



Housing Authority of San Angelo (HASA) Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking Note to Owners/Agents

- This HASA Emergency Transfer Plan is based on the HUD-issued model but includes additional VAWA regulatory requirements and recommended provisions.
- An Owner/Agent is permitted and strongly encouraged to adopt the use of this HASA-model plan to facilitate appropriate compliance for an emergency move as a result of VAWA.
- Attached to this policy will include a list of San Angelo organizations providing services for victims of Domestic Violence.

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

Emergency Transfers

The Housing Authority of San Angelo (HASA) 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 HASA 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. 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 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 to tenants on 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 transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that the HASA 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 Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (HUD-5382).

Eligibility for Emergency Transfers

A tenant may seek emergency transfer to another unit if they or their household member is a victim of domestic 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

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.

information on emergency transfers, and HASA must provide a copy if requested. HASA 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 the assault occurred.

HASA, in response to an emergency transfer request, will 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.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

HASA Emergency Transfer Policies

Regardless if the Tenant requesting an emergency transfer under VAWA is transferring internally or externally, the HASA will facilitate this process as quickly as possible, or within 14 business days of the request. The Tenant will be given the documents required within this policy upon their request and will be scheduled for an emergency transfer voucher. The tenant may also request to utilize the portability option under the tenant based rental assistance program, i.e. move to another Housing Authority / Provider's jurisdiction.

The emergency transfer voucher will be issued for 30-days unless the tenant has requested to port-out of the HASA's jurisdiction in which case the HASA will issue a 60-day voucher, as required. The tenant will also be asked to provide information, if able, for the Housing Authority they are requesting to port to.

Otherwise, as the HASA only operates the HCV program, the HASA may not be aware of immediately available units unless the owner/manager offers a potential unit. The Tenant will be informed with the courtesy list available at the time of voucher issuance along with qualifying rent amounts based on current information. The tenant will have to locate a unit they are qualified to rent based on the rent limits, complete a Request for Tenancy Approval (RFTA) packet with the new owner/manager and submit to the HASA. Upon receipt of an approved

RFTA, the housing caseworker will forward to the inspector with a request to expedite the inspection process based on availability indicated for the unit. The transfer will be processed once a passed inspection is received. The HASA does not require the Tenant to discuss the situation with their current landlord but does encourage it if it is safe to do so.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. HASA 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 housing caseworker with the HASA and submit a written request for a transfer as directed by the caseworker. If the housing caseworker is unavailable, the tenant shall notify the HCV Manager. All emergency moves must be approved by the HCV Manager, Deputy Director, or Executive Director. If HASA does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, HASA may ask for this documentation in accordance with 24 CFR 5.2007. Unless HASA receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), HASA cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. HASA will provide reasonable accommodations to this policy for individuals with disabilities upon request.

The tenant's written request for an emergency transfer must include either:

- 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
- 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 during the 90-day period (including holidays and weekend days) preceding the tenant's request for an emergency transfer.

Form HUD-5383 may be used for making a written request for an emergency transfer. The tenant will have 14 business days to provide all requested documentation of VAWA victim status. The HASA may accept HUD-5382 form or another written statement as proof of the request and will only require additional documentation from tenants seeking emergency transfer if conflicting information was received. This will be in accordance with 24 CFR 5.2005(e)(10). If the tenant makes an oral request, the housing caseworker will request for this to be made in writing, if possible.

Priority for Transfers

Tenants who qualify for an emergency transfer under VAWA will be given priority scheduling for a voucher over other tenants seeking transfers. The only other waiting list available is that for Project Based-Voucher program at the Rio Concho Manor; if the tenant qualifies for that waiting list, they will be given priority on the list. Otherwise, the only other "priority" considered for

victims of VAWA is that an Intent to Move form will not be required prior to voucher issuance. This may be obtained to have record of any debt owed to previous landlord but will not prevent the emergency transfer.

Confidentiality

If the tenant asks 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, HASA will keep confidential 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. 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 access by HASA employees or contractors if explicitly authorized by HASA 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 new location of the dwelling unit of the tenant is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about the HASA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

The HASA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The HASA will, however, act as quickly as possible to issue a transfer voucher to a tenant who qualifies for an emergency transfer. 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. The HASA 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 HASA's jurisdiction has no safe and available units for which a tenant who needs an emergency transfer is eligible, the tenant may request for the HASA to assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the HASA 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.

If the HASA is contacted by another covered entity/Housing Provider seeking an Emergency Transfer (portability), the HASA will take the necessary steps to expedite the application/screening process using any documentation from the tenant's existing file that the other provider is able to make available.

Safety and Security of Tenants

When HASA receives any inquiry or request regarding an emergency transfer, HASA 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 providers.

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 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>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

Attachment A: Local Resources in San Angelo

Law Enforcement:

- SAPD, you can contact at 325-655-6256 during regular business hours or non-emergency dispatch at 325-657-4315 after hours.
- Tom Green County Sherriff's Office can be reached at 325-655-8111.
- If there is an emergency, contact 911.

Tom Green County Crisis Intervention Unit

- Provides services to assist victims of violent crimes or other crisis; provides assistance in navigating protective orders, compensation applications, creating an escape plan, assisting law enforcement, etc.
- Contact at 325-227-8753 directly or you may contact the Tom Green County Sherriff's Office above and ask dispatch to get the on-call volunteer with the Crisis Intervention Unit.

Family Shelter

- Offers shelter and assistance to victims of VAWA crimes, including families with children
- Contact 325-655-5774.

Open Arms Rape Crisis Center & LGBT+ Services

- Offers assistance to victims of VAWA related crimes specializing in working with victims/survivors of sexual violence crimes and gender discrimination
- Contact 325-658-8888

Legal Help

- Contact 800-374-4673
- Locally: Legal Aid of NorthWest Texas, contact 325-653-6982