



Housing Authority of the
County of San Bernardino
Building Opportunities Together

Housing Authority of the County of San Bernardino

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

August 2021

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Emergency Transfers

The Housing Authority of the County of San Bernardino (HACSB) 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),¹ HACSB 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 HACSB to honor such requests 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 HACSB has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies what constitutes tenants eligibility 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 regulates policies and compliance over federally subsidized housing programs and ensures HACSB complies with VAWA.

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. 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.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HACSB's management office and submit a written request for a transfer to the property manager or designated representative.

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.

HACSB will provide reasonable accommodations 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 if the tenant were to remain in the same dwelling unit assisted under HACSB's 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.
3. Complete HUD Form 5382 or 5383 if applicable.

Confidentiality

HACSB will keep confidential any information that the tenant submits in requesting an emergency transfer, and any information about the emergency transfer, unless the tenant gives HACSB written permission to release the information on a time limited basis, or disclosure of the information is required by law or 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 For All Tenants, under the Violence Against Women Act for more information about HACSB'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

HACSB cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HACSB will act as quickly as possible, however, 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. HACSB may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. If a tenant requests an Emergency Housing Voucher (EHV), HACSB will approve a program transfer to EHV if an EHV is available.³ If HACSB has no safe and available units to accommodate the request for an eligible tenant, HACSB 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, HACSB 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.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, dependent on approval, the tenant is urged to take all reasonable precautions to be safe. Tenants who are, or have been victims of

³ PIH Notice 2021-15 permits PHAs to make Emergency Housing Vouchers available to facilitate an emergency transfer in accordance with VAWA.

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, the hotline is accessible 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: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking may obtain information of services from Southern California Domestic Shelter at <http://riverside.courts.ca.gov/selfhelp/socaldvshelterinfo.pdf>