



Tehama County Continuum of Care

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

Emergency Transfers

The Tehama County Continuum of Care (Tehama CoC) is committed to ensuring safety of homeless services program participants, and this commitment extends to program participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ Housing Service Providers (HSPs) receiving funding through Tehama CoC shall allow program participants, which can be any member of the household, who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the program participant's current unit or placement to another unit or placement.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of an HSP to honor such requests for participants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on the availability of another dwelling unit that is safe to offer the participant for temporary or more permanent occupancy.

This plan identifies participants 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 participants 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) and meets the requirements listed in 24 CFR 5.2005(e).

Eligibility for Emergency Transfers

A homeless services program participant 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 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.

² 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.

- The participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit.
- If the participant is a victim of sexual assault, the participant 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.

A participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

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

Emergency Transfer Request Documentation

To request an emergency transfer, the participant shall notify the HSP's management office and submit a written request for a transfer. The HSP shall provide reasonable accommodations to this policy for individuals with disabilities. The participant's written request for an emergency transfer should include either:

1. A statement expressing that the participant reasonably believes that there is a threat of imminent harm from further violence if the participant were to remain in the same dwelling unit assisted under the HSP's project; OR
2. A statement that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 12-month period preceding the participant's request for an emergency transfer.

Confidentiality

The HSP will keep confidential any information that the participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the participant gives the HSP 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 participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the participant. See the *Notice of Occupancy Rights under the Violence Against Women Act for All Tenants* (Form HUD-5380) for more information about an HSP's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

HSPs will act as quickly as possible to move a program participant who is a victim of domestic violence, dating violence, sexual assault or stalking to another unit, subject to availability and safety of a unit or placement.

Upon approving a request for emergency transfer, HSP will attempt to identify an alternative dwelling unit or placement, exhausting all resources available to HSP. Examples of these efforts can include: working with the project's funders to resolve shifts within the grant and budget, internal program transfers, locating an alternative scattered-site unit, collaborating with neighboring CoCs to identify alternative dwellings outside of Tehama County, and utilizing emergency shelters (particularly DV shelters) as a short-term solution while a long-term solution is formulated.

If the program participant was residing in a dwelling unit at the time they requested an emergency transfer, and a dwelling unit is unable to be identified using the resources of the current housing program, then the HSP should leverage its collaborative relationships with community partners to initiate an internal or external transfer request. At the program participant's request, HSP will also assist program participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

If a participant reasonably believes a proposed transfer would not be safe, the participant may request a transfer to a different unit. If a unit is available, the transferred participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the participant has been transferred. HSPs may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit.

Non-transferring Household Member(s) and Lease Bifurcation

If a CoC household separates in order to effect an emergency transfer when a household member has engaged in domestic violence, dating violence, sexual assault, or stalking against another household member, the HSP must bifurcate the household's case as it pertains to program participation and may terminate the assistance for the non-transferring member while continuing to provide services to the transferring household members. In order to protect the safety and security of the tenant(s) experiencing violence, the HSP will first move the tenants who have sought an emergency transfer, before beginning any termination proceedings against any household member who has engaged in domestic violence, dating violence, sexual assault, or stalking against another household member. The HSP will follow all applicable grievance procedures and lawful eviction procedures in seeking to terminate the non-transferring member's tenancy and/or program participation.

Safety and Security of Participants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the participant is urged to take all reasonable precautions to be safe. The HSP must offer appropriate resources to assist the participant in ensuring their safety, however, participation in victim services is entirely voluntary.

Local services for victims of domestic violence, dating violence, sexual assault, and/or stalking are available through Empower Tehama, through its 24-Hour Crisis Line (530-528-

0226) or through dropping in at the Empower Tehama Business Center at 1805 Walnut St. in Red Bluff, open Monday-Friday from 9:00 AM to 4:00 PM.

Participants 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).

Participants 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/>

Participants 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>