

DRAFTING NOTES FOR HPs (MUST NOT APPEAR WORD FOR WORD IN PLAN): This model contains only general provisions of an emergency transfer plan that apply across the covered HUD programs. Adoption of this model plan without further information addressing how the emergency transfer plan will operate will not be sufficient to meet a covered housing provider's responsibility to adopt an emergency transfer plan. Covered housing providers (HP) must consult applicable regulations and program-specific HUD guidance when developing their own emergency transfer plans to ensure their plans contain all required elements. Highlighted text throughout this document is used to assist HPs in drafting their policies, and should be removed in actual plan. **[HP ACRONYM] MUST BE REPLACED WITH THE ACRONYM OF THE COVERED HOUSING PROVIDER.**

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

[INSERT NAME OF COVER HOUSING PROVIDER **[HP ACRONYM]**] 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), **[HP ACRONYM]** 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. Despite this law's name, VAWA protections are not limited to women, and are available regardless of a victim's sex, actual or perceived gender identity or sexual orientation, or marital status. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, 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 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 to tenants on safety and security. This 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 [INSERT NAME OF PROGRAM OR RENTAL ASSISTANCE HERE] is in compliance with VAWA.

Definitions

- *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 in order to reside in the new unit.
- *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 process.
- *Safe unit* refers to a unit that the victim of VAWA violence/abuse believes is safe.
- *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).

Eligibility for Emergency Transfers

A tenant may seek an emergency transfer to another unit if the tenant or a household member is a victim of VAWA violence/ abuse, as explained in the “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380 (VAWA Notice). This Emergency Transfer Plan provides further information on emergency transfers, and [HP ACRONYM] must provide a copy if requested. Before allowing an emergency transfer, [HP ACRONYM] may ask for submission of a written request or form HUD-5383 to certify eligibility.

A Tenant is eligible for an emergency transfer if:

- (1) Tenant (or a household member) is a victim of VAWA violence/ abuse;
- (2) Tenant specifically requests the emergency transfer, and
- (3) Tenant reasonably believes* they will soon face more violence if they stay in their housing

OR

Tenant is a victim of sexual assault that occurred on the premises and have requested an emergency transfer within 90 days (including holidays and weekend days) after the date of that assault.

**Reasonable belief may stem from VAWA violence/ abuse concerning a household member.*

A housing provider, in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer

Emergency Transfer Policies

[INSERT HP’S EMERGENCY TRANSFER POLICIES, INCLUDING THE FOLLOWING, WHERE APPLICABLE]

Internal transfers when a safe unit is immediately available:

[INSERT HP’S POLICIES, INCLUDING TIME FRAMES, POSSIBLE INTERNAL TRANSFER LOCATIONS, AND PRIORITY STATUS RELATIVE TO OTHER TENANTS SEEKING TRANSFERS.]

Internal transfers when a safe unit is not immediately available:

[INSERT HP’S POLICIES, INCLUDING TIME FRAMES, POSSIBLE INTERNAL TRANSFER LOCATIONS, AND PRIORITY STATUS RELATIVE TO OTHER TENANTS SEEKING TRANSFERS.]

External transfers:

[INSERT HP’S POLICIES, INCLUDING HP’S ROLE IN FACILITATING TRANSFERS; IDENTIFYING AND DESCRIBING ANY TRANSFER AGREEMENTS WITH OUTSIDE HPS, PROVIDING REFERRALS TO COMMUNITY PARTNERS AND AFFORDABLE HOUSING OPTIONS, TIME FRAMES, AND PRIORITY STATUS GIVEN TO VAWA VICTIMS SEEKING EXTERNAL TRANSFERS INTO HP’S PROPERTY.]

[INSERT POLICIES AND PROCEDURES FOR ASSISTING TENANTS WITH HOUSING CHOICE VOUCHERS OR OTHER TENANT-BASED RENTAL ASSISTANCE WHO QUALIFY FOR AN EMERGENCY TRANSFER TO MOVE QUICKLY WITH THAT ASSISTANCE.]

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. [HP ACRONYM] 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, the tenant shall notify [ENTER SPECIFIC CONTACT INFORMATION, WEBSITE, AND/OR INSTRUCTIONS FOR REQUESTING AN EMERGENCY TRANSFER OR A COPY OF THE APPLICABLE EMERGENCY TRANSFER PLAN] and submit a written request for a transfer to [INSERT LOCATION]. Unless [HP ACRONYM] receives conflicting documentation, as described in 24 CFR 5.2007(b)(2), [HP ACRONYM] cannot require third-party documentation to determine emergency transfer eligibility. [HP ACRONYM] 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 if the tenant were to remain in the tenant's current dwelling unit; OR
2. In the case of a tenant 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 if the tenant remains within the same dwelling unit that the tenant is currently occupying, or a statement that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

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- o The emergency transfer plan must include the length of time (at least 14 business days) that the tenant has to provide the requested documentation.
- o HPs are not required to request documentation from a tenant seeking an emergency transfer. However, if a HP elects to require documentation from tenants seeking an emergency transfer then the documentation requirement must be included in the HP's emergency transfer plan and must comply with 24 CFR 5.2005(e)(10).
- o HPs do not have to require that emergency transfer requests be written. The request may be oral or written, at the HP's option, but the HP must make its policy and procedures clear in this plan.
- o HPs cannot require any third-party documentation in order to determine whether a tenant seeking an emergency transfer is eligible for an emergency transfer, unless HP receives documentation of VAWA violence/ abuse that contains conflicting information.

Priority for Transfers

Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists. [INSERT ANY MEASURE OF PRIORITY GIVEN UNDER THIS EMERGENCY TRANSFER PLAN.]

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- o The emergency transfer plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.
- o The emergency transfer plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
- o The emergency transfer plan must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests.

- o HPs should also refer to the applicable program regulations to determine if priorities or admission preferences are required with respect to external emergency transfers.

Confidentiality

If a tenant inquires about or requests any of the protections described in this Notice or represents that they are a victim of VAWA violence/abuse entitled to the protections under this Notice, **[HP ACRONYM]** must keep any information they provide concerning the VAWA abuse and their status as a victim strictly confidential. 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 **[HP ACRONYM]** employees or contractors if explicitly authorized by **[HP ACRONYM]** 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:

- Requested or consented to in writing by the tenant 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, [INSERT ANY SPECIFIC MEASURES HERE.]

Emergency Transfer Procedure

[HP ACRONYM] cannot specify how long it will take to process a transfer request. **[HP ACRONYM]** will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If **[HP ACRONYM]** identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. **[HP ACRONYM]** may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If **[HP ACRONYM]** has no safe and available units for which the tenant is eligible, **[HP ACRONYM]** will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant’s request, **[HP ACRONYM]** will also assist tenants in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

Making Plan Available

[INSERT HP’S POLICY FOR MAKING THE PLAN AVAILABLE UPON REQUEST AND, WHEN FEASIBLE, PUBLICLY AVAILABLE.]

All materials must ensure effective communication with individuals with disabilities, including making materials available in alternative accessible formats, as well as providing reasonable accommodations.

In addition, each provider must have VAWA forms available in multiple languages consistent with their language access plan to meet limited English proficiency (LEP) obligations.

Safety and Security of Tenants

When [HP ACRONYM] receives any inquiry or request regarding an emergency transfer, [HP ACRONYM] 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.

- Tenants who are or have been victims of domestic violence will be 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).
- Tenants who have been victims of sexual assault will be encouraged to call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online>.
- Tenants who are or have been victims of stalking seeking help will be encouraged to visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.
- [INSERT CONTACT INFORMATION FOR LOCAL ORGANIZATIONS OFFERING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.]

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- This section of the plan and providing additional resources is encouraged, but not required.
- If HP's have arrangements, including memoranda of understanding with other covered housing providers to facilitate moves, this information should be attached to the emergency transfer plan as well.

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 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.