

THE HABITAT COMPANY EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

The Habitat Company is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act of 1994, as amended (“VAWA”), The Habitat Company allows any tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. VAWA protections are not limited to women. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

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, 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). HUD is the Federal agency that oversees that HUD PBRA and HOME programs and the LIHTC program through the IRS is in compliance with VAWA.

Definitions

- **External emergency transfer** refers to 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, a tenant can transfer to a property the tenant does not currently live in.
- **Internal emergency transfer** refers to 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, a tenant can transfer within the property the tenant currently lives in.
- **Safe unit** refers to a unit that the victim of VAWA violence/abuse believes is safe.
- **VAWA violence/abuse** means 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).

Eligibility for Emergency Transfers

A tenant may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and The Habitat Company must provide a copy if requested. The Habitat Company may ask for submission of a written request for an emergency transfer, such as form HUD-5382, to certify eligibility for the emergency transfer.

A Tenant is eligible for an emergency transfer if:

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; **AND**
3. **EITHER**
 - a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; **OR**
 - b. If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

The Habitat Company, in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.

There is no limit on the number of emergency transfers an Eligible Person may request, as long as they meet the eligibility requirements described within this plan. An Eligible Person may require more than one transfer in order to maintain and access safe housing when experiencing VAWA violence/abuse. The Habitat Company will not impose any additional barriers to transfers, including requiring an Eligible Person to cooperate with termination proceedings of the perpetrator, securing court orders, calling the police, agreeing to comply with a bar or trespass order, or engaging in services or counseling.

Emergency Transfer Policies

There is no limitation on the number of emergency transfers that an Eligible Person who has been the victim of VAWA violence/abuse can request or receive. When The Habitat Company reviews the Eligible Person’s transfer request, it will inquire and document where the Eligible Person believes it would be reasonable and safe to transfer to, based upon the Eligible Person’s own experiences, existing obligations, and support network.

Upon receipt of an Eligible Person’s request to emergency transfer, The Habitat Company will approve or disapprove the Eligible Person’s request within five business days. Upon approving a request for emergency transfer, The Habitat Company will attempt to identify an alternative dwelling unit or placement, exhausting all resources available. The Habitat Company will confirm whether it has

available internal units (utilizing the resources available through the current program or other programs that are City-funded within its housing portfolio) within five business days and communicate with the Eligible Person to determine if any of the available units are safe and reasonable to move to based upon the Eligible Person's own experiences, existing obligations, and support network. If the unit is a safe unit for the Eligible Person, The Habitat Company will coordinate with its staff and the Eligible Person to coordinate the emergency transfer. If a The Habitat Company identifies an available unit and the Eligible Person believes that unit would not be safe, they may request a transfer to a different unit.

To request an emergency transfer, the Eligible Person should follow the procedures listed for the particular HUD Program that provides the Eligible Person's housing. Information specific to each program should also be listed in the Eligible Person's lease and/or notice for reference.

The Habitat Company should provide copies of the document(s) that identify the people and/or roles responsible for reviewing and approving emergency transfer requests, facilitating the emergency transfer process, and ensuring that VAWA requests are kept confidential and separate from main tenant files. This person may be the same or a different person as the one designated to communicate with the City regarding VAWA compliance. The Habitat Company should also be sure to account for staff turnover and rule changes by providing regular updates to tenants when the above roles change. The Habitat Company will update these documents with the City annually, or whenever the contact person or policies surrounding emergency transfers changes.

Internal transfers when a safe unit is immediately available:

If an Eligible Person requests an internal transfer, defined in this Plan as a transfer to any available and appropriate unit that the Eligible Person identifies as safe within The Habitat Company's property portfolio, The Habitat Company will facilitate the provision of VAWA protections for the Eligible Person as set out in the program-specific regulations below. Even for these internal transfers, an Eligible Person may need to complete a housing application, sign a new lease, or complete other essential documentation to relocate to a new unit. Eligible Persons who qualify for an emergency transfer under VAWA will be given priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

External transfers (when an internal safe unit is not immediately available):

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. The Habitat Company may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.

The Habitat Company recognizes an Eligible Person's right to choose a unit that is safe to them. The Habitat Company is aware that nothing precludes an Eligible Person from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify their Community Manager or other Community staff or call The Habitat Company at 312.527.5400. If The Habitat Company does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, The Habitat Company may ask for this documentation in accordance with 24 CFR 5.2007. Unless The Habitat Company receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), The Habitat Company cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. The Habitat Company will provide reasonable

accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer must include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or household member) stays in the same dwelling unit, such as HUD Form 5382; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.

Form HUD-5383 may also be used for making a written request for an emergency transfer.

The Habitat Company are not permitted to require documentation beyond self-certification, unless there is more than one Eligible Person in the same household alleging conflicting VAWA violence/abuse, and they must keep any documentation submitted confidential, in accordance with 24 CFR 5.2007(c). If The Habitat Company does request documentation from an Eligible Person, it must do so in writing, and the Eligible Person must be provided at least 20 business days to provide the requested documentation of VAWA victim status.

Priority for Transfers

Due to the urgent safety risks involved in VAWA violence/abuse, Eligible Persons who qualify for an emergency transfer under VAWA will be given priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

The Habitat Company must include this priority in their emergency transfer plans. The emergency transfer plan must allow an Eligible Person seeking an emergency transfer under VAWA to make an internal transfer when a safe unit is immediately available, and the Eligible Person has deemed it to be a safe unit based upon their own experiences, existing obligations, and support network. The Habitat Company shall also give priority and admission preferences to external emergency transfers.

Confidentiality

If a tenant inquires about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections, The Habitat Company must keep any information they provide concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member's status as a victim strictly confidential. This information should be securely and separately kept from tenant files. All the information provided by or on behalf of the tenant to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as "Confidential Information") may only be accessed by The Habitat Company employees or contractors if explicitly authorized by The Habitat Company for reasons that specifically call for those individuals to have access to that information under applicable Federal, State, or local law.

Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

- Written permission by the victim in a time-limited release;

- Required for use in an eviction proceeding or hearing regarding termination of assistance; or
- Otherwise required by applicable law.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse. Accordingly, for tenant-based subsidies provided by HUD Program-Supported Housing, providers must also maintain confidentiality and consider safety risks and concerns in communicating with landlords working with their program.

Emergency Transfer Procedure

The Habitat Company 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. The Habitat Company will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If The Habitat Company identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. The Habitat Company may be unable to transfer a tenant and their household to a particular unit if the tenant and their household has not established or cannot establish eligibility for that unit.

If The Habitat Company does not have any safe and available units for which the tenant is eligible, The Habitat Company will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move. At the tenant's request, The Habitat Company will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

Making the Emergency Transfer Plan Available

The Habitat Company will make this emergency transfer plan available to all residents at the management office.

Safety and Security of Tenants

When The Habitat Company receives any inquiry or request regarding an emergency transfer, The Habitat Company 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>.

The Habitat Company should be informed of signs of victimization and abuse and should proactively act to help tenants understand their rights and protections under VAWA.

Eligible Persons who have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, the Illinois Domestic Violence Hotline at 1-877-863-6338, for assistance in creating a safety plan. For persons with hearing impairments, the National Domestic Violence Hotline can be accessed by calling 1- 800-787-3224 (TTY) and the Illinois Domestic Violence Hotline can be reached by text at 1-877-863-6338 or by online chat at <https://the-network.org/get-help/>

Eligible Persons who have been victims of sexual assault are encouraged to contact 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/>.

Eligible Persons who have been victims of stalking are encouraged to contact the National Center for Victims of Crime's Stalking Resource Center at <https://victimsofcrime.org/>.

Eligible Persons who have been victims of human trafficking are encouraged to contact the National Human Trafficking Hotline by calling 1-888-373-7888.

Local 24-hour hotlines that support Eligible Persons include:

- Family Rescue: (800) 360-6619
- Neopolitan Lighthouse: (773) 722-0005
- Apna Ghar: (800) 717-0757
- WINGS Metro: (847) 221-5680
- STOP-IT Initiative Against Human Trafficking: (877) 606-3158
- Chicago Rape Crisis Hotline (888) 293-2080

Public reporting burden for this collection of information is estimated to range from four to eight hours per each covered housing provider's response, depending on the covered housing program. This includes the time to develop program and project-specific emergency transfer policies and develop contacts with local service providers. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. This is a model plan and covered housing providers in programs covered by VAWA may, at their discretion, use it to develop their own emergency transfer plans, as required under 24 CFR 5.2005(e). While HUD does not intend to collect emergency transfer plans, HUD may access these plans to ensure compliance with the regulations. A Federal 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.