

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

Fergus Falls Housing and Redevelopment Authority (FFHRA) 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”), **FFHRA** 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. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

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 model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that Public Housing and the Voucher programs are 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. This may happen when moving to from a high rise to a family unit in Public Housing or between market rate properties for Voucher programs.
- **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. This may be when moving to another similar public housing unit or unit in the same market rate complex.
- **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 **FFHRA** must provide a copy if requested. **FFHRA** 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.

FFHRA, 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

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 request will be processed as soon as possible.

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 requestor's failure to respond or supply the requested information within the 14 business days may result in denial of the request. The FFHRA may also allow for an extension of this timeframe.

Internal transfers when a safe unit is immediately available:

Upon receipt of a completed VAWA transfer request from a Public Housing tenant and absent any conflicting or missing information, FFHRA will immediately process the request for transfer and if approved, the FFHRA 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 their current unit. The FFHRA 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 FFHRA will place the resident on the top of the transfer list for the next available unit the tenant qualifies for. During this time, the FFHRA 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 FFHRA will refer the resident to local resources such as Someplace Safe and Mahube-Otwa Community Action.

External transfers:

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) within 5 business days. They will also be provided all available information on current unit availability known to FFHRA. 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. **FFHRA** 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 the FFHRA in writing at 1151 Friberg Avenue; Fergus Falls, MN 56537 or email ffhra@fergusfallshra.com. If **FFHRA** does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, **FFHRA** may ask for this documentation in accordance with 24 CFR 5.2007. Unless **FFHRA** receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), **FFHRA** cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. **FFHRA** will provide reasonable accommodations to this policy for individuals with disabilities. Interpreter can also be made available upon request.

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.

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 will be given priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

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

FFHRA 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. **FFHRA** will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If **FFHRA** identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. **FFHRA** 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 **FFHRA** does not have any safe and available units for which the tenant is eligible, **FFHRA** 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, **FFHRA** will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

One may also request an emergency transfer under the following programs for which they are required to apply:

- Public housing program
- PBV assistance in another development not owned by the FFHRA

Emergency transfers will not take priority over waiting list admissions for these programs. Upon request, the PHA will make referrals to organizations that may be able to provide further assistance.

Making the Emergency Transfer Plan Available

The PHA will post information regarding VAWA in its offices and on its website. It will also make the information readily available to anyone who requests it. Translated VAWA forms can be read at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4.

Additional translation services will be available on request.

Safety and Security of Tenants

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

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 text BEGIN to 88788, 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, and Incest National Network's National Sexual Assault Hotline at 1-800-656-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.

Local agencies include:

- **Someplace Safe** 24-Hour Crisis Line at 800-974-3359 or info@someplacesafe.info. Their website is www.someplacesafe.info where victims can webchat. Phone: 218-739-3486, Text: 844-980-0169 Fax: 218-739-9305
- **Legal Services of Northwest Minnesota (Justice North)** can be reached at 877-696-6529 or www.justicenorth.org.
- **The Fergus Falls Police Department's** phone number is 218-332-5555 and their website is www.fergusfallsmn.gov/police. Always call 911 in an emergency.
- For outside the city limits, contact the **Otter Tail County Sheriff's Department** at 218-998-8555 or <https://ottertailcounty.gov/department/county-sheriff/>

Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>.

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.