

**VIOLENCE AGAINST WOMEN ACT (VAWA) EMERGENCY TRANSFER PLAN****I. EMERGENCY TRANSFERS OVERVIEW**

- a. Burbank Housing (“Burbank”) is the managing agent for the owner (“Owner”) of the affordable housing community commonly referred to as \_\_\_\_\_ (“Property”), which provided this Emergency Transfer Plan (“ETP”). Burbank and Owner are concerned about the safety of their residents, and such concern extends to residents and their household members who are survivors of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act of 1994, as amended (“VAWA”), Burbank and Owner allow any resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the resident’s current unit to another unit.
- b. The U.S. Department of Housing and Urban Development (“HUD”) is the federal agency that oversees compliance with VAWA. 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 be available to all otherwise eligible individuals and families regardless of age, or actual or perceived gender identity, sexual orientation, or marital status.
- c. The ability to honor transfer requests from residents currently receiving assistance may depend upon a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether there is another dwelling unit for which the resident is eligible that is available and is safe to offer the resident for temporary or more permanent occupancy.
- d. This ETP identifies residents 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 residents on safety and security. This plan is based on form HUD-5381, a model emergency transfer plan published by HUD (OMB Approval No. 2577-0286), HUD regulations regarding Protection for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (24 CFR § 5.2001 et seq.), and applicable HUD guidance including publicly available Notices, Memos, Letters, and HUD’s VAWA website.

**II. EPT DISTRIBURION**

- a. The ETP is available on request from the Site Manager and will be made available on Burbank’s website at [www.burbankhousing.org](http://www.burbankhousing.org). If the Property is required to translate documents into a language other than English because of applicable program requirements, the ETP will be translated into that language. Please contact the Site Manager at the Property with respect to current LEP obligations.

**III. REASONABLE ACCOMODATIONS**

- a. Burbank will provide reasonable accommodations to the policies set forth in this ETP where needed because of a disability. If you or a household member requires materials in an alternative accessible format or an accommodation with respect to any of the policies set forth herein, please

let us know and we will begin the interactive process consistent with our obligations under applicable fair housing laws.

#### **IV. DEFINITIONS RELATING TO TRANSFERS**

- a. For purposes of this Plan, the following definitions apply:
  - i. **External Emergency Transfer** refers to an emergency relocation of a resident to another unit where the resident would be categorized as a new applicant; that is, the resident must undergo an application process in order to reside in the new unit.
  - ii. **Internal Emergency Transfer** refers to an emergency relocation of a resident to another unit where the resident would not be categorized as a new applicant; that is, the resident may reside in the new unit without having to undergo an application process.
  - iii. **Safe Unit** refers to a unit that the victim of VAWA violence/abuse believes is safe.
  - iv. **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 form HUD-5382 “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.”

#### **V. ELIGIBILITY FOR EMERGENCY TRANSFERS**

- a. A resident 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.” Burbank may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.
- b. A resident who is (or whose household member 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:
  - i. The resident or household member reasonably believes that there is a threat of imminent harm from further violence if the resident or household member remains within the same unit they are currently occupying at the Property; or
  - ii. If the resident or household member is a victim of sexual assault, the sexual assault occurred on the premises within the 90-calendar-day period preceding the request for an emergency transfer
- c. A resident requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this ETP. Residents who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this ETP. Whether or not a resident is in good standing does not impact their ability to request an emergency transfer under VAWA

#### **VI. EMERGENCY TRANSFER REQUEST DOCUMENTATION**

- a. To request an emergency transfer, the resident shall submit a written request for a transfer to the Site Manager at the Property as well as documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking if the resident has not previously provided such documentation of the occurrence. The residents written request for a transfer should include either:
  - i. A statement expressing that the resident reasonably believes that there is a threat of imminent harm from further violence if the resident or their household member were to remain in the same dwelling unit assisted under the program(s) applicable to the Property; or

- ii. A statement that the resident was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the resident's request for an emergency transfer.
- b. Emergency transfers under VAWA are available to victims of domestic violence, dating violence, sexual assault, or stalking. Acceptable documentation of the occurrence of domestic violence, dating violence, sexual assault or stalking must be provided to the Site Manager if resident has not previously provided such documentation. In accordance with 24 CFR 5.2007, acceptable documentation includes any one of the following forms of verification:
  - i. A completed form HUD-5382 (Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking);
  - ii. A document signed by the resident and 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 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 34 U.S.C. § 12291;
  - iii. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
  - iv. At the discretion of Burbank, a statement or other evidence provided by the resident.
- c. Unless Burbank receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), Burbank cannot require third-party documentation to determine status as a victim of VAWA Violence/Abuse.
- d. The resident will have fourteen business days to provide requested documentation of status as a victim of VAWA Violence/Abuse. If the documentation is not received within fourteen business days, the request will be closed without prejudice to the resident to renew the request at a future date.

## **VII. CONFIDENTIALITY**

- a. Burbank will keep confidential any information that the resident submits in requesting an emergency transfer, and information about the emergency transfer, unless the resident gives Burbank 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 resident, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the resident. The individuals at Burbank typically involved in processing an emergency transfer request are the Site Manager, the Regional Property Manager, the Assistant Director of Property Management, the 504 Coordinator, if any, and the Director of Property Management. See the Notice of Occupancy Rights for more information about Burbank's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

## **VIII. EMERGENCY TRANSFER TIMING, AVAILABILITY, & RENT**

- a. Burbank cannot guarantee that a transfer request will be approved or specify how long it will take from the time a transfer request is approved until the resident can be placed in a new, safe unit. Burbank will, however, act as quickly as possible to assist a resident who qualifies for an emergency transfer. Absent extenuating circumstances, Burbank generally will respond to a

VAWA transfer request within seven business days of receiving a full request, including the required documentation (if any), absent any conflicting or missing information. As discussed below, a resident may request an internal transfer, an external transfer, or both at the same time.

- b. If a resident reasonably believes a proposed transfer would not be safe, the resident may request a transfer to a different unit. If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit to which the resident has been transferred. Burbank may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit including, but not limited to, applicable income, age, or set-aside requirements.
- c. Residents will be responsible for the rent for the new unit in accordance with the applicable program requirements of the new unit—the same as any other resident qualifying for that unit. As such, a VAWA-related transfer may result in a change in rent for the transferring household.

#### **IX. INTERNAL EMERGENCY TRANSFERS**

- a. Internal emergency transfers refer to an emergency relocation of a resident to another unit within the property where the resident would not be categorized as a new applicant. The resident may reside in the new unit without having to undergo an application process so long as the agency governing the project does not require a new application.<sup>1</sup> Internal emergency transfers are only available to open units within the community in which the resident is residing. Because such transfers are the result of an emergency, internal emergency transfers will take priority over all other transfers except transfers required to accommodate a disability or provide a unit with accessible features to a current resident or waitlist applicant who has a disability-related need for those features. A unit for which there is an active application in process is not considered open under this policy.

#### **X. ADDITIONAL ASSISTANCE**

- a. If the property has no safe and available units for which a resident who needs an emergency transfer is eligible, Burbank will assist the resident in identifying other housing providers who or which may have safe and available units to which the resident could possibly move. To accomplish this, Burbank will:
  - i. Provide the resident with a list of Burbank properties at which there is either an open waitlist or at which the Resident Selection Plan permits preferences for individuals seeking an emergency transfer under VAWA.
  - ii. Provide resident with contact information for the local housing authority and, where available and known to Burbank, community resource specialists in the county in which the Property is located.
  - iii. Provide the resident with a list of other affordable housing developments about which Burbank is aware that are within a ten-mile radius of the Property.
- b. In addition to the above, Burbank has provided local resource information in its Notice of Rights which may be of assistance to residents and a copy will be provided along with the transfer request form. While Burbank will provide the additional assistance described above, it is up to the resident to research available units, obtain and evaluate eligibility requirements, determine

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<sup>1</sup> Some communities consist of buildings that are regulated as separate projects. At such properties, a new application and eligibility determination may be required by the governing agency for a transfer to a different building. Burbank will only require a new application for an internal transfer if required by the governing agency.

whether the units are suitable for the household's needs, and make arrangements for any move the household wishes to undertake

**XI. EXTERNAL EMERGENCY TRANSFERS**

- a. External emergency transfers refer to an emergency relocation of a resident to another property where the resident would be categorized as a new applicant. The resident must undergo an application process in order to reside in the new unit and must be otherwise eligible for the unit.
- b. VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. Burbank may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit including, but not limited to, applicable income limits, set-asides, or age requirements.
- c. While Burbank may manage other communities within the area, each (1) is owned by an entity which is the actual housing provider at the community for whom Burbank is acting as agent, (2) has its own wait lists and resident selection plan, and (3) is subject to its own regulatory agreements. As such, except in rare circumstances where the Owner of the resident's community also owns another community, or is under common control as defined by law, Burbank must process transfers to other communities, even those managed by Burbank, as external transfers.
- d. Unless a property has adopted a preference for individuals requesting an emergency transfer under VAWA, in most circumstances, Burbank is unable to give any priority for such external transfers even if Burbank manages the property for the other owner. As such, external transfers can only be made to properties with an open waitlist and will require the transferring resident to go on any waitlist in the same position as any other applicant at the other owner's property. If the property has adopted a preference for individuals requesting an emergency transfer under VAWA, and the requesting resident is otherwise eligible for a unit at that property, Burbank will process the transfer in accordance with the other property's resident selection plan.

**XII. RURAL DEVELOPMENT EMERGENCY TRANSFERS**

- a. Emergency transfers under VAWA are also available at Rural Development Multi-Family Housing properties which are governed by VAWA as administered by the USDA. Eligible tenants may receive benefits by the use of a Letter of Priority Entitlement ("LOPE") from the local MFH Rural Development servicing office. Upon receiving a request for an emergency transfer at a Rural Development, the Community Manager will contact their MFH Rural Development local servicing office to begin the transfer process.
- b. Residents who receive a LOPE and are beneficiaries of Rental Assistance ("RA") may not transfer the RA to another Rural Development property. The RA will remain with the original Rural Development Property

**XIII. SAFETY & SECURITY OF RESIDENTS**

- a. Pending processing of the transfer and the actual transfer, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe.
- b. Residents 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). Residents 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/>. Residents 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>.

**REQUEST FOR VAWA-RELATED EMERGENCY TRANSFER**

*To be completed by or on behalf of the person requesting a transfer.*

1. Name(s) of victim(s): \_\_\_\_\_

2. Your Name (if different from victim): \_\_\_\_\_

3. Name(s) of other household member(s) listed on the lease: \_\_\_\_\_

4. Name(s) of other household member(s) who would transfer with the victim(s): \_\_\_\_\_

5. Address of location from which the person seeks to transfer: \_\_\_\_\_

6. Way(s) to contact you (e.g., phone number, email, mailing address). You can list more than one but please only list methods where it is safe for you to receive communications/messages. You can also list here anything we should know to safely communicate with you. If any contact information changes or is no longer a safe contact method, please let us know immediately. \_\_\_\_\_

7. Name of the accused abuser/perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim (if known and can be safely disclosed): \_\_\_\_\_

9. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? \_\_\_\_\_

*If yes, skip question 10. If no, fill out question 10.*

10. Describe why the person requesting the transfer believes they are threatened with imminent harm from further violence if they remain in their current unit:

11. Describe any features the requesting resident requires for a safe unit. You may list any information that would facilitate a suitable transfer, such as accessibility needs and a description of where it is safe or unsafe for you to live.

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirements laid out in the Emergency Transfer Plan for an emergency transfer. I understand that the ability to provide an emergency transfer is based on unit availability and eligibility of the household for an available unit.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

## **LOCAL RESOURCE INFORMATION**

### **Napa County**

For help regarding sexual assault, you may contact Napa Emergency Women's Services (NEWS) at (707) 252-3687 or online at <https://www.napanews.org/http://www.bawar.org/>.

Victims of stalking seeking help may contact Napa County Victim Services Unit at (707) 299-1414 or Napa Emergency Women's Services (NEWS) at (707) 252-3687 or online at <https://www.napanews.org/http://www.bawar.org/>.

### **San Francisco County**

For help regarding sexual assault, you may contact SF Women against Rape (SF WAR) at (415) 647-3000 or online at <http://www.sfwar.org/>.

Victims of stalking seeking help may contact SF Women against Rape (SF WAR) at (415) 647-3000 or online at <http://www.sfwar.org/>

### **Sonoma County**

For help regarding sexual assault, you may contact Verity at (707) 545-7273 or online at <http://www.ourverity.org/>

Victims of stalking seeking help may contact Verity at (707) 545-7273 or online at <http://www.ourverity.org/>.