

COUNTY OF



ALLEGHENY

SARA INNAMORATO
COUNTY EXECUTIVE

Allegheny County Continuum of Care Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

It is a fundamental responsibility of property owners and managers to protect tenants and prospective tenants from discrimination based on their status as a victim of domestic violence, sexual assault, dating violence, or stalking.

I. Emergency Transfers

In accordance with the Violence Against Women Act (VAWA), ¹ Allegheny County Department of Human Services (AC DHS) Office of Community Services (OCS) Continuum of Care (CoC) established and maintains this Emergency Transfer Plan for the benefit of tenants (Tenant) of all HUD and ESG-funded units, 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

This policy applies to all housing units funded or improved by HUD funds from DHS after 12/16/2016, and to the individuals and entities owning, managing, and administering those units, including owners, managers, agents, and consultants (hereafter referred to as Housing Providers) (this Policy or Plan).

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 and other guidance published by HUD, the Federal agency that oversees that AC DHS is in compliance with federal program regulations. AC DHS' compliance with federal program regulations depends on the active compliance of all Housing Providers. AC DHS relies on its Housing Providers in the field as agents of DHS in all VAWA related matters.

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.

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² Housing Providers may not discriminate based on any statutorily 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 eligible individuals regardless of actual or perceived sexual orientation, gender identity, marital status, or any other legally protected trait.

II. Notification of Rights under VAWA

As provided under 24 CFR 5.2005(a) each recipient or subrecipient that determines eligibility for or administers ESG rental assistance is responsible for ensuring that the notice and certification form described under 24 CFR 5.2005(a)(1) is provided to each applicant for ESG rental assistance and each program participant receiving ESG rental assistance at each of the following times:

- (1) When an individual or family is denied ESG rental assistance;
- (2) When an individual or family's application for a unit receiving project-based rental assistance is denied;
- (3) When a program participant begins receiving ESG rental assistance;
- (4) When a program participant is notified of termination of ESG rental assistance; and
- (5) When a program participant receives notification of eviction.

Housing Providers must complete [HUD Form 5380 and attach HUD Forms 5382 and 5383](#) and provide the applicant as part of the intake packet and keep within the applicant file. These forms will be reviewed as part of ongoing & annual monitoring.

III. 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:¹

- a. The tenant expressly requests the transfer; and
- b. Either -
 1. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit, or
 2. In the case of sexual assault, the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same unit that the tenant is currently occupying, or the sexual assault occurred on the premise during the 90-calendar day period preceding the date of the request for transfer.

Qualifying for an emergency transfer does not guarantee continued assistance under the aforementioned HUD-funded programs or an external transfer to another covered housing program unit, as emergency transfer requirements do not supersede any eligibility or

¹ 24 C.F.R. Section 5.2005(e)(2)

occupancy requirements. An external emergency transfer is further explained in Section VII hereof.

Tenants who are not in good standing with rental payments may still request an emergency transfer if they meet the eligibility requirements in this section.

A tenant may terminate their lease without penalty if it is determined that they do meet the conditions for an emergency transfer under this Plan.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in Section III of this Plan. AC DHS and covered Housing Providers will provide reasonable accommodations to this Policy for individuals with disabilities.

When a family receiving tenant-based rental assistance separates under 24 CFR 5.2009(a), the family's tenant-based rental assistance and utility assistance, if any, shall continue for the family member(s) who are not evicted or removed. If a family living in a unit receiving project-based rental assistance separates under 24 CFR 5.2009(a), the family member(s) who are not evicted or removed can remain in the assisted unit without interruption to the rental assistance or utility assistance provided for the unit.

Tenants may divide (bifurcate) leases in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking. If the tenant chooses to remove the abuser or perpetrator, the subrecipient may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, the subgrantee must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

IV. Emergency Transfer Request Documentation

To request an emergency transfer, a tenant shall submit a written request to their landlord's management office. The tenant's written request for an emergency transfer should include either:

1. 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 the Housing Provider'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.

This request will be made via [HUD Form 5383](#).

In addition, the tenant must submit one of the following forms of documentation to the Housing Provider within 14 business days of the tenant's submission of the emergency transfer request:

- A complete certification form ([HUD-5382](#));
- A record of a Federal, State, tribal, or territorial entity; a victim service provider; an attorney; a

medical professional; or a mental health professional (collectively, Professionals) from whom assistance relating to the assault or threat was sought; or

- Any other statement or evidence that the Housing Provider has agreed to accept.

The Housing Provider may, but is not required to, extend the time period to submit documentation, if the tenant requests an extension.

V. Confidentiality

Employees and agents of the Housing Provider shall keep all information a tenant provides related to the exercise of rights under VAWA confidential. Such details shall not be entered into any shared database. Employees of AC DHS and the Housing Provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to a tenant. Such employees may not disclose the information provided pursuant to the exercise of VAWA rights to any other entity or individual, except to the extent that disclosure is: (i) consented to by the tenant in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

Housing Providers shall maintain this information in a confidential and secure manner for a period of 5 years. After the 5-year period, Housing Providers will utilize proper disposal methods (shredding) so these records are rendered essentially unreadable, indecipherable, and otherwise cannot be reconstructed.

VI. Emergency Transfer Timing and Availability

The Housing Provider will make the determination regarding whether a tenant qualifies for an emergency transfer. The Housing Provider does not guarantee that a transfer request will be approved or how long it will take to process a transfer request. The Housing Provider will, however, act as quickly as possible to move a tenant who is an eligible victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability of a safe and habitable unit.

VAWA transfer requests made under this Policy are considered an emergency and are given priority over any non-emergency transfer requests within the Property.

VII. Internal Emergency Transfers

If a safe and habitable unit is immediately available within the same HUD-funded development or another HUD-funded development owned or operated by the same Housing Provider, the tenant must be permitted to transfer internally under the condition that the tenant agrees to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred.

A unit is "*immediately available*" where it is vacant and ready for move-in within a reasonable period of time. The tenant determines whether a unit is safe. If the tenant reasonably believes a proposed unit within the same development would not be a safe transfer, the tenant may request a different unit within the development or may request an external transfer. A Housing Provider may be unable to transfer a tenant to a particular unit if the tenant has not and cannot establish eligibility for that unit.

If a safe and habitable unit is not immediately available within the current HUD-funded development or another HUD-funded development owned or operated by the same Housing Provider, are to be prioritized for the next available unit for which they are eligible. Due to the emergency nature of the situation, these households should not be added to a wait list.

VIII. External Emergency Transfers

If the Housing Provider has no safe, habitable units available for an eligible tenant needing an emergency transfer, the Housing Provider will assist the tenant in identifying other Housing Providers who may have available units where the tenant could move. At a minimum, the Housing Provider will provide the tenant with information on how to access the [Housing Authority of the City of Pittsburgh](#) (HACP), [Allegheny County Housing Authority's](#) (ACHA), [McKeesport Housing Authority](#) (MHA) websites. This site provides information on properties within the CoC's jurisdiction, including HUD-funded units, and provides the following information on such properties:

- Address and Housing Provider contact information;
- Unit sizes (# of bedrooms); and
- Any known tenant preferences or eligibility restrictions.

The Housing Provider shall also work with the tenant to contact other Housing Providers in the area when an emergency external transfer is required.

The Housing Provider will email, copying all of the Housing & Homeless Services administrators at the Department of Human Services (DHS) in the Office of Community Services (OCS) on behalf of any tenant seeking to make an emergency transfer.

- Andy Halfhill, Administrator, Homeless Services, Andy.Halfhill@AlleghenyCounty.US

- Andrea Bustos, Administrator, Resource Navigation and Community Supports, Andrea.Bustos@AlleghenyCounty.US
- Chuck Keenan, Administrator, Housing Services, Charles.Keenan@AlleghenyCounty.US
- Rob Eamigh, Administrator, Fiscal, Robert.Eamigh@AlleghenyCounty.US

This contact shall not relieve the Housing Provider from undertaking all other reasonable steps necessary to identify alternative housing for the tenant. The Housing Provider shall remit the External Emergency Transfer Request, to OCS, subject to all reasonable confidentiality requirements.

Upon request, OCS, will make reasonable efforts to assist the eligible tenant in identifying alternative housing. All covered Housing Providers will coordinate with OCS and any social services provider working with the tenant to assist in identifying a safe, habitable unit and facilitating the transfer of the eligible applicant. If a transfer unit is identified, the lease for the tenant's current unit will be terminated without penalty.

IX. Safety and Security of Tenants

Pending processing of the transfer request and the actual transfer, the tenant is urged to take all reasonable precautions to be safe. At the tenant's request, the Housing Provider will assist tenants in contacting local organizations that assist victims of domestic violence, dating violence, sexual assault, and/or stalking. Tenants who are victims of domestic violence, sexual assault, dating violence, or stalking are encouraged to contact one or more of the following agencies, or a local domestic violence shelter, for assistance in creating a safety plan:

Local Resources

- [Women's Center & Shelter of Greater Pittsburgh](#) 412-687-8005 (Hotline Number 24/7) 412-744-8445 (Text Number M-F 9a -5p)
- [Center for Victims](#) 1-866-644-2882
- [Alle-Kiski Hope Center](#) 724-224-1266 (Hotline Number 24/7)
- [Crisis Center North](#) 412-364-5556 (Hotline Number) 412-444-7660 (Text Number) 1-866-782-0911 (Toll Free Number)
- [Pittsburgh Action Against Rape \(PAAR\)](#) 1-866-363-7273

National Resources

- [The Pennsylvania Coalition Against Domestic Violence Program](#) at 1-800-799-SAFE (7233)
- [The National Domestic Violence Hotline](#) at 1-800-799-7233. For persons with hearing impairments, the hotline can be accessed by calling 1-800-787-3224 (TTY).
- [The Rape, Abuse & Incest National Network](#) at 800-656-HOPE (4673) or visit the online hotline at <https://hotline.rainn.org>.
- [The National Center for Victims of Crime Stalking Resource Center](#)