



# **VAWA**

**VIOLENCE AGAINST WOMEN ACT**

## **Emergency Transfer Plan**

**APPROVED BY RESOLUTION OF THE BOARD OF DIRECTORS: May 19, 2017**  
**EFFECTIVE: May 19, 2017**

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# Kendall Housing Authority

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

### Emergency Transfers

Kendall Housing Authority (KHA) 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)***,<sup>1</sup> KHA 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. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The ability of KHA 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 KHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

**NOTE:** KHA is a voucher-only program and does not own dwelling units, therefore KHA has no dwelling units available to offer tenants for temporary or 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 Kendall Housing Authority is in compliance with VAWA.

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<sup>1</sup> 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.

<sup>2</sup> Housing providers cannot 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.

## 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.

## Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify KHA and submit a written request for a transfer to their KHA caseworker. KHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include:

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 KHA'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. If currently under a written lease, a copy of the written notification to their landlord of their intent to transfer from the unit under the VAWA.

## Confidentiality

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

*NOTE: See the **Notice of Occupancy Rights under the Violence Against Women Act for All Tenants** for more information about KHA'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**

KHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. KHA will, however, act as quickly as possible to move<sup>3</sup> a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to 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. KHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If KHA has no safe and available units for which a tenant who needs an emergency is eligible, KHA 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, KHA 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, 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>.

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<sup>3</sup> KHA is a voucher-only program and does not own dwelling units, therefore KHA has no dwelling units available to offer to tenants to move to. In this context "move" means to expedite issuance of a voucher and moving papers, and to provide connections to unit search assistance and other support services.

## 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, **Kendall Housing Authority** must make a copy of HUD's VAWA regulations available to you if you ask to see them.
- **For questions regarding VAWA**, please contact Groundwork / Guardian Angel Community Services (Joliet, IL) at (815) 729-1228 or Mutual Ground (Aurora, IL) at (630) 897-0080.
- **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). You may also contact Illinois Domestic Violence Hotline at 1-877-863-6338 or Groundwork / Guardian Angel Community Services (Joliet, IL) at (815) 729-1228 or Mutual Ground (Aurora, IL) at (630) 897-0080.
- **For 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> or call 855-484-2846 (855-4-VICTIM) or contact any of the 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 Groundwork / Guardian Angel Community Services (Joliet, IL) at (815) 730-8984 or Mutual Ground (Aurora, IL) at (630) 897-8383.