

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

CoC-604 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”), CoC-604 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. VAWA protections are not limited to women. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

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).

This plan applies to all CA-604 Continuum of Care and Emergency Solutions Grant-funded permanent housing providers, including providers operating:

Permanent Supportive Housing, Rapid Re-Housing, Transitional Housing, Joint Transitional Housing/Rapid Re-Housing, tenant-based rental assistance, project-based rental assistance, sponsor-based rental assistance, and other CoC- or ESG-funded housing assistance where VAWA emergency transfer protections apply.

For purposes of this plan, these providers are referred to as Housing Providers or HPs.

All covered Housing Providers must adopt this Emergency Transfer Plan or develop a provider-specific Emergency Transfer Plan that is consistent with this plan, HUD Form 5381, and applicable VAWA requirements.

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 or participant receiving rental assistance through, or residing in a unit subsidized by, a covered housing program may request an emergency transfer if:

1. The tenant or participant is a victim of domestic violence, dating violence, sexual assault, or stalking;
2. The tenant or participant expressly requests the transfer; and
 - The tenant or participant reasonably believes there is a threat of imminent harm from further violence if they remain in the same dwelling unit or;
 - 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.

A tenant or participant who is a victim of sexual assault may also qualify for an emergency transfer if the sexual assault occurred on the premises during the 90-calendar-day period preceding the request for transfer.

A tenant or participant does not need to be in “good standing” to request or receive an emergency transfer. Housing Providers shall not deny an emergency transfer request solely because of unpaid rent, lease violations connected to the violence, lack of a police report, lack of a restraining order, or the tenant’s decision not to participate in victim services.

Requesting an Emergency Transfer

To request an emergency transfer, the tenant or participant should notify their Housing Provider’s management office, case manager, program manager, or designated VAWA contact.

The tenant or participant may request the transfer verbally or in writing. However, the Housing Provider may ask the tenant or participant to complete HUD Form 5383.

The request should include either:

- A statement that the tenant or participant reasonably believes there is a threat of imminent harm from further violence if they remain in the same dwelling unit; or

- A statement that the tenant or participant was a victim of sexual assault and that the sexual assault occurred on the premises during the 90-calendar-day period before the request for transfer.

CHPs cannot require any third-party documentation in order to determine whether a tenant seeking an emergency transfer is a VAWA victim, unless CHP receives documentation of VAWA violence/abuse that contains conflicting information.

Confidentiality

Housing Providers must keep confidential any information submitted by a tenant or participant in connection with an emergency transfer request, including the fact that the person is a victim/survivor, the details of the violence, the emergency transfer request, and the location of any new unit.

Confidential information shall not be entered into HMIS, shared databases, public notes, or general case records unless permitted by law and necessary for program administration. HUD regulations prohibit covered housing providers from entering confidential VAWA information into a shared database or disclosing it to another entity unless the disclosure is requested or consented to in writing through a time-limited release, required for an eviction or termination proceeding, or otherwise required by law.

The new location of the tenant or participant shall not be disclosed to the person who committed or threatened to commit domestic violence, dating violence, sexual assault, or stalking.

Victim Service Providers shall maintain records in a comparable database and shall not disclose personally identifying information without informed, written, time-limited consent, except as required by law.

Internal Emergency Transfer Process

If a safe unit is immediately available within the same Housing Provider's project or program, the Housing Provider shall process the emergency transfer as quickly as possible.

The Housing Provider shall:

1. Confirm that the tenant or participant has requested the transfer;
2. Confirm that the tenant or participant believes the proposed unit is safe;
3. Determine whether the tenant or participant is eligible for the available unit;
4. Prioritize the transfer over routine transfer requests;
5. Assist with lease, occupancy, rental assistance, inspection, transportation, and move-related logistics as applicable;
6. Maintain confidentiality of the transfer and new location; and
7. Document the request and outcome in a confidential file outside of HMIS.

HUD regulations require emergency transfer plans to allow internal emergency transfers when a safe unit is immediately available and to describe how internal transfer requests will be assisted when a safe unit is not immediately available.

External Emergency Transfer Process

If the current Housing Provider does not have a safe and available unit, the Housing Provider shall assist the tenant or participant in seeking an external emergency transfer.

With the tenant or participant's written, time-limited consent, the Housing Provider may refer the household to CA-604 Coordinated Entry, another CoC- or ESG-funded Housing Provider, a victim service provider, emergency shelter, transitional housing, rapid rehousing, permanent supportive housing, or other safe housing resource.

A tenant or participant should not be referred through Coordinated Entry for an emergency transfer until the Housing Provider has determined that the tenant or participant qualifies for an emergency transfer and no safe internal unit is immediately available.

The CA-604 CoC cannot guarantee that an external transfer request will be approved or how long it will take to identify a safe unit. However, all Housing Providers shall act as quickly as possible to help move a qualifying tenant or participant to another safe unit, subject to availability, eligibility, funding restrictions, and the tenant or participant's determination of safety.

HUD requires emergency transfer plans to describe reasonable efforts to assist tenants seeking external emergency transfers, including transfers out of and into the provider's program or project. HUD also states that a tenant may pursue internal and external transfer options at the same time when a safe unit is not immediately available.

Transfer Priority

Tenants and participants who qualify for an emergency transfer shall receive priority over routine transfer requests and, where permitted by law, regulation, project eligibility, and funding requirements, priority for available CoC- and ESG-funded housing resources.

If a safe unit is not immediately available with the current Housing Provider, the household shall receive emergency transfer priority for applicable CA-604 rapid rehousing, permanent supportive housing, and other rental assistance projects, provided that:

1. The individual or family meets all eligibility criteria required by federal law, regulation, grant agreement, or HUD Notice of Funding Opportunity; and
2. The individual or family meets any additional project-specific criteria or preferences established in accordance with applicable HUD requirements.

The individual or family shall not be required to meet any other eligibility criteria or preferences beyond those permitted by HUD rules. The household shall retain its original homeless or chronically homeless status for purposes of the transfer, where applicable.

When multiple emergency transfer requests are pending, CA-604 and Housing Providers may prioritize based on immediacy and severity of safety risk, including:

1. Imminent threat of harm;
2. Sexual assault occurring on the premises within the previous 90 calendar days;
3. Perpetrator access to the current unit or location;
4. Active stalking or location compromise;
5. Households with children, disability, pregnancy, or other heightened vulnerability; and
6. Survivor-defined safety needs.

Client Choice and Safe Unit Determination

Client choice must be respected when identifying a safe unit. If a tenant or participant reasonably believes that a proposed transfer unit is not safe, the tenant or participant may decline the proposed unit and request a different option.

A tenant or participant may not be penalized for declining a proposed transfer unit that they do not believe is safe.

If no acceptable safe unit is immediately available, the Housing Provider shall continue to assist the tenant or participant with safety planning, referrals, and alternative housing options.

Tenant Based Rental Assistance

For tenants or participants receiving tenant-based rental assistance, including rapid rehousing rental assistance, the Housing Provider shall make reasonable efforts to help the household move quickly while maintaining assistance when permissible.

This may include:

Expedited housing search assistance; landlord outreach; security deposit assistance; moving cost assistance; rent reasonableness review; habitability or inspection coordination; transfer of rental assistance documentation; coordination with a new landlord or jurisdiction; and protection of the household's confidential location.

Housing Providers operating tenant-based rental assistance must include VAWA requirements in owner or landlord agreements and must require landlords to comply with applicable VAWA protections under 24 CFR Part 5, Subpart L.

Lease Bifurcation

When necessary to protect a victim/survivor or effect an emergency transfer, a lease may be bifurcated to remove a household member who engaged in criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, without evicting, terminating assistance to, or otherwise penalizing the victim/survivor who is also a tenant or lawful occupant.

If the person removed from the lease was the eligible tenant under the covered housing program, the Housing Provider shall provide remaining household members who were not already eligible a period of 90 calendar days from the date of lease bifurcation to:

1. Establish eligibility for the same covered housing program;
2. Establish eligibility under another covered housing program; or
3. Find alternative housing.

The Housing Provider may extend the 90-calendar-day period by up to an additional 60 calendar days unless prohibited by statute, program requirements, or the expiration of the lease.

Lease Termination

Any lease, sublease, or occupancy agreement between a tenant or participant and a Housing Provider must permit the tenant or participant to terminate the lease, sublease, or occupancy agreement without penalty if the Housing Provider determines that the tenant or participant qualifies for an emergency transfer.

For tenant-based rental assistance, Housing Providers must require owners or landlords to comply with VAWA and include lease provisions allowing lease bifurcation or lease termination without penalty when necessary to effect an approved emergency transfer.

Safety and Security

Pending the processing and completion of an emergency transfer, the tenant or participant is encouraged to take reasonable precautions to remain safe. Housing Providers shall offer safety planning and referrals to victim service providers but shall not require participation in victim services as a condition of receiving an emergency transfer.

Tenants and participants may contact:

National Domestic Violence Hotline

1-800-799-7233

TTY: 1-800-787-3224

RAINN National Sexual Assault Hotline

1-800-656-HOPE

Local Victim Service Providers

The Open Door Network

1921 19th Street

Bakersfield, CA 93301

(661) 327-1091

Women's Center High Desert

134 S. China Lake Boulevard

Ridgecrest, CA 93555

(760) 375-7525

Alpha House

P.O. Box 712

Taft, CA 93268

(661) 763-4357

Recordkeeping

All CA-604 Housing Providers must maintain confidential records of emergency transfer requests and the outcomes of those requests for a minimum of three years, or longer if required by the applicable funding source.

Records must include, at minimum:

1. Date of emergency transfer request;
2. Type of request: internal, external, or both;
3. Whether the household qualified for an emergency transfer;
4. Whether documentation was requested and received;
5. Whether a safe unit was available;
6. Whether the transfer was approved, denied, pending, withdrawn, or completed;

7. Date of transfer, if completed; and
8. Reason transfer could not be completed, if applicable.

Records shall be maintained in a confidential file outside of HMIS. Victim Service Providers shall maintain records in a comparable database or confidential paper/electronic file consistent with applicable privacy and confidentiality requirements.

HUD regulations require covered housing providers to maintain strict confidentiality of VAWA-related information and prohibit entering confidential information into shared databases except in limited circumstances.