



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

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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), HACSB 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 and are available regardless of age or actual or perceived sexual orientation, gender identity, sex, or marital status. Victims cannot be discriminated against based on any protected characteristic, including race, color, national origin, religion, sex (including perceived or actual sexual orientation or gender identity), familial status, disability, or age. The ability of HACSB to honor emergency transfer 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 outlines the criteria for tenant eligibility for an emergency transfer, the necessary documentation for requesting a transfer, confidentiality protection, the process for executing an emergency transfer, and safety and security guidance for tenants. The plan is based on 24 Code of Federal Regulations (CFR) part 5, subpart L and the model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the federal agency responsible for regulating policies and compliance in federally subsidized housing programs, ensuring that HACSB adheres to the requirements of the 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 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-5382).

Eligibility for External/Internal Emergency Transfers

A tenant may seek an external/internal 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 HACSB must provide a copy if requested. HACSB may ask for the submission of a written request for an external/internal emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking as defined 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 and 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 within 90 days of the request, the tenant may also be eligible to 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 Timing and Availability

HACSB cannot guarantee approval or processing time for emergency transfer requests. However, HACSB will prioritize moving tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to unit availability and safety.

If a tenant-based Housing Choice Voucher program participant is eligible for an emergency transfer, the participant will be issued a voucher to move as soon as possible and may request a portability transfer regardless of the time remaining on the lease.

If the tenant is on the project-based Housing Choice Voucher program, the tenant may request to move to another unit in their community or relocate to another project-based community. The tenant's name will be placed on the move/transfer waiting list and prioritized over non-VAWA tenants on the move/transfer waiting list. If no unit is immediately available, HACSB will offer the tenant the choice to remain on the waiting list or the opportunity to request a tenant-based voucher. 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 HACSB does not have any safe or available units to accommodate the request for an eligible tenant, HACSB will assist the tenant in identifying other housing providers who may have safe units or 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. VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program or subsidy provisions under a project-based contract.

HACSB 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. HACSB will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If HACSB identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit.

Assistance for project-based participants under the Continuum of Care (CoC) and HOPWA programs is restricted to designated units under the grant. CoC and HOPWA tenants do not have the option to transfer assistance to other communities outside of their program. Tenants, however, may request another unit that is designated under the grant if it is safe and available or request assistance in locating safe housing through another provider's program.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify any HACSB Housing Services branch, property manager, or designated representative, and submit a written request for a transfer.

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

The tenant's written request for an emergency transfer should include the following:

1. Form HUD-5383 (Emergency Transfer Request for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking; or
2. 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) were to remain in the same dwelling unit assisted under HACSB's program; or
3. 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.

Should any third-party documentation be needed, the tenant will have 14 business days to provide the requested documentation of the VAWA victim status.

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, HACSB 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 HACSB employees or contractors if explicitly authorized by HACSB 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.

Making the Emergency Transfer Plan Available

HACSB's Emergency Transfer Plan is available on our website at www.hacsb.com or upon request. HACSB will make VAWA forms and this plan available in alternative formats as a reasonable accommodation for individuals with disabilities or alternative languages for persons with limited English proficiency as described in HACSB's Language Access Plan.

Safety and Security of Tenants

Pending processing and dependent on approval of the transfer, HACSB encourages the tenant to take all reasonable precautions to be safe, including seeking guidance or assistance from a victim service provider. 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 people 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/>.

To locate 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 visit <https://da.sbcounty.gov/domestic-violence/>

For additional information on VAWA and to find additional help in your area, visit <https://www.hud.gov/vawa>.