

Housing Authority of the City of Bangor Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

The Housing Authority of the City of Bangor (BangorHousing) 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”), BangorHousing 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 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 BangorHousing’s 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 BangorHousing must provide a copy if requested. BangorHousing 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.

BangorHousing, 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 BangorHousing’s management office and submit a written request for a transfer to BangorHousing. BangorHousing 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.

The statement and/or HUD-5383 form must be provided to BangorHousing at least 14 business days from the requested documentation of VAWA victim status.

A tenant requesting an emergency transfer who participates in a Voucher program would follow the same process outlined above.

Emergency Transfer Request Documentation

To request an emergency transfer, a tenant must notify their Property Manager or the Central Office by phone at 207-942-6365; by mail at 133 Davis Road, Bangor, ME 04401; or by accessing BangorHousing's website at www.bangorhousing.org. This Emergency Transfer Plan and VAWA forms are available at all 3 locations.

If BangorHousing does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, BangorHousing may ask for this documentation in accordance with its Admissions and Continuing Occupancy Policy ("ACOP") or Administrative Plan ("Admin Plan").

Unless BangorHousing receives documentation that contains conflicting information, as described in its ACOP or Admin Plan, BangorHousing cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility.

BangorHousing will provide reasonable accommodations for individuals with disabilities.

Internal transfers when a safe unit is immediately available

BangorHousing cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. BangorHousing 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. BangorHousing may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

Internal transfers when a safe unit is not immediately available

If BangorHousing has no safe and available units for which a tenant who needs an emergency transfer is eligible, BangorHousing will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. In this instance, BangorHousing may decide to offer the tenant a Voucher, including an Emergency Housing Voucher (“EHV”) in accordance Notice PIH 2021-15, if available. If an EHV is not available at the time, BangorHousing may place tenant on a waiting list for an EHV.

A tenant participating in a tenant-based assistance Voucher program who meets the requirements for an emergency transfer, may move. Such a request would be subject to the policies set forth in BangorHousing’s Section 8 Administrative Plan, including but not limited to its policies regarding family break up, moving, and portability.

A tenant participating in a project-based assistance Voucher program may request an emergency transfer. If the tenant has been living in the unit for a more than a year, BangorHousing may offer the tenant the following: 1. to allow the tenant to move to another unit at the same site, if available and if the tenant deems the unit safe; 2. a tenant-based assistance voucher, if available, or to be placed on a waiting list for a tenant-based assistance voucher and the tenant would have priority to receive the next available opportunity for tenant- based rental assistance; or 3. to place the tenant on the waiting list for public housing, if the tenant would otherwise qualify for public housing. If the tenant moves from the rental unit before tenant-based assistance is available, the tenant would nonetheless have priority to receive the next available opportunity for tenant-based assistance.

If, however, the tenant who requests an emergency transfer has been living in a unit with project-based assistance for less than a year, BangorHousing may offer the tenant following: 1. to allow the tenant to move to another unit at the same site, if available and if the tenant deems the unit safe; 2. a tenant-based assistance voucher, if available, or to be placed on a waiting list for a tenant-based assistance voucher; or 3. to place the tenant on the waiting list for public housing, if the tenant would otherwise qualify for public housing.

At the tenant’s request, BangorHousing will also assist tenants in contacting the local organizations offering aid to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

External transfers

Existing BangorHousing Tenants: BangorHousing currently does not have any transfer agreements with other housing agencies. Upon request, BangorHousing will help tenants to locate, obtain, and complete rental applications. BangorHousing will also help tenants contact local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking upon request.

External applicants: When an application is received from an external housing agency and the applicant is requesting a move due to an emergency transfer under VAWA, documentation either in the form of a written statement from the applicant or the HUD forms 5382 or 5383 need to accompany the request. Once a complete application and a determination of qualification to the property is made the applicant will be added to the waitlist under the preference of emergency transfer.

A participant in the HCV Program who meets the requirements for an emergency transfer may move. BangorHousing will provide assistance in contacting the appropriate entity to begin the process.

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

Priority for Transfers

Tenants who qualify for an emergency transfer under VAWA will be given first priority for a transfer over other categories of tenants seeking transfers and individuals seeking placement on waiting lists, in accordance with the ACOP.

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

This Emergency Transfer Plan and VAWA forms are available upon request at BangorHousing's Central Office by phone at 207-942-6365; by mail at 133 Davis Road, Bangor, ME 04401; or by accessing BangorHousing's website at www.bangorhousing.org.

If you require the VAWA forms to be translated into another language, please contact the above Administrative Office or you may find these forms on the HUD website at the link provided below
https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4

If you have a disability that requires a reasonable accommodation to allow you to equally benefit from VAWA protections (for example, giving more time to submit the required documents or assistance completing forms), contact BangorHousing by phone, mail, or email.

Safety and Security of Tenants

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

Tenants 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 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 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>.