



## **Know Your Rights:**

### **Survivors of Domestic Violence and Letters of Priority Entitlement (LOPE)**

#### **What is a LOPE?**

A LOPE, i.e., “Letter of Priority Entitlement,” is a letter issued by a Rural Development (“RD”) office that gives the letter holder priority in admissions to RD multifamily housing units.<sup>i</sup> The RD office gives people LOPEs when they live in RD multifamily housing, but their tenancy is ending because of a condition beyond their control.<sup>ii</sup> Domestic violence is a condition beyond a tenant’s control and may qualify a survivor for a LOPE.<sup>iii</sup>

#### **What Does a LOPE do?**

A LOPE letter gives the LOPE holder priority to admissions at available RD housing units for 120 days.<sup>iv</sup> So, a LOPE lets someone move to the top of the waitlist in RD multifamily housing units anywhere in the country.<sup>v</sup> If the LOPE holder needs more than 120 days to find housing, a RD office may extend the LOPE’s time period.<sup>vi</sup>

Survivors may have priority to admissions to non-RD federal housing programs<sup>1</sup> that are covered by the Violence Against Women Act (“VAWA”). However, a LOPE does not guarantee priority to non-RD multifamily housing unless the housing program has created a policy giving priority to survivors. Federal law allows, but does not require, federal housing programs to give survivors priority in housing and waitlists placement.<sup>vii</sup> Check with the housing provider to see if survivors receive priority in housing and waitlist placement.

#### **What Survivors Can Get a LOPE?**

Survivors living in an RD multifamily housing unit who request and qualify for an emergency transfer may get a LOPE.<sup>viii</sup> Find out if you are living in a RD multifamily housing unit by asking your landlord or property manager, reading your lease, or looking up your address on <https://nhpd.preservationdatabase.org> or [https://rdmfhrentals.sc.egov.usda.gov/RDMFHRentals/select\\_state.jsp](https://rdmfhrentals.sc.egov.usda.gov/RDMFHRentals/select_state.jsp).

A survivor qualifies for an emergency transfer if they live in a federally assisted housing program covered by VAWA<sup>ix</sup> and reasonably believe they are about to be harmed by domestic violence, or if they experienced sexual assault on the property up to 90 days ago.<sup>x</sup> An emergency transfer may relocate these survivors to available and safe housing units in a federally assisted housing program covered by VAWA.<sup>xi</sup>

#### **How Can I Get a LOPE?**

If you need to move from your RD housing unit because of domestic violence, contact your property manager or landlord to request an emergency transfer and a LOPE.<sup>xii</sup> The property manager or landlord may require you to verify that you are a survivor.<sup>xiii</sup> You can verify that you are survivor by giving them your choice<sup>2</sup> of: (1) a self-certification form; (2) a letter from a qualified third party; or (3) a police, court, or an administrative

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<sup>1</sup> Public housing, section 8 project based and housing choice voucher programs, section 811 housing for persons with disabilities, section 202 housing for elderly, section 236 multifamily rental housing, -Section 221(d)(3) multifamily rental housings with Below Market Interest Rate (BMIR), housing under McKinney-Vento Act homeless programs and HOME, Housing Opportunities for Persons with AIDS (HOPWA), and Low-Income Housing Tax Credit (LIHTC) housing are the non-RD housing programs covered by VAWA. (34 U.S.C. § 12491(a)(3); 24 C.F.R § 5.2003.)

<sup>2</sup> If the housing provider receives information from another person, such as your abuser, claiming that you are not a victim of domestic violence, the housing provider may require you provide additional proof that you are a victim of domestic violence. (34 U.S.C. § 12491(c)(7))



record, like a police report or restraining order.<sup>xiv</sup> Your property manager or landlord should immediately contact their RD office to request the LOPE.<sup>xv</sup> Someone from the RD office should give you the LOPE with a letter explaining your right to receive priority placement in available RD units.<sup>xvi</sup>

**How Do I Get More Assistance?** Contact FVAP at [info@fvapl原因.org](mailto:info@fvapl原因.org) or (510) 858-7358 for questions.

<sup>i</sup> 7 CFR § 3560.11

<sup>ii</sup> 7 CFR § 3560.159(c).

<sup>iii</sup> U.S. Depart. of Agric., RD AN No. 4814 (1944-N), Implementation of 42 U.S.C. 14043e-11 of the Violence Against Women Reauthorization Act in Rural Development's Multi-Family Housing Programs (January 18, 2017) p. 6.

<sup>iv</sup> 7 CFR §§ 3560.11; 3560.159(c)

<sup>v</sup> *Supra* en. iii at p. 10.

<sup>vi</sup> 7 CFR § 3560.159(c);

<sup>vii</sup> 24 C.F.R. §§ 960.206(b)(4), 982.207(b)(4); 26 U.S.C. § 42(g)(9).

<sup>viii</sup> *Supra* en. iii at p. 6.

<sup>ix</sup> *Supra* fn. 1.

<sup>x</sup> 34 U.S.C. §12491(e).

<sup>xi</sup> *Id.* at § 12491(e)-(f).

<sup>xii</sup> *Supra* en. iii at p. 6, 10.

<sup>xiii</sup> 34 U.S.C. §12491(c)(3).

<sup>xiv</sup> 34 U.S.C. § 12491(c)(3)(B); 24 C.F.R § 5.2007(b)(1).

<sup>xv</sup> *Supra* en. iii at p. 6, 10.

<sup>xvi</sup> *Id.*