



PORLAND HOUSING AUTHORITY

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

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Community: _____

U.S. Department of Housing and Urban Development

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

Emergency Transfers

PHA 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 as amended ("VAWA"),¹ PHA 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 PHA 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 PHA 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 may occur, and guidance to tenants on safety and security. This 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 PHA 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.
- **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-5832).

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.

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 PHA must provide a copy if requested. PHA 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 the assault occurred.

PHA, 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.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Emergency Transfer Policies

The PHA offers emergency transfers for residents who need to move to a safer unit, making exceptions to policies restricting moves when necessary. The PHA will ensure that requests for internal emergency transfers under VAWA are given the same priority already provided to other types of emergency transfer requests. Residents can request internal transfers within the same property or external moves to other housing programs, including public housing, HCV programs, and LIHTC, though emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program. If a safe unit is not immediately available, the PHA will assist in seeking both internal and external transfer options. The PHA will also refer residents to local service providers and agencies for further support. VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. PHA 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 PHA's property manager or housing officer and submit a written request for a transfer or email reception@porthouse.org or send a written request in the mail to PHA, 970 Baxter Blvd. Portland, ME 04103. PHA will provide reasonable accommodations to this policy for individuals with disabilities. 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, 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 reasonable 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.

If PHA does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, PHA may ask for documentation in accordance with 24 CFR 5.2007. Unless PHA receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), PHA cannot require third party documentation to determine status as a VAWA victim for emergency transfer eligibility.

PHA will require additional documentation within 10 business days to further clarify victim status.

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:

The PHA will ensure that requests for internal emergency transfers under VAWA are given the same priority already provided to other types of emergency transfer requests.

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, PHA must keep any information they provided 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 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 PHA employees or contracts if explicitly authorized by PHA 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. See the Notice of Occupancy Rights under the Violence Against Women Act for All Tenants for more information about PHA'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

PHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. PHA 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. PHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If PHA has no safe and available units for which a tenant who needs an emergency is eligible, PHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, PHA 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.

Making the Emergency Transfer Plan Available

PHA has adopted a policy to ensure that tenants of its housing programs are informed of their rights under the Violence Against Women Act (VAWA). PHA will provide the following resources: Form HUD-5380 (Notice of Occupancy Rights under VAWA) for applicants and participants who are victims of domestic violence, dating violence, sexual assault, or stalking; Form HUD-5382 (Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking); a copy of the PHA's emergency transfer plan; Form HUD-5383 (Emergency Transfer Request for Certain Victims); the National Domestic Violence Hotline number; and contact information for local victim advocacy groups. These materials will be available in PHA offices, on its website, and upon request.

Safety and Security of Tenants

When PHA receives any inquiry or request regarding an emergency transfer, PHA 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>.

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>.

**For Domestic Violence resources please contact the
Maine Coalition to End Domestic Violence 1-866-834-HELP (4357).**

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 contracts 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. While HUD does not intend to collect emergency transfer plans, HUD may access these plans to ensure compliance with 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.