

FORT PAYNE HOUSING AUTHORITY

“VAWA” Violence Against Women Act

EMERGENCY TRANSFER PLAN

(adopted 6-05-2017 – Resolution #17-07)

Emergency Transfers:

The Fort Payne Housing Authority (PHA) 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), PHA allows tenant/participant 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. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.¹ Tenant/participant must provide certification showing that they are a victim of domestic violence, dating violence, sexual assault, or stalking in order for PHA to make a determination regarding a request for a VAWA emergency transfer.

This plan includes information on eligibility for a VAWA emergency transfer, the VAWA transfer request and unit offer process, VAWA victim safety, and confidentiality. Guidance on VAWA tenant/ participant rights and VAWA certification requirements is contained in the VAWA Notice of Occupancy Rights

Eligibility for Emergency Transfers:

A tenant/ participant who is a victim of domestic violence, dating violence, sexual assault, or stalking, and who provides certification of same is eligible for an emergency transfer if the tenant/ participant reasonably believes that there is a threat of imminent harm from further violence if the tenant/ participant remains in their current unit. If the tenant/ participant is a victim of sexual assault, the tenant/participate may be eligible for a VAWA emergency public safety transfer if the tenant/ participant reasonably believes there is a threat of imminent harm from further violence if the tenant/ participant remains in their current unit or if the sexual assault occurred on the premises within the 90-calendar-day period preceding the tenant/ participant request for a VAWA emergency transfer. The tenant/ participant who are not in good standing may still request a VAWA emergency transfer if they meet the VAWA emergency transfer eligibility requirements.

Emergency Transfer Request Documentation

To request a VAWA emergency transfer, the tenant/ participant shall complete and submit to PHA a VAWA Emergency Transfer Request Form (HUD 5383) and also provide certification, that the tenant/ participant is a victim of domestic violence, dating violence, sexual assault, or

stalking as listed below. The tenant/ participant will then have fourteen (14) business days to submit one of the four (4) acceptable methods of documentation listed below.

1. **HUD-Approved form #5382:** By providing to The Authority or to the requesting Section 8 owner or manager a written certification, on HUD Form 5382 approved by the U.S. Department of Housing and Urban Development
2. **Police or Court Record:** By providing to The Authority a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.
3. **Other Documentation:** In lieu of the certification form or in addition to the certification form; The Authority may accept documentation signed by both: An employee, agent, or volunteer of a victim service provider, an attorney, or a medical professional, from whom the victim has sought assistance in addressing the domestic violence, dating violence, sexual assault or stalking; and the tenant/participant. The documentation shall state, under penalty of perjury, the professional's belief that the incident or incidents in question meet the requirements of the applicable definition(s) set forth in this policy. **Acceptance of Verbal Statement:** The PHA or owner may instead choose to provide benefits to an individual based solely on the individual's verbal statement or other corroborating evidence when the PHA is aware of the abuse and has encouraged the victim to request VAWA protections
4. **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 Housing Authority's program; OR the tenant/ participant 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 cases where there may be conflicting evidence; tenants and applicants will be required to submit third-party documentation to document occurrence of a VAWA crime. Documentation must be received by the Housing Authority within 30 calendar days.

*Note: Section "8" participant currently under a written lease, must give a copy of the written notification to their landlord of their intent to transfer from the unit under the VAWA.

The Housing Authority will provide reasonable accommodations for individuals with disabilities.

Emergency Transfer Timing and Availability

The Housing Authority cannot guarantee that a VAWA emergency transfer request will be approved or how long it will take to process a VAWA emergency transfer request. The Housing Authority will, however, act as quickly as possible to move a tenant/ participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to a safe and available unit. If the tenant/ participant who needs a VAWA emergency transfer is unable to locate a safe and available unit, the Housing Authority will refer 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, The Housing Authority 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.

Confidentiality

The Housing Authority will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the Housing Authority 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. See the Notice of Occupancy Rights under the Violence Against Women Act for all tenants for more information about the Housing Authorities responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

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, 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>.

ADDITIONAL INFORMATION:

- You may view a copy of HUD's final VAWA rule at:
<https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>
- Additionally, **Fort Payne Housing Authority** must make a copy of HUD's VAWA regulations available to you if you ask to see them.
- **For help regarding an abusive relationship**, you may call the National Domestic Violence Hotline at 1-800-799-7233 or, for persons with hearing impairments, 1-800-787-3224 (TTY)

Dekalb, Marshall and Cherokee County (SAIL) Special Assessment Intervention Liaison Project Hotline 1-800-650-6522 or (256) 844-2740

Kelley's Rainbow, Domestic Violence Emergency Shelter Hotline 888-582-6883 (24/7)
Or (256) 891-9864 (Albertville)

Jackson County Crisis Center of North Alabama – Crisis Line: 256-716-1000 or 256-574-5826

- **For tenants who are or have been victims of stalking seeking help**, you may visit the National Center for Victims of Crime's Resource Center at <https://www.victimsofcrime.org/our-programs/stalkig-resource-center> or call [855-484-2846](tel:855-484-2846) (855-4-VICTIM) or contact domestic violence support agencies listed on this page.
- **Victims of stalking seeking help should also contact their local police department.**
- **For help regarding sexual assault**, you may contact Alabama Coalition Against Domestic Violence at 1-800-650-6522.