

BROOKLINE HOUSING AUTHORITY

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers:

The Brookline Housing Authority (BHA) is concerned about the safety of its participants, and such concern extends to participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA), BHA allows participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the participant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of BHA to honor such request for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether BHA has another dwelling unit that is available and is safe to offer the participant for temporary or more permanent occupancy.

This plan includes information on eligibility for a VAWA emergency transfer, the VAWA transfer request and unit offer process, VAWA victim safety and security and confidentiality. Guidance on VAWA occupancy rights and VAWA certification requirements is contained in the VAWA Notice of Occupancy Rights (HUD Form 5380) and related transfer request forms.

Eligibility for Emergency Transfers:

A participant 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 participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit. If the participant is a victim of sexual assault, the participant may also be eligible to transfer if the sexual assault occurred on the premises within the ninety (90) calendar-day period preceding a request for a VAWA emergency transfer. Finally if the participant timely provides other VAWA emergency transfer request documentation he/she will be eligible for a VAWA emergency transfer. Participants who are not in good standing may still request a VAWA emergency transfer if they meet the VAWA emergency transfer eligibility requirements

A participant requesting a VAWA emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Emergency Transfer Request Documentation:

To request a VAWA emergency transfer, the participant shall complete and submit an Emergency Transfer Request Form (HUD Form 5383) and provide all applicable documentation that he/she is a victim of domestic violence, dating violence, sexual assault, or stalking and timely submits such documentation to his/her Program Representative or Property Manager. BHA will provide reasonable accommodations to this policy for individuals with disabilities.

Emergency Transfer Timing and Availability:

BHA cannot guarantee that a transfer request will be approved or how long it will take to process a VAWA emergency transfer request. BHA will, however, act as quickly as possible to move a participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, subject to BHA's transfer policies and the availability and safety of a unit.

If a participant reasonably believes a proposed transfer would not be safe, the participant may request a transfer to a different unit. The participant will be required to provide justification to support their belief that the transfer would not be safe per the Good Cause for Unit Refusal and VAWA documentation policies.

If a unit is available, the transferred participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the participant has been transferred. BHA may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit.

If BHA has no safe and available units for which a participant who needs a VAWA emergency transfer is eligible and/or the participant is unable to locate a unit, with a voucher, in BHA's jurisdiction, BHA will assist the participant in identifying other housing providers, if known, who may have safe and available units to which the participant could move. At the participant's request, BHA will also assist the participant in contacting local organizations, if known, who offer assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

Public Housing Transfer

Participants in BHA's Public Housing program who request and are approved for an emergency VAWA transfer will be processed for the transfer in accordance with BHA's transfer policies as established in BHA's Admissions and Continued Occupancy Policies (ACOP), Section VIII entitled "Unit Transfers" and Appendix H, entitled "Violence Against Women's Act".

Housing Choice Voucher Program Issuance of Voucher

Participants in BHA's Housing Choice Voucher Program who request and are approved for an emergency VAWA transfer will be processed for the transfer in accordance with BHA's emergency transfer policies as established in BHA's Section 8 Administrative Plan, Selection Policies, Exhibit A, Section II, and Exhibit B, VAWA Policy.

The following policies apply to participants in BHA's Project-Based Voucher (PBV) units:

- Victims making an emergency transfer request and residing in PBV units for one (1) year or more will be given priority and the next available opportunity for continued tenant-based assistance if program funding is available and the BHA is able to issue a Housing Choice Voucher. If funding is not available and the BHA is unable to issue a Housing Choice Voucher, the participant will be placed on the Emergency Transfer Wait List and given priority in accordance with policies established in the Section 8 Administrative Plan, Selection Policies, Exhibit A, Section II. In addition, the BHA may offer the victim a federal public housing unit or another PBV unit, if units are available and if the family size complies with the occupancy standards and eligibility requirements established in the Section 8 Administrative Plan and/or ACOP. The BHA will expedite administrative processes for victims requesting to move into another PBV or federal public housing unit, or requesting to move with tenant-based assistance.
- Victims making an emergency transfer request and residing in PBV units for less than one (1) year will be offered another PBV unit or a federal public housing unit, if units are available and if the family size complies with the occupancy standards and eligibility requirements established in the Section 8 Administrative Plan and/or ACOP. The BHA will expedite administrative processes for victims requesting to move into another PBV or federal public housing unit. In accordance with 24 CFR 983.261, if the victim terminates the assisted PBV lease before the end of one (1) year, the victim relinquishes the opportunity for continued tenant-based assistance. The BHA will refer the victim to other housing opportunities in the community, and assist the victim with the completion of applications for other assisted housing opportunities. Victims in this category must be selected from the waiting list for the applicable program.

Safety and Security of Participants:

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the participant is urged to take all reasonable precautions to be safe.

Participants 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).

Participants 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/>.

Participants 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>.

Confidentiality:

BHA will keep confidential any information that the participant submits in requesting a VAWA emergency transfer, and information about the VAWA emergency transfer, unless the participant gives BHA 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 participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the participant. See the Notice of Occupancy Rights under the Violence Against Women Act for more information about BHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.