



Southern Nevada Regional Housing Authority

APPENDIX H EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING (HOUSING CHOICE VOUCHER PROGRAM)

A. INTRODUCTION

The Southern Nevada Regional Housing Authority 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 program participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the program participant'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 program participants currently receiving assistance, however, depends upon a preliminary determination that the 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 program participant for temporary or more permanent occupancy.

This plan identifies 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 program participants on safety and security and applies to Housing Choice Voucher program participants. 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 TRANSFERS

A 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 program participant reasonably believes that there is a threat of imminent harm from further violence if the program participant remains within the same unit. If the program participant is a victim of sexual assault, the program 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 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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Program participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

C. EMERGENCY TRANSFER REQUEST (ETR) DOCUMENTATION

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

1. 24 CFR § 5.2007(b)(1).

In response to SNRHA's written request, programs participants may submit, as documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, any one of the following forms of documentation, where it is at your discretion which one of the following forms of documentation to submit:

- (i) The certification form described in 24 CFR § 5.2005(a)(1)(ii); or
- (ii) 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
- (iii) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (iv) At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

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



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described in paragraphs (b)(1)(ii), (b)(1)(iii), or (b)(1)(iv) of 24 CFR § 5.2007, within 30 calendar days of the date of the request for the third-party documentation.

2. 34 USC § 12491(c)

In response to SNRHA's written request, programs participants may submit to SNRHA as documentation any form of documentation described in paragraph (3).

(3) Form of documentation

A form of documentation described in this paragraph is—

- (A) a certification form approved by the appropriate agency that—
 - (i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;
 - (ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and
 - (iii) includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide;
- (B) a document that—
 - (i) is signed by—
 - (I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of the abuse; and
 - (II) the applicant or tenant; and
 - (III) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);
- (C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or



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- (D) at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.
3. 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 program participant receives a request in writing for such documentation and any extension thereto, the request is canceled and the program participant does not receive VAWA protections/remedies.
 4. **Upon receipt of one of these forms of documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1), SNRHA employees are prohibited from conducting further fact finding for the purpose of trying to verify the validity of a program 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).**
 5. If the documentation provided by the program participant contains conflicting information, SNRHA may require the resident or program participant to provide third party documentation. The resident or program participant will have 30 calendar days from the date of SNRHA's written request to submit the third-party documentation. The program participant shall have 30 calendar days to submit the third-party documentation.
 6. In addition to establishing eligibility for protections, residents and program participants seeking ETRs under VAWA must also complete Form HUD-5383, where they will document the following:
 - a. The program participant is expressly requesting the transfer; and
 - b. The program participant reasonably believes there is a threat of imminent harm from further violence if the program participant remains within the same dwelling unit that the program participant is currently occupying under SNRHA's program; or
 - c. If the program participant was the victim of sexual assault, either the program participant reasonably believes there is a threat of imminent harm from further violence, or the sexual assault occurred on the premises during the 90- calendar-day period preceding the date of the request for transfer.



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D. 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 tenant 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.

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 at 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 employee (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.

E. PROCESSING OF EMERGENCY TRANSFER REQUEST

SNRHA shall respond to emergency transfer requests within one (1) business day of the program participant request. If the resident or program participant did not provide documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1) of the occurrence of domestic violence, dating violence, sexual assault, or stalking at the time of the request, SNRHA will send out a written request within one (1) business day to the program participant requiring the program participant provide documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1) within 14 business days from SNRHA's written request. It is the program participant's discretion which one of the forms of documentation to submit. SNRHA shall extend the 14-business day deadline by 10 business days, if requested by the program participant.

Upon receipt of one of these forms of documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1), SNRHA employees are prohibited from conducting further fact finding for the purpose of trying to verify the validity of a program participant's victim status.



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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 documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1). SNRHA shall inform the program participant in writing that an appointment is scheduled at the earliest available time for SNRHA and the program participant to issue the new voucher with which the program participant can conduct a housing search, or issue a new voucher with which the program participant can port, if requested. SNRHA will approve the program participant's request regardless of whether the receiving Public Housing Authority absorbs or bills. Programs participants seeking an emergency transfer under VAWA are exempt from the requirement that they have had a domicile in SNRHA's jurisdiction for at least twelve (12) months to be eligibility for portability.

If SNRHA program participant is seeking an external transfer, SNRHA shall provide the 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.

F. EMERGENCY TRANSFER TIMING AND AVAILABILITY

While SNRHA will respond to emergency transfer requests as outlined in section E, 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 program participant or issue a new voucher, 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 program participant reasonably believes a proposed transfer would not be safe, the program participant may request a transfer to a different unit. A 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. SNRHA will continue to fulfill its obligations to locate a safe unit for the program participant pursuant to this Emergency Transfer Plan. If a program participant declines a unit for a reason other than safety or disability, SNRHA is not required to continue offering that program participant additional units. There is no limitation on how many times a program participant may request an VAWA emergency transfer, nor how many units a program participant may decline due to safety or disability-related reasons.

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

If SNRHA has no safe and available units, for which a program participant who needs an emergency is eligible, SNRHA will assist the participant in identifying other housing providers who may have safe and available units to which the resident or participant could move by providing the resident or program participant with a written list of housing providers in the community for which SNRHA has partnered to serve victims of domestic violence, dating violence, sexual assault, and stalking.



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

Program participants who currently reside in PBV/RAD properties may be eligible for an HCV Mobility Voucher if available upon providing any one of the forms of documentation enumerated at 34 USC § 12491(c) and 24 CFR § 5.2007(b)(1).

G. SAFETY AND SECURITY OF RESIDENTS AND PROGRAM PARTICIPANTS

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

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).

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/>.

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>.

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