section 202 Supportive Housing for the Elderly; • Section 811 Supportive Housing for Persons with Disabilities; • Housing Opportunities for Persons With AIDS (HOPWA) program; • Homeless programs under title IV of the McKinney-Vento Homeless Assistance Act, including the Emergency Solutions Grants program, the Continuum of Care program, and the Rural Housing Stability Assistance program; • HOME Investment Partnerships (HOME) program; • Multifamily rental housing under section 221(d)(3)/(d)(5) of the National Housing Act with a below-market interest rate (BMIR); • Multifamily rental housing under section 236 of the National Housing Act; • HUD programs assisted under the United States Housing Act of 1937; specifically, public housing under section 6 of the 1937 Act, tenant-based and project-based rental assistance under section 8 of the 1937 Act, and the Section 8 Moderate Rehabilitation Single Room Occupancy; and • Housing Trust Fund. VAWA also covers the Direct Loan program under Section 202; rural housing assistance provided under sections 514, 515, 516, 533, 538, and 542 of the Housing Act of 1949 (42 U.S.C. 1484, 1485, 1486, 1490m, 1490p–2, 1490r); Low Income Housing Tax Credit (LIHTC).

Specifically, preference will be given to families referred to the Owner/Agent by one of the Mutual Participating Owner/Agent whose household families meet the eligibility criteria established for its emergency assistance and who are actual or imminent victims of domestic violence, dating violence, sexual assault, or stalking in accordance with the Violence Against Women Reauthorization Act of 2022.

The Program policies and procedures are more particularly described in the Mutual Participation Program for VAWA Emergency Transfers in Massachusetts Policy and Procedures and the TSP Modification for the Emergency Transfer Plan Appendix B – 5381 annexed hereto and modifying the plan as indicated.

**RIDER TO TENANT SELECTION PLAN**

**THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2022 (VAWA)**

**MANAGEMENT AGENT FOR OWNER ACTING ON BEHALF OF APARTMENTS.**

# EMERGENCY TRANSFER PLAN

1. Introduction

The Violence Against Women Reauthorization Act of 2022 (VAWA Act of 2013), shall be permitted to request a transfer to another safe dwelling unit both within the existing property or to another property, which be selected from the list of participating owner/agents for the Massachusetts Mutual Participating Program, if

* 1. the Resident reasonable believes that they are threatened with imminent harm from further violence if he or she remains within the same dwelling; or
  2. in the case of a Resident who is a victim of sexual assault, the sexual assault occurred on the premises during the 90-day period preceding the request for transfer. Transfers under this plan are subject to the availability of program eligible vacant units in properties identified by the Participating Owner/Agent identified within their managed portfolio that would qualify below as:

1. The owner has authorized a preference in the property Resident Selection Plan for external applicants who are victims of domestic violence within the full definition in accordance with the VAWA Act 2022.
2. The property is accepting external applications, and their waiting list is open.
3. The resident is eligible to transfer to the program for assistance available.

Transfers in this plan may include both an interim transfer within the development to a safe unit identified by the Resident and/or a later transfer to an external unit to another property that may become available later. Owner/Agent (Insert Name) will work with NEAHMA (Primary Facilitator) to maintain an active list of properties that meet the above criteria and provide it as a resource to the Resident for optional preference to select a safe unit if they are in actual or imminent danger or otherwise qualify as a victim of sexual assault as explained above.

Additionally, Owner/Agent (Insert Name) will seek out assistance or guidance from the state agencies, local housing authorities, shelters, etc. to facilitate where feasible alternative locations for possible transfers to safe units. Public Housing Authorities will maintain their own notices and guidance for residents or applicants that hold a Section 8 Housing Choice Voucher.

Residents should contact the Property Manager or their company designee to request an emergency transfer or be considered for a preference for admission to a new location. The Property Manager or their company designee will document and initiate this request via their internal procedures and determine that a tenant qualifies for an emergency transfer and if unable to accommodate the emergency transfer within their own property, and provide the resident with resources including but not limited to the list of participating owner/agents who offer an emergency transfer preference to other owner/agents who have opted into the program. The Property Manager will provide the resident the Resident Self Choice Safe Location checklist for them to completed and submit a copy of the checklist with the request to the NEAHMA Facilitator.

The OWNER/AGENT (INSERT NAME) shall maintain a record of VAWA related emergency transfer requests and outcomes. Prior to submission to NEAHMA as the facilitator for the Emergency Transfer Waiting List, it is the owner/agent’s responsibility to ensure that all relevant documentation to determine eligibility for the emergency transfer have been completed prior to the referral for waiting list placement. This includes but is not limited to DHCD through its designee, Casa Myrna’s, I determination that a tenant qualifies for the emergency transfer where contracts exist for HOME/HTF assisted units.

Reasonable confidentiality measures will be incorporated so that the location of the new dwelling is not disclosed to the person that commits an actual or imminent act of violence.

## Emergency Transfer Timing and Availability

Owner/Agent (Insert Name) cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. OWNER/AGENT (INSERT NAME) will, however, act as quickly as possible to move a Resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a Resident reasonably believes a proposed transfer would not be safe, the Resident may request a transfer to a different unit. If a unit is available, the transferred Resident must agree to abide by the terms and conditions that govern occupancy in the unit to which the Resident has been transferred. OWNER/AGENT (INSERT NAME) may be unable to transfer a Resident to a particular unit if the Resident has not or cannot establish eligibility for that unit.

If OWNER/AGENT (INSERT NAME) has no safe and available units for which a

Resident who needs an emergency transfer is eligible, OWNER/AGENT (INSERT NAME) will assist the Resident in identifying other housing providers who may have safe and available units to which the Resident could move. At the Residents request, OWNER/AGENT (INSERT NAME) will also assist Residents in contacting the local organizations helping victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

## Safety and Security of Residents

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the Resident is urged to take all reasonable precautions to be safe. The Owner/Agent shall also engage in an interactive dialogue with the resident to determine what if any action the Owner/Agent shall take to facilitate the safety of the resident, and the larger community (other residents and staff) if the circumstances warrant action,

## Safety Resources

SafeLink (877) 785-2020 or [www.casamyrna.org,](http://www.casamyrna.org/) the state domestic violence hotline, for connection to resources and your local domestic violence organization, support, and safety planning. SafeLink is a toll-free domestic violence Massachusetts hotline that provides callers 24/7 live response in English, Spanish, Portuguese with access to translation in more than 130 languages. People who are deaf and hard of hearing can reach SafeLink trough the Mass Relay Services (<http://mass.gov/massrelay> or dialing 711 in Massachusetts. See also https://[www.casamyrna.org/ETP](http://www.casamyrna.org/ETP) for resources relating to VAWA and DHCD Emergency Transfer Plan and [www.masshousng.com/vawa](http://www.masshousng.com/vawa) for additional information on VAWA and related state law information and resources.

Residents who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Residents who have been victims of sexual assault may call the Rape, Abuse & Incest National Network’s National Sexual Assault Hotline at 800-656-HOPE or visit the online hotline at <https://hotline.rainn.org/online>

Residents 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.](http://www.victimsofcrime.org/our-programs/stalking-resource-center)

The OWNER/AGENT (INSERT NAME) State Specific VAWA Notice has a list of local organizations helping victims of domestic violence, dating violence, sexual assault, or stalking and will be provided by the Property Manager/Resident Service Coordinator to the Resident. In addition, NEAHMA and CASA Myrna will help facilitate identification of and connection with a local DV/SA organization.

Attachment 1: Emergency Transfer Request For, Form HUD 5383

Attachment 2: Certification of Domestic Violence, Data Violence, Sexual Assault or Stalking Form HUD 5382.