

# VAWA Transfer Policy For MCHA Managed Sites

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## Emergency Transfers

Mercer County Housing Authority (MCHA) 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* (VAWA), MCHA allows tenants 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 in MCHA's portfolio of managed developments. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of MCHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether MCHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are:

1. eligible for an emergency transfers,
2. the documentation needed to request an emergency transfer,
3. confidentiality protections,
4. how an emergency transfer may occur, and
5. guidance to tenants on safety and security.

This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that MCHA is in compliance with VAWA.

## Eligibility for Emergency Transfers

A tenant 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 tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

- A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
- Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section. Unless they are already under the eviction process.

## Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify MCHA and submit a written request for a transfer to their property manager. MCHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request

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~~for an emergency transfer should include:~~

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1. 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 MCHA's program; OR
2. 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 tenant's request for an emergency transfer; AND
3. A Certification of Domestic Violence form must be completed along with one of the documents listed under the use of This Optional Form HUD 5382.
4. If living in a tenant-based or project-based voucher unit (and MCHA is not the landlord) a copy of the written notification to their landlord of their intent to transfer from the unit under the VAWA.

Note: If the victim of domestic violence is in the tenant or project-based voucher program, the "move" means and expedited issuance of a voucher and moving paperwork. MCHA is not a party to the lease and cannot ensure that the landlord will not enforce lease requirement. Make sure you contact your current landlord by giving them notice and requesting early termination of the lease due to VAWA. MCHA will accept a tenant with a voucher (HCVP) into its project-based units but can't guarantee the prior landlord will not take legal action against the tenant.

## Confidentiality

MCHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives MCHA 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 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.

In an effort to keep all information confidential, especially the location of the new unit assigned, all written request will be given to the Director of Housing or the Section 8 Coordinator for processing, depending on the type of assistance the person is currently being provided.

*NOTE: See the Notice of Occupancy Rights under the Violence Against Women Act for All Tenants for more information about MCHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.*

## Emergency Transfer Timing and Availability

MCHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. MCHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to

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another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. MCHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If MCHA has no safe and available units for which a tenant who needs an emergency is eligible, MCHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, MCHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

### Safety and Security of Tenants

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

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 such as AWARE at 888-981-1457 for assistance in creating a safety plan.

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>.

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