EMERGENCY TRANSFER PLAN - (VAWA)

# **Emergency Transfers**

Housing Management, LLC as the managing agent for the owner of the property ("Owner") is concerned about the safety of its residents, and such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), Final Rule published November 16, 2016, Landlord allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the resident's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of Landlord to honor such request for residents currently receiving assistance, however, may depend upon a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Landlord has another dwelling unit that is available and is safe to offer the resident for temporary or more permanent occupancy. This plan identifies the individuals 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 residents on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees Landlord's subsidy programs to ensure they are in compliance with VAWA.

**Definitions**

1. Domestic Violence The term 'domestic violence' includes felony or misdemeanor crimes of violence committed by:
   1. Current or former spouse or intimate partner of the victim;
   2. A person with whom the victim shares a child in common;
   3. A person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner;
   4. A person similarly situated to spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or
   5. Any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
   6. Spouse or intimate partner of the victim includes a person who is or has been in a social relationship of romantic or intimate nature with the victim, determined by length, type, frequency and interaction between the persons involved.
2. Dating Violence — means violence committed by a person—

(l) Who is or has been in a social relationship of a romantic or intimate nature with the victim;

(2) Where the existence of such a relationship shall be determined based on consideration of the following factors:

(a) The length of the relationship. (b) The type of relationship.

(c) The frequency of interaction between the persons involved in the relationship.

1. Stalking — means
   1. To follow, pursue, or repeatedly commit acts with the intent to injure, harass, or intimidate another person;
   2. To place under surveillance with the intent injure, harass or intimidate another person;
   3. In the course of, or as a result of, such following, pursuit, surveillance or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to
      1. That person;
      2. A member of the immediate family of that person; (c) The spouse or intimate partner of that person;
2. Immediate Family Member - means, with respect to a person —
   1. A spouse, parent, brother, sister, or child of that person, or an individual to whom that person stands in loco parentis; or
   2. Any other person living in the household of that person and related to that person by blood or marriage.
3. Perpetrator — means person who commits an act of domestic violence, dating violence or stalking against a victim.

# **Eligibility for Emergency Transfers**

A resident who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if:

1. The resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit; or

2. If the resident is a victim of sexual assault, the resident may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A resident requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Residents who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

# **Emergency Transfer Request Documentation**

To request an emergency transfer, the resident shall notify Landlord and submit a written request for a transfer to the Property Manager or Compliance Manager as well as documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking, if Resident has not previously provided such documentation of the occurrence.

If supporting documentation is not available at the time written request was submitted; Tenant or Applicant will have thirty days (30) from the date of the request to provide such documentation. If documentation is provided within the thirty days, that meets the criteria. No further documentation will be requested. If requested documentation is not submitted within the thirty day (30) period, Tenant or applicant may be denied protection under VAWA.

Landlord will provide reasonable accommodations to this policy for individuals with disabilities. The resident's written request for an emergency transfer should include either:

I . A statement expressing that the resident reasonably believes that there is a threat of imminent harm from further violence if the resident were to remain in the same dwelling unit.

2. A statement that the resident was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the residents request for an emergency transfer.

For the convenience of resident, Landlord will offer a form resident may use to request a transfer, Acceptable documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking must be provided if resident has not previously provided such documentation. Acceptable documentation includes any one of the following forms of verification:

l. A complete HUD-approved certification Form 5382;

1. A document: signed by the resident and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
2. A document that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24

C.F.R. 5.2003;

1. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency.
2. At the discretion of Landlord, a statement or other evidence provided by the resident.

If Landlord receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the abuser or perpetrator), Landlord has the right to request that you provide third-party documentation within fourteen days (14) calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, Landlord does not have to provide you with the protections contained in this notice.

# **Court Orders**

Court orders. It is management's policy to honor orders entered by courts of competent jurisdiction affecting individuals assisted property. This includes cooperating with law enforcement authorities to enforce civil protection orders issued for the protection of victims and addressing the distribution of personal property among household members in cases where a family breaks up.

# **Confidentiality**

Landlord will keep confidential any information that the resident submits in requesting an emergency transfer, and information about the emergency transfer, unless the resident gives Landlord written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the resident, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the resident. See the Notice of Occupancy Rights under the Violence Against Women Act, for All Residents more information about Landlord's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

# **Internal Emergency Transfer Timing and Availability**

Internal emergency transfers refer to an emergency relocation of a resident to another unit where the resident would not be categorized as a new applicant. The resident may reside in the new unit without having to undergo an application process. Internal emergency transfers are only available within the property in which the Resident is residing. Landlord cannot guarantee that a transfer request will be approved or how long it will take to process an internal transfer request. Landlord will, however, act as quickly as possible to move a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit within the same community, subject to availability and safety of a unit. Transfers for these reasons will take priority over all other transfer requests including those made to accommodate a disability. If a resident reasonably believes a proposed transfer would not be safe, the resident may request a transfer to a different unit. If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit to which the resident has been transferred. Landlord may be unable to transfer a resident to a particular unit.

# **External Emergency Transfers**

External emergency transfers refer to an emergency relocation of a resident. If Landlord has no safe and available units for which a resident who needs an emergency transfer is eligible, Landlord will assist the resident in identifying other housing providers who may have safe and available units to which the resident could possibly move. At residents' request, Landlord will also assist residents in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

# **Safety and Security of Residents**

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe. Residents who are or have been victims of domestic violence are 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).

Residents who have been victims of sexual assault may 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/. Residents who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/ stalking-resource-center.