

**EXHIBIT 16-3: EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE,  
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING  
(HCV VERSION)**

Attachment: Certification form HUD-5382

**Newton Housing Authority**

**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or  
Stalking  
Housing Choice Voucher Program**

**Introduction**

The Newton Housing Authority (NHA) 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 of 1994, as amended (“VAWA”), the NHA allows any tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. VAWA protections are not limited to women and are available regardless of age or actual or perceived sexual orientation, gender identity, sex, or marital status. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex (including perceived or actual sexual orientation or gender identity), familial status, disability, or age. HUD-assisted and HUD-insured housing must also be made available to all otherwise eligible individuals and families regardless of age, or actual or perceived gender identity, sexual orientation, or marital status.

This plan identifies tenants 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 regarding safety and security. The plan is based on Federal regulations at 24 Code of Federal Regulations (CFR) part 5, subpart L, related program regulations, and the model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that the NHA is in compliance with VAWA.

**Definitions**

- **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. [i.e. Transfer to a Public Housing Unit]
- **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. [i.e. Transfer to another Housing Unit assisted with a Housing Choice Voucher]
- **Safe unit** refers to a unit that the victim of VAWA violence/abuse believes is safe.

- **VAWA violence/abuse** means an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR 5.2003 and “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking” (Form HUD-5382).

### **Eligibility for Emergency Transfers**

A tenant may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and the NHA will provide a copy if requested. The NHA will ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

Tenant is eligible for an emergency transfer if:

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; AND
3. EITHER
  - a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; OR
  - b. If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

The NHA, in response to an emergency transfer request, will not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing will not impact their ability to request an emergency transfer under VAWA. Further, the NHA will waive requirements relating to initial lease terms of a year and any requirements that the family only relocate at certain periods.

However, VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. NHA may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.

### **Emergency Transfer Policies**

#### **A. Request**

#### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify the Newton Housing Authority main office at (617)-552-5501, or MassRelay 711. If the NHA does not already have documentation of the occurrence of

domestic violence, dating violence, sexual assault, or stalking, NHA may ask for this documentation in accordance with 24 CFR 5.2007. The tenant will be provided with 14 days to provide this information. Unless NHA receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), the NHA will not require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. NHA will provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer must include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or household member) stays in the same dwelling unit; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member) stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.

Form HUD-5383 may be used for making a written request for an emergency transfer.

#### **B. Time Frames for Approving or Denying Emergency Transfer Request**

The NHA will make a decision on your Emergency Transfer Request in as timely manner as possible but no longer than 14 days after receipt of the full request (request and documentation if applicable) by the NHA. There is an exception of conflicting documentation is provided in which case the NHA will provide the family with 30 days to provide additional documentation to address this conflicting documentation. In such cases the NHA will make the decision within 14 days of the receipt of additional information addressing the conflicting documentation.

#### **C. Timeframe for Placement in Safe Unit**

Under the HCV Program ETP, a family approved will receive the next available voucher to move and in most cases this will be immediate. However, the tenant selects the unit. Thus, the family will select units they determine to be safe. The NHA cannot specify how long it will take from the time a transfer request is approved until the tenant can be placed in a new, safe unit. The NHA will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. The NHA will assign a staff person to assist the requestor with timely processing of all items through the NHA including an expedited inspection where possible.

The NHA may be unable to transfer a tenant and their household to a particular unit if the tenant and their household has not established or cannot establish eligibility for that unit (i.e. housing for elderly disabled families).

If the tenant, with the support of the NHA, cannot locate any safe and available units, the NHA will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move (See External Transfers Below). At the tenant's request, the NHA will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan (See Referral to Community Partners Below).

**D. Internal transfers when a safe unit is immediately available:**

**Policies and Procedures for Assisting Tenants with Housing Choice Vouchers Who Qualify for an Emergency Transfer to Move Quickly with that Assistance**

Tenant-based assistance: If you are a participant in the tenant-based HCV program and request an emergency transfer as described in this plan, the NHA will assist you to move to a safe unit quickly using your existing voucher assistance. The NHA will make exceptions to program regulations restricting moves as required and will provide you with a list of units known to be available by the NHA. In Emergency Transfer cases the NHA assigns a staff member to make sure your inspection and move is processed quickly. At your request, the NHA will refer you to organizations that may be able to further assist you.

**E. Internal transfers when a safe unit is not immediately available:**

For HCV Transfers you will be provided with the next available voucher. If a safe unit is not immediately available, the NHA will assist you to locate temporary support or emergency assistance such as local Domestic Violence shelters and advocacy groups known to the NHA. The NHA will consider you, “continuously assisted” if you need to temporarily relocate from your assisted unit because a “safe unit” is not immediately available. For PBV Transfers, you may request an emergency transfer under the following programs for which you are not required to apply:

- Tenant-based voucher, if available
- Project-based assistance in the same project (if a vacant unit is available and you determine that the vacant unit is safe)
- Project-based assistance in another development owned by the PHA

Emergency transfers under VAWA will take priority over waiting list admissions for these types of assistance.

**F. External transfers:**

You may also request an emergency transfer under the following programs for which you are required to apply:

- PBV assistance in another development not managed by the NHA.
- Public Housing

Emergency transfers will not take priority over waiting list admissions for these programs, unless the Housing Authority has created a preference for VAWA Transfers or Domestic Violence, Dating Violence Sexual Assault or Stalking overall (You may need to be required to submit additional information beyond Emergency Transfer Documentation for those VAWA Wait List preferences). At your request, the NHA will refer you to organizations that may be able to further assist you.

**G. Referrals to Community Partners**

As stated above the NHA will make referral to other agencies to assist the family. See below for a list of community partners.

1. BARCC (Boston Area Rape Crisis Center), 99 Bishop Allen Drive, Cambridge, MA, 02139. Contact (617) 492-8306, hotline (800) 841-8371 or visit <https://barcc.org/>
2. Casa Myrna, 451 Blue Hill Ave, Boston, MA 02121. Contact (617) 521-0100, for the legal helpline: (617) 521-0146 or visit <https://casamyrna.org/>
3. Children’s Charter, 2000 West Park Dr., Westborough, MA 01581. Contact (781) 894-4307 or visit <https://www.key.org/>.
4. Journey to Safety at Jewish Family & Children’s Services, 1430 Main St, Waltham, MA 02451. Contact (781) 647-5327 or visit <https://www.jfcsboston.org/Our-Services/Center-for-Basic-Needs-Assistance/Journey-to-Safety-Response-to-Domestic-Abuse>
5. Reach Beyond Domestic Violence, PO Box 540024, Waltham, MA 02454. Contact (781) 891-0724, hotline: (800) 899-4000, or visit <https://reachma.org/>
6. The Second Step, Inc., PO Box 600213, Newtonville, MA 02460. Contact (617) 965-3999, or visit <https://thesecondstep.org/>

## **I. VAWA Victims Seeking External Transfers into the NHA’s HCV Program**

The NHA’s HCV program does not have a preference for victims of domestic violence, dating violence, sexual assault, and stalking. However, the state programs administered by the NHA through Common Housing Application for Massachusetts Programs (CHAMP) in many instances have emergency preference that will cover VAWA abuse. The NHA can direct and applicant to the CHAMP application site.

## **II. Confidentiality**

If a tenant inquires about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections the NHA must keep any information they provide concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member’s status as a victim strictly confidential. This information will be securely and separately kept from tenant files. All the information provided by or on behalf of the tenant to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as “Confidential Information”) may only be accessed by NHA employees or contractors if explicitly authorized by the NHA for reasons that specifically call for those individuals to have access to that information under applicable Federal, State, or local law.

Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

- Written permission by the victim in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance; or otherwise required by applicable law.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse. Accordingly, the NHA 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 NHA 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 or persons that committed an act 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 NHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

### **Making the Emergency Transfer Plan Available**

The NHA will post the Emergency Transfer Plan at the Development Office and on the NHA website. Families are notified of the availability variability of language interpretation upon request. Further the VAWA Notice and Certification forms are available in multiple languages. Information is available in alternate format upon request.

### **Safety and Security of Tenants**

When NHA receives any inquiry or request regarding an emergency transfer, NHA will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, tenants are not required to receive guidance or assistance from a victim service provider.

For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>.

This information is available in alternative format upon request.