

## **The City of Dayton Housing Authority**

### **EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING**

The City of Dayton Housing Authority (DHA) 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 DHA 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 DHA’s Public Housing and Housing Choice Voucher programs 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.

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.

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 DHA must provide a copy if requested. The DHA may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

A 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 DHA, in response to an emergency transfer request, should 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 does not impact their ability to request an emergency transfer under VAWA.

### **Emergency Transfer Policies**

To request an emergency transfer, the tenant shall notify the DHA's management office and submit a written request for a transfer to the Authority's office located at 270 Railroad St., Dayton, TN. The DHA 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/participant reasonably believes that there is a threat of imminent harm from further violence if the resident/participant were to remain in the same dwelling unit assisted under the DHA'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.

### **Internal Transfers When a Safe Unit Is Immediately Available:**

When a safe and appropriate unit is immediately available within the same property or managed portfolio, The DHA will act promptly to facilitate an internal emergency transfer for eligible tenants under the Violence Against Women Act (VAWA).

#### **1. Timeframes for Approving or Denying an Emergency Transfer Request**

Once a complete and valid emergency transfer request has been received — and there is no conflicting or missing information — the DHA will review, process, and issue a decision within five (5) business days.

- If the request is approved and a safe unit is available, the transfer will be offered immediately and coordinated with the tenant.
- If the request is denied, the tenant will receive a written explanation of the decision along with information on how to appeal.

#### **2. Internal Transfer Options**

When safe units are available, transfer options may include:

- A comparable unit in another building within the same development that does not compromise the safety of the tenant.
- A unit in a different section of the same property that is not easily accessible to the perpetrator.
- Units that meet the tenant's program eligibility and household size requirements.

All efforts will be made to match the household's needs while maintaining confidentiality and avoiding any transfer to a unit that may put the tenant at continued risk.

The exact location of the victim's new unit will not be disclosed to any unauthorized parties, including other residents or non-essential staff.

### 3. Priority Status Relative to Other Transfer Requests

Emergency transfers related to domestic violence, dating violence, sexual assault, or stalking will receive top priority over all non-emergency transfer requests. Specifically, this includes transfers due to:

- Over/under-housed conditions
- Reasonable accommodations unrelated to personal safety
- Voluntary or preference-based moves

If multiple emergency transfer requests are received at the same time, they will be prioritized in the following order:

1. Requests involving immediate and documented risk of harm.
2. Victims of recent sexual assault occurring on the premises (within 90 days).
3. Date and time of the completed request.

The DHA remains committed to providing a safe, supportive, and confidential environment for all residents and will take all reasonable steps to assist tenants in securing safe housing under VAWA protections.

### **Internal Transfers When a Safe Unit Is Not Immediately Available**

In cases where a safe and appropriate internal unit is not immediately available, the DHA will take the following steps to ensure the tenant's request is addressed promptly, confidentially, and in accordance with VAWA protections:

#### 1. Timeframes for Approving or Denying an Emergency Transfer Request

Once a complete and valid emergency transfer request has been received, and in the absence of any conflicting or missing information, the DHA will:

- Review and make a determination within five (5) business days.
- If the request is approved, but a safe unit is not immediately available, the tenant will be notified of their approved status and placed on an internal emergency transfer waitlist.
- If the request is denied, the tenant will receive a written notice of denial within the same five (5) business day period, along with information on the appeals or grievance process.

#### 2. Internal Transfer Options

If a safe unit is not currently available, the DHA will:

- Monitor internal unit turnover regularly to identify the earliest opportunity for a safe transfer.
- Offer available units that do not place the tenant at continued risk — this may include units located in different buildings, floors, or areas of the property, as long as they align with household size, accessibility needs, and program eligibility.

Note: The location of the tenant's requested or future unit will not be disclosed to any other tenants or unauthorized individuals to protect their safety and confidentiality.

### 3. Priority Status Relative to Other Transfer Requests

Emergency transfer requests from tenants who are victims of domestic violence, dating violence, sexual assault, or stalking will be given priority placement above all non-emergency transfer requests, including:

- Over/under-housed transfers
- Requests for convenience
- Requests for medical accommodations unrelated to safety

When multiple emergency transfer requests exist, the DHA will prioritize them using the following criteria:

1. Documented cases where the tenant is at imminent risk of harm.
2. Tenants who experienced recent sexual assault on the premises (within the past 90 days).
3. Date and time of receipt of a completed transfer request.

#### 4. Continued Support

While waiting for a unit to become available, the DHA will:

- Maintain regular contact with the tenant to update them on their transfer status.
- Offer referrals to local victim service providers, legal aid, or temporary shelter resources as needed.
- Take reasonable steps to minimize the risk to the tenant while they remain in their current unit (e.g., adjusting access permissions, offering lock changes, or safety planning referrals).

### External Transfers

When a safe internal unit is not available, the DHA will support tenants who are eligible under the Violence Against Women Act (VAWA) in obtaining an external emergency transfer to another property, including those managed by other Covered Housing Providers, or to a private market unit using Housing Choice Vouchers or other tenant-based rental assistance.

#### 1. The DHA's Role in Facilitating External Emergency Transfers

The DHA is committed to working proactively to assist eligible tenants in locating and securing a safe external unit. In these cases, the DHA will:

- Coordinate with other CHPs to explore available units that are safe and appropriate for the household.
- Provide tenants with referrals to local affordable housing providers and supportive housing programs.
- Offer guidance and support with completing transfer applications for outside programs or properties.
- Ensure that emergency transfer requests are processed without delay, and with full confidentiality.

#### 2. Transfer Agreements with Other CHPs

If no transfer agreements are in place, DHA will still assist tenants by:

- Providing housing listings of VAWA-compliant properties.
- Contacting CHPs directly to advocate on the tenant's behalf.
- Referring the tenant to appropriate legal or housing advocacy organizations for further assistance.

#### 3. Referrals to Community Partners and Housing Options

DHA collaborates with community partners to ensure victims of violence have access to:

- Domestic violence shelters and transitional housing providers.
- Victim advocacy services.
- Rapid rehousing programs and affordable housing developments.

A current list of trusted partners will be made available upon request and regularly updated in our resource materials.

#### 4. Timeframes for Approving or Denying an Emergency Transfer Request

Once a full and valid emergency transfer request has been received (with no conflicting or missing information), DHA will:

- Review and issue a decision within five (5) business days.
- If the request is approved and an external transfer is pursued, staff will initiate the referral process immediately and support the tenant throughout the application and relocation process.
- If the request is denied, the tenant will be notified in writing within the same timeframe and provided with appeal rights.

#### 5. Housing Choice Vouchers and Tenant-Based Assistance Transfers

For tenants using Housing Choice Vouchers (HCV) or other tenant-based rental assistance who qualify for a VAWA emergency transfer:

- DHA will expedite portability procedures if the tenant wishes to move to another jurisdiction.
- DHA will assist with issuing a new voucher as quickly as possible, typically within ten (10) business days, barring any verification delays.
- HCV participants will receive priority scheduling for briefings and voucher issuance.
- Housing inspection will use expedited inspection scheduling where feasible.

If the tenant is seeking to move within the DHA jurisdiction, their transfer will be treated as an emergency move and prioritized above routine port-outs or voluntary relocations.

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

To request an emergency transfer, the tenant shall notify for Public Housing, Pamela Riddle and for HCV, Toshia Cox at P.O. Box 257, Dayton, TN 37321 or 423-775-1871. If the DHA does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, the DHA may ask for this documentation in accordance with 24 CFR 5.2007. Unless the DHA receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), the DHA cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. The DHA will provide reasonable accommodations to this policy for individuals with disabilities.

#### **IF DHA REQUIRES A WRITTEN REQUEST FOR AN EMERGENCY TRANSFER**

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.

#### **Priority for Transfers**

Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists. The DHA will give priority to VAWA transfer requests over applicants listed on the waiting list.

## 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 DHA 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 should 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 the DHA employees or contractors if explicitly authorized by the DHA 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.

## Emergency Transfer Procedure

The DHA 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 DHA will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If the DHA identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. The DHA 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.

If the DHA does not have any safe and available units for which the tenant is eligible, the DHA will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the DHA will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

## Making the Emergency Transfer Plan Available

The DHA will provide all applicants a copy of VAWA 5381 via our web site and whenever the applicant/participant/resident may request a copy of our VAWA policy.

## Safety and Security of Tenants

When the DHA receives any inquiry or request regarding an emergency transfer, the DHA 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>.

You may also contact the National Domestic Violence Hotline 1-800-799-7233, National Sexual Assault Hotline at 800-656-HOPE or visit online at <https://ohl.rainn.org/online/>.

Public reporting burden for this collection of information is estimated to range from four to eight hours per each covered housing provider's response, depending on the covered housing program. This includes the time to develop program and project-specific emergency transfer policies and develop contacts with local service providers. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. This is a model plan and covered housing providers in programs covered by VAWA may, at their discretion, use it to develop their own emergency transfer plans, as required under 24 CFR 5.2005(e). While HUD does not intend to collect emergency transfer plans, HUD may access these plans to ensure compliance with the regulations. A Federal agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.