

**PUBLIC HOUSING and COMMUNITY
DEVELOPMENT**

**EMERGENCY TRANSFER PLAN FOR
VICTIMS OF DOMESTIC VIOLENCE, DATING
VIOLENCE, SEXUAL ASSAULT, OR
STALKING FOR SECTION 8 PROGRAMS**

**ATTACHMENT D
OF THE
SECTION 8 ADMINISTRATIVE PLAN**

Effective: 06/14/2017

**EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING FOR SECTION 8 PROGRAMS
Attachment D of the Section 8 Administrative Plan**

Effective: 06/14/2017

**Emergency Transfer Plan for Victims of Domestic Violence,
Dating Violence, Sexual Assault, or Stalking for Section 8 Programs**

- 1) PHCD 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), PHCD 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.
- 2) Victims of domestic violence, dating violence, sexual assault, or stalking are eligible for protections regardless of sex, gender identity, gender expression, or actual or perceived sexual orientation. The ability of PHCD to honor such request 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.
- 3) A victim of domestic violence, dating violence, sexual assault, or stalking may move in violation of their lease if the move is required to protect their safety. PHCD may not terminate assistance if the family moves out of the unit with or without prior notification as required by 24 CFR §982.354, in violation of the lease in order to protect the health or safety of the victim, as the victim reasonably believed they were imminently threatened by harm from further violence if they remained in the dwelling unit and has otherwise complied with all other obligations under the program.
- 4) 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 PHCD is in compliance with VAWA.
- 5) Eligibility for Emergency Transfers
 - a) A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is eligible for an emergency transfer under the following conditions:
 - i. If the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit that the tenant is occupying; or
 - ii. 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.
 - b) A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
 - c) Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.
- 6) Emergency Transfer Request Documentation
 - a) To request an emergency transfer, the tenants shall notify and submit a written request for a transfer to the corresponding office as listed below:

**EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING FOR SECTION 8 PROGRAMS
Attachment D of the Section 8 Administrative Plan**

Effective: 06/14/2017

Program: Housing Choice Voucher Program
Office Address: Miami-Dade Housing Choice Voucher
7400 NW 19th Street, Bay H
Miami, FL 33126

Programs: Moderate Rehabilitation Rental Program, Project-Based Vouchers,
and HUD-Veterans Affairs Supporting Housing
Office Address: Section 8 Housing Choice Voucher
701 NW 1st Court
Miami, FL 33136

- b) The tenant's written request for an emergency transfer should include either:
- i. 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 PHCD's program; or
 - ii. If applicable, 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.
 - iii. For required documentation that a tenant is a victim of domestic violence, dating violence, sexual assault, and stalking, please refer to Section 2.14 of this Administrative Plan.

7) Confidentiality

- a) The information under the Certification of Domestic Violence, Dating Violence, Sexual Assault or Stalking and Alternate Documentation form will remain confidential and will be used by PHCD only to provide the victims with the exceptions and protections under VAWA.
- b) PHCD must ensure that private information of victims of domestic violence, dating violence, sexual assault or stalking is protected in accordance with VAWA requirements.
- c) PHCD and/or its designee will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives PHCD 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(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 form for more information about PHCD's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

8) Emergency Transfer Timing and Availability

- a) PHCD and/or its designee cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. PHCD and/or its designee will, however, act as quickly as possible to approve the move for a tenant who is a victim of domestic violence to another unit, subject to availability and safety of a unit. Below are specific details per program.

**EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING FOR SECTION 8 PROGRAMS
Attachment D of the Section 8 Administrative Plan**

Effective: 06/14/2017

- i. The Housing Choice Voucher (HCV) and HUD-Veterans Affairs Supporting Housing (VASH) Programs (tenant-based vouchers) provide the victim with the option to move to another unit either within or beyond PHCD's jurisdiction. PHCD and/or its designee will expedite the administrative processes for participants who wish to exercise either option, including when the victim and perpetrator are members of the same household.
- ii. The Project-Based Voucher (PBV) and Moderate Rehabilitation Programs (project-based assistance) are dependent on the availability of dwelling units for a tenant to receive a housing offer. If a unit is not readily available, PHCD will collaborate with owners and managers to review the existing inventory of units to determine when the next vacant unit may be available and will expedite the administrative process.

Note: Under the PBV program, if the victim has been living in a unit for at least 12 months, PHCD may offer the next available voucher, subject to funding availability.

- b) 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. PHCD may be unable to approve the transfer of a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.
- c) If PHCD has no safe and available units for which a tenant who needs an emergency is eligible, or in the case of Section 8 Housing Choice Voucher, if the tenant cannot find a suitable unit, PHCD will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, PHCD and/or its designee will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence that are provided with HUD form 5380.

9) Safety and Security of Tenants

- a) 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.
- b) 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).
- c) 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/>.
- d) 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>.
- e) Tenants who are or have been a victim of domestic violence, dating violence, sexual assault or stalking will be provided with HUD form 5380 that includes a list of local organizations offering assistance to victims of domestic violence.