



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.ⁱ 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.ⁱⁱ Domestic violence is a condition beyond a tenant’s control and may qualify a survivor for a LOPE.ⁱⁱⁱ

What Does a LOPE do?

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

Survivors may have priority to admissions to non-RD federal housing programs¹ 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.^{vii} 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.^{viii} 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.

A survivor qualifies for an emergency transfer if they live in a federally assisted housing program covered by VAWA^{ix} 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.^x An emergency transfer may relocate these survivors to available and safe housing units in a federally assisted housing program covered by VAWA.^{xi}

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.^{xii} The property manager or landlord may require you to verify that you are a survivor.^{xiii} You can verify that you are survivor by giving them your choice² of: (1) a self-certification form; (2) a letter from a qualified third party; or (3) a police, court, or an administrative

¹ 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.)

² 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.^{xiv} Your property manager or landlord should immediately contact their RD office to request the LOPE.^{xv} Someone from the RD office should give you the LOPE with a letter explaining your right to receive priority placement in available RD units.^{xvi}

How Do I Get More Assistance? Contact FVAP at info@fvaplaw.org or (510) 858-7358 for questions.

ⁱ 7 CFR § 3560.11

ⁱⁱ 7 CFR § 3560.159(c).

ⁱⁱⁱ 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.

^{iv} 7 CFR §§ 3560.11; 3560.159(c)

^v *Supra* en. iii at p. 10.

^{vi} 7 CFR § 3560.159(c);

^{vii} 24 C.F.R. §§ 960.206(b)(4), 982.207(b)(4); 26 U.S.C. § 42(g)(9).

^{viii} *Supra* en. iii at p. 6.

^{ix} *Supra* fn. 1.

^x 34 U.S.C. §12491(e).

^{xi} *Id.* at § 12491(e)-(f).

^{xii} *Supra* en. iii at p. 6, 10.

^{xiii} 34 U.S.C. §12491(c)(3).

^{xiv} 34 U.S.C. § 12491(c)(3)(B); 24 C.F.R § 5.2007(b)(1).

^{xv} *Supra* en. iii at p. 6, 10.

^{xvi} *Id.*