

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

MaineHousing 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”), MaineHousing 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. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request 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 MaineHousing’s Housing Choice Voucher and Moderate Rehabilitation Program are 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 MaineHousing must provide a copy if requested. MaineHousing 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.

MaineHousing, 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

External Emergency Transfer for the Housing Choice Voucher Program

An external emergency transfer refers to an emergency relocation of a tenant to another unit where the tenant would be considered a new applicant, which means the tenant must undergo an application process to reside in the unit.

Requests for external emergency transfers will be processed in accordance with MaineHousing's Administrative Plan. MaineHousing will issue a voucher for the tenant requesting an emergency transfer under VAWA. In issuing the voucher, MaineHousing will review applicable policies in the Administrative Plan regarding moving with continued assistance and may make exceptions based on individual circumstances.

Requests involving more than one adult household member will be reviewed in accordance with the Family Break Up policy outlined in the Administrative Plan

Internal Emergency Transfer

MaineHousing does not own any units that would allow for internal transfer

Emergency Transfer Timing and Availability

MaineHousing cannot guarantee that an external or internal emergency transfer request will be approved or how long it will take to process a transfer request. MaineHousing will, however, act as quickly as possible to allow a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to move to another unit within the property, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been

transferred. MaineHousing may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

In the Project-Based Voucher Program, tenants who request an emergency transfer after the first year of occupancy may request a tenant-based voucher in accordance with MaineHousing's Housing Choice Voucher Administrative Plan. If the tenant has received PBV assistance for less than one year and is not eligible for continued assistance under the PBV regulations, MaineHousing will offer tenant-based rental assistance as an external emergency transfer under our existing VAWA obligations. The tenant will receive priority to receive the next available opportunity for a tenant-based voucher.

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

MaineHousing will connect the tenant to a Housing Navigator to assist with locating a unit as part of the emergency transfer request.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify MaineHousing by mail 26 Edison Drive Augusta Maine 04330 or by email section8hcv@mainehousing.org and submit a written request for a transfer within 30 days of the incident. If MaineHousing does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, MaineHousing may ask for this documentation in accordance with 24 CFR 5.2007, which states a tenant may satisfy the documentation request by providing any one of the following three forms of documentation:

1. A completed and signed HUD-approved certification form (HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking), which must include the name of the perpetrator only if the name of the perpetrator is safe to provide and is known to the victim.
2. A federal, state, tribal, territorial, or local police report or court record, or an administrative record.
3. Documentation signed by a person who has assisted the victim in addressing domestic violence, dating violence, sexual assault, stalking, human trafficking, or the effects of such abuse. This person may be an employee, agent, or volunteer of a victim service provider; an attorney; a mental health professional or a medical professional. The person signing the documentation must attest under penalty of perjury to the person's belief that the incidents in question are bona fide incidents of abuse. The victim must also sign the documentation.

All documentation must be provided by the tenant within fourteen (14) business days of the request for documentation from MaineHousing. Unless MaineHousing receives documentation that contains conflicting information, (including certification forms from two or more household members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, as described in 24 CFR 5.2007(b)(2)), MaineHousing cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. If a third-party request is made by MaineHousing, the tenant shall have 30 calendar days from the date of the request to provide the information. MaineHousing will provide reasonable accommodations to this

policy for individuals with disabilities, which may include the option to provide a request orally.

IF MAINEHOUSING 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.

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

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:

- If MaineHousing is operating under shortfall as determined by HUD, tenants who have requested emergency transfers will be given priority for the next available voucher.

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, MaineHousing 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 MaineHousing employees or contractors if explicitly authorized by MaineHousing 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.

If disclosure is required for use in an eviction proceeding or hearing regarding termination of assistance or is otherwise required by applicable law, MaineHousing will inform the victim before disclosure occurs so that safety risks can be identified and addressed.

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

MaineHousing 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. MaineHousing will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If MaineHousing identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. MaineHousing 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 MaineHousing does not have any safe and available units for which the tenant is eligible, MaineHousing 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, MaineHousing will also assist the tenant in contacting local organizations offering assistance to victims of VAWA violence/abuse.

Making the Emergency Transfer Plan Available

MaineHousing's Emergency Transfer Plan can be located www.mainehousing.org and can be provided upon request. The information will also be made available in alternative languages and accessible formats as requested or by visiting <https://www.hud.gov/vawa>.

Safety and Security of Tenants

When MaineHousing receives any inquiry or request regarding an emergency transfer, MaineHousing will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from Maine Domestic Abuse Hotline at 1-800-799-7233 or 1-800-787-3224 (TTY), or a local domestic violence shelter, listing available at www.mainehousing.org.

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

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.