

Durham Continuum of Care Policy & Procedure

Title:	VAWA Emergency Transfer Plan Policy	Effective:	<i>September 11, 2019</i>
		Last Reviewed:	<i>September 11, 2019</i>
References:	Violence Against Women Act 24 CFR part 576 24 CFR part 578		
Policy:	<p>All shelters and homeless housing providers receiving Emergency Solutions Grants, Continuum of Care grants, City of Durham funds to support shelter or housing assistance for households experiencing homelessness, or Durham County funds to support shelter or housing assistance for households experiencing homelessness shall adopt, within sixty days of the approval of this policy by the CoC Board, an “Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, and Stalking” that addresses the following definitions and includes, at a minimum, the required elements stated below. The Plan shall be distributed to all adults sheltered and/or housed by the provider.</p>		
Definitions	<p>The Plan should include the following definitions:</p> <p>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.</p> <p>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.</p> <p>Safe Unit: refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.</p>		

**Required
Elements:**

The Emergency Transfer Plan must include the following elements:

1. A tenant receiving rental assistance through, or residing in a unit subsidized under, a covered housing program who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an **emergency transfer** if:
 - a. The tenant expressly requests the transfer; and
 - b. 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
 - c. In the case of a tenant who is a victim of sexual assault, either 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 the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.
2. The plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under the Violence Against Women Act (VAWA) in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.
 - a. Tenant Selection Plans (TSPs) should be amended to include any VAWA preference.
3. The plan must incorporate strict confidentiality measures to ensure that the housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.
4. The plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
 - a. The plan should define the term “immediately available.” For example, “a vacant unit, ready for move-in with a reasonable period of time.”
 - b. Include time frames, possible internal transfer locations, and priority status relative to other tenants seeking an internal transfer.
5. The plan must describe policies for assisting a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available, and these policies must ensure that requests for internal emergency transfers receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests (e.g., transfers based on disability).
6. The plan must describe reasonable efforts the housing provider will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. The plan must include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the housing provider’s program or project, and a tenant who is seeking an external emergency transfer under VAWA into the housing provider’s program or project. These policies may include:
 - a. Arrangements, including memoranda of understanding, with other housing providers to facilitate moves (such documents should be attached to the plan); and

b. Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.

7. Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

8. The plan should state that a request does not guarantee continued assistance or an external transfer to other HUD housing.

9. Where applicable, the plan must describe policies for a tenant who has tenant-based rental assistance (e.g., voucher) and who meets the requirements of #1 above to move quickly with that assistance.

a. Housing providers should coordinate with local providers of the tenant-based assistance (e.g., local PHA).

10. The plan may require documentation from a tenant seeking an emergency transfer, provided that:

a. The tenant's submission of a written request to the housing provider, where the tenant certifies that they meet the eligibility requirements to request a VAWA transfer, shall be sufficient documentation of the requirements necessary to request an emergency transfer;

b. The housing provider may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with 24 CFR §5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and

c. No other documentation is required to qualify the tenant for an emergency transfer.

11. The housing provider must make its emergency transfer plan available upon request and, when feasible, must make the plan publicly available.

12. Nothing in the plan may supersede any eligibility or other occupancy requirements that may apply under any other covered housing program.

With regard to #9 above, housing providers are not required to require documentation from a tenant claiming VAWA protection. Verbal requests may be accepted. However, if documentation will be required, the requirement (as outlined above) must be included in the plan.

The housing provider must keep a record of all emergency transfers requested under its plan, and the outcomes of such requests, and retain these records for a period of three years, or for a time period as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually.