

Imperial Valley Housing Authority

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

Housing Choice Voucher Program

Emergency Transfers

Imperial Valley Housing Authority (IVHA) 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 IVHA 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. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of IVHA 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 IVHA 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:

1. Eligible for an emergency transfer,
2. The documentation needed to request an emergency transfer,
3. Confidentiality protections,
4. How an emergency transfer may occur, and
5. 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 oversees that the **public housing and housing choice voucher (HCV) programs** are in compliance with VAWA.

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.

²Housing 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.

Eligibility for Emergency Transfers

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains with 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.

NOTE: According to HUD's regulation 24 CFR part 5, subpart L a victim of the following:

Domestic violence includes felony or misdemeanor crimes of violence committed by current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or violence laws of the jurisdiction.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- The length of the relationship
- The type of relationship
- The frequency of interaction between the persons involved in the relationship

Sexual assault means any nonconsensual sexual act proscribed by federal, tribal, or state law including when the victim lacks the capacity to consent.

Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify IVHA's management office and submit a written request for a transfer to **any IVHA office**. IVHA 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 IVHA'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 tenants request for an emergency transfer; **AND**
3. Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and alternate documentation form must be completed. **(Refer to Form HUD-5382)**
4. A copy of the tenant's notification to their landlord of their intent to transfer from the unit under the VAWA if tenant is currently under a written lease.

Confidentiality

IVHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives IVHA 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.

*NOTE: See the Notice of Occupancy Right under the **Violence Against Women Act For All Tenants** for more information about IVHA's responsibility to maintain confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.*

Emergency Transfer Timing and Availability

IVHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. IVHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. 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 to agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. IVHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If IVHA has no safe and available units for which a tenant who needs an emergency transfer is eligible, IVHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenants request, IVHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are provided at the end of this plan.

Emergency Transfers: Housing Choice Voucher (HCV) Program

Tenant-based assistance: If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, IVHA will attempt to assist you to move to a safe unit quickly using your existing voucher assistance. IVHA will make exceptions to program regulations restricting moves as required.

At your request, IVHA will refer you to organizations that may be able to further assist you.

Project-based assistance: If you are assisted under the project-based voucher (PBV) program, you may request an emergency transfer under the following programs for which you are not required to apply:

- Tenant-based voucher, if available

Emergency transfers under VAWA **will** take priority over waiting list admissions for these types of assistance.

You may also request an emergency transfer to the following programs for which you are required to apply:

- Public housing program
- PBV assistance in another development not owned by IVHA
- Rosson-Moore (State)
- Hatfield Homes and El Centro Family Homes (LIHTC)
- Rural Development Properties owned by IVHA

Emergency transfers **will not** take priority over waiting list admissions for these programs. At your request, IVHA will refer you to organizations that may be able to further assist you.

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 the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For person 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 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/>.

Tenant 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-resouce-center>.

The following local organization offers assistance to victims of domestic violence, dating violence, sexual assault, or stalking:

Womanhaven, 510 Main Street, El Centro, CA 92243, 760-353-6922, Hotline 760-353-8530; www.womanhaven.org.

WOVEN, 159 South 6th Street, Brawley, CA 92227, 760-344-0411

WOVEN, 212 South 6th Street, El Centro, CA 92243, 760-353-1244

House of Hope, 1948 W. Orange Avenue, El Centro, CA 92243, 760-352-1182

Neighborhood House, 506 E. Fourth Street, Calexico, CA 92231, 760-357-5875

Attachment: Certification form HUD-5382