

# Marlborough Community Development Authority

## VAWA Emergency Transfer Plan

### I. Violence Against Women's Act

The Marlborough Community Development Authority (MCDA) hereby adopts this U.S. Department of Housing & Urban Development (HUD) model policy which updates the Violence Against Women Act (VAWA).<sup>1</sup> The updated policy is concerned primarily with emergency transfers.

### II. Emergency Transfers

- A. The MCDA is concerned about the safety of its Section 8 voucher holders, and such concern extends to those that are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with VAWA, the MCDA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from their current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> The ability of the MCDA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the Section 8 Voucher holder is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether another location within the HUD program regulations and the MCDA's administrative plan can be found.
- B. This plan identifies Section 8 voucher holders 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 HUD, the Federal agency that oversees that the MCDA's Housing Choice Voucher program (Section 8) is in compliance with VAWA.

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<sup>1</sup> 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.

<sup>2</sup> Housing providers 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.

### **III. Eligibility for Emergency Transfers**

- A. A Section 8 Voucher holder 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 he or she reasonably believes that there is a threat of imminent harm from further violence if they remain within the same unit. If the Section 8 Voucher holder is a victim of sexual assault, they 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. Section 8 Voucher holders who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **IV. Emergency Transfer Request Documentation**

To request an emergency transfer, the Section 8 Voucher holder shall notify the MCDA's Section 8 housing staff and submit a written request for a transfer. The MCDA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the person reasonably believes that there is a threat of imminent harm from further violence if the they were to remain in the same dwelling unit assisted under the MCDA's Section 8 program; OR
2. A statement that the Section 8 Voucher holder 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.

## V. Confidentiality

The MCDA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the client gives the MCDA 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 Section 8 Voucher holder, 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 HP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

## VI. Emergency Transfer Timing and Availability

- A. The MCDA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The MCDA will, however, act as quickly as possible to move a Section 8 Voucher holder who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.
- B. If a tenant reasonably believes a proposed transfer would not be safe, the Section 8 Voucher holder 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. The MCDA may be unable to transfer a tenant to a particular-unit if the tenant has not or cannot establish eligibility for that unit.
- C. If the MCDA has no safe and available units for which a person who needs an emergency is eligible, the MCDA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the person's request, the MCDA 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.

**VII. Safety and Security of Tenants**

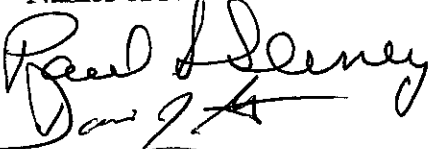


- A. Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. Section 8 Voucher holders who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline 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).
- B. Section 8 Voucher holders 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/>.
- C. Section 8 Voucher holders 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>.

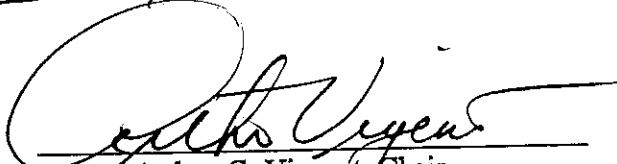
**VIII. VAWA Emergency Transfer Policy Adopted**

This Motion having been presented to the MCDA Board during a regular scheduled meeting was hereby adopted. MCDA staff shall implement all required administrative functions to implement this HUD mandated policy update to the Violence Against Women Act.

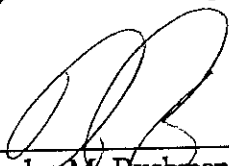
Yeas: 5 Nays: 0

Names of MCDA Board Members Voting in the Affirmative:

  
 Mayor Arthur G. Vigeari, Chair

5-25-2017  
DATE

  
 Douglas M. Bushman, Ex. Dir.

5-25-2017  
DATE