



[Insert name of project, owner or covered housing provider]

**Model Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence,
Sexual Assault, or Stalking**

Emergency Transfers

[Insert the project name, owner, or covered housing provider (acronym HP for purposes of this model plan)] 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 (VAWA),¹ HP allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of HP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate 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 be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

may occur, and guidance to tenants 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).

Eligibility for Emergency Transfers

A tenant 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: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant 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 tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request, and may not be denied, an emergency transfer if they meet the eligibility requirements in this section.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant will notify the HP which then requires that the HP provide the tenant with the form for Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (HUD model form 5383). 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 same dwelling unit assisted under HP's program; OR

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

HP will provide reasonable accommodations to this policy for individuals with disabilities.

The owner must also provide the tenant/participant with the Notice of Occupancy Rights at the time a tenant or participant requests an emergency transfer. Furthermore, also at the time an individual requests an emergency transfer, the HP must provide the individual with the HCR VAWA Resource List (Attachment 1 to this Emergency Transfer Plan), which is a list of local organizations, including housing and legal service providers, that support individuals who are or have been victims of domestic violence.

Confidentiality

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP 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, but is not limited to: (i) ensuring that only those employees of the HP who are explicitly authorized for a specific purpose have access to information pertaining to an applicant or tenant who is a victim of a VAWA covered crime; (ii) not entering information regarding an applicant or tenant who is a victim of a VAWA covered crime into a shared database, unless consented to 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; (iii) maintaining confidential communications with the victim (e.g., not leaving messages containing confidential information

or referring to VAWA on the victim's voicemail or with other individuals; and (iv) keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, act as quickly as possible to approve the transfer request and to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. A tenant who is a victim of domestic violence, dating violence, sexual assault or stalking will [not] be given preference on the internal transfer waiting list.

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. This assistance will include, but not be limited to, utilizing NYHousingSearch.gov, as well as a list of available developments with vacancies that will be provided from time-to-time by New York State Homes and Community Renewal, to

help tenants identify rental housing suitable for external emergency transfer. Additionally, at the tenant's request, HP will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan. A tenant may seek an internal and external emergency transfer concurrently if an internal safe unit is not immediately available.

The HP should develop relationships with relevant local organizations identified in the HCR VAWA Resource List in order to help facilitate an external transfer when necessary. Furthermore, it is expected that the HP will be receptive to admitting tenant's from other HCR-funded projects that are seeking an external transfer into the HP's safe available unit.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants 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).

Tenants 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/>.

Tenants 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>.

Attachment:

Attachment 1 to this Emergency Transfer Plan is the HCR VAWA Local Resource List, a county-by-county list of housing and legal service providers that support individuals who are or have been victims of domestic violence. This list should be provided to tenants who request an emergency transfer.

Comments and Questions:

If a tenant feels that they have been incorrectly denied a request for emergency transfer, they should contact NYS Homes and Community Renewal at FEHO@hcr.ny.gov.