



VAWA

VIOLENCE AGAINST WOMEN ACT

Emergency Transfer Plan



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Gainesville Housing Authority

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

Emergency Transfers

Gainesville Housing Authority (GHA) is concerned about the safety of its residents, and such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the *Violence Against Women Act* (VAWA),¹ GHA allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the resident'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 GHA to honor such request for residents currently receiving assistance, however, may depend upon a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether GHA has another dwelling unit that is available and is safe to offer the resident for temporary or more permanent occupancy.

This plan identifies residents who are:

1. eligible for an emergency transfer,
2. the documentation needed to request an emergency transfer,
3. confidentiality protections,
4. how an emergency transfer may occur, and
5. guidance to residents 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 Gainesville Housing Authority is in compliance with VAWA.

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.

Eligibility for Emergency Transfers

A resident 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 reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit. If the resident is a victim of sexual assault, the resident 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 requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
- Residents who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

NOTE: According to HUD's regulation 24 CFR part 5, subpart L a victim of the following:

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors:

- *The length of the relationship*
- *The type of relationship*
- *The frequency of interaction between the persons involved in the relationship*

Sexual assault means any nonconsensual sexual act proscribed by federal, tribal, or state law, including when the victim lacks the capacity to consent.

Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional distress.

Emergency Transfer Request Documentation

To request an emergency transfer, the resident shall notify GHA's management office and submit a written request for a transfer to **GHA Administrative Office, c/o Deputy Director, 1900 SE 4th Street, Gainesville, Florida 32614**. GHA will provide reasonable accommodations to this policy for individuals with disabilities. The resident's written request for an emergency transfer should include either:

1. A statement expressing that the resident reasonably believes that there is a threat of imminent harm from further violence if the resident were to remain in the same dwelling unit assisted under GHA's program; **OR**
2. A statement that the resident was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the residents request for an emergency transfer; **AND**
3. Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and alternate documentation form must be completed. (**Refer to Form HUD-5382**)

Confidentiality

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

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

GHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. GHA will, however, act as quickly as possible to move a resident 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 reasonably believes a proposed transfer would not be safe, the resident may request a transfer to a different unit. If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit to which the resident has been transferred. GHA may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit.

If GHA has no safe and available units for which a resident who needs an emergency is eligible, GHA will assist the resident in identifying other housing providers who may have safe and

available units to which the resident could move. At the residents request, GHA will also assist residents 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 Residents

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

Residents 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 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 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>.

Residents who are or have been victims of domestic violence may contact the local shelter Peaceful Paths at 352-377-8258, or visit online at <http://www.peachefulpaths.org/contact-us/>.

Residents who are or have been victims of domestic violence, dating violence, sexual assault, or stalking may contact the Gainesville Police Department (GPD) – Victims Outreach Office at 352-393-7691, or visit online at <http://www.gainesvillepd.org/Virtual-Front-Desk/Online-Services/Victim-Outreach>.