



CCHA – EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

EMERGENCY TRANSFERS

The Violence Against Women Act (VAWA) provides housing protections for victims of domestic violence, dating violence, sexual assault, or stalking in federally-funded housing programs. Your rental assistance is funded in full or in part by a Department of Housing and Urban Development (HUD) Continuum of Care (CoC) grant. The CoC Program promotes community-wide commitment to the goal of ending homelessness by providing funding for efforts by nonprofit providers and state and local governments to quickly rehouse homeless individuals and families. In Vermont, there are two regional HUD-recognized CoCs: the Vermont Coalition to End Homelessness (VCEH)/VT-500 and the Chittenden County Homeless Alliance (CCHA)/VT-501. A program funded through a CCHA application to HUD for a CoC grant sponsored your rental assistance. Because your rental assistance is funded with this federal grant, your rental agreement and program participation with [INSERT PROGRAM NAME] must comply with federal laws, including the Violence Against Women Act.

[INSERT PROGRAM NAME] and Vermont's CoCs are concerned about the safety of tenants, and that concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with VAWA, tenants who are victims of domestic violence, dating violence, sexual assault, or stalking may request an emergency transfer from the tenant's current rental unit to another rental unit while maintaining eligibility for CoC-funded rental assistance. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.¹

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 monitors CoC grant recipients' compliance with VAWA.

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 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.

¹ 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.

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 [INSERT PROGRAM NAME]. While an oral request is acceptable to initiate the process, transfers cannot be approved without a written request from the tenant. [INSERT PROGRAM NAME] 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 with CoC-funded rental assistance; 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; or
3. A completed Form HUD-5383 (Emergency Transfer Request).

CONFIDENTIALITY

[INSERT PROGRAM NAME] shall keep strictly confidential any information and documents submitted by the tenant or the tenant's representative to request an emergency transfer.

[INSERT PROGRAM NAME] shall keep strictly confidential any information and documents related to the emergency transfer, including, for example: the location of the victim's emergency shelter, the name and location of the storage facility used by the victim, the address of the tenant's new dwelling unit, and so forth.

[INSERT PROGRAM NAME] is only permitted to release information if:

1. The victim provides written authorization to release the information on a time limited basis; or
2. The disclosure of the information is required for use in an eviction proceeding or hearing regarding termination of assistance from the CoC-funded rental assistance program; or
3. The disclosure is otherwise required by law.

Please refer to the Notice of Occupancy Rights under the Violence Against Women Act for more information about [INSERT PROGRAM NAME'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

If a tenant requests an emergency transfer, [INSERT PROGRAM NAME] shall immediately review the transfer request during normal business hours and advise the program participant of the determination. If the request is approved, [INSERT PROGRAM NAME] will offer to refer the tenant to a local agency providing services to victims of domestic violence, dating violence, sexual assault, or stalking (a Network agency) for ongoing housing search case management and supportive services. [INSERT PROGRAM NAME], in collaboration with the local Network agency if the tenant has consented to such a referral, will act as quickly as possible to transfer a tenant who is a

victim of domestic violence, dating violence, sexual assault, or stalking to safe temporary or permanent housing, subject to availability and safety of a unit.

A tenant may choose to remain in the assisted rental unit pending transfer to alternative, safe permanent housing.

A tenant may choose to vacate the assisted rental unit immediately pending transfer to alternative, safe permanent housing. If the tenant chooses to vacate immediately, [INSERT PROGRAM NAME] shall refer the tenant to the local Network agency for emergency shelter or to the appropriate District Office of the Vermont Department for Children and Families for emergency housing. Such referrals shall be considered “constructive eviction” pursuant to Economic Services Division Rules 2821(F) or 2621(E).

If a tenant reasonably believes, based on their personal knowledge, a proposed alternative rental unit would not be safe, the tenant may request a transfer to another location. The tenant must establish eligibility for the alternative rental unit. Once transferred, the tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred.

If the tenant wishes to move to a different HUD-designated Continuum of Care geographic area, the tenant may do so even if [INSERT PROGRAM NAME] cannot meet all of the CoC Program regulatory requirements of 24 CFR Part 578, so long as [INSERT PROGRAM NAME] is able to meet all statutory requirements of the CoC Program at 42 U.S.C. §§ 11381 et seq., either directly or through a third-party contract or agreement. If the tenant’s rental assistance is term-limited, [INSERT PROGRAM NAME] shall refer the tenant to the new jurisdiction’s CoC for Coordinated Entry assessment and assistance securing alternative housing. [INSERT PROGRAM NAME] shall continue CoC-funded rental assistance in the new jurisdiction until the end of the original term. If the tenant’s rental assistance is in the form of permanent supportive housing, [INSERT PROGRAM NAME] shall refer the tenant to the new jurisdiction’s CoC for Coordinated Entry assessment, referral to an appropriate sponsor agency, assistance securing alternative housing, and to the appropriate managing agent for CoC-funded permanent supportive housing in the new jurisdiction. Until the managing agent and sponsor agency are able to offer services to the tenant, [INSERT PROGRAM NAME] shall continue to provide rental assistance to the tenant in the new jurisdiction.

The requirement to transfer a victim continues until the transfer is complete, the victim no longer receives housing assistance through [INSERT PROGRAM NAME], or the victim withdraws the request for the emergency transfer by notice in writing to [INSERT PROGRAM NAME].

Once a victim vacates the assisted rental unit pursuant to an approved emergency transfer request, the rental agreement assisted unit terminates in accordance with the CoC Lease Addendum. [INSERT PROGRAM NAME] shall notify the landlord of the same. [INSERT PROGRAM NAME] may terminate CoC-funded rental assistance payments as of the end of the month the tenant vacates the rental unit, or [INSERT PROGRAM NAME] may opt to terminate rental assistance no later than 30 days after the tenant vacates. The landlord may seek possession of the rental unit from remaining household members, or may choose to create a new rental agreement with the remaining household members.

If there is damage to the rental unit due to an incident of domestic violence, dating violence, sexual assault, or stalking, [INSERT PROGRAM NAME] shall reimburse the landlord with CoC grant funds in an amount not to exceed one month’s rent for damages and one month’s rent for vacancy costs (if applicable), to be paid at the time the participant exits the housing unit.

SAFETY AND SECURITY OF TENANTS

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

Local agencies serving survivors of domestic violence, dating violence, stalking, and sexual assault are available to help throughout Vermont. Please see the attached listing of member organizations of the Vermont Network, or visit their website: <https://vtnetwork.org/member-program/>.

Vermont Legal Aid, Inc., is available to provide legal advice and/or representation and may be reached at 1-800-889-2047.

National organizations are also available to help:

- National Domestic Violence Hotline: 1-800-799-7233 (1-800-787-3224 [TTY]).
- National Center for Victims of Crime's Stalking Resource Center:
<https://www.victimsofcrime.org/our-programs/stalking-resource-center>.
- National Sexual Assault Hotline (RAINN): 1-800-656-4673, or visit the online hotline at <https://ohl.rainn.org/online/>.

ATTACHMENTS

- Vermont Network Member Organizations
- Form HUD-5383