

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

The Reno Housing Authority (RHA) 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”), **RHA** 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 emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that Reno Housing Authority 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. An example of this could be transferring a resident from a public housing unit to a tax credit or a project-based voucher unit that the Reno Housing Authority owns or manages.
- **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. An example of this type of transfer could be transferring a resident from one public housing complex to another public housing complex that is owned or managed by the Reno Housing Authority.
- **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 **RHA** must provide a copy if requested. **RHA** 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.

RHA, 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

The RHA will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties. Transfer requests under VAWA will be processed in accordance with the VAWA Emergency Transfer Plan.

Emergency transfers will not automatically go on the transfer list. Instead, emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the family requires a permanent transfer, the family will be placed at the top of the transfer list.

The following are considered an emergency circumstance warranting an immediate transfer of the tenant or family:

- Maintenance conditions in the resident’s unit, building or at the site that pose an immediate, verifiable threat to the life, health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, no heat in the building during the winter, no water, toxic contamination, serious water leaks, or to protect the family from imminent danger by criminal activity.
- A verified incident of domestic violence, dating violence, sexual assault, or stalking. In order to request an emergency transfer under VAWA, the resident will submit a written request for an emergency transfer or complete form (HUD-5383).

All VAWA requests will be reviewed and responded to within 5 business days of submission. If

additional information is needed to complete the request, the requestor will have 14 business days from the date of the response letter to provide additional information or the requested documentation. The resident's failure to respond or supply the requested information within the 14 business days may result in denial of the request.

Internal transfers when a safe unit is immediately available:

Upon receipt of a completed VAWA transfer request and absent any conflicting or missing information, RHA will immediately process the request for transfer submitted by the tenant due to domestic violence, dating violence, sexual assault, or stalking. The RHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available if the resident believes that there is a threat of further imminent harm if they remain in the unit. The RHA defines immediately available as a vacant unit that is ready for move-in or safe to offer the tenant for temporary or more permanent occupancy.

Internal transfers when a safe unit is not immediately available:

If an internal transfer to a safe unit is not immediately available, at the request of the resident, the RHA will place the resident on the top of the transfer list for the next available unit the tenant qualifies for.

External transfers:

If an internal transfer to a safe unit is not immediately available, at the request of the resident, the RHA will assist in seeking an external emergency transfer either within or outside the PHA's programs. If the resident requests assistance with finding resources to assist them, the RHA will refer the resident to local resources such as Safe Embrace, Domestic Violence Resource Center, or Northern Nevada Hopes.

Tenants with a Housing Choice Voucher or other tenant-based rental assistance who qualify for an Emergency Transfer will be provided with a transfer voucher and Request for Tenancy Approval form without requiring a move-out notice (or mutual recission if they are in an active lease). They will also be provided all available information on current unit availability known to RHA. The processing of all items related to the Emergency Transfer of a Housing Choice Voucher (or other tenant-based rental assistance) tenant will be given priority over other transfers in order to expedite the transfer of their assistance to a safe unit.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. **RHA** 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 Property Manager or any RHA staff member by contacting RHA at 1525 E. 9th Street, Reno, NV 89512, calling (775) 329-3630, or completing the VAWA transfer request online at www.renoha.org. If **RHA** does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, **RHA** may ask for this documentation in accordance with 24 CFR 5.2007. Unless **RHA** receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), **RHA** cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. **RHA** will provide reasonable accommodations to this policy for individuals with disabilities.

RHA 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;
AND
3. The statement shall include information regarding the occurrence of domestic violence, dating violence, sexual assault, or stalking in accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence.

4. Request for Documentation:

- 4.1. If an applicant or tenant represents to the RHA that the individual is a victim of domestic violence, dating violence, sexual assault, or stalking entitled to the protections under § 5.2005, or remedies under § 5.2009, the covered housing provider may request, in writing, that the applicant or tenant submit to the covered housing provider the documentation specified in paragraph 4.1.1. of this section.

- 4.1.1. A certification form, in a form approved by HUD, to be completed by the victim to document an incident of domestic violence, dating violence, sexual assault or stalking. Form HUD-5382 would satisfy this requirement; or

- 4.1.2. A document:

- a. Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

- a.1. Signed by the applicant or tenant; and

- a.2. That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under § 5.2003; or

- b. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

- c. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

5. If a covered housing provider receives documentation that contains conflicting information (including certification forms from two or more members of a household each claiming to be a

victim and naming one or more of the other petitioning household members as the perpetrator), the covered housing provider may require an applicant or tenant to submit third-party documentation, as described in 4.1.2. of this section, within 30 calendar days of the date of the request for the third-party documentation.

6. Nothing in paragraph 4.1 shall be construed to require a covered housing provider to request that an individual submit documentation of the status of the individual as a victim of domestic violence, dating violence, sexual assault, or stalking.

Form HUD-5383 may be used for making a written request for an emergency transfer.

Priority for Transfers

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

EMERGENCY TRANSFERS

- a) Hazardous Maintenance Conditions
- b) VAWA emergencies for tenants who are victims of domestic violence, dating violence, sexual assault or stalking.

MANDATORY TRANSFERS

- a) Occupancy Standards Transfers
- b) Transfers to Make an Accessible Unit Available
- c) Demolition, Disposition, Revitalizations, or Rehabilitation Transfers

HIGH-PRIORITY TENANT-INITIATED TRANSFERS

- a) Reasonable Accommodation
- b) Verified Threat

REGULAR-PRIORITY TENANT-INITIATED TRANSFERS

- a) Overcrowded

OPTIONAL PHA-INITIATED TRANSFERS

- a) Project Based Mobility Transfers (Public Housing ONLY)

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date. Emergency, Mandatory and High-Priority transfers will take precedence over waiting list admissions.

With the approval of the Executive Director or their designee, the RHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

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, **RHA** 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 **RHA** employees or contractors if explicitly authorized by **RHA** 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

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

The **RHA** will provide the following forms when a family is admitted as a tenant, denied admission, or upon notification of eviction or termination of assistance:

Notice of Occupancy Rights Under The Violence Against Women Act (Form HUD-5380) and the Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (Form HUD-5382). These forms are also available on the Reno Housing Authority website: www.renoha.org or can be requested by calling (775) 329-3630. The forms can also be obtained in person at any of **RHA**'s offices or via mail by sending a request to 1525 E. 9th Street, Reno, NV 89512.

These materials will be available in accessible formats and to those with limited English proficiency by contacting our office. If a person who has a disability requires special accommodation in order to have equal access to any **RHA** program, please contact our office.

Safety and Security of Tenants

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

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY). You may also contact Safe Embrace at (775) 322-3466, the Domestic Violence Resource Center at (775) 329-4150, or Northern Nevada Hopes at (775) 786-4673.

For 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>.

For help regarding sexual assault, you may contact Safe Embrace at (775) 322-3466, the Domestic Violence Resource Center at (775) 329-4150, or Northern Nevada Hopes at (775) 786-4673.

Victims of stalking seeking help may contact Safe Embrace at (775) 322-3466, the Domestic Violence Resource Center at (775) 329-4150, or Northern Nevada Hopes at (775) 786-4673.

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.