

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

The Housing Authority of the County of Kern (The Authority for purposes of this plan) is concerned about the safety of its tenants and participants, and such concern extends to those who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ The Authority allows tenants and participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from their 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 The Authority to honor such request for those currently receiving assistance, however, may depend upon a preliminary determination that the tenant or participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether The Authority has another dwelling unit that is available and is safe to offer the tenant or participant for temporary or more permanent occupancy.

This plan identifies those 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 tenants or participants 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 **The Housing Authority of the County of Kern** is in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant or 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: they reasonably believe that there is a threat of imminent harm from further violence if they remain within the same unit. If the tenant or participant is a victim of sexual assault, they 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 or participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants or participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

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.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant or participant shall start by notifying The Authority's management office of the need to request the emergency transfer by completing the Emergency Transfer Request Form (HUD Form 5383). The management office will provide the tenant or participant with information in writing requesting required documentation. The Tenant or 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** – by providing to The Authority or to the requesting Section 8 owner or manager a written certification, on a form approved by the U.S. Department of Housing and Urban Development (HUD Form 5382):
 - i. That the individual is a victim of domestic violence, dating violence, sexual assault or stalking;
 - ii. That the incident or incidents in question are bona fide incidents of actual or threatened abuse meeting the requirements of the applicable definitions set forth in this policy;
 - iii. Includes the name of the perpetrator, if the name is known to the tenant or applicant and safe to provide.
2. **Other Documentation**- In lieu of the certification form or in addition to the certification form The Authority may accept documentation signed by both:
 - i. 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
 - ii. The applicant or tenant

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.
3. **Police or Court Record**- by providing to The Authority or to the requesting Section 8 owner or manager a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.
4. A statement or other evidence provided by an applicant or tenant.

The tenant or participant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant or participant reasonably believes that there is a threat of imminent harm from further violence if they were to remain in the same dwelling unit assisted under The Authority'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.

The Authority will provide reasonable accommodations to this policy for individuals with disabilities.

Confidentiality

The 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 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 Authority'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

The Authority cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The Authority will, however, act as quickly as possible to move a tenant or 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. In the case that there are no available units immediately available victims of domestic violence, dating violence, sexual assault, or stalking will be given the highest priority on any waiting list for housing assistance.

Emergency transfers may be defined as an internal transfer or as an external transfer depending on the circumstances surrounding the request. Tenants or Participants can seek both internal and external emergency transfers simultaneously if a safe unit is not immediately available. Each type of transfer is defined below:

- Internal Emergency Transfers: Internal emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process (24 CFR Part 5.2005).
- External Emergency Transfers: External emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is the tenant must undergo an application process in order to reside in the new unit (24 CFR Part 5.2005).

Participants receiving project based rental assistance or tenant based rental assistance no longer have to give notice to The Authority prior to leaving the assisted unit if they are leaving because a member of the family is the victim of a VAWA crime and the move is needed to protect the health and safety of a family member. (24 CFR 983.261)

If a tenant or participant reasonably believes a proposed transfer would not be safe, they may request a transfer to a different unit. If a unit is available, the transferred

tenant or participant must agree to abide by the terms and conditions that govern occupancy in the unit to which they have been transferred. The Authority may be unable to transfer a tenant or participant to a particular unit if they have not or cannot establish eligibility for that unit. If The Authority has no safe and available units for which a tenant or participant is eligible, The Authority will assist the tenant or participant in identifying other housing providers who may have safe and available units to which they could move. At the tenant or participant's request, The Authority will also assist them 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 or participant is urged to take all reasonable precautions to be safe. Tenants or 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). Tenants or 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/>. Tenants or 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.victimsofcrime.org/our-programs/stalking-resource-center>.

Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking are listed below:

- Alliance Against Family Violence and Sexual Assault
1921 19th Street, Bakersfield, CA 93301
(661) 327-1091
- Women's Center High Desert
134 S. China Lake Boulevard, Ridgecrest, CA 93555
(760) 375-7525
- Alpha House
P.O. Box 712 Taft, CA 93268
(661) 763-4357 (HELP)

Record Retention

The Authority must keep a record of all emergency transfers requested under this plan, and the outcomes of said requests. This documentation must be retained for a period of three years.