

# Texas Balance of State Continuum of Care

## Texas Balance of State Continuum of Care (TX BoS CoC) Emergency Transfer Plan: Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

### Emergency Transfers

The Texas Balance of State Continuum of Care (CoC) is concerned about the safety of the participants of the housing projects that are funded by CoC Program grant funds, and such concern extends to participants who have experienced or are experiencing domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA)<sup>1</sup>, CoC Program-funded projects<sup>2</sup> providing permanent housing (Rapid Re-Housing, or RRH, or Permanent Supportive Housing, or PSH) or transitional housing must allow participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the participant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>3</sup> The ability of a housing project to honor such a request 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 whether the housing project is able to locate another dwelling unit that is available and 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), the Federal agency that oversees that the TX BoS CoC and CoC Program-funded projects are following VAWA compliance.

### Eligibility for Emergency Transfers

A project participant who has experienced 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 project participant reasonably believes that there is a threat of imminent harm from further violence if the project participant remains within the same unit; or
- The project participant has experienced sexual assault, then the project 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.

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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> For purposes of this plan, "CoC Program-funded projects" include any permanent or transitional housing projects that are supported by CoC Program grant funds.

<sup>3</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.

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A project participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Project 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, a project participant, or someone acting on behalf of the project participant who is requesting the transfer, must submit a written request for an Emergency Transfer. Written requests for an Emergency Transfer should be submitted to the CoC Program-funded housing project, not to the housing owner or landlord, and the project staff will work with the owner or landlord to facilitate the transfer on the participant's behalf. The participant may, but is not required, to use the Emergency Transfer Request form provided in the attached Appendix A. The housing project will offer reasonable accommodations to this policy for individuals with disabilities. The project participant's written request for an emergency transfer should include either:

- A statement expressing that the project participant reasonably believes that there is a threat of imminent harm from further violence if the project participant were to remain in the same dwelling unit assisted under the housing project; OR
- A statement that the participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the participant's request for an emergency transfer.

The housing project may request additional documentation from a participant, in accordance with the documentation policies of HUD's regulations at 24 CFR part 5, subpart L. The housing project may use the HUD forms [5382](#) and [5383](#) (attached) to document requests for an emergency transfer and to document incidents of domestic violence. The participant may choose what documentation to provide from the list established by HUD, **and the housing project must accept the participant's choice of documentation.**

## Confidentiality

All information provided regarding domestic violence, dating violence, sexual assault or stalking, including the fact that an individual is or has experienced such violence or stalking, or that they are exercising their rights under VAWA, must be kept confidential. This includes keeping confidential the new location of the dwelling unit of the project 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 project participant. Confidentiality also means that providers and/or property owner or manager may not:

- Enter the information into any shared database except the authorized DV comparable database;
- Allow any individual administering assistance or other services on behalf of the providers and/or property owner or manager (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.; or

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- Provide the information to any other entity or individual, except to the extent that the disclosure is:
  - Requested or consented to by the individual, in writing, stating permission to release the information on a time-limited basis;
  - Needed by the housing provider to use in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.; or
  - Otherwise required by applicable law.

If project disclosure is required for use in an eviction proceeding or is otherwise required by applicable law, the project will inform the victim before disclosure occurs so that safety risks can be identified and addressed. See the [Notice of Occupancy Rights under the Violence Against Women Act](#) for more information about housing provider’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**

The housing project provider cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, the housing project provider will act as quickly as possible to move a project participant experiencing domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

If the housing project is unable to locate safe and available units for which a participant who needs an emergency transfer is eligible, the project will assist the participant in identifying other housing providers who may have safe and available units to which the participant could move. At the participant’s request, the project will also assist participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit.

If the housing project is unable to locate a safe and available unit for which a participant who needs an emergency transfer is eligible, the housing project will collaborate with the CoC Technical Assistance and Performance Coordinator to assist the participant in identifying safe and available units to which the participant could move without revealing to the Coordinator any information that would serve to identify the participant. If a unit is available, the participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the participant is being transferred. The project may be unable to transfer a project participant to a particular unit if the project participant has not or cannot establish eligibility for that unit.

For households living in assisted units who qualify for an emergency transfer but a safe unit is not immediately available for an internal emergency transfer, the individual or family shall have priority over all other applicants for rental assistance, transitional housing, rapid re-housing, and permanent supportive housing projects funded under this part, provided that:

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- The individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA;
- The individual or family meets any additional criteria or preferences established in accordance with 24 CFR 578.93(b)(1),(4),(6), or (7).

The individual or family shall retain their original homeless status or status of homeless chronicity for the purposes of the transfer. In cases where a household receiving participant-based rental assistance separates in order to initiate an emergency transfer, the housing project will work with the CoC Technical Assistance and Performance Coordinator to determine the appropriate actions with respect to the non-transferring family member(s). All confidentiality provisions apply for the victim in this situation.

## Safety and Security of Participants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the project participant is urged to take all reasonable precautions to be safe. For specific resources, participants are encouraged to contact:

Domestic Violence: 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).

Sexual Assault: Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 1-800-656-HOPE or the online hotline at <https://ohl.rainn.org/online/>.

Stalking: National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

## Tracking Requests and Outcomes

All covered housing providers must maintain records on emergency transfers requested under 24 CFR 5.2005(e). Data must include the number of emergency transfers requested and the outcomes of each request. The data is required to be reported to HUD annually. Covered housing providers in the TX BoS CoC will track the number of Emergency Transfers requested and their outcomes using the Emergency Transfer Requests and Outcomes Log (Appendix D.) For confidentiality, covered housing providers should record and keep only the information listed in the log. All confidentiality provisions apply.

## Related Documents and Attachments

- **Attachment A:** Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, [HUD Form 5383](#)
- **Attachment B:** Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation, [HUD Form 5382](#)
- **Attachment C:** State organizations providing services to survivors of domestic violence, dating violence, sexual assault, or stalking  
Note: Housing projects in the TX BoS CoC that are required to use the Emergency Transfer Plan should make available to project participants a list of local organizations providing services to survivors of domestic violence, dating violence, sexual assault, or stalking
- **Attachment D:** Emergency Transfer Requests and Outcomes Log

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## Attachment A: HUD Form 5383

**EMERGENCY TRANSFER  
REQUEST FOR CERTAIN  
VICTIMS OF DOMESTIC  
VIOLENCE, DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an emergency transfer, you may use this form to request an emergency transfer and certify that you meet the requirements of eligibility for an emergency transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an emergency transfer. See your housing provider's emergency transfer plan for more information about the availability of emergency transfers.

**The requirements you must meet are:**

**(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.

**(2) You expressly request the emergency transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's emergency transfer plan for more details.

**(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit.** This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

**OR**

**You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer.** If you are a victim of sexual assault, then in addition to qualifying for an emergency transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an emergency transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

**Submission of Documentation:** If you have third-party documentation that demonstrates why you are eligible for an emergency transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health care provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

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**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an emergency transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an emergency transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you 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.



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## Emergency Transfer Request

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an emergency transfer: \_\_\_\_\_

2. Your name (if different from victim's) \_\_\_\_\_

3. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_

4. Name(s) of other family member(s) who would transfer with the victim: \_\_\_\_\_  
\_\_\_\_\_

5. Address of location from which the victim seeks to transfer: \_\_\_\_\_

6. Address or phone number for contacting the victim: \_\_\_\_\_

7. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_

8. Relationship of the accused perpetrator to the victim: \_\_\_\_\_

9. Date(s), Time(s) and location(s) of incident(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? \_\_\_\_\_

If yes, skip question 11. If no, fill out question 11.

11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit.  
\_\_\_\_\_  
\_\_\_\_\_

12. If voluntarily provided, list any third-party documentation you are providing along with this notice:  
\_\_\_\_\_

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an emergency transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_

Signed on (Date) \_\_\_\_\_

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## Attachment B: HUD Form 5382

**CERTIFICATION OF  
DOMESTIC VIOLENCE,  
DATING VIOLENCE,  
SEXUAL ASSAULT, OR STALKING,  
AND ALTERNATE DOCUMENTATION**

**U.S. Department of Housing  
and Urban Development**

OMB Approval No. 2577-0286  
Exp. 06/30/2017

**Purpose of Form:** The Violence Against Women Act (“VAWA”) protects applicants, participants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

**Use of This Optional Form:** If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or participant.

**Submission of Documentation:** The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

**Confidentiality:** All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you 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.

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## CERTIFICATION

TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

1. Date the written request is received by victim: \_\_\_\_\_
2. Name of victim: \_\_\_\_\_
3. Your name (if different from victim's): \_\_\_\_\_
4. Name(s) of other family member(s) listed on the lease: \_\_\_\_\_  
\_\_\_\_\_
5. Residence of victim: \_\_\_\_\_
6. Name of the accused perpetrator (if known and can be safely disclosed): \_\_\_\_\_  
\_\_\_\_\_
7. Relationship of the accused perpetrator to the victim: \_\_\_\_\_
8. Date(s) and times(s) of incident(s) (if known): \_\_\_\_\_
10. Location of incident(s): \_\_\_\_\_

In your own words, briefly describe the incident(s):

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This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature \_\_\_\_\_ Signed on (Date) \_\_\_\_\_

**Public Reporting Burden:** The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or participant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.

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## Attachment C: Statewide Resources

### Domestic Violence, Sexual Assault and Stalking Resources

#### **Texas Council on Family Violence**

<http://tcfv.org/>, 512-794-1133 or 1-800-525-1978

A resource directory of family violence resources in Texas is available on TCFV's website at [http://tcfv.org/service-directory/?wpbdp\\_view=search](http://tcfv.org/service-directory/?wpbdp_view=search).

Resources on housing rights, including other state protections:

<http://tcfv.org/resource-center/advocates/?target=trainings#econ>

National Domestic Violence Hotline: 1-800-799-SAFE (7233) or TDD 1-800-787-3224

Victim services shelters in Texas can also be found on the Texas Health and Human Services Commission's website at <https://hhs.texas.gov/services/safety/protective-services/family-violence-program>.

#### **Texas Association Against Sexual Assault (TAASA)**

<http://taasa.org/crisis-center-locator/>

National Sexual Assault Hotline: 1-800-656-4673

### Legal Resources

#### **TexasLawHelp.org**

[www.texaslawhelp.org](http://www.texaslawhelp.org)

TexasLawHelp.org is a website that provides free, reliable legal information on a variety of topics such as; family law, consumer protection and debt relief, health and benefits, employment law, housing, wills and life planning, and immigration. The website offers interactive and downloadable legal forms, self-help tools and videos on legal issues, and can assist in locating local free legal services.

#### **Texas Advocacy Project, A VOICE**

1-888-343-4414

Advocates for Victims of Crime (A VOICE), a project of Texas Legal Services Center, provides free direct legal representation and referrals to victims of violent crime, and provides education about crime victims' rights and assistance with Crime Victims' Compensation applications. Note: Callers will most likely leave a message and their call will be returned by an attorney.

#### **Legal Aid for Survivors of Sexual Assault (LASSA)**

1-844-303-SAFE (7233)

The LASSA Hotline attorneys provide sexual assault survivors with legal information and advice about legal issues that may arise following a sexual assault including crime victim's rights, housing, and safety planning. The Hotline is answered by attorneys seven days a week.

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## **Texas Advocacy Project, Family Violence Legal Line**

1-800-374-HOPE

Texas Advocacy Project offers the HOPE Line, Monday-Friday 9:00 A.M. to 5:00 P.M. It is staffed by attorneys who can help with a variety of legal concerns related to domestic violence, sexual assault, and stalking.

***NOTE: Covered housing providers must also give to victims of domestic violence, dating violence, sexual assault, or stalking a list of local organizations offering assistance.***



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## Attachment D

### TX BoS CoC Emergency Transfer Requests and Outcomes Log

Organization: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Email: \_\_\_\_\_ Phone number: \_\_\_\_\_

For the time period: \_\_\_\_\_

#	Date Emergency Transfer was Requested	Outcome of Emergency Transfer (Granted/Denied)
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
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