



Addendum: WV BoS CoC RRH & PSH Guidance VAWA Emergency Transfer Plan

In accordance with the Violence Against Women Act (VAWA), the West Virginia Balance of State Continuum of Care (WV BoS CoC) permits tenants in HUD-funded CoC 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 HUD-funded CoC assisted units throughout the WV BoS CoC, and to the individuals and entities owning, managing, and administering those units.

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 unit assisted with CoC funding (RRH, TH-RRH, and PSH).
- 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 CoC assistance 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 CoC-funded housing providers will provide reasonable accommodations to this policy for individuals with disabilities.

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 CoC-funded housing provider within 14 days of request:

- A complete certification form (HUD-5382) *attached at the end of this document*;
- Documentation by CoC-funded Housing Provider which includes the following:
 - Documentation that the tenant's current housing situation presents a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit; OR
 - Documentation 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 CoC-funded 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 work closely with the CoC's Coordinated Entry System to 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 CoC-funded housing program, the tenant must be permitted to transfer internally and agree to abide by the lease or sublease of the new unit. If a transfer unit is identified, the lease for the current unit will be terminated without penalty.

It is important to note for all transfers that 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 CoC, the tenant may request to be placed on a waiting list or assisted with locating a unit outside the CoC service area.

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>.

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of or applicant for housing assisted under a covered housing program, or if you are applying for or receiving transitional housing or rental assistance under a covered housing program, and ask for protection under the Violence Against Women Act (“VAWA”), you may use this form to comply with a covered housing provider’s request for written documentation of your status as a “victim”. This form is accompanied by a “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380.

VAWA protects individuals and families regardless of a victim’s age, sex, or marital status.

You are not expected **and cannot be asked or required** to claim, document, or prove victim status or VAWA violence/abuse other than as stated in “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380.

This form is **one of your available options** for responding to a covered housing provider’s written request for documentation of victim status or the incident(s) of VAWA violence/abuse. If you choose, you may submit one of the types of third-party documentation described in Form HUD-5380, in the section titled, “What do I need to document that I am a victim?”. Your covered housing provider must give you at least 14 business days (weekends and holidays do not count) to respond to their written request for this documentation.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person’s access for that reason, **and** (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, **or** (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I require this information in a language other than English? To read this in Spanish or another language, please contact [INSERT COVERED HOUSING PROVIDER’S CONTACT INFORMATION; FOR HOPWA PROVIDERS – INSERT GRANTEE NAME AND CONTACT INFORMATION] or go to [INSERT WEBSITE, IF APPLICABLE]. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. Your covered housing provider must also ensure effective communication with individuals with disabilities.

Need further help? For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact [ENTER CONTACT INFO FOR LOCAL ADVOCACY AND LEGAL AID ORGANIZATIONS].

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Name(s) of victim(s): _____

2. Your name (if different from victim's): _____

3. Name(s) of other member(s) of the household: _____

4. Name of the perpetrator (if known and can be safely disclosed): _____

5. What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

Phone Phone Number: _____

Safe to receive a voicemail: Yes No

E-mail E-mail Address: _____

Safe to receive an email: Yes No

Mail Mailing Address: _____

Safe to receive mail from your housing provider: Yes No

Other Please List: _____

6. Anything else your housing provider should know to safely communicate with you?

Applicable definitions of domestic violence, dating violence, sexual assault, or stalking:

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who lives with or has lived with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Spouse or intimate partner of the victim includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; **and**
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others **or**
- (2) Suffer substantial emotional distress.

Certification of Applicant or Tenant: By signing below, I am certifying that the information provided on this form is true and correct to the best of my knowledge and recollection, and that one or more members of my household is or has been a victim of domestic violence, dating violence, sexual assault, or stalking as described in the applicable definitions above.

Signature

Date

Public Reporting Burden for this collection of information is estimated to average 20 minutes per response. This includes the time for collecting, reviewing, and reporting. 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. Housing providers in programs covered by VAWA may request certification that the applicant or tenant is a victim of VAWA violence/abuse. 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.