

**DRAFTING NOTES FOR COVERED HOUSING PROVIDERS (MUST NOT APPEAR WORD FOR WORD IN PLAN):** *This model contains only general provisions of an emergency transfer plan that apply across the covered HUD programs. Adoption of this model plan without further information addressing how the emergency transfer plan will operate is not sufficient to meet a covered housing provider’s responsibility to adopt an emergency transfer plan. Covered housing providers (CHPs) must consult applicable regulations and program-specific HUD guidance when developing their own emergency transfer plans to ensure their plans contain all required elements. Instructions in brackets and drafting notes in italics throughout this document are provided to assist CHPs in drafting their policies and should be removed in the actual plan. “[CHP ACRONYM]” MUST BE REPLACED WITH THE ACRONYM OF THE COVERED HOUSING PROVIDER.*

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

**[INSERT NAME OF CHP; FOR HOPWA PROVIDERS - INSERT NAME OF GRANTEE “[CHP ACRONYM]”]** 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”), [CHP ACRONYM] 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). HUD is the Federal agency that oversees that [INSERT NAME OF PROGRAM OR RENTAL ASSISTANCE] is in compliance with VAWA.

**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. [CHP CAN PROVIDE EXAMPLES OF EXTERNAL TRANSFERS.]
- **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. [CHP CAN PROVIDE EXAMPLES OF INTERNAL TRANSFERS.]
- **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 may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and [CHP ACRONYM] must provide a copy if requested. [CHP ACRONYM] may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

#### **A Tenant is eligible for an emergency transfer if:**

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; **AND**
3. **EITHER**
  - a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; **OR**
  - b. 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.

[CHP ACRONYM], in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.

### **Emergency Transfer Policies**

[INSERT CHP’S EMERGENCY TRANSFER POLICIES, INCLUDING THE FOLLOWING, WHERE APPLICABLE]

#### **Internal transfers when a safe unit is immediately available:**

[INSERT CHP’S POLICIES, INCLUDING TIME FRAMES FOR APPROVING OR DENYING AN EMERGENCY TRANSFER REQUEST, ONCE A FULL REQUEST IS RECEIVED AND ABSENT ANY CONFLICTING OR MISSING INFORMATION; POSSIBLE INTERNAL TRANSFER OPTIONS (AS APPLICABLE, AND WITHOUT DISCLOSING THE VICTIM’S LOCATION); AND PRIORITY STATUS RELATIVE TO OTHER TENANTS SEEKING TRANSFERS.]

#### **Internal transfers when a safe unit is not immediately available:**

[INSERT CHP’S POLICIES, INCLUDING TIME FRAMES FOR APPROVING OR DENYING AN EMERGENCY TRANSFER REQUEST, POSSIBLE INTERNAL TRANSFER OPTIONS (AS APPLICABLE, AND WITHOUT DISCLOSING THE VICTIM’S LOCATION), AND PRIORITY STATUS RELATIVE TO OTHER TENANTS SEEKING TRANSFERS.]

#### **External transfers:**

[INSERT CHP'S POLICIES, INCLUDING CHP'S ROLE IN FACILITATING EXTERNAL EMERGENCY TRANSFERS; IDENTIFYING AND DESCRIBING ANY TRANSFER AGREEMENTS WITH OUTSIDE CHPs; REFERRALS TO COMMUNITY PARTNERS AND AFFORDABLE HOUSING OPTIONS; TIME FRAMES FOR APPROVING OR DENYING AN EMERGENCY TRANSFER REQUEST, ONCE A FULL REQUEST IS RECEIVED AND ABSENT ANY CONFLICTING OR MISSING INFORMATION; AND PRIORITY STATUS GIVEN TO VAWA VICTIMS SEEKING EXTERNAL TRANSFERS INTO CHP'S PROPERTY.]

[INSERT POLICIES AND PROCEDURES FOR ASSISTING TENANTS WITH HOUSING CHOICE VOUCHERS OR OTHER TENANT-BASED RENTAL ASSISTANCE WHO QUALIFY FOR AN EMERGENCY TRANSFER TO MOVE QUICKLY WITH THAT ASSISTANCE.]

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. [CHP ACRONYM] may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify [INSERT SPECIFIC CONTACT INFORMATION, WEBSITE, E-MAIL ADDRESS; AND/OR INSTRUCTIONS FOR REQUESTING AN EMERGENCY TRANSFER.] If [CHP ACRONYM] does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, [CHP ACRONYM] may ask for this documentation in accordance with 24 CFR 5.2007. Unless [CHP ACRONYM] receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), [CHP ACRONYM] cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. [CHP ACRONYM] will provide reasonable accommodations to this policy for individuals with disabilities.

#### **IF CHP REQUIRES A WRITTEN REQUEST FOR AN EMERGENCY TRANSFER**

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, including trauma, if the tenant (or household member) stays in the same dwelling unit; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member) stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.

Form HUD-5383 may be used for making a written request for an emergency transfer.

#### **DRAFTING NOTES FOR CHPs (MUST NOT APPEAR WORD FOR WORD IN PLAN)**

- *The emergency transfer plan must include the length of time (at least 14 business days) that the tenant has to provide the requested documentation of VAWA victim status.*
- *CHPs are not required to request documentation from a tenant seeking an emergency transfer. However, if a CHP elects to require documentation from tenants seeking an emergency transfer, then the documentation requirement must be included in the CHP's emergency transfer plan and must comply with 24 CFR 5.2005(e)(10).*

- *CHPs do not have to require that emergency transfer requests be written. The request may be oral or written, at the CHP's option, but the CHP must make its policy and procedures clear in this plan.*
- *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.*

## **Priority for Transfers**

Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

[INSERT ANY MEASURE OF PRIORITY GIVEN UNDER THIS EMERGENCY TRANSFER PLAN.]

### **DRAFTING NOTES FOR CHPs (MUST NOT APPEAR WORD FOR WORD IN PLAN)**

- *The emergency transfer plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.*
- *The emergency transfer plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.*
- *The emergency transfer plan must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that the CHP may already provide to other types of emergency transfer requests.*
- *CHPs should also refer to the applicable program regulations to determine if priorities or admission preferences apply with respect to external emergency transfers.*

## **Confidentiality**

If a tenant inquires about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections, [CHP ACRONYM] must keep any information they provide concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member's status as a victim strictly confidential. This information should be securely and separately kept from tenant files. All the information provided by or on behalf of the tenant to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as "Confidential Information") may only be accessed by [CHP ACRONYM] employees or contractors if explicitly authorized by [CHP ACRONYM] for reasons that specifically call for those individuals to have access to that information under applicable Federal, State, or local law.

Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

- Written permission 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.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse. Accordingly, [INSERT ANY SPECIFIC MEASURES HERE.]

## Emergency Transfer Procedure

[CHP ACRONYM] cannot specify how long it will take from the time a transfer request is approved until the tenant can be placed in a new, safe unit. [CHP ACRONYM] will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If [CHP ACRONYM] identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. [CHP ACRONYM] may be unable to transfer a tenant and their household to a particular unit if the tenant and their household has not established or cannot establish eligibility for that unit.

If [CHP ACRONYM] does not have any safe and available units for which the tenant is eligible, [CHP ACRONYM] will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move. At the tenant's request, [CHP ACRONYM] will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

## Making the Emergency Transfer Plan Available

[INSERT CHP'S POLICY FOR MAKING THE EMERGENCY TRANSFER PLAN AVAILABLE UPON REQUEST AND, WHEN FEASIBLE, PUBLICLY AVAILABLE.]

### **DRAFTING NOTES FOR CHPs (MUST NOT APPEAR WORD FOR WORD IN PLAN)**

- *All materials must ensure effective communication with individuals with disabilities, including making materials available in alternative accessible formats, as well as providing reasonable accommodations.*
- *Additionally, CHP must have VAWA forms available in the language(s) outlined in their language access plan to meet limited English proficiency (LEP) obligations.*

## Safety and Security of Tenants

When [CHP ACRONYM] receives any inquiry or request regarding an emergency transfer, [CHP ACRONYM] will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, tenants are not required to receive guidance or assistance from a victim service provider.

For additional information on VAWA and to find help in your area, visit

<https://www.hud.gov/vawa>.

[INSERT CONTACT INFORMATION FOR LOCAL ORGANIZATIONS OFFERING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.]

### **DRAFTING NOTES FOR CHPs (MUST NOT APPEAR WORD FOR WORD IN PLAN)**

- *Including a section on "Safety and Security of Tenants" and additional resources is encouraged, but not required.*
- *If CHP's have arrangements, including memoranda of understanding with other CHPs to facilitate moves, this information should be attached to the emergency transfer plan as well.*

**Public reporting burden** for this collection of information is estimated to range from four to eight hours per each covered housing provider's response, depending on the covered housing program. This includes the time to develop program and project-specific

emergency transfer policies and develop contacts with local service providers. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. This is a model plan and covered housing providers in programs covered by VAWA may, at their discretion, use it to develop their own emergency transfer plans, as required under 24 CFR 5.2005(e). While HUD does not intend to collect emergency transfer plans, HUD may access these plans to ensure compliance with the regulations. A Federal agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.