



A COMMUNITY OF POSSIBILITIES

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

## Emergency Transfers

In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> Opportunity Home allows Housing Choice Voucher (HCV) and Public Housing (PH) program participants 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.<sup>2</sup> The ability of Opportunity Home to honor such request for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether Opportunity Home has another dwelling unit that is immediately available<sup>3</sup> and is safe to offer the tenant for temporary or more permanent occupancy.

There are five parts to this emergency plan:

- Part 1:** [Eligibility for Emergency Transfers](#)
- Part 2:** [Emergency Transfer Request Documentation](#)
- Part 3:** [Confidentiality](#)
- Part 4:** [Emergency Transfer Timing and Availability](#)
- Part 5:** [Safety and Security of Program Participants](#)

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<sup>1</sup> 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.

<sup>2</sup> 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.

<sup>3</sup> For the purposes of this emergency transfer plan, Opportunity Home defines "immediately available" as a vacant unit ready for move-in within a reasonable period of time.

## Eligibility for Emergency Transfers

- (1) As provided in HUD's regulations at 24 CFR part 5, a program participant is eligible for an emergency transfer if one of the following applies:
  - (a) The participant is a victim of domestic violence, dating violence, sexual assault, or stalking;
  - (b) The participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit;
  - (c) If the tenant is a victim of sexual assault, the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.
- (2) A participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
- (3) Participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.
- (4) Eligibility for an emergency transfer does not guarantee continued assistance under the program or a transfer to another covered housing program.
  - (a) The emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program [24 CFR 5.2005(e)(13)].

## Emergency Transfer Request Documentation

### (1) Documentation of VAWA Status

If Opportunity Home is presented with a claim for initial or continued assistance based on status as a victim of domestic violence, dating violence, sexual assault, stalking, or criminal activity related to any of these forms of abuse, Opportunity Home may—but is not required to—request that the individual making the claim document the abuse [24 CFR 5.2007].

- (a) Opportunity Home may not require third-party documentation in addition to certification (3a below), except as specified below under “Conflicting Documentation.”

### (2) Opportunity Home may choose to provide benefits to an individual based solely on the individual’s verbal statement or other corroborating evidence.

- (a) In cases where Opportunity Home decides to rely on such information, Opportunity Home will document, in a confidential manner, the individual’s verbal statement or other corroborating evidence.

### (3) Requesting Documentation

If Opportunity Home chooses to request an individual to document their claim of domestic violence, dating violence, sexual assault, or stalking, Opportunity Home must make such request in writing.

- (a) Any request for documentation of domestic violence, dating violence, sexual assault or stalking will:
  - (i) Specify a deadline of 14 business days following receipt of the request,
  - (ii) Describe the three forms of acceptable documentation, and
  - (iii) Provide explicit instructions on where and to whom the documentation must be submitted.
- (b) In determining whether to extend the 14-business day period, Opportunity Home will consider factors that may contribute to the victim’s inability to provide the documentation in a timely manner. These factors may include, but are not limited to the following:
  - (i) Cognitive limitations,
  - (ii) Disabilities,
  - (iii) Limited English Proficiency,

- (iv) Absence from the unit due to hospitalization or time in an emergency shelter,
  - (v) Administrative delays in obtaining police or court records,
  - (vi) Danger of further violence, and
  - (vii) Victims need to address health or safety issues.
- (c) Opportunity Home will also grant reasonable accommodations for persons with disabilities.
- (d) During the 14-business-day period and any granted extensions, Opportunity Home may not take any adverse action, such as eviction or termination, against the individual requesting VAWA protection (i.e., grievance hearing, informal review, or informal hearing).
- (4) The individual may satisfy this request for documentation by providing any **one** of the following documents as described under 24 CFR 5.2007(b)(i):
- (a) A completed and signed Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation (Form HUD-5382);
  - (b) At Opportunity Home's discretion, a statement or other evidence provided by the applicant or participant. The individual's statement should include either:
    - (i) 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 Opportunity Home's program; or
    - (ii) 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;
  - (c) A record of a Federal, State, tribal, territorial or local law enforcement agency (may include a police report), court, or administrative agency; or
  - (d) A document signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, stalking, or the effects of abuse:
    - (i) Signed by the applicant or tenant; and
    - (ii) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definitions under 24 CFR 5.2003.

(5) HCV Program Participants may submit their emergency transfer request to 820 S. Flores, San Antonio, TX 78204.

(6) Public Housing Participants may submit their emergency transfer request to the Property Manager for their property. The Property Manager will then forward the emergency transfer request to the Assistant Director for review.

(7) **Conflicting Documentation [24 CFR 5.2007(b)(1)]**

Opportunity Home is prohibited from requiring the victim to provide third-party documentation of victim status, unless:

- (a) More than one applicant or participant provides documentation to show they are victims of domestic violence, dating violence, sexual assault or stalking, and the information in one person's documentation conflicts with the information in another person's documentation; or
- (b) Submitted documentation contains information that conflicts with existing information already available to Opportunity Home.

(8) In the circumstance that an individual has submitted conflicting documentation, Opportunity Home may request the individual submit any one of the following to meet the third-party documentation request:

- (a) At Opportunity Home's discretion, a statement or other evidence provided by the applicant or participant. The individual's statement should include either:
  - (i) 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 Opportunity Home's program; or
  - (ii) 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;
- (b) A record of a Federal, State, tribal, territorial or local law enforcement agency (may include a police report), court, or administrative agency; or
- (c) A document signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional or a mental health professional from

whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, stalking, or the effects of abuse:

- (i) Signed by the applicant or tenant; and
  - (ii) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under the VAWA Final Rule, and that the incident meets the applicable definitions under 24 CFR 5.2003.
- (d) Opportunity Home must grant the individual 30 calendar days from the date of the request to provide such third-party documentation.
- (e) If the individual submits third-party documentation that meets the above criteria and supports the individual's VAWA request, Opportunity Home may not require further documentation of the individual's status as a victim of domestic violence, dating violence, sexual assault, or stalking.
- (f) However, if the individual does not submit any third-party documentation within the required time period or submits documentation that does not meet the above criteria, Opportunity Home may, but is not required to, accept that individual's assertion of victim status for the purpose of VAWA protection.

## Confidentiality

- (1) All information provided to Opportunity Home regarding domestic violence, dating violence, sexual assault, or stalking, including the fact that an individual is a victim of such violence or stalking, must be retained in confidence. This means that Opportunity Home
  - (a) May not enter the information into any shared database,
  - (b) May not allow employees or others to access the information unless they are explicitly authorized to do so and have a need to know the information for purposes of their work, and
  - (c) May not provide the information to any other entity or individual, except to the extent that the disclosure is
    - (i) Requested or consented to by the individual in writing,
    - (ii) Required for use in an eviction proceeding, or
    - (iii) Otherwise required by applicable law.
- (2) If disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, Opportunity Home will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

## Emergency Transfer Timing and Availability

- (1) While Opportunity Home cannot guarantee that a transfer request will be approved or how long it will take to process a request, Opportunity Home will act as quickly as possible to move a tenant who is victim to another unit, subject to availability and safety of a unit.
- (2) The emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program [24 CFR 5.2005(e)(13)]; therefore, the emergency transfer plan does not guarantee an external transfer to another covered housing program.
- (3) At the tenant's request, Opportunity Home 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.

### (4) **Housing Choice Voucher (HCV) Program**

In accordance with 24 CFR 982.354(c)(2)(iii), Opportunity Home's policies on restricting timing and number of moves do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health and safety of the family or family member.

- (a) When a participant submits an emergency transfer request due to reasons that fall under VAWA, the staff member will provide the participant with the *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking* form and direct the participant to submit the form to the **VAWA Representative**.
- (b) The VAWA Representative will review the request once the certification form, or other written statement, has been completed, and determine whether the case falls under VAWA definitions.
- (c) If the case falls under VAWA definitions, the VAWA Representative will provide participant with the move appointment letter in-person.
  - (i) A move appointment letter **will not** be mailed due to safety concerns.
  - (ii) If the VAWA Representative requested additional proof of VAWA status due to conflicting documentation and the participant provides the requested documentation at a later date, the VAWA Representative will inform the participant of the move appointment date and time by phone (or in-person if the participant is submitting documentation in the lobby).
- (d) VAWA Representative will retain VAWA documentation in a special case file, and forward the regular tenant file to the Housing Assistance Specialist (HAS) who will



conduct the move appointment.

- (i) VAWA Representative will send e-mail to the assigned HAS and document in Elite Notes the effective lease termination date and that the appointment is “*Case-Sensitive*” and should be expedited.
- (e) The HAS will conduct the move appointment and issue voucher to participant.
- (f) If the participant requests to move outside of Opportunity Home’s jurisdiction, the portability regulations will still apply [PIH Notice 2016-09].

**(5) Project-Based Voucher (PBV) Program**

Unlike families receiving tenant-based assistance under the HCV program, PBV families cannot move with their project-based assistance as the assistance is tied to the unit. However, if a victim makes an emergency transfer request and has been living in the PBV unit for one year or more, Opportunity Home must give the victim priority to receive the next available opportunity for continued tenant-based rental assistance (24 CFR 983.261).

- (a) For families that have been living in the PBV unit for one year or more, Opportunity Home will offer the family a tenant-based voucher and follow the expedited move process detailed above.
- (b) For families that have been living in the PBV unit for less than one year, Opportunity Home will place the participant on the Section 8 Tenant-Based Voucher Waitlist with a Public Housing Displacement Preference and will offer a tenant-based voucher once available.
  - (i) The above preference applies to residents in “good standing” at an Opportunity Home public housing community or an Opportunity Home affiliate housing assistance program who will be displaced through no fault of their own.”
- (c) For families who request to move sooner than when a tenant-based voucher will be available, Opportunity Home will offer the participant a transfer to an available Project-Based Voucher unit provided the participant meets any tenant screening or eligibility requirements of the property.
  - (i) Participants will not be denied admission on the basis or as a direct result that the applicant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking.

**(6) Public Housing Program**

- (a) When a tenant submits an emergency transfer request due to reasons that fall under

VAWA, the staff member will provide the participant with the *Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking* form and direct the participant to submit the form to their Property Manager.

- (b) The Property Manager will review the certification documentation and determine whether the case falls under VAWA definitions.
- (c) If the case falls under VAWA definitions, the Property Manager will forward the VAWA documentation to the Assistant Director to confirm certification and/or supporting documentation is properly completed and whether a threat assessment is required.
  - (i) A threat assessment would only be required in the event that Opportunity Home has received conflicting documentation.
- (d) Once the Assistant Director approves the VAWA documentation, the Assistant Director will forward the VAWA documentation to the Unified Application Center (UAC) Manager.
- (e) The UAC Manager will notify the Property Manager of the internal transfer unit offer.
  - (i) An internal transfer refers to a transfer to another unit within the same program but not within the same property.
  - (ii) Generally, Opportunity Home will not offer a transfer to a new unit within the same property for safety concerns and will take precautions in choosing the geographic location of the new unit.
- (f) The Property Manager will then offer the internal transfer to the new unit by phone or in person.
  - (i) A move appointment letter **will not** be mailed due to safety concerns.
  - (ii) Opportunity Home will offer vacant units of “available” status, which refers to an available unit that is ready for move-in.
  - (iii) Opportunity Home will only offer vacant units of “maintenance hold” status (an available unit that requires maintenance before move-in) as a last resource.
- (g) If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit.
  - (i) Opportunity Home will limit emergency unit transfer offers to one (1) unit offer unless the individual submits supporting documentation of “good cause” to reject the unit offer.
    - (1) “Good cause” is defined as a situation in which an individual is willing to move but is unable to do so at the time of the unit offer, or the individual demonstrates that acceptance of the offer would cause undue hardship

not related to considerations of the individual's race, color, national origin, etc. [ACOP 5-II.D.].

- (h) 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.
- (i) Opportunity Home may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.
  - (i) For example, a non-elderly individual will not be eligible to transfer to an elderly property.
- (j) If Opportunity Home has no safe and vacant units for which a tenant who needs an emergency is eligible, Opportunity Home will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.

## **Safety and Security of Tenants**

- (1) Pending processing of the transfer and the actual transfer, if it is approved and occurs, the participant is urged to take all reasonable precautions to be safe.
- (2) Participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).
- (3) Participants can also contact Battered Women and Children's Centers through the 24-Hour Crisis Line: 210-733-8810.
- (4) 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/>.
- (5) Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center by phone through 1-855-4-VICTIM (84-2846), or online at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.
- (6) For questions regarding VAWA, please contact Opportunity Home Fair Housing Representative Laura Longoria by phone: 210-477-6508, or by email: [Laura\\_Longoria@homesa.org](mailto:Laura_Longoria@homesa.org).