




**U.S. Department of Housing and Urban Development**  
Region IV Office of Fair Housing and Equal Opportunity  
Five Points Plaza  
40 Marietta Street, 16<sup>th</sup> Floor  
Atlanta, GA 30303-2806

April 11, 2023

MEMORANDUM FOR: Berkeley Burbank, Chief Executive Officer  
Alco Management, Inc.

FROM:  Ashley Lowe, Branch Chief for SC, TN, and MS  
Programs and Compliance Division, Office of Fair Housing and  
Equal Opportunity, 4GES

SUBJECT: VAWA Issues Following FHEO Limited Compliance Review  
Greenbriar Apartments

The Region IV Office of Fair Housing and Equal Opportunity (“FHEO” or “Department”), Programs and Compliance Division, initiated a Section 504/ADA limited compliance review for Greenbriar Apartments (“Greenbriar” or “recipient”) on November 8, 2022. Although the scope of the review did not include the Violence Against Women Act (VAWA), the Department noted issues regarding the recipient’s fulfillment of its VAWA obligations. Through this memo, the Department seeks to outline the issues noted during the review so that they can be resolved by the recipient .

Interviews with tenants during the compliance review indicated that the recipient failed to respond or unreasonably delayed responding to tenants’ VAWA requests. Specifically:

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- [REDACTED]

The recipient is reminded that tenants' protections afforded by the Violence Against Women's Act (VAWA), 24 § 886.339, require that:

- a) Covered housing providers must develop and implement an emergency transfer plan that meets the requirements in 24 CFR 5.2005(e)<sup>1</sup>.
- b) In order to facilitate emergency transfers for victims of domestic violence, dating violence, sexual assault, and stalking, covered housing providers have discretion to adopt new, and modify any existing, admission preferences or transfer waitlist priorities.
- c) In addition to following requirements in 24 CFR 5.2005(e), when a safe unit is not immediately available for a victim of domestic violence, dating violence, sexual assault, or stalking who qualifies for an emergency transfer, covered housing providers must:
  1. Review the covered housing provider's existing inventory of units and determine when the next vacant unit may be available; and
  2. Provide a listing of nearby HUD subsidized rental properties, with or without preference for persons of domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office.

Greenbriar Apartments is a covered housing provider receiving project-based rental assistance<sup>2</sup>. VAWA protections indicate that if a tenant believes they are in imminent harm by remaining in the same unit, they can request an emergency transfer. Covered housing programs must adopt an emergency transfer plan based on a model plan from HUD. The emergency transfer plan must allow tenants to make an internal emergency transfer when a safe unit is immediately available. The emergency transfer plan must describe reasonable efforts the covered housing provider will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. Upon being notified that Tenants [REDACTED] and [REDACTED] were households that experienced alleged violence against women, the recipient failed to administer and implement an emergency transfer plan, as required by VAWA.

The Department will informally assist the recipient in resolving the VAWA matters through the execution of a Voluntary Compliance Agreement (VCA), which will include provisions requiring Greenbriar to provide timely responses to VAWA requests, establish effective communication methods with tenants seeking a transfer, properly document requests,

<sup>1</sup> [https://www.ecfr.gov/current/title-24/subtitle-A/part-5/subpart-L/section-5.2005#p-5.2005\(e\)](https://www.ecfr.gov/current/title-24/subtitle-A/part-5/subpart-L/section-5.2005#p-5.2005(e))

<sup>2</sup> 24 CFR 5.2001(b)(1), 24 CFR 5.2003 "Covered housing program"

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and amend its emergency transfer policy to include transfers to other nearby properties within Alco Management's inventory. The lead for the compliance review, Nadia Carlson, will contact you to negotiate the terms of the VCA. The recipient's failure to satisfactorily resolve the VAWA issues may serve as grounds for HUD to conduct a compliance review under VAWA and other appropriate statutory or regulatory authorities.

If you have any questions or need in this matter, please contact Ashley Lowe, Branch Chief, at [ashley.lowe@hud.gov](mailto:ashley.lowe@hud.gov).

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