

## MODEL EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

The Housing Authority of Douglas County (HADCO) 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 of 1994, as amended (“VAWA”), HADCO allows any tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. While human trafficking is not specifically included as a VAWA-covered crime in the Violence Against Women Act or in its reauthorization acts, human trafficking survivors may have experienced VAWA violence or abuse while being trafficked.

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 regarding safety and security. The plan is based on Federal regulations at 24 Code of Federal Regulations (CFR) part 5, subpart L, related program regulations, and the model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that HADCO and its HUD-funded programs, including Low-Rent Public Housing and Section 8, are in compliance with VAWA.

### Definitions

- **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 and eligibility process. For example, a HADCO public housing tenant may request to move to another public housing unit, or a Section 8 voucher holder may request a transfer to a different private rental unit and retain their Section 8 assistance.
- **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 and be found eligible for the program in order to reside in the new unit. For example, a HADCO public housing tenant may request to transfer to a Douglas Multifamily Property Management affordable housing unit. The tenant is not required to give the same lease termination notices required of tenants who are not victims of VAWA violence or abuse.
- **Safe unit** refers to a unit that the victim of VAWA violence/abuse believes is safe. HADCO will provide all available options to the tenant and allow the tenant to make the decision to accept the unit as safe or reject the unit as unsafe. The tenant will not be penalized for rejecting a unit they believe is unsafe.
- **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). VAWA violence/abuse can also mean an incident or incidents of human trafficking if the victim experienced a VAWA-related crime while being trafficked.

### **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 HADCO must provide a copy if requested. HADCO will ask for the 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.

HADCO, in response to an emergency transfer request, will 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.

### **Emergency Transfer Policies**

When working with a tenant who requests an emergency transfer, HADCO will discuss all transfer options available to the tenant, including transfers that may change the tenant’s eligibility for rent assistance. In some cases, rent assistance funding is tied to the specific unit or location and cannot transfer with a tenant. In these circumstances, a transfer still may be possible, but the family’s out-of-pocket expenses for housing could increase.

#### **Internal transfers when a safe unit is immediately available:**

When a tenant requests an internal transfer and the transfer is approved, HADCO and the tenant will determine if a safe unit is immediately available. HADCO defines “immediately available” as being move-in ready in 30 days or less after the transfer is approved. The safety of the unit is determined by the tenant. The tenant can decline the immediate internal transfer, even if they deem the unit safe, if the tenant believes that the timeframe to move puts them at risk of further violence and/or trauma.

#### **Internal transfers when a safe unit is not immediately available:**

If an internal transfer is approved and a safe unit is not immediately available, HADCO will refer the tenant to community organizations that may be able to provide temporary shelter while waiting for an available unit within the same program. The tenant will be allowed to move into a safe, vacant unit with continued assistance as soon as it is ready. Moving with continued assistance means that the tenant will not have to reestablish eligibility.

### **External transfers:**

As of the date of this policy, HADCO does not have formal partnerships with external property owners or management companies to which a HADCO tenant can transfer. This includes transfers to HADCO owned properties which are operated with non-HUD funding sources (Low-Income Housing Tax Credit, USDA Rural Development, etc.). However, HADCO will assist tenants in finding suitable affordable housing in the area and, with the tenant's written permission, share documents with the owner or property manager to assist with eligibility determinations. Furthermore, HADCO can assist the tenant with applying for placement on any HADCO or HADCO-owned property waiting list, including any priority waiting list placement if the tenant can satisfactorily establish eligibility for priority placement.

Please note that Section 8 Housing Choice Voucher holders can request to move to another approved rental unit on the private market. In some circumstances, HADCO must allow these transfers for victims of VAWA violence even if they are not permitted according to HADCO's Section 8 Admin Plan. For example, the prohibition for multiple moves within a year can be waived if the tenant qualifies for VAWA protections. HADCO and its independent entities will expedite the inspection and owner approval process to facilitate the quickest move possible for the family.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. HADCO may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, a public housing tenant shall notify the Property Management Director; a Section 8 participant shall notify their Section 8 Representative or the Section 8 Director. Contact information, including direct telephone extensions and email addresses, is available at [www.hadcor.org](http://www.hadcor.org). If HADCO does not already have appropriate documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, HADCO will ask for this documentation in accordance with 24 CFR 5.2007. HADCO requires written documentation of the occurrence of VAWA violence/abuse and a written request for an emergency transfer before a transfer can be considered for approval. HADCO understands the urgent nature of an emergency transfer and will expeditiously request documentation from the tenant in writing, process the approval request, provide the decision to the tenant, and take additional action needed to facilitate an approved transfer.

Unless HADCO receives conflicting information about the incident or incidents of VAWA violence/abuse, as described in 24 CFR 5.2007(b)(2), HADCO cannot require third-party documentation to determine the tenant's status as a VAWA victim for emergency transfer eligibility. HADCO will provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer must 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) stays 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. HADCO will also accept other types of written requests for emergency transfer provided they include the required

information above. Tenants requesting an emergency transfer have 14 business days from the date of HADCO's written request for documentation to provide the requested documentation of the tenant's VAWA victim status. This deadline can be extended if the tenant is unable to provide the documentation within the stated timeframe for circumstances outside their control or as reasonable accommodation for individuals with disabilities.

### **Priority for Transfers**

Section 8 participants may request an internal emergency transfer to another approved rental unit without returning to the waiting list; these families do not need waiting list priority for transfers. Once approved for the transfer, HADCO will make every reasonable effort to assist a Section 8 participant who was approved for an emergency transfer with a move to another rental unit with expedited inspections and tenancy approvals.

Low Rent Public Housing tenants may request an internal emergency transfer to a another public housing unit under VAWA. Once approved and if a safe unit is immediately available, these tenants will be given priority over other categories of existing tenants seeking transfers and applicants seeking placement from public housing waiting lists. The order of priority is:

1. Emergency transfers for threats to health and safety;
2. Emergency transfers for VAWA violence/abuse;
3. All other emergency transfers;
4. Internal non-emergency transfers required by HADCO;
5. Internal non-emergency transfers requested by a tenant; and
6. Placement from the waiting list based on application date and time.

### **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, HADCO 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 HADCO employees or contractors if explicitly authorized by HADCO 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. Accordingly, HADCO's confidentiality policy requires a written release of information, signed by the victim, to release any information outside the organization, unless the information is needed to execute an eviction, facilitate a hearing, or if HADCO is compelled by law to release the information. Internally, all VAWA documentation is stored

so that it is only accessible by the victim's property manager or Section 8 representative, the program director, and the Executive Director. Only individuals with a need to know, such as those who are directly involved in facilitating an emergency transfer, will be granted access to VAWA-related information.

### **Emergency Transfer Procedure**

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

If HADCO does not have any safe and available units for which the tenant is eligible, HADCO 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, HADCO will also assist the tenant in contacting local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

### **Making the Emergency Transfer Plan Available**

This Emergency Transfer Plan is available to anyone who requests a copy in person, by US mail, or by electronic request. The plan is also posted on the HADCO website on its VAWA Resources page. HADCO will provide a copy of this emergency transfer plan in alternative accessible formats to ensure effective communication with individuals with disabilities. When an alternative accessible format is requested, HADCO will provide the information in the format requested whenever reasonable. If the requested format cannot be provided, HADCO will determine if another format would be appropriate for the individual, including audio recordings or in-person consultations to discuss the contents of the plan.

Additionally, HADCO can provide translation or interpretation services, as appropriate, for individuals with Limited English Proficiency. Language services are provided at no cost to the applicant or tenant family.

### **Safety and Security of Tenants**

When HADCO receives any inquiry or request regarding an emergency transfer, HADCO 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>.

### **National Help for Survivors**

#### **National Domestic Violence Hotline**

1-800-799-SAFE (7233)

TTY: 1-800-787-3224

Text "START" to 88788

#### **National Sexual Assault Hotline**

1-800-656-HOPE (4673)

**National Teen Dating Abuse Helpline**

1-866-331-9474

1-866-331-8453 (TTY)

**Abused Deaf Women's Advocacy Services (ADWAS)**

1-855-812-1001

Instant messenger: DeafHotline

**National Human Trafficking Hotline**

1-888-373-7888

711 (TTY)

Text: 233733

**National Runaway Safeline**

1-800-RUNAWAY (800-786-2929)

**National Center for Victims of Crime**

1-855-VICTIM (1-855-484-2846) (call or text)

**StrongHearts Native Helpline**

1-844-7NATIVE (762-8483)

**Local Help for Survivors****Adapt 24-hour Crisis Line**

1-800-866-9780

**Peace at Home Advocacy Center 24/7 Crisis Line**

1-541-673-7867 or 1-800-464-6543

**Legal Aid Services of Oregon, Douglas County**

1-541-673-1181 or 1-888-668-9406

**Samaritan Inn (for women and their children)**

1-541-672-5387

**United Community Action Network (assistance with housing, food, clothing, and more)**

1-541-672-3421

**Public reporting burden** for this collection of information is estimated to range from four to eight hours per each covered housing provider's response, depending on the covered housing program. This includes the time to develop program and project-specific emergency transfer policies and develop contacts with local service providers. 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. This is a model plan and covered housing providers in programs covered by VAWA may, at their discretion, use it to develop their own emergency transfer plans, as required under 24 CFR 5.2005(e). While HUD does not intend to collect emergency transfer plans, HUD may access these plans to ensure compliance with the regulations. 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.