



## West Virginia Housing Development Fund HOME/HTF VAWA Emergency Transfer Plan

In accordance with the Violence Against Women Act (VAWA), the West Virginia Housing Development Fund (the Fund) permits tenants in HOME/HTF-assisted units 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.

This policy applies to all HOME/HTF assisted units funded by the West Virginia Housing Development Fund, and to the individuals and entities owning, managing and administering those units, including owners, managers, agents, and consultants (hereafter referred to as "housing providers")

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.

### **Tenant Eligibility for Emergency Transfers**

A tenant is eligible for an emergency transfer under this plan if they meet the following criteria:

- Tenant resides in a covered HOME or HTF unit.
- Tenant is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations (24CFR part 5, subpart L)
- Tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; OR
- If the tenant is a victim of sexual assault which occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

Qualifying for an emergency transfer does not guarantee continued assistance under HOME or HTF as emergency transfer requirements do not supersede any eligibility or occupancy requirements.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The Fund and the covered housing providers will provide reasonable accommodations to this policy for individuals with disabilities.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements.

## **Emergency Transfer Request and Documentation**

Emergency transfers may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. The tenant must submit one of the following forms of documentation to the Housing Provider within 14 days of request:

- A complete certification form; (HUD-5382)
- A record of a Federal, State, tribal, territorial, or volunteer of a victim service provider, an attorney, a medical professional or a mental health professional (collectively, “professional”) from whom you sought assistance; or
- Any other statement or evidence that the Housing Provider has agreed to accept.

In addition, a tenant must expressly request an emergency transfer by submitting a written request for a transfer to the Housing Provider, or to the Fund. The tenant’s written request for an emergency transfer should include either:

- 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 the Housing Provider’s program; OR
- 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.

## **Emergency Transfer Procedures**

The covered Housing Provider cannot guarantee that a transfer request will be approved, and transfers are subject to the availability of a safe and habitable unit. However, the Housing Provider will act expeditiously to process the request and move the tenant, if approved.

## **Internal Emergency Transfer.**

If a safe and habitable unit is immediately available within the same HOME/HTF assisted development or another HOME/HTF development owned or operated by the same Housing Provider, the tenant must be permitted to transfer internally under the following conditions:

- The tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant is transferred including ongoing HOME occupancy requirements; and
- The lease of the current unit will be transferred to the new unit without penalty.

If the tenant reasonably believes a proposed unit would not be a safe transfer the tenant may request a different unit or an external transfer. If a safe and habitable unit is not immediately available within the current HOME/HTF assisted development or one owned or operated by the same Housing Provider, the tenant may request to be placed on a waiting list for when a unit comes available or they may request an external transfer. The tenant must be assigned no less

priority on the waiting list than if the tenant had requested any other type of emergency transfer, such as due to fire.

## **External Emergency Transfer**

If the Housing Provider has no safe, habitable units available for an eligible tenant needing an emergency transfer, the Housing Provider will assist the tenant in identifying other housing providers who may have available units to which the tenant could move.

- The Housing Provider will contact the Fund and provide a copy of the Emergency Transfer Request and supporting documentation.
- The Fund will review and authorize the request.
- If authorized, the Fund will provide a list of properties that MAY have units available to the Housing Provider who will provide the list to the tenant. The list will include:
  - Address and contact information
  - HOME/HTF unit sizes (# of bedrooms)
  - Any known tenant preferences or eligibility restrictions for the HOME/HTF units.
- If a unit is identified and selected the Fund will assist the victim in applying for occupancy. The Housing Provider will cooperate with the Fund and any service provider to assist in identifying a safe, habitable unit and facilitating the transfer.
- If a transfer unit is identified, the lease for the current unit will be terminated without penalty.

## **Confidentiality**

The Housing Provider, and any of its employees, contractors or agents, must keep confidential any information a tenant provides related to the exercise of rights under VAWA.

The Housing Provider must report all requests for VAWA protections. However, the Housing Provider may not enter tenant information into any shared database or disclose information to any other entity or individual other than the Fund unless:

- The tenant gives written permission;
- The Housing Provider needs to use the information in an eviction or termination proceeding; or
- A law requires the Housing Provider to release the information.

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.

## **Tenant Safety and Security**

Pending processing of the transfer and the actual transfer, if approved and takes place, the tenant is urged to take all reasonable precautions to be safe. At the tenant's request, the Housing Provider will assist tenants in contacting organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking. Some nationwide resources include:

- 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 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 & Incest National Network's National Sexual Assault Hotline at 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>.