

## **Minnesota Housing Finance Agency Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

Section 811 Project Rental Assistance Contract (PRAC) Assisted Units

### **Scope**

This Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (the “Plan”) applies to properties funded by Minnesota Housing Finance Agency (“Minnesota Housing”) through the Section 811 PRAC program (“Covered Properties”). This Plan implements pertinent provisions of the Violence Against Women Act (VAWA) and related provisions of the 811 regulations at 24 C.F.R. part 891.

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 to tenants 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).

### **Emergency Transfers**

In accordance with VAWA,<sup>1</sup> tenants of Covered Properties who are victims of domestic violence, dating violence, sexual assault, or stalking may request an emergency transfer. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> Emergency transfers depend on a determination that the tenant is eligible pursuant to this Plan and VAWA. Emergency transfers can be internal or external. Owners<sup>3</sup> of Covered Properties are required to follow this Plan.

- **Internal Emergency Transfers.** The Emergency Transfer Plan will allow eligible tenants to request an emergency transfer from the tenant’s current unit to another unit within the property when a safe unit<sup>4</sup> is immediately available. An internal transfer would allow an eligible

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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, creed, national origin, religion, sex, sexual orientation, gender identity, familial status, marital status, disability, status regarding public assistance, or age.

<sup>3</sup> This Plan and the obligations to comply with VAWA protections apply to both owners and managers of Covered Properties.

<sup>4</sup> A safe unit for purposes of this Plan is a unit that the victim of domestic violence, sexual assault, or stalking believes is safe.

tenant to reside in a new unit in the same property without having to undergo an application process. The ability of a property manager to honor such a request may depend on whether the property has a safe unit that is available to offer the eligible tenant for temporary or more permanent occupancy.<sup>5</sup> If a safe unit is not immediately available, the owner must provide that, at a minimum, the tenant receives any applicable additional priority that housing provides may already provide to other types of emergency transfer requests.

- **External Emergency Transfers.** An eligible tenant may also request an external transfer. A request for an internal and external transfer may be made concurrently if a safe unit is not immediately available. An external transfer is an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant for that property; that is the tenant must undergo an application process in order to reside in the new unit. Eligible tenants who wish to make an external transfer when a safe unit is not immediately available, will be placed on the Section 811 PRA waiting list, with a preference over non VAWA related applicants, until the next preferred unit becomes available and provided information on victim service providers and advocates.

### **Eligibility for Emergency Transfers**

A tenant residing in a unit assisted by Section 811 PRAC in a Covered Property 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. The tenant expressly requests the transfer; AND
- 2.a. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; OR
- 2.b. In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements described in this Plan.

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<sup>5</sup> A tenant that is eligible for an emergency transfer under this Plan must receive priority for a transfer or placement on a waiting list that is at least equal to any additional priority that the housing provider may already provide to other types of emergency transfer requests.

## **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify the property owner or the property owner's agent and submit a written request for a transfer to the property management's office. The property management will provide reasonable accommodations to this policy for individuals with disabilities and provide assistance completing the written request if asked by the tenant. The tenant's written request for an emergency transfer should include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under Minnesota Housing's program; OR
2. A statement that the tenant 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.

Any request by the owner/property manager for additional information must comply with 24 C.F.R. part 5, subpart L. The property management at a Covered Property will make the determination regarding whether a tenant qualifies for an emergency transfer and notify the Minnesota Department of Human Services (DHS) Housing Coordinator. The DHS Housing Coordinator will document the need and place the tenant on the Section 811 PRA waiting list, with a preference over non-VAWA related applicants, until the next safe unit becomes available.

## **Priority of Transfers**

A tenant that is eligible for an emergency transfer under this Plan must receive priority for a transfer or placement on a waiting list that is at least equal to any additional priority that the housing provider may already provide to other types of emergency transfer requests.

## **Confidentiality**

Minnesota Housing, DHS and the owner/property management will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives written permission to release the information on a time limited basis, or disclosure of the information is required by law or court order. This includes keeping confidential the new location of the dwelling unit of the tenant, 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.

### **Emergency Transfer Timing and Availability**

The property manager is expected to act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If an eligible tenant reasonably believes a proposed transfer would not be safe, the tenant 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 property manager may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the property has no safe and available units for which a tenant who needs an emergency transfer is eligible, the property manager will contact the DHS Housing Coordinator to refer the tenant for priority placement on the Section 811 PRA wait list. The DHS Housing Coordinator will document the need and place the tenant on the Section 811 PRA waiting list, with a preference over non-VAWA related applicants, until the next safe unit becomes available. The property manager will also assist the tenant identifying other housing providers who may have safe and available units to which the tenant could move. At the eligible tenant's request, the property manager 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.

Minnesota Housing does not process or handle transfers or transfer requests.

### **Safety and Security of Tenants**

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.

Tenants 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).

Tenants 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/>.

Tenants 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>.

**Attachment:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking. Also found on the Minnesota Department of Public Safety's Office of Justice Programs at <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/resource-list-victims.aspx>

### **Making Plan Available**

This Plan is available on Minnesota Housing's website at [www.mnhousing.gov](http://www.mnhousing.gov), and is also available in alternate formats on request.