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

Upper Explorerland Regional Housing Authority 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"), **UERHA** 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. Despite the law's name, VAWA protections are not limited to women, and are available regardless of a victim's sex, actual or perceived gender identity or sexual orientation, or marital status. 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 to tenants 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 Upper Explorerland Regional Housing Authority 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. An external transfer is moving from one jurisdiction to another.
- **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. An internal transfer is remaining in the same jurisdiction.
- **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 **UERHA** must provide a copy if requested. **UERHA** 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.

UERHA, 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 on their ability to request an emergency transfer under VAWA.

Emergency Transfer Policies

Emergency transfer requests will be processed in accordance with the VAWA Emergency Transfer Plan. An incident of domestic violence, dating violence, sexual assault, or stalking will be verified when a HUD-5383 is submitted and absent of any conflicting or missing information. All VAWA emergency transfer requests will be reviewed and responded to promptly, no more than 10 business days of submission. If additional information is needed to complete the request, the tenant will have 14 business days from the date of the response letter to provide additional information or requested documentation. The tenant's failure to respond to or supply the requested information within 14 business days may result in denial of the request. The tenant may vacate their current unit immediately without a move-out notice. The tenant will also be provided with a current UERHA Landlord List. Alternative communication methods or delivery arrangements will be arranged upon request if there is a concern that the form of delivery may be monitored by the abuser or to protect the victim's location.

Internal transfers when a safe unit is immediately available:

Internal transfers are processed when a tenant wants to vacate their current unit and remain in the current jurisdiction. An incident of domestic violence, dating violence, sexual assault, or stalking will be verified when a HUD-5383 is submitted and absent of any conflicting or missing information. All VAWA emergency internal transfer requests will be reviewed and responded to promptly, no more than 10 business days of submission. Requests must be received within 14 business days. If additional information is needed to complete the request, the tenant will have 14 business days from the date of the response letter to provide additional information or requested documentation. The tenant's failure to respond to or supply the requested information within 14 business days may result in denial of the request. Alternative communication methods or delivery options will be arranged upon request if there are concerns that the method of delivery to the tenant may be monitored by an abuser or to ensure the safety of the victim's location. If the tenant determines whether a safe unit is immediately available in the same jurisdiction, UERHA will expedite the move if the family meets all eligibility requirements for the unit. "Immediately available" means the unit is ready for move-in within a reasonable amount of time.

Internal transfers when a safe unit is not immediately available:

If an internal transfer to a safe unit is not immediately available, UERHA will provide contact information for additional community resources to the family and will offer an external transfer. UERHA will propose exercising portability to another jurisdiction and will assist the tenant in seeking an emergency transfer either inside UERHA's jurisdiction, or outside UERHA's jurisdiction. The transfer request will be processed promptly, within 10 business days when a HUD-5383 is returned and absent of any conflicting or missing information. Requests must be received within 14 business days. An additional 14 business days will be provided to supply added documentation or information. The tenant's failure to respond to or supply the requested information within 14 business days may result in denial of the request. Alternative communication methods or delivery options will be arranged upon request if there are concerns that the method of delivery to the tenant may be monitored by an abuser or to ensure the safety of the victim's location.

External transfers:

If a tenant requests an external transfer and has returned HUD-5383 and it is absent of any conflicting or missing information, UERHA will facilitate the external transfer to another jurisdiction promptly, within 10 business days. Requests must be received within 14 business days. An additional 14 business days will be provided to supply added documentation or information. The tenant's failure to respond to or supply the requested information within 14 business days may result in denial of the request. Alternative communication methods or delivery options will be arranged upon request if there are concerns that the method of delivery to the tenant may be monitored by an abuser or to ensure the safety of the victim's location. UERHA will provide contact information for Housing Authorities outside of the original jurisdiction. Required documentation to the receiving housing authority will be expedited by UERHA on behalf of the family. UERHA will inform the receiving housing authority that the information is being expedited, however UERHA will not provide any VAWA related information to the receiving housing authority. UERHA will inform the family that they may disclose any pertinent information related to their VAWA report to the receiving housing authority at their own discretion.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. **UERHA** 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 family shall notify Karine Guese, Lead Housing Coordinator at Upper Explorerland Regional Housing Authority, 325 Washington Street, Decorah, Iowa 52101, or by calling (563) 419-6337, or email at kguese@uerpc.org, or by completing a VAWA transfer request online at www.uerpc.org. If **UERHA** does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, **UERHA** may ask for this documentation in accordance with 24 CFR 5.2007. Unless **UERHA** receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), **UERHA** cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. **UERHA** will provide reasonable accommodations to this policy for individuals with disabilities.

UERHA 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.

Priority for Transfers

UERHA does not have specific preferences and selects applicants from the wait list solely by the date and time the application was received. Applicants who are victims of domestic violence, dating violence, sexual assault, or stalking are not eligible for priority processing over other applications that were previously placed on the waitlist. However, once the victim's application reaches the top of the waitlist, UERHA will expedite the processing of that application at that time. Current program participants requesting a transfer will be processed promptly, regardless of whether applications are being drawn from the waitlist.

Confidentiality

If a tenant inquires about or requests any VAWA protections or represents that they or a household member is a victim of VAWA violence/abuse entitled to VAWA protections, **UERHA** 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 **UERHA** employees or contractors if explicitly authorized by **UERHA** 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.

Emergency Transfer Procedure

UERHA 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. **UERHA** will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If **UERHA** identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. **UERHA** may be unable to transfer a tenant and their household to a particular unit if the tenant and their household have not established or cannot establish eligibility for that unit.

If **UERHA** does not have any safe and available units for which the tenant is eligible, **UERHA** 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, **UERHA** 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

The UERHA will provide the following forms when a family is admitted as a tenant, has their admission denied, or upon notification of eviction or termination of assistance:

Notice of Occupancy Rights Under the Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382). The forms will also be posted in the UERHA office at 325 Washington Street, Decorah, Iowa 52101, and at www.uerpc.org. Additionally, UERHA will provide the information upon request.

These materials will be available in accessible formats for individuals with disabilities and those with limited English proficiency upon request by contacting our office.

Safety and Security of Tenants

When **UERHA** receives any inquiry or request regarding an emergency transfer, **UERHA** 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 will be 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 people with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault will be encouraged to 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 will be encouraged to visit the National Center for Victims of Crime's Stalking Resource Center at https://www.victimsofcrime.org/our-programs/stalking-resource-center.

LOCAL ORGANIZATIONS OFFERING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.

Friends of the Family Victim Services Hotline: 319-352-0037

Waypoint Services Domestic Violence Resource & Support Line: 800-208-0388

Helping Services of Northeast Iowa 24/7 Resource Line: 800-383-2988

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.