

**Illinois Housing Development Authority (IHDA) Model Emergency Transfer Plan for
Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking
Note to Owners/Agents**

- This IHDA model Emergency Transfer Plan is based on the HUD-issued model but includes additional VAWA regulatory requirements and recommended provisions.
- Owner/Agent adoption of this IHDA-model plan is strongly recommended to facilitate appropriate compliance including but not limited to ensuring tenant qualification for said transfers.
- In cases where tenant eligibility under the plan is uncertain, the Owner/Agent should contact their designated MOR/Asset Manager or Tax Credit Compliance Officer for guidance.
- As of June 14, 2017, the following Attachments will be available at IHDA's website:
 - Attachment A: VAWA ETP Resource Guide – a list of Illinois organizations providing services for victims of Domestic Violence
 - Attachment B: VAWA ETP Housing Provider List – a list of Illinois assisted housing providers.

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

Emergency Transfers

[Owner/Agent (O/A)] 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 (VAWA),¹ **[O/A]** allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant'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 **[O/A]** to honor such requests for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether **O/A** has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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 to tenants 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 HUD-assisted properties are in compliance with VAWA. IHDA will assess VAWA compliance including but not limited to the Emergency Transfer Plan requirements during regular monitoring.

Eligibility for Emergency Transfers

A tenant 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 tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant 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 requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants 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 Owner / Agents 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 shall notify **[O/A – specify method for notification]** and submit a written request for a transfer to **[O/A – specify contact information]**. **[O/A]** will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

- A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under **[O/A]**'s program; OR
- 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.

Confidentiality

[O/A] will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives **[O/A]** written permission to release the information on a time limited basis, or unless 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 **[O/A'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

[O/A] cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. **[O/A]** will, however, act as quickly as possible to move a tenant 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 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. **[O/A]** may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If **[O/A]** has no safe and available units for which a tenant who needs an emergency is eligible, **[O/A]** will assist the tenant in identifying other Owner / Agents who may have safe and available units to which the tenant could move. At the tenant's request, **[O/A]** will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Emergency Transfers in Cases Where a Safe Unit Is Not Immediately Available

If the [O/A] does not have a safe unit immediately available for an internal emergency transfer, the victim will be placed on the Emergency Transfer Waitlist, if the [O/A] chooses to create/manage such a waitlist. Tenants on the Emergency Transfer Waitlist, if it exists, will take precedence over applicants on other property waitlists.

If [O/A] has no safe and available units for which an existing tenant who needs an emergency transfer is eligible, a tenant may also request an External Emergency Transfer. A tenant may choose to pursue both an Internal and an External Transfer at the same time.

[O/A] will take the following steps to assist the tenant with an external emergency transfer.

- [O/A] will provide the victim with a list of other HUD-assisted Owner/Agents under IHDA's jurisdiction including unit size, preferences and contact information.
- At the tenant's request, [O/A] will assist tenants in contacting one or more of those providers.
- [O/A] will assist in arrangements with the other provider to facilitate the move. In particular, IHDA or Owner / Agent will request the tenant's permission to share tenant files with the other provider. If the tenant provides written consent to do so, and any applicable confidentiality requirements are met, [O/A] will share documentation from the tenant's current file in order to expedite a tenant's new application process.

If [O/A] is contacted by another Owner / Agent, or tenant of another provider's housing seeking an Emergency Transfer, [O/A] will take the following steps:

- Give the transfer priority over other kinds of transfer, second only to the priority for internal transfers and accessible units described below.
- Expedite the application / screening process using any documentation from the tenant's existing file that the other provider is able to make available.

In all cases of both Internal and External Emergency Transfer, [O/A] will give the victim the names, addresses, and phone numbers of domestic advocacy organizations that stand ready to assist VAWA victims on an emergency basis to help them.

Priority of VAWA Emergency Transfers over Other Categories of Emergency Transfer

In general, [O/A] will prioritize needs of existing tenants over external transfers, and opportunities to maximize use of accessible units (see next section). The order for priority of VAWA Emergency Transfers will be as follows:

- First priority will go to Internal Emergency Transfers, including VAWA Emergency Transfers. Priority among VAWA Emergency Transfers and other non-VAWA Emergency Transfers will be evaluated on a case-by-case basis if such conflicts arise.

- Second priority will go to other Internal Transfers that are not emergencies.
- Third priority will go to External VAWA Emergency Transfers.

Accessible Units

In order to meet the requirements of HUD Section 504 to maximize use of accessible units by those who need accessibility features, **[O/A]** will apply the following order of priority for Accessible Units only:

- First priority will go to a current occupant of the property who needs the accessibility features of the vacant unit.
- Second priority will be to an eligible qualified individual on the waiting list who needs accessible features.
- Third priority will go to individuals without disabilities who need an emergency transfer under VAWA.

Policies for Tenants with Tenant Based Assistance

The measures and priorities covered under this Emergency Transfer Plan apply to households with tenant-based housing assistance in the same manner that they apply to other households covered by this plan. Under 24 CFR 982.353 and 354, PHAs must issue the victim a voucher allowing the victim to search for another unit in its jurisdiction, or begin the portability process if the victim wishes to move outside of the PHA's jurisdiction.

[O/A] will apply the same priorities for Emergency Transfer to place tenants with tenant-based vouchers as quickly as possible, and wherever possible, prior to the expiration of any deadlines for using the voucher that may be imposed by the PHA.

Safety and Security of Tenants

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