

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

## INTRODUCTION

The Violence Against Women Act (VAWA)<sup>1</sup> provides protections for victims<sup>2</sup> of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. Washtenaw County Continuum of Care (WC CoC) considers the safety of its tenants seriously, including the safety of tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with VAWA, all WC CoC permanent housing providers who provide CoC and Emergency Solutions Grant (ESG)-funded rental assistance are required to allow tenants who are victims 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.<sup>3</sup> The ability of a housing provider in WC CoC to honor an emergency transfer request for tenants currently receiving assistance 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 WC CoC has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This document outlines the CoC's emergency transfer plan in accordance with VAWA. All CoC permanent housing providers are covered under this plan, including CoC and ESG-funded permanent housing projects (i.e. permanent supportive housing (PSH), Rapid Re-Housing (RRH), and will be referred to as housing providers (HP) in this document. Covered providers are also required to develop their own Emergency Transfer Plan and include it in their policies and procedures.

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<sup>1</sup> 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.

<sup>2</sup> WC CoC is committed to using empowering and person-centered language when discussing clients. Typically, persons who have experienced domestic violence, dating violence, sexual assault, or stalking are referred to as 'survivors' rather than 'victims'. For the purposes of this Emergency Transfer Plan, however, the term 'victim' will be used throughout, as it conveys the immediacy and urgency of the situation that may require an emergency transfer, and because it matches the model language provided by the U.S. Dept. of Housing and Urban Development that is in use in communities nationwide.

<sup>3</sup> 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.

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 a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that WC CoC is in compliance with VAWA.

## SUMMARY OF KEY REGULATIONS, COMPONENTS, AND ROLES

Both WC CoC and its HP have requirements under VAWA. This summary provides an overview of relevant regulations, implementation components, and roles. HPs should read the plan carefully to fully comprehend the implementation requirements.

### KEY REGULATIONS

- The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) extended VAWA protections to more HUD programs, including the Continuum of Care (CoC) Program and Emergency Solutions Grant (ESG) Program.
- HUD's "Final Rule: Violence Against Women Act 2013" implements the HUD housing provisions in VAWA 2013.
- HUD's CoC Program Interim Rule (updated) incorporates VAWA 2013 [24 CFR 578.99(j)]
- VAWA 2013 "applies for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation, and which must be applied consistent with all nondiscrimination and fair housing requirements." (81 FR 80724)

### COMPONENTS

**Core Protections:** All CoC providers, including those not specifically covered by this emergency transfer plan, must adopt the VAWA core protections. These protections are:

- Individuals may not be denied assistance, evicted, or have their assistance terminated because of their status as survivors of domestic violence, dating violence, sexual assault, or stalking, or for being affiliated with a victim.
- Services must be provided in accordance with HUD's [Equal Access Rule](#), which requires HUD-assisted housing be made available regardless of actual or perceived sexual orientation, gender identity, or marital status.

**Emergency Transfer Plan:** Based on HUD's Model Emergency Transfer Plan ([Form HUD-5381](#)), WC CoC is required to develop an Emergency Transfer Plan for how victims of domestic violence, dating violence, sexual assault, and stalking may move to another safe and available unit if they fear for their life and safety. Victims determine whether or not a unit is safe. Agencies are also required to adopt and implement their own Emergency Transfer Plan.

**Notices and Forms:** The following notices and forms must be provided to tenants by HPs in accordance with this plan:

*Notice of Occupancy Rights for Victims* ([Form HUD-5380](#)): Document that agencies modify & adopt that lists people's rights under VAWA and HUD's Final Rule.

*Emergency Transfer Request* ([Form HUD-5383](#)) Request form that tenants may use to submit a request for an emergency transfer.

*Domestic Violence Certification Form (Form HUD-5382)*: If after a tenant requests an emergency transfer the HP requests documentation, this form may be used by tenants to self-certify the incident of domestic violence, dating violence, stalking, or sexual assault.

## REQUIREMENTS

**CoC:** Modify Coordinated Access and projects' policies and procedures to prioritize Emergency Transfers

**Agencies and CoC:** Track the number of Emergency Transfer Requests and their outcomes.

**Agencies:** Add a lease addendum or other contract/agreement incorporating VAWA core protections.

**Agencies:** Follow guidance around bifurcation (dividing) a lease.

## SECTION 1. 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; or
- 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 an emergency transfer if they meet the eligibility requirements in this section.

## SECTION 2. NOTICE OF OCCUPANCY RIGHTS UNDER VAWA

All HPs in WC CoC must provide all tenants with the Notification of Occupancy Rights under VAWA (Attachment 1), the VAWA Certification Form (Attachment 2), the Emergency Transfer Request (Attachment 3) and information about local resources for survivors of domestic violence, dating violence, sexual assault, or stalking (Attachment 4).

The Notice of Occupancy Rights Under VAWA, the VAWA Certification Form, and information about local resources must be provided to applicants to HPs:

- At the time the applicant is denied assistance or admission to the housing program; or
- At the time the applicant is admitted into or provided assistance by the housing program.

The Notice of Occupancy Rights Under VAWA, the VAWA Certification Form, and information about local resources must be provided to current tenants by HPs:

- Immediately to all current tenants if they have not already received them; and
- With any notification of eviction or termination of assistance.

### SECTION 3. EMERGENCY TRANSFER REQUEST DOCUMENTATION

Every HP in WC CoC must have policies and procedures that comply with the requirements in this plan to request an emergency transfer. HPs must have a written emergency transfer procedure and must inform tenants of their ability to request and emergency transfer and the documentation that is required. A model procedure is included in Attachment 5.

To request an emergency transfer, the tenant shall notify their HP's management office and submit a written request for a transfer. HPs will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

- A. 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
- B. 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.

HPs may require tenants seeking emergency transfers to document an occurrence of domestic violence, dating violence, sexual assault, or stalking, in addition to documenting eligibility for an emergency transfer, if the individual has not already provided documentation of that occurrence. HPs may not require tenants to submit more than one type of documentation. HPs must accept third-party documentation if it is provided.

If an HP receives documentation that contains conflicting information (including 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 perpetrator), the HP may require an applicant or tenant to submit third-party documentation, as described above, within 30 calendar days of the date of the request for the third-party documentation. The only time an HP may require third-party documentation is when documentation containing conflicting information is received; under any other circumstances an HP may not require third-party documentation, but must accept it if required.

At their discretion, HPs may allow tenants to initiate a transfer without a written request. In such cases, HPs must document the request in written form in accordance with the record keeping requirements below.

## SECTION 4. 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
- Disclosure of the information 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 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 VAWA for more information about the HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

## SECTION 5. EMERGENCY TRANSFER TIMING AND AVAILABILITY

WC CoC cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. All WC CoC HPs will, however, act as quickly as possible 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. Client choice should be respected when identifying a safe unit, even if no unit acceptable to the client is currently available.

If the current HP has no safe and available units for which a tenant who needs an emergency is eligible, the HP will assist the tenant in identifying other HPs who may have safe and available units to which the tenant could move. 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.

Tenants who qualify for an emergency transfer, but a safe unit is not immediately available for an emergency transfer with their current agency, shall have priority over all other applicants for rapid rehousing, permanent supportive housing, and other rental assistance projects in the CoC provided that:

- the individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA; and
- the individual or family meets any additional criteria or preferences established in accordance with § 578.93(b)(1), (4), (6), or (7).

The individual or family shall not be required to meet any other eligibility criteria or preferences for the project beyond what was described above. The individual or family shall retain their original homeless or chronically homeless status for the purposes of the transfer.

With the client's written permission, HPs may present the client at the Community Housing Prioritization (CHP) Committee, the WC CoC committee responsible for overseeing referrals to permanent housing resources. Client's should not be presented to CHP until the HP has determined that the client qualifies for an emergency transfer, and the only information that needs to be presented at CHP are that the client qualifies for an emergency transfer and that the current HP does not have a safe unit immediately available.

## SECTION 6. 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 Safehouse, Washtenaw County's domestic violence and sexual assault provider, through their 24/7 helpline at (734) 995-5444.

Tenants are also encouraged to contact the following hotlines:

- For domestic violence, contact the National Domestic Violence Hotline at 1-800-799-7233. 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>.

## SECTION 7. PROHIBITED BASIS FOR DENIAL OR TERMINATION OF ASSISTANCE OR EVICTION

An applicant or tenant that is assisted by or eligible for a permanent housing program may not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

A tenant, or an affiliated individual of the tenant, who is a victim or threatened victim of domestic violence, dating violence, sexual assault or stalking, and resides in a housing program in the WC CoC, may not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if that criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant.

An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:

- A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or
- Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.

## SECTION 8. LEASE BIFURCATION

In order to effect an emergency transfer, households may bifurcate a lease to remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting or terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

If a HP exercises the option to bifurcate a lease and the individual who was evicted or for whom assistance was terminated was the eligible tenant under the covered housing program, the HP shall provide to any remaining tenant or tenants that were not already eligible a period of 90 calendar days from the date of bifurcation of the lease to:

- A. Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease; or
- B. Establish eligibility under another covered housing program; or
- C. Find alternative housing.

The covered HP may extend the 90-calendar-day period up to an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the program. Neither the 90-calendar-day period nor the additional 60-calendar-day period may extend beyond the duration of the current lease.

If the victim of domestic violence, dating violence, sexual assault, or stalking receives tenant based rental assistance and chooses to move to a new unit in order to effect an emergency transfer, the remaining family members may remain in the original unit as long as they had not violated the terms of the lease by engaging in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. Household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members may have 90 days to establish this eligibility.

## SECTION 9. LEASES, SUB-LEASES, AND OCCUPANCY AGREEMENTS

Any lease, sub-lease, or other occupancy agreement between a tenant and a HP in WC CoC must permit the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the HP determines that the program participant qualifies for an emergency transfer under this emergency transfer plan.

HPs that operate tenant-based rental assistance must enter into a contract with the owner or landlord of the housing that requires the owner or landlord of the housing to comply with all provisions of VAWA regulations under 24 CFR part 5, subpart L and requires the owner or landlord of the housing to include a lease provision that:

- Includes the prohibited bases for eviction under Section 8 of this plan; and
- If the tenant is approved for an emergency transfer by the HP, allows the tenant to bifurcate the lease under Section 8 of this plan or terminate the lease under Section 9 without penalty if either action is necessary to effect the emergency transfer.

The lease may specify that the protections under 24 CFR part 5, subpart L and above, only apply while the program participant receives tenant-based rental assistance under the Continuum of Care Program.

## SECTION 10. RECORD-KEEPING

All WC CoC HPs must keep confidential records of all emergency transfer requests and the outcomes of such requests. Providers must maintain these records for a minimum of three years. Records should be kept in paper form outside of HMIS.



## ATTACHMENT 1: NOTICE OF OCCUPANCY RIGHTS UNDER VAWA

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All HPs must insert the name of their program or agency and provide this notice to all tenants and potential tenants: <https://www.hud.gov/sites/documents/5380.docx>.

See Section 2 of this document for more information about when to provide this notice to tenants.

## ATTACHMENT 2: HUD-APPROVED VAWA CERTIFICATION FORM

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Agencies must provide this form to tenants to help them certify eligibility for an emergency transfer:

<https://www.hud.gov/sites/documents/5382.docx>

See Section 3 of this document for more information about documentation.

## ATTACHMENT 3: HUD EMERGENCY TRANSFER REQUEST

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Agencies must provide this form to tenants to help them request an emergency transfer:

<https://www.hud.gov/sites/documents/5383.docx>

See Section 3 of this document for more information about documentation.

## ATTACHMENT 4: LOCAL RESOURCES FOR SURVIVORS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

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Tenants who are or have been victims of domestic violence are encouraged to contact Safehouse, Washtenaw County's domestic violence and sexual assault provider, through their 24/7 helpline at **(734) 995-5444**.

Tenants are also encouraged to contact the following hotlines:

- For domestic violence, contact the National Domestic Violence Hotline at 1-800-799-7233. 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 5: MODEL HOUSING PROVIDER EMERGENCY TRANSFER PLAN

All WC CoC HPs must complete the following emergency transfer plan, include it in their written policies and procedures, and alert all tenants of their ability to receive an emergency transfer.

Based on HUD's Model Emergency Transfer Plan:

<https://www.hud.gov/sites/documents/5381.docx>

## Emergency Transfers

**[Insert name of housing provider]** 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),<sup>1</sup> **[insert housing provider]** 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.<sup>2</sup> The ability of **[housing provider]** 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 the **[housing provider]** or its partners have 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 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), the Federal agency that oversees that **[housing provider]** is in compliance with VAWA.

### Verbal explanation

**[insert appropriate staff title]** will explain the contents of this emergency transfer plan and any associated documents, including the HUD-approved Notice of Occupancy Rights under VAWA and the VAWA certification form, to all tenants and potential tenants:

- 1) At the time they are denied assistance or admission to the [housing program];
- 2) At the time they are admitted into or provided assistance by the [housing program];
- 3) Immediately to all current tenants if they have not already received the Notice of Occupancy Rights Under VAWA; and
- 4) With any notification of eviction or termination of assistance

### Eligibility for Emergency Transfers

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<sup>1</sup> 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.

<sup>2</sup> 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.

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 is also 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 an emergency transfer if they meet the eligibility requirements in this section.

Notice of Occupancy Rights Under VAWA and certification form

**[Housing provider]** will provide all tenants with the HUD-approved Notice of Occupancy Rights Under VAWA. The Notice of Occupancy Rights Under VAWA will be provided to applicants:

1. At the time they are denied assistance or admission to **[the housing program]**, or
2. At the time they are admitted into or provided assistance by **[the housing program]**.

The Notice of Occupancy Rights Under VAWA will be provided to current tenants:

1. Immediately to all current tenants if they have not already received the Notice of Occupancy Rights Under VAWA, and
2. With any notification of eviction or termination of assistance.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify **[housing provider]**'s management office at **[insert address, phone number, and email for management office]** or notify their case manager or other appropriate staff person and submit a written request for a transfer. **[Insert appropriate staff title]** will assist submitting documentation.

**[Housing provider]** will provide reasonable accommodations to this policy for individuals with disabilities.

If required, the tenant's written request for an emergency transfer should 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 the housing 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.

**[Housing provider]** may require tenants seeking emergency transfers to document an occurrence of domestic violence, dating violence, sexual assault, or stalking, in addition to documenting eligibility for an emergency transfer, if the individual has not already provided documentation of that occurrence. **[Housing provider]** may not require tenants to submit more than one type of documentation.

Acceptable written forms include:

- A completed HUD-Approved VAWA Certification Form that was provided to the tenant (see Attachment 2);
- A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking;
- A statement, signed by the tenant, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom the tenant sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection; or
- A statement or other evidence acceptable to **[Housing provider]**

**[Insert appropriate staff member title here]** will provide all tenants and potential tenants with the HUD-approved VAWA Certification Form.

If a housing provider receives documentation that contains conflicting information (including 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 perpetrator), the housing provider may require an applicant or tenant to submit third-party documentation, as described above, within 30 calendar days of the date of the request for the third-party documentation. Under no other circumstances may a housing provider require third-party documentation.

Confidentiality

**[Housing provider]** will keep confidential any information that a tenant submits in requesting an emergency transfer and information about the emergency transfer. **[Housing provider]** only release information about the emergency transfer if:

- The tenant gives written permission to release the information on a time limited basis;
- Disclosure of the information is required by law; or
- Disclosure of the information is required by a court or official court documents for use in an eviction proceeding or required by federal, state, or local law or regulation for hearings regarding termination of assistance from the covered program.



**[Housing provider]** will pay special attention to keeping confidential the new location of the dwelling unit of the tenant.

See the Notice of Occupancy Rights under the Violence Against Women Act for more information about housing providers' responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

#### Emergency Transfer Timing and Availability

**[Housing provider]** cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. **[Housing provider]** will, however, act as quickly as possible 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.

**[Housing provider]** may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

*\*\*\*only complete this section, in italics, if you operate a RRH or PSH program with tenant-based rental assistance (TBRA)\*\*\**

If a tenant receives tenant-based rental assistance and moving with that rental assistance would be safe for the tenant, **[housing provider]** will provide the same housing search assistance it provides to new tenants. **[housing provider]** will:

[insert housing search procedures for here]

If a tenant is approved for an emergency transfer as outlined in this policy, they may move out of Washtenaw County and out of **[housing provider's]** service area using their current assistance, as long as **[housing provider]** can still meet all statutory requirements, including participating in HMIS, ensuring the housing meets quality standards, and ensuring the educational needs of children are met.

*\*\*\*RRH and TBRA section concludes\*\*\**

If **[housing provider]** has no safe and available units for which a tenant who needs an emergency transfer is eligible, **[housing provider]** will work with Washtenaw County Continuum of Care Coordinated Entry to assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.

Tenants who qualify for an emergency transfer, but a safe unit is not immediately available for an internal emergency transfer, shall have priority over all other applicants to **[housing program]** provided that: the individual or family meets all eligibility criteria required by Federal

law or regulation or HUD NOFA; and the individual or family **[insert any program preferences]**. The individual or family shall not be required to meet any other eligibility criteria or preferences for the project.

**[Housing provider]** will also give priority to applicants that need emergency transfers from other programs, subject to the same requirements in the paragraph above.

At the tenant's request, **[housing provider]** will also assist tenants in contacting the SafeHouse, the Washtenaw County provider offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

### 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 Safehouse, Washtenaw County's domestic violence and sexual assault provider, through their 24/7 helpline at (734) 995-5444.

Tenants are also encouraged to contact the following hotlines:

- For domestic violence, contact the National Domestic Violence Hotline at 1-800-799-7233. 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/>.

### Prohibited Basis for Denial or Termination of Assistance or Eviction

An applicant for assistance or tenant assisted by **[housing program]** will not be denied admission to, denied assistance under, terminated from participation in, or evicted from housing on the basis or as a direct result of the fact that the applicant or tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, if the applicant or tenant otherwise qualifies for admission, assistance, participation, or occupancy.

A tenant, or an affiliated individual of the tenant, in **[housing program]** who is a victim or threatened victim of domestic violence, dating violence, sexual assault or stalking, will not be denied tenancy or occupancy rights solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking if the criminal activity is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant.

An incident of actual or threatened domestic violence, dating violence, sexual assault, or stalking shall not be construed as:

- A serious or repeated violation of a lease executed under a covered housing program by the victim or threatened victim of such incident; or
- Good cause for terminating the assistance, tenancy, or occupancy rights under a covered housing program of the victim or threatened victim of such incident.

#### Lease Bifurcation

In order to effect an emergency transfer, households may bifurcate a lease to remove a household member from a lease in order to evict, remove, terminate occupancy rights, or terminate assistance to such member who engages in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual, without evicting terminating assistance to, or otherwise penalizing a victim of such criminal activity who is also a tenant or lawful occupant.

If **[housing provider]** exercises the option to bifurcate a lease and the individual who was evicted or for whom assistance was terminated was the eligible tenant under the covered housing program, the covered housing provider shall provide to any remaining tenant or tenants that were not already eligible a period of 90 calendar days from the date of bifurcation of the lease to:

- Establish eligibility for the same covered housing program under which the evicted or terminated tenant was the recipient of assistance at the time of bifurcation of the lease; or
- Establish eligibility under another covered housing program; or
- Find alternative housing.

**[Housing provider]** may extend the 90-calendar-day period of this section up to an additional 60 calendar days, unless prohibited from doing so by statutory requirements of the covered program or unless the time period would extend beyond expiration of the lease.

If the victim of domestic violence, dating violence, sexual assault, or stalking receives tenant-based rental assistance and chooses to move to a new unit in order to effect an emergency transfer, the remaining family members may remain in the original unit as long as they had not violated the terms of the lease by engaging in criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking against an affiliated individual or other individual. Household members remaining in the unit may continue to receive assistance if they were eligible for assistance prior to moving into the unit. Household members may have 90 days to establish this eligibility.

#### Leases, sub-leases, and occupancy agreements

Any lease, sub-lease, or other occupancy agreement between a tenant and **[housing provider]** will permit the program participant to terminate the lease, sublease, or occupancy agreement without penalty if the housing provider determines that the program participant qualifies for an emergency transfer under this emergency transfer plan.

\*\*\*only complete this section, in italics, if you operate a RRH or PSH program with tenant-based rental assistance (TBRA)\*\*\*

For tenants with tenant-based rental assistance, [housing provider] will enter into a contract with the tenant's owner or landlord that requires the owner or landlord to comply with all provisions of VAWA regulations under 24 CFR part 5, subpart L and requires the owner or landlord of the housing to include a lease provision that:

- Includes the prohibited bases for eviction under Section 8 of this plan; and
- If the tenant is approved for an emergency transfer by the housing provider, allows the tenant to bifurcate the lease under Section 9 of the Washtenaw County Continuum of Care's Emergency Transfer Plan or terminate the lease under Section 10 of the Washtenaw County Continuum of Care Emergency Transfer Plan without penalty if either action is necessary to effect the emergency transfer.

The lease may specify that the protections under 24 CFR part 5, subpart L and above, only apply while the program participant receives tenant-based rental assistance under the Continuum of Care Program.

\*\*\*RRH and TBRA section concludes\*\*\*

#### Record Keeping

**[Housing provider]** will keep confidential records of all emergency transfers requested and the outcomes of such requests for a minimum of three years.