

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

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Christian Church Homes (CCH) managed property, 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”), **CCH**, 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. 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 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 **CCH** 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-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 **CCH** must provide a copy if requested. **CCH** 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.

CCH, 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.

Emergency Transfer Policies

Internal Emergency Transfer Timing and Availability

Internal emergency transfers refer to an emergency relocation of a resident to another unit where the resident would not be categorized as a new applicant. The resident may reside in the new unit without having to undergo an application process. Internal emergency transfers generally are only available within the community in which the Resident is residing.

Management cannot guarantee that a transfer request will be approved or how long it will take to process an internal transfer request. Management will, however, act as quickly as possible to move a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit within the same community, subject to availability and safety of a unit. Transfers for these reasons will take priority over all other transfer requests including those made to accommodate a disability and to address over- or under-utilization of a unit.

If a resident reasonably believes a proposed transfer would not be safe, the resident may request a transfer to a different unit. If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit to which the resident has been transferred. Management may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit.

When acceptable documentation described above has been received, Management will determine if a unit is immediately available. If an internal safe unit is not immediately available, Management will review its inventory of units and determine when the next vacant unit may be available and provide a listing of nearby HUD subsidized rental properties, with or without preference for persons of domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office.

External Emergency Transfers

External emergency transfers refer to an emergency relocation of a resident to another unit where the resident would be categorized as a new applicant. The resident must undergo an application process in order to reside in the new unit. Residents may seek both an internal transfer and an external transfer concurrently.

This policy applies to all applicants (current **CCH** community residents with an approved VAWA transfer request, as well as non-**CCH** community residents that are applying for housing at a CCH community and have provided the necessary paperwork for VAWA protection and have submitted a VAWA emergency transfer request). The applicant will undergo an application process to determine income and programmatic eligibility, and will be placed on a Waiting List, as described below.

While **CCH** may manage other communities within the area, each are (1) owned by different entities which are the actual housing providers at those communities for whom **CCH** is acting as agent, (2) has its own Waiting Lists and (3) is subject to its own regulatory agreements. As such, except in rare circumstances where the Owner of the resident's community also owns another community, Landlord must process transfers to other communities, even those managed by Landlord, as external transfers. In most circumstances, Landlord is unable to give any priority for such external transfers even if Landlord manages the property for the other Owner. Therefore, external transfers generally will require the transferring resident to go on any pending Waiting List in the same position as any other new applicant at the other Owner's property. **CCH**, however, will provide information as to any open Waiting Lists.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. **CCH** 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 their property manager, or the lead property manager, or the regional property manager. Visit <https://www.wearecch.org> for a staff directory.

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

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

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.

- ***CCH***, allows a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
- Emergency VAWA transfers will be given priority over other administrative/mandatory unit transfers.
- ***CCH***, does not have any additional VAWA waiting list preferences.

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, ***CCH*** 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 ***CCH*** employees or contractors if explicitly authorized ***CCH*** 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.

Accordingly, **CCH** will never permit unauthorized access to any confidential information. Management will never attach or enter confidential VAWA information into a shared database. Confidential VAWA information will only be securely stored in a locked cabinet maintained by the approving manager.

Emergency Transfer Procedure

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

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

CCH will make its Emergency Transfer Plan readily available to participants, applicants, and the public.

- The plan is posted on our website: <https://www.wearecch.org>
- The plan is posted in each CCH managed property's management office.
- The plan is provided upon request.

CCH will ensure effective communication with individuals with disabilities, including making the transfer plan available in alternative accessible formats, as well as providing reasonable accommodations. **CCH** should be contacted if there is a need for translations or accommodations.

Safety and Security of Tenants

When ***CCH*** receives any inquiry or request regarding an emergency transfer, ***CCH*** 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.

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.

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

CCH VAWA CONTACTS (FOR YOUR SPECIFIC COUNTY) ATTACHED