

Nebraska Department of Economic Development
HTF/HOME/HOME-ARP

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

In accordance with the Violence Against Women Act (VAWA), the Nebraska Department of Economic Development (DED) has developed an Emergency Transfer Plan (“this plan”) that permits tenants in program-assisted 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.

Despite its name, VAWA protection is not limited to women. This plan applies to all tenants residing in program-assisted rental units funded by DED through the National Housing Trust Fund (HTF), HOME Investment Partnerships Program (HOME), or HOME-ARP, and to the individuals and entities owning, managing, and administering those units, including owners, managers, agents, and consultants (hereafter referred to as “Housing Providers”). Housing Providers are responsible for the handling of emergency transfer requests.

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, retention of transfer requests documentation, and guidance to tenants on safety and security.

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 under this plan 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.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. Housing providers cannot discriminate on the basis of any protected characteristic, including, race, color, national origin, religion, sex, familial status, disability, or age. Program-assisted housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status. Housing Providers will provide reasonable accommodations for individuals with disabilities who request emergency transfers. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

A tenant may report a Housing Provider’s violation of this plan by filing a complaint through HUD’s Office of Fair Housing and Equal Opportunity.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify the Housing Provider's management office and expressly make a request for a transfer to the Housing Provider. The Housing Provider may ask for, but may not require, the request to be in writing. The ability of a Housing Provider to honor such a request for a tenant currently receiving assistance 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 the Housing Provider has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy. The tenant's request for an emergency transfer should include either:

- A statement expressing the tenant's reasonable belief 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
- A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during a period of 90 calendar days preceding the tenant's request for an emergency transfer.

For purposes of this plan, domestic violence can be physical, sexual, emotional, economic, psychological, or technological actions or threats of actions or other patterns of coercive behavior that influence another person within an intimate partner relationship. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

Confidentiality

The Housing Provider, and any of its employees, contractors, or agents, must keep confidential any information a tenant provides related to the exercise of rights under VAWA in requesting an emergency transfer and information about the emergency transfer unless:

- The tenant gives written permission to release the information on a time limited basis, or
- Disclosure of the information is required by law or required by use in an eviction or termination proceeding or hearing regarding termination of assistance from the housing program.

The Housing Provider must report to DED all requests for VAWA protection and outcomes of such requests for the purpose of tracking the use of this plan by tenants residing in program-assisted dwelling units. The Housing Provider may not enter tenant information into any shared database or disclose information to any other entity or individual.

The Housing Provider must also keep 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 HUD-5380) for more information on Housing Providers' responsibility to maintain the confidentiality of information related to domestic violence incidents.

The following forms of documentation may be, but are not required to be, submitted to the Housing Provider to support the transfer request. At the Housing Provider's discretion, emergency transfers may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. If so, the tenant must submit one of the following forms of documentation to the Housing Provider within 14 days of request:

- A complete certification form (HUD-5382);
- A record of a Federal, State, tribal, territorial, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional (collectively, "professional") from whom the tenant sought assistance; OR
- Any other statement or evidence that the Housing Provider has agreed to accept.

Housing Providers may also choose to accept other forms of documentation, provided they also accept the three forms of documentation listed above. It is not the Housing Provider's role to investigate the circumstances behind the tenant's request—only to gather the necessary documentation to substantiate a request was made and, when applicable, a preliminary determination was needed.

Generally, a Housing Provider cannot require tenants to submit more than one form of documentation. If a Housing Provider receives documentation that contains conflicting information, the Housing Provider can (1) obtain verbal verification from a domestic violence advocate or (2) require a tenant to submit third-party documentation, as detailed above, within 30 calendar days of the date for the third-party documentation request.

Emergency Transfer Procedures

The Housing Provider cannot guarantee that a transfer request will be approved, and transfers are subject to the availability of a safe and habitable unit. The Housing Provider will act as quickly as possible to move the tenant who requested the transfer, subject to availability and safety of a unit in the same program-assisted development or another HTF/HOME/HOME-ARP development owned or operated by the same Housing Provider. If a unit is available, the transferred tenant must agree to abide the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. If the unit to which the tenant is transferred is a HOME-assisted unit, the tenant must specifically agree to abide by ongoing HOME occupancy requirements. The tenant must be permitted to transfer internally, and the lease of the current unit will be transferred to the new unit without penalty to the tenant requesting transfer. The Housing Provider may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a safe and available unit is not immediately available, the tenant may request to be placed on a waiting list for when a unit comes available. The tenant must be assigned no less priority on the waiting list than if the tenant had requested any other type of emergency transfer (e.g., due to fire).

If a safe and available unit is not immediately available, the Housing Provider will contact DED, which will provide a list of properties that may have safe and available units to the Housing Provider who will provide the list to the tenant. The list will include:

- Address of the property and contact information of the property manager;
- HTF/HOME/HOME-ARP unit sizes (number of bedrooms); and
- Any known tenant preferences or eligibility restrictions for the HTF/HOME/HOME-ARP units.

If a unit is identified and selected, the Housing Provider will work with the tenant and other Housing Provider to assist in identifying a safe, habitable unit and facilitating the transfer. If a transfer unit is identified, the lease for the current unit will be terminated without penalty. At the tenant's expense, the Housing Provider will also assist the tenant in contacting the local organization(s) offering assistance to domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Records

The Housing Provider must keep a record of all emergency transfers requested under its emergency transfer plan and the outcomes of such requests. These records must be retained for a period of three (3) years, or for a period as specified in program regulations. Requests and outcomes (granted, denied, reconsidered and granted, etc.) of such requests must be reported to DED annually.

Personally identifiable information, if included, must be redacted from this documentation.

Tenant Safety and Security

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.

Tenants who are experiencing or have experienced domestic violence are encouraged to contact local domestic violence shelters or the National Domestic Violence Hotline for assistance in creating a safety plan:

- By calling 1-800-799-SAFE (1-800-799-7233)
- By texting "START" to 88788
- By chatting online at <https://www.thehotline.org/>
- For persons with hearing impairments, the hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who are experiencing or have experienced sexual assault may call the Rape, Abuse, & Incest National Network's (RAINN) National Sexual Assault Hotline at 1-800-656-HOPE (1-800-656-4673) or visit the online hotline at <https://hotline.rainn.org/online>.

Tenants who are experiencing or have experienced stalking may find resources for creating a safety plan at https://www.nebraskacoalition.org/get_informed/stalking.html or by contacting the National Domestic Violence Hotline using the contact information listed in this section.

A listing of agencies across Nebraska serving survivors of domestic & sexual violence, dating violence, and stalking is available through the Nebraska Coalition to End Sexual and Domestic Violence at https://www.nebraskacoalition.org/get_help/.