

South Pittsburg Housing Authority and South Pittsburg Elderly Housing

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Supplement to VAWA)

Emergency Transfers

The South Pittsburg Housing Authority and South Pittsburg Elderly Housing (SPHA) 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 the SPHA 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, even if that transfer requires the relocation to another managed property. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of SPHA to honor such request for tenants currently receiving assistance, however, 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 the SPHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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 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

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.

oversees that The South Pittsburg Housing Authority and The South Pittsburg Elderly Housing is in compliance with VAWA.

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. Also 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 SPHA’s management office and submit a written request for a transfer to 214 Elm Avenue; South Pittsburg, TN. The SPHA will provide reasonable accommodations to this policy 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 HP’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. Also the HUD-5383 form may also be used for making a written request for 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 the waiting list.

1. The emergency transfer plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.
2. The emergency transfer plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available.
3. The emergency transfer plan must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any additional priority that the SPHA or Elderly already provide to other types of emergency transfer requests.
4. The SPHA/Elderly will refer to the applicable program regulations to determine if priorities or admission preferences apply with respect to external emergency transfers.

Confidentiality

The SPHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the SPHA 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. This confidential information will 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 disclose to a person who committed or threatened to commit the VAWA violence/abuse.

Emergency Transfer Timing and Availability

A VAWA request will be given priority over any other Internal Emergency Transfer* from others seeking to be placed on a waiting list or that has requested for any other type of emergency transfer requests.

The SPHA cannot guarantee that a transfer request will be approved but once approved, nor can they specify how long it will take from the time a transfer request is approved until the tenant can be place in a new, safe unit; however, we will work as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking into a Safe Unit*. The Internal Emergency Transfer* is subject to availability but will be completed when it is Immediately Available* and safe for transfer. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. An Internal Emergency Transfer* will be made, if available, to another public housing unit, in South Pittsburg and will be given priority housing. 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.

The SPHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit. If the SPHA has no Safe Unit*and/or available units for which a tenant who needs an emergency is eligible, the SPHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move for External Emergency Transfer*. At the tenant's request, the SPHA will also assist tenants in contacting the local organizations that offer assistance to victims of domestic violence, dating violence, sexual assault, or

stalking that are attached to this plan. The SPHA will help with outreach activities to other organization that assist and will provide resources to VAWA victims. The SPHA will also help with arrangements with other housing providers to help facilitate the move to other External Emergency Transfers*. Although the SPHA will assist VAWA requests as best as possible, the transfer request does not guarantee continued assistance or an External Emergency Transfer* to other HUD Housing.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact:

- 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, that hotline can be accessed 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>.

***Definitions**

- **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.

- **External Emergency Transfer:** refers to an emergency relocation of 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.
- **Safe Unit:** refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.
- **Immediately Available:** refers to a vacant unit that is ready for move-in within a reasonable period of time.
- **VAWA violence/abuse:** means an incident or incidents of domestic violence, dating violence, sexual assault, or staling, as those terms defined in 24 CFR 5/2003 and “Certification of Domestic Violence, Sexual Assault, or Stalking” (Form HUD-5382)