



Southern Nevada Regional Housing Authority

EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

PBV/RAD, LIHTC and HOME Units

A. INTRODUCTION

The Southern Nevada Regional Housing Authority (SNRHA) is concerned about the safety of its residents and program participants, and such concern extends to residents and program participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA)¹, SNRHA allows residents and program participants 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.² The ability of SNRHA to honor such request for residents and program participants currently receiving assistance, however, may depend upon a preliminary determination that the resident or program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether SNRHA has another dwelling unit that is available and is safe to offer the resident or program participant for temporary or more permanent occupancy.

This plan identifies residents and program participants 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 residents and program participants on safety and security and applies to PBV/RAD, LIHTC and HOME units in SNRHA's portfolio. 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 SNRHA is in compliance with VAWA.

B. ELIGIBILITY FOR EMERGENCY TRANSFER

A resident or program participant 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 resident or program participant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the resident or program participant 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 resident or program participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

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 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.



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

C. REQUESTING AN EMERGENCY TRANSFER

To request an emergency transfer, residents or programs participants shall notify SNRHA's management office and submit a written request for a transfer to the management office. SNRHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfers should include either:

1. A statement expressing that the resident or program participant reasonably believes there is a threat of imminent harm from further violence if the resident or program participant remains within the same dwelling unit that the resident or program participant is currently occupying under SNRHA's program; or
2. A statement that the resident or program participant was the victim of sexual assault and the sexual assault occurred on the premises during the 90- calendar-day period preceding the date of the request for transfer.

Residents and program participants do not need to use the phrase "emergency transfer" or the exact language used in (1) or (2) above, but rather, residents and program participants need only provide sufficient information for staff to conclude that the individual is requesting a transfer due to a VAWA-related reason and that they meet the other requirements of (1) or (2).

If a resident or program participant makes an emergency transfer request that does not meet the above criteria, and SNRHA chooses not to accept the request, SNRHA will make a written request to the resident or program participant asking them to provide a statement that meets the criteria of (1) or (2) above. The written request shall be accompanied by a copy of this Emergency Transfer Plan and Form HUD-5383, "Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking." The requestor may, but does not have to, submit a completed Form HUD-5383.

D. DOCUMENTATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

Residents or program participants seeking emergency transfers under VAWA must establish their eligibility for VAWA protections. It is SNRHA's policy that, in addition to a written request for an emergency transfer, a resident or program participant must submit documentation as enumerated in 34 USC § 12491(c) and 24 CFR § 5.2007(b)(1) of the occurrence of domestic violence, dating violence, sexual assault, or stalking. It is the resident or program participant's choice which one of the forms of documentation to submit. SNRHA will accept the following documentation:

1. "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation," Form HUD-5382.



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2. A document:
 - (A) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;
 - (B) Signed by the applicant or tenant; and
 - (C) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under 24 CFR § 5.2003; or
3. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
4. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

If the resident or program participant makes an emergency transfer request, but does not submit acceptable documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, SNRHA will send a written request for acceptable documentation. The resident or program participant will have 14 business days from the date of receipt to submit the requested documentation. Though residents and program participants may choose which form of documentation to submit, written requests for documentation shall include a copy of “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation,” Form HUD-5382. Upon request, staff must grant the resident or program participant an extension of 10 business days.

If SNRHA receives documentation under this section that contains conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), SNRHA may require an resident or program participant to submit third-party documentation, as described in (2), (3), and (4) above, within 30 calendar days of the date of the request for the third-party documentation.

1. If the resident or program participant does not provide one of the forms of documentation listed above within 14 business days after the date that the resident receives a request in writing for such documentation and any extension thereto or within 30 calendar days after the resident receives a request in writing for such third-party documentation in the event of conflicting information and any extension thereto, the resident or program participant may not receive the requested VAWA protections/remedies. However, a failure to provide the requested documentation does not preclude the resident or program participant from renewing their request for an



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emergency transfer at a later date, provided that they submit any required documentation.

2. Upon receipt of one of these forms of documentation enumerated above, SNRHA employees are prohibited from conducting further fact finding for the purpose of trying to verify the validity of a resident or participant's victim status. SNRHA may only request additional documentation if there is conflicting information (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator).

E. CONFIDENTIALITY

SNRHA will keep confidential any information that the resident or program participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the resident or program participant gives SNRHA 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 resident or program participant, 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 SNRHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Any information submitted to SNRHA pursuant to a VAWA-related request, including the fact that an individual is a victim of domestic violence, dating violence, sexual assault, or stalking, shall be maintained in confidence by SNRHA and its employees, and may not be entered into any shared database or disclosed to any other entity or individual, except to the extent that the disclosure is—

- (A) requested or consented to by the individual in writing;
- (B) required for use in an eviction proceeding under subsection (b); or
- (C) otherwise required by applicable law.

SNRHA shall not allow any individual administering assistance on behalf of SNRHA or any persons within their employ (e.g., contractors) or in the employ of SNRHA to have access to confidential information unless explicitly authorized by the covered housing provider for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

VAWA does not replace any federal, state or local laws that provide greater protection for victims of domestic violence, dating violence, sexual assault, or stalking.



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F. PROCESSING OF EMERGENCY TRANSFER REQUEST

SNRHA shall respond to emergency transfer requests within one (1) business day of the resident or program participant request.

If the resident or program participant did not submit a written emergency transfer request that meets the criteria in Section C above and/or provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking that meets the criteria listed in Section D above, SNRHA will send out a written request within one (1) business day to the resident or program participant requesting they submit a written emergency transfer request and/or documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. The letter shall explain what is needed to process the emergency transfer request and provide the requestor with a copy of this Emergency Transfer Plan and, as applicable, with a copy of Form HUD-5383, “Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking” and/or of “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation,” Form HUD-5382 . It is the resident or program participant’s discretion which one of the forms of documentation to submit. The letter shall state that the requestor has 14 business days from receipt of SNRHA’s written request to submit the requested documentation. SNRHA shall extend the 14-business day deadline by 10 business days, if requested by the resident or program participant.

Upon receipt of one of these forms of documentation enumerated in Section D, SNRHA employees are prohibited from conducting further fact finding for the purpose of trying to verify the validity of an applicant, tenant, or participant’s victim status. SNRHA may only request additional documentation if there is conflicting information (i.e. two or more members of the same household submit conflicting documentation each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator). SNRHA must provide 30 days to provide additional documentation if such circumstances arise.

Management of the Department (Housing Programs Director, Director of Operations, Deputy Director of Operations, Director of Affordable Housing, Deputy Director of Affordable Housing) or SNRHA employee(s) designated by SNRHA shall make a determination regarding the VAWA emergency transfer request within one (1) business day of receipt of all required documentation. SNRHA shall inform the tenant or program participant in writing of the current availability of units to which SNRHA can transfer them if they are seeking an internal emergency transfer.

If SNRHA has no safe and available units, or the tenant or program participant is seeking an external transfer, SNRHA shall provide the tenant or program participant a written list of housing providers in the community for which the SNRHA has partnered to serve victims of domestic violence, dating violence, sexual assault, and stalking.

If applicable, SNRHA shall inform the resident or program participant in writing of any ability to give the resident or program participant priority on any waitlist.

Residents who currently reside in PBV/RAD units may be eligible for an HCV Mobility Voucher if available upon providing any one of the forms of documentation enumerated in Section D above.



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G. EMERGENCY TRANSFER TIMING AND AVAILABILITY

While SNRHA will respond to emergency transfer requests as outlined in section F, SNRHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. SNRHA will, however, act as quickly as possible to move a resident or program participant 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 resident or program participant reasonably believes a proposed transfer would not be safe, the resident or program participant may request a transfer to a different unit. A resident or program participant does not waive their right to an emergency transfer if they decline an offered unit because they do not believe that it is safe or for any disability-related reason, or for other good cause. Good cause may include, but is not limited to, financial hardship, hardship related to obtaining transportation to work, school, medical appointments, and/or childcare; disruptions to a child's education, and any reason that may be a result of the resident or program participant's status as a survivor of domestic violence, dating violence, sexual assault, or stalking. SNRHA will continue to fulfill its obligations to locate a safe unit for the resident or program participant pursuant to this Emergency Transfer Plan in such circumstances. However, if a resident or program participant declines a unit for a reason other than safety, disability, or good cause, SNRHA is not required to continue offering that resident or program participant additional units for that request. The resident or program participant may renew their request for an emergency transfer at any time, and there is no limitation on how many times a resident or program participant may request an VAWA emergency transfer, nor how many units a tenant may decline due to safety or disability-related reasons or good cause.

If a unit is available, the transferred resident or program participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant or program participant has been transferred. SNRHA may be unable to transfer a resident or program participant to a particular unit if the resident or program participant has not or cannot establish eligibility for that unit.

H. SAFETY AND SECURITY OF RESIDENTS AND PROGRAM PARTICIPANTS

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

Residents or program participants 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).

Residents or program participants 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/>.

Residents or program participants 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.victimsofcrims.org/our-programs/stalking-resource-center>.



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Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.