



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

It is a fundamental responsibility of project owners and managers to protect tenants and prospective tenants from discrimination based on their status as a victim of domestic violence, sexual assault, dating violence, and stalking. Project owners and managers, not the Pennsylvania Housing Finance Agency (PHFA), will have control over the property and will be in the best position to determine whether an emergency transfer is warranted and to provide alternative housing to eligible tenants.

I. Emergency Transfers

In accordance with the Violence Against Women Act (VAWA),¹ PHFA permits tenants in HOME/HTF-assisted units who are victims of domestic violence, dating sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.²

This policy applies to all HOME/HTF assisted units funded by PHFA after 12/16/2016, 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 policy is also recommended as a guide for all other PHFA funded properties to the extent applicable.

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. This plan is based on a model emergency transfer plan and other guidance published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that PHFA is in compliance with VAWA. Because PHFA is a pass-through funding source, PHFA's compliance depends on the active compliance of all Housing Providers in the HOME/HTF programs. The Agency relies on its Housing Providers in the field as agents of the Agency in all VAWA related matters.

II. 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:

- a. The tenant expressly requests the transfer; and
- b. Either -
 - 1) The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit, or

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

² Housing Providers may not discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

- 2) In the case of sexual assault, the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same unit that the tenant is currently occupying, or the sexual assault occurred on the premise during the 90-calendar day period preceding the date of the request for transfer.

Qualifying for an emergency transfer does not guarantee continued assistance under HOME or HTF or an external transfer to another covered housing program, as emergency transfer requirements do not supersede any eligibility or occupancy requirements. An external emergency transfer is further explained in Section VII.

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

A tenant may terminate his/her lease without penalty if it is determined that he/she has met the conditions for an emergency transfer under VAWA.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in Section III of this plan. PHFA and covered Housing Providers will provide reasonable accommodations to this policy for individuals with disabilities.

III. Emergency Transfer Request Documentation

To request an emergency transfer, a tenant shall submit a written request to the Housing Provider's management office. The tenant's written request for an emergency transfer should include either:

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 the Housing Provider'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.

In addition, the tenant must submit one of the following forms of documentation to the Housing Provider within 14 business days of the request:

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

The Housing Provider may, but is not required to, extend the time period to submit the documentation, if the tenant requests an extension of the time period.

IV. Confidentiality

Employees and agents of the Housing Provider shall keep all information a tenant provides related to the exercise of rights under VAWA confidential. Such details shall not be entered into any shared database. Employees of PHFA and the Housing Provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to a tenant. Such employees may not disclose the information provided pursuant to the exercise of VAWA rights to any other entity or individual, except to the extent that disclosure is: (i) consented to by the tenant in writing in a time-limited release; (ii) required

for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

In most circumstances, PHFA will not expect to have access to the identity or personal information of the tenant requesting and being considered for an emergency transfer. Housing providers shall maintain this information in a confidential and secure manner.

V. Emergency Transfer Timing and Availability

The Housing Provider will make the determination regarding whether a tenant qualifies for an emergency transfer. The Housing Provider does not guarantee that a transfer request will be approved or how long it will take to process a transfer request. The Housing Provider 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 another unit, subject to availability of a safe and habitable unit.

VAWA transfer requests are considered an emergency and are given priority over any non-emergency transfer requests within the property.

VI. 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 condition that the tenant agrees to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred.

A unit is "*immediately available*" where it is vacant and ready for move-in within a reasonable period of time. The tenant determines whether a unit is safe, and if he/she reasonably believes a proposed unit would not be a safe transfer he/she may request a different unit or an external transfer. A Housing Provider may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

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 and/or request an external transfer.

VII. 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. At a minimum, the Housing Provider will provide the tenant with information on how to access PHFA's PAHousingSearch website. The site provides information on properties in the jurisdiction, to include HOME/HTF-assisted units, and provides the following information on listed properties:

- Address and contact information
- Unit sizes (# of bedrooms)
- Any known tenant preferences or eligibility restrictions.

The Housing Provider shall also work with the tenant to contact other Housing Providers in the area.

The Housing Provider will contact PHFA by email at ETRsubmissions@phfa.org on behalf of any tenant seeking to make an external emergency transfer. This contact shall not relieve the Housing Provider from undertaking all reasonable steps to identify alternative housing for the tenant. The Housing Provider shall remit the External Emergency Transfer Request, subject to all reasonable confidentiality.

Upon request, PHFA will make reasonable efforts to assist the eligible tenant in identifying alternative housing within PHFA's portfolio of properties.

All covered Housing Providers will cooperate with PHFA 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.

VIII. Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, the tenant is urged to take all reasonable precautions to be safe. Tenants who are or have been victims of domestic violence or stalking are encouraged to contact one or more of the following agencies or a local domestic violence shelter, for assistance in creating a safety plan:

- The Pennsylvania Coalition Against Domestic Violence Program at 1-800-799-SAFE (7233)
- The National Domestic Violence Hotline at 1-800-799-7233. For persons with hearing impairments, the hotline can be accessed by calling 1-800-787-3224 (TTY).
- The Rape, Abuse & Incest National Network at 800-656-HOPE (4673), or visit the online hotline at <https://hotline.rainn.org/online>.
- The National Center for Victims of Crime Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

At the tenant's request, the Housing Provider will assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.