

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

Burleigh County Housing Authority (BCHA) 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”), **BCHA 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 on the basis of any protected characteristic, including race, color, national origin, religion, sex (including perceived or actual sexual orientation or gender identity), familial status, disability, or age. HUD-assisted and HUD-insured housing must also be made available to all otherwise eligible individuals and families regardless of age, or actual or perceived gender identity, sexual orientation, or marital status.**

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 BCHA 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. Tenants may apply for any other program through BCHA that they are eligible for.
- **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. For example, transferring from one Washington Court unit to another.
- **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 BCHA must provide a copy if requested. BCHA 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.

BCHA, 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 transfers when a safe unit is immediately available:

When BCHA receives a request for an internal emergency transfer, they will respond to it within 14 business days. They will respond in writing unless the tenant has indicated there is a safer way to contact them. If the request is incomplete or there is conflicting information, BCHA may request more information or documentation to make its decision. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. BCHA cannot guarantee that a transfer request will be approved as BCHA still has to establish eligibility for the unit. If the request is approved, BCHA will work with the tenant to get the transfer completed as soon as possible. VAWA transfers will take priority over another unit transfer request.

Internal transfers when a safe unit is not immediately available:

If BCHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, BCHA will assist the tenant in identifying other housing providers who may have safe and available units to which a tenant could move. At the tenant’s request, BCHA 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.

External transfers:

If the tenant is not eligible for or does not feel an internal transfer would be safe, BCHA will inform them of any other programs for which they may be eligible. BCHA will respond to a completed request within 14 business days. BCHA will strive to refer the tenant to any other CHPs that may have available housing options, as well as to other community partners. Priority will be given to VAWA victims seeking external transfers over other transfer requests.

For HCV participants that request a transfer, BCHA will assist you to move to a safe unit quickly using your existing voucher assistance. At your request, BCHA will refer you to organizations that may be able to further assist you.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. BCHA 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 Sasha W. at BCHA by calling 701-255-2540, by emailing info@bchabis.com, or by submitting a request in person at the BCHA office located at 410 S. 2nd St. in Bismarck. If BCHA does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, BCHA may ask for this documentation in accordance with 24 CFR 5.2007. Unless BCHA receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), BCHA cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. BCHA will provide reasonable accommodations to this policy for individuals with disabilities.

IF CHP 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.

- The tenant has 14 business days to provide the requested documentation of VAWA victim status.
- Requests for transfers must be made in writing. A reasonable accommodation to this may be requested for people with disabilities. Tenants may use Form HUD- 5383 to state their request.
- BCHA will not require any third-party documentation in order to determine whether a tenant seeking an emergency transfer is a VAWA victim, unless BCHA receives documentation of VAWA violence/abuse that contains conflicting information.

Priority for Transfers

Tenants who qualify for an emergency transfer under VAWA will be given priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

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, BCHA 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 BCHA employees or contractors if explicitly authorized by BCHA 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

BCHA 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. BCHA will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If BCHA identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. BCHA 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 BCHA does not have any safe and available units for which the tenant is eligible, BCHA 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, BCHA 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

BCHA's emergency transfer plan is available on its website, burleighcountyhousing.com, or by requesting it in person at the BCHA office. Anyone who needs the plan in another language should request it from BCHA. BCHA will also provide anyone needing a reasonable accommodation with alternative accessible formats.

Safety and Security of Tenants

When BCHA receives any inquiry or request regarding an emergency transfer, BCHA 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>.

Local resources include:

Abused Adult Resource Center - (701) 222-8370

West Central Human Service Center – (701) 328-8888

Lutheran Social Services – (701) 223-1510

ADAPT North Dakota – (701) 255-3717

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.