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EMERGENCY TRANSFER PLAN

FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

I. Introduction

The Violence against Women Act ("VAWA") provides special protections for victims of domestic violence, dating violence, sexual assault, stalking, and human trafficking who are applying for or receiving assistance under any of Cambridge Housing Authority's ("CHA") programs. VAWA protections are not limited to women, but cover victims regardless of sex, gender identity or expression, or sexual orientation. Victims also cannot be discriminated against on the basis of *any* protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

II. Purpose

This Emergency Transfer Plan provides further information on emergency transfers, including which program participants are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, emergency transfer procedures, and guidance regarding safety and security. The plan is based on Federal regulations at 24 Code of Federal Regulations (CFR) part 5, subpart L, related program regulations, and the model emergency transfer plan published by the U.S. Department of Housing and Urban Development ("HUD").

III. Definitions

1. Dating Violence

   Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship; (b) the type of relationship; and (c) the frequency of interaction between the persons involved in the relationship.

2. Domestic Violence

   Felony or misdemeanor crimes committed by a current or former spouse or intimate partner of the victim under the family or domestic violence laws of Massachusetts, and, in the case of victim services, includes the use or attempted use of physical abuse or sexual abuse, or a pattern of any other coercive behavior committed, enabled, or solicited to gain or maintain power and control over a victim, including verbal, psychological, economic, or technological abuse that may or may not constitute criminal behavior, by a person who: (i) is a current or former spouse or intimate partner of the victim, or person similarly situated to a spouse of the victim; (ii) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (iii) shares a child in common with the victim; or (iv) commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction.

3. External Emergency Transfer

   An emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit. For example, moving out of a CHA public housing building into a project-based unit.

4. Human Trafficking

A crime involving the exploitation of a person for labor, services, or commercial sex. The Trafficking Victims Protection Act of 2000 and its subsequent reauthorizations recognize and define two primary forms of human trafficking:

- (1) Sex trafficking is the recruitment, harboring, transportation, provision, obtaining, patronizing, or soliciting of a person for the purpose of a commercial sex act in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age. See 22 U.S.C. § 7102(11)(A).
- (2) Forced labor is the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. See 22 U.S.C. § 7102(11)(B).

Note: Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, this policy includes human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking anywhere such a list appears.

5. Internal Emergency Transfer

   An emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process. For example, moving from one CHA public housing building to a different CHA public housing building.

6. Perpetrator

   A person who commits an act of domestic violence, dating domestic violence, sexual assault, or stalking against a victim.

7. Safe Unit

   A unit that the victim of VAWA violence/abuse believes is safe.

8. Sexual Assault

   Any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

9. Stalking

   Stalking includes the following:

   - To follow, pursue or repeatedly commit acts with the intent to kill, injure, harass or intimidate the victim;
   - To place under surveillance with the intent to kill, injure, harass or intimidate the victim;
   - In the course of, or as a result of such following, pursuit, surveillance, or repeatedly committed acts, to place the victim in reasonable fear of the death of, or serious bodily injury to the victim; or
   - To cause substantial emotional harm to the victim, a member of the immediate family of the victim or the spouse or intimate partner of the victim.

10. VAWA Violence/Abuse

    An incident or incidents of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR 5.2003 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (Form HUD-5382), CHA's VAWA Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking (VAWA Policy), and this Emergency Transfer Plan.

11. Victim

A person who is the victim of domestic violence, dating violence, sexual assault or stalking under this Policy.

IV. Eligibility for Emergency Transfers

CHA allows **any** program participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from their current unit to another unit for safety reasons related to VAWA violence/abuse. You can request an emergency transfer even if you are not lease compliant, for example if you owe rent. An emergency transfer cannot be guaranteed, but you can request an emergency transfer when:

- you (or your household member) are a victim of VAWA violence/abuse;
- you expressly request the emergency transfer; AND
- EITHER
  - you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same dwelling unit; OR
  - if you (or a household member) are a victim of sexual assault, either:
    - you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) were to stay in the unit, or
    - the sexual assault occurred on the premises and you request an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

VAWA provisions **do not** replace any other requirements that apply to CHA housing programs. CHA may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit. For a full list of CHA's Housing Choice Voucher ("HCV") eligibility criteria, please see Chapter 4 of CHA's Administrative Plan ("Admin Plan"). For a full list of CHA's public housing occupancy criteria, please see Chapter 3B of CHA's Admissions and Continued Occupancy Policy ("ACOP").

V. Emergency Transfer Policies

When a victim applies for an emergency transfer, CHA will provide several options for continued assistance. Households requiring a move because of emergency circumstances may be offered the next available apartment in public housing, RAD, Section 18, a project-based unit , or a Tenant Based Voucher. Families applying for transfers under VAWA must be selected from the waiting list for the applicable program. CHA has adopted a waiting list preference for victims of domestic violence, dating violence, sexual assault, and stalking in both its HCV and public housing programs in order to expedite this process (see "VII. Priority for Transfers").

Unfortunately, since units and vouchers are subject to availability, *CHA cannot provide a timeline for how long the Emergency Transfer process may take*. It is also important to remember that CHA may be unable to transfer a tenant and their household to a particular program if the tenant and their household has not, or cannot, establish eligibility for that program.

1. Public Housing Residents

CHA will **first try to transfer the participant to a public housing unit in a different building**. Applicants will be given the opportunity to put their name on whichever CHA waiting lists they choose with the "Emergency" transfer priority. If the participant has good cause to believe that the **available unit would not be safe**, the participant may request a transfer to a different unit. *If your family is*

offered a unit and rejects it without good cause, you will lose your Emergency Preference for all waitlists.

If **no units are available**, the participant may receive continued assistance through an external transfer to CHA's HCV program. At the tenant's request, CHA will also assist the tenant in contacting the local resources in Section XI of this Plan.

2. Tenant Based Voucher (TBV) Holders

If CHA **has vouchers available** and a family applying for an emergency transfer is selected from the waiting list, the voucher will only be valid for 120 days from issuance. If CHA **does not have vouchers available**, applicants will be placed on any CHA waiting lists they choose—including public housing and PBV Site Based Waiting Lists ("SBWL")—with the "Emergency" transfer priority. This is CHA's highest transfer priority (see "VII. Priority for Transfers" below). Once a voucher or unit becomes available, CHA will notify you. *If your family is offered a voucher and does not accept it, you will lose your Emergency Preference for all waitlists*.

If CHA does not have any immediately available vouchers for which the tenant is eligible, at the tenant's request, CHA will also assist the tenant in contacting the local resources in Section XI of this Plan.

3. Project Based Voucher ("PBV") Holders

For residents living in project-based units **for less than one year**, CHA will first try to transfer the participant to another PBV unit. The new unit may be in the same building, or a different one. CHA will expedite the administrative processes in this case to conduct the transfer as quickly as possible. If the participant is offered a unit and has good cause to believe that the offered unit would not be safe, the participant may request a transfer to either CHA's Tenant Based Voucher ("TBV") or Public Housing programs. *If your family is offered a unit or voucher and rejects it without good cause, you will lose your Emergency Preference for all waitlists*.

If no PBV units are available, participants living in project-based units for less than one year may receive continued assistance through an external transfer to either CHA's TBV or Public Housing program. Applicants will be placed on the TBV waiting list, and whichever public housing waiting lists they choose, with the "Emergency" transfer priority. This is CHA's highest transfer priority (see "VII. Priority for Transfers" below). Once a voucher or unit becomes available, CHA will notify you. *If your family is offered a unit or voucher and does not accept it, you will lose your Emergency Preference for all waitlists*. If CHA issues a TBV to a family, it will only be valid for 120 days from issuance.

For residents living in project-based units **for more than two years**, where no tenant-based vouchers are available, CHA will try to transfer the participant to another PBV unit. The new unit may be in the same building, or a different one. CHA will expedite the administrative process in this case in an effort to conduct the transfer as quickly as possible. If the participant is offered a unit and has good cause to believe that the offered unit would not be safe, the participant may request a transfer to CHA's Public Housing program. Applicants will be placed on whichever public housing waiting lists they choose with the "Emergency" transfer priority. This is CHA's highest transfer priority (see "VII. Priority for Transfers" below). Once a unit becomes available, CHA will notify you. *If your family is offered a unit and does not accept it, you will lose your Emergency Preference for all waitlists*.

At the tenant's request, CHA will also assist the tenant in contacting the local resources in Section XI of this Plan.

VI. Emergency Transfer Request Documentation

If you ask for VAWA protection, you must submit documentation showing that you (or a household member) are a victim. Additionally, unless (1) to do so would be unsafe or (2) the name of the perpetrator is unknown to you, the documentation you submit must have information that identifies the perpetrator. This information should include, but is not limited to: name and, if known, all alias names; date of birth; address; contact information, such as postal, e-mail or internet address, telephone or facsimile number, or; other information.

You have 14 business days (weekends and holidays do not count) to provide any one (1) of the following three (3) types of documentation, and CHA **must accept** it. If you do not provide one of these types of documentation by the deadline, CHA does not have to provide the VAWA protections you requested:

1. A self-certification form (for example, Form-HUD 5382), which CHA includes along with this notice. You can fill out the form yourself, or someone else can complete it for you.
2. A police, administrative, or court record (such as a protective order) that shows you (or a household member) were a victim of VAWA violence/abuse.
3. A statement from a victim/survivor service provider, attorney, mental health professional or medical professional who has helped you address incidents of VAWA violence/abuse. The professional must state "under penalty of perjury" that he/she/they believe that the incidents of VAWA violence/abuse are real and covered by VAWA. Both you and the professional must sign the statement, and it must include either:
   - (a) a statement expressing that you reasonably believe that there is a threat of imminent harm from further violence, including trauma, if you (or a household member) stay in the same unit; OR
   - (b) in the case that you (or household member) are a victim, either:
     - a statement that you reasonably believe there is a threat of imminent harm from further violence or trauma if you (or household member) stay in the same unit, **or** a statement that the sexual assault occurred on the premises and you requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.

CHA is **prohibited** from asking for more documentation of your victim status or requiring more than one of these types of documentation, with **one exception**: if CHA receives documentation containing conflicting information about the VAWA incident, CHA may require you to provide additional documentation from the list above. You will have an extra 30 calendar days to do so.

VII. Priority for Transfers

CHA policy contains four (4) categories of transfers for households. Transfers are processed according to the following priority: 1. Emergency; 2. Life Threatening Conditions; 3. Accessibility and Reasonable Accommodation, and; 4. Administrative. Applicants or participants in any CHA housing program with a certified VAWA claim are given **Emergency** status. For a VAWA claim to be considered "certified," it must meet the following requirements:

- the incident occurred in Cambridge;
- the applicant/household member is a victim of domestic violence, dating violence, sexual assault, or stalking as defined in the Abuse Prevention Act at M.G.L. c. 209a the Violence Against Women Act (VAWA); and

- the applicant/household member is/was a permanent and approved resident of the Cambridge dwelling unit; and
- if the applicant is likely to be displaced from their current unit because of the loss of the abuser's income, the abuser is/was a permanent and approved resident of the Cambridge dwelling unit when displacement is claimed; and
- the applicant/household member has submitted certification of domestic violence as described in this Plan; and
- One of the following:
  - **(A)** the applicant/household member has been (1) **displaced** from their Cambridge dwelling unit due to domestic violence and has not secured permanent housing; and (2) the **last incident of abuse** (threatened, attempted or actual) must have occurred within six months of CHA's receipt of the emergency application; ***or***
  - **(B)** the applicant/household member is (1) **recently displaced or likely to be displaced** from their **Cambridge** unit due to the loss of income from an abuser who must leave the home (e.g., restraining order issued); and (2) the applicant/household member's **rent is documented to be more than 50% of their monthly adjusted income** as a result of the loss of income from the abuser being separated from the household.

Only one emergency application for a particular emergency per household will be accepted. Due to the nature of these circumstances, families receiving a voucher under this category may not appear on the waiting list; however, CHA will maintain documentation verifying the household's qualifying status. Applicants meeting emergency status criteria may be offered the next available apartment in public housing, RAD, Section 18, PBV, or in some cases, a Tenant-Based HCV.

VIII. Confidentiality

If you share information with CHA about why you or a household member might need VAWA protections, **CHA must keep the information you share strictly confidential**. This includes: your request, the information you provided to make your request, your/household member's status as a victim, and your new unit's location.

This information is stored securely and separately from your tenant file. No CHA employees or contractors will have access to this information unless **(1)** there is a specific reason that they must look at it, **(2)** CHA explicitly authorizes their access for that reason, and **(3)** that authorization is consistent with applicable law.

Further, your confidential information will not be disclosed to anyone else, or put in a database shared with anyone else, unless **(1)** you give CHA written permission to share the information, **(2)** CHA needs to use that information in an eviction proceeding or hearing; or **(3)** if the law requires CHA to share the information.

IX. Emergency Transfer Procedure

To request an emergency transfer, the tenant shall submit a VAWA Request Form to their Property Manager or Leasing Officer. VAWA Request Forms can be found on CHA's website. Once CHA receives all necessary documentation, CHA will confirm receipt of your VAWA transfer request via your preferred communication means within three (3) business days (holidays and weekends do not count). CHA will issue its decision on your transfer request via your preferred communication means within seven (7) business days (holidays and weekends do not count) after sending confirmation of receiving your request.

For example, if CHA receives a complete VAWA transfer request on Thursday the 9th, it must confirm it received the request by Tuesday the 14th and issue its decision by Thursday the 23st.

CHA cannot specify how long it will take from the time a transfer request is approved until the tenant can be placed in a new, safe unit. CHA will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. It is also important to remember that CHA may be unable to transfer a tenant and their household to a particular unit if the tenant and their household has not, or cannot, establish eligibility for that unit.

X. Making the Emergency Transfer Plan Available

CHA shall provide a copy of this Plan when requested to applicants and resident households. CHA will provide Reasonable Accommodations to this plan in accordance with its Reasonable Accommodation Policy for individuals with disabilities.

XI. Safety and Security of Tenants

When CHA receives any inquiry or request regarding an emergency transfer, CHA will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, tenants are not required to receive guidance or assistance from a victim service provider. For additional information on VAWA and to find help in your area, visit https://www.hud.gov/vawa.

XII. Resources

Local Resources	Statewide Resources
Boston Area Rape Crisis Center (BARCC) • 24/7 Hotline: 800-841-8371 • Web Chat: https://barcc.org/contact/ ○ Hours: 9:00 am – 11:00 pm • Email: info@barcc.org • Address: 99 Bishop Allen Drive Cambridge, MA 02139 *Cambridge Community Assistance Response & Engagement (CARE) Team* • Phone: 617-349-7200 • Email: info@cambridgesafety.org • Address: 689 Mass. Ave. Cambridge, MA 02139 *Transition House* • Phone: 857-777-6724 • Email: communityadvocate11@gmail.com • Address: 136 Bishop Allen Dr Cambridge, MA 02139	*Casa Myrna* • 24/7 SafeLink[1] Hotline: (877) 785-2020 • TTY: connect using Mass Relay at http://www.mass.gov/massrelay, or by dialing 711 in Massachusetts • Community Survivor Support Line: 617-521-0116 • Legal Help Line: 617-521-0146 • Email: support@casamyrna.org *Family and Community Resources, Inc.* • 24/7 Crisis Line: 508-583-6498 • Email: patricia.kelleher@fcr-ma.org • Website: http://www.fcr-ma.org • Address: 18 Newton Street Brockton, MA 02301 *Jane Doe Inc.* • Phone: 617-248-0922 • Website: https://www.janedoe.org/find_help/

[1] SafeLink is a toll-free domestic violence Massachusetts hotline that provides callers 24/7 live response in English, Spanish, Portuguese, with access to translation in more than 130 languages

National Resources

National Domestic Violence Hotline

- Phone: 1-800-799-7233
- TTY: 1-800-787-3224

Rape, Abuse, and Incest National Network (RAINN)

- 24/7 Crisis Line: 1-800-656-HOPE
- Text: text 'HOPE' to 64673
- Online Hotline: https://ohl.rainn.org/online/
- Website: https://rainn.org/help-and-healing/hotline/

National Center for Victims of Crime's Stalking Resource Center

- 24/7 VictimConnect [2] Hotline: call or text 855-4-VICTIM (855-484-2846)
- Online Chat: https://victimconnect.org/get-help/victimconnect-chat/
  - *Hours:* Monday – Friday 9am - 5pm EST
- Website: https://victimsofcrime.org/getting-help/

Kreyòl ayisyen: Sa a se yon dokiman enpòtan. Tanpri kontakte CHA nan 617-864-3020 pou asistans gratis nan lang.
Español: Este es un documento importante. Comuníquese con CHA al 617-864-3020 para obtener asistencia lingüística gratuita.
Português: Este é um documento importante. Entre em contato com a CHA pelo telefone 617-864-3020 para obter assistência linguística gratuita.
አማርኛ: ይህ አስፈላጊ ሰነድ ነው. ለነጻ ቋንቋ እርዳታ እባክዎ CHAን በ 617-864-3020 ያግኙ።
简体中文：这是一份重要文件。请拨打 617-864-3020 联系 CHA 获取免费语言帮助。
繁體中文：這是一份重要文件。請致電 617-864-3020 聯絡 CHA 以獲取免費語言協助。
عربي: هذه وثيقة هامة. يرجى الاتصال بالغرفة CHA على الرقم 617-864-3020 للحصول على المساعدة اللغوية المجانية.
Tiếng Việt: Đây là một tài liệu quan trọng. Vui lòng liên hệ CHA theo số 617-864-3020 để được hỗ trợ ngôn ngữ miễn phí.

[2] VictimConnect is a referral helpline where ALL crime victims can learn about their rights and options confidentially and compassionately.