

**The Community Development Authority (CDA), of the City of Madison**  
**Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault,**  
**Stalking, or Human Trafficking**

The CDA is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking. In accordance with the Violence Against Women Act of 1994, as amended (“VAWA”),<sup>1</sup> the CDA allows any tenant who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking 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. This 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 Public Housing and Housing Choice Voucher (HCV) programs are 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 CDA Public Housing tenant may request to move to another CDA affordable housing unit (tax credit or PBV), or a Section 8 voucher holder may request to transfer to a different private rental unit and retain their Section 8 assistance.
- **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 Public Housing tenant may request to transfer to a different unit within the same property or from one housing complex to another housing complex within the CDA’s Public Housing property portfolio.
- **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).

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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.

## 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 CDA must provide a copy if requested. The CDA may ask for submission of a written request for an emergency transfer, such as form HUD-5383, 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 CDA, 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 on their ability to request an emergency transfer under VAWA.

## Emergency Transfer Policies

If the tenant is a participant in a CDA Public Housing, Multifamily Housing, or Section 8 program and the tenant requests an emergency transfer as described in this plan, the CDA will assist the tenant to move to a safe unit quickly within their existing housing program. The CDA will make exceptions to program regulations restricting moves as required. At the tenant's request, the CDA will refer the tenant to organizations that may be able to further assist.

The tenant may also request an emergency transfer under the following CDA programs for which they are required to apply and may do so if the waiting lists are open. Emergency transfers will not take priority over waiting list admissions for these programs:

- Public Housing Program
- Multifamily Housing Program
- Project-Based Voucher (PBV) assistance

If the tenant is assisted under the CDA's Section 8 Project-Based Voucher (PBV) program, they may request an emergency transfer under the following for which they are not required to apply:

- Tenant-based voucher, if available
- Project-based assistance in the same project (if a vacant unit is available and the tenant determines that the vacant unit is safe)
- Project-based assistance in another development owned by CDA

**Internal transfers when a safe unit is immediately available:**

Upon receipt of a completed VAWA transfer request and absent any conflicting or missing information, the CDA will immediately process the request for transfer submitted by the tenant due to domestic violence, dating violence, sexual assault, stalking, or human trafficking.

The CDA will make the maximum effort to approve or deny internal transfer requests as soon as accurate and complete information is received, but no later than fourteen (14) business days. However, approval of an emergency transfer does not guarantee a safe and appropriate unit is available. If one is not available at the time, the CDA will refer the tenant to organizations that may be able to further assist.

The CDA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available if the resident believes that there is a threat of further imminent harm if they remain in the unit. The CDA defines immediately available as a vacant unit, that is ready for move-in within a reasonable period, not to exceed 90 days.

The tenant, except when the transfer is due to the need of the CDA, will pay all moving costs related to the transfer.

When a family transfers from one CDA owned unit to another, the CDA will transfer the family's security deposit to the new unit. The resident will be billed for any maintenance or others charges due for the "old" unit. The resident must pay the difference of the security deposit if transferring to a unit with a higher security deposit.

**Internal transfers when a safe unit is not immediately available:**

If a Public or Multifamily Housing internal transfer to a safe unit is not immediately available, the CDA will place the tenant on the emergency transfer waiting list. At the request of the tenant, the CDA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the CDA will also refer the tenant to organizations that may be able to further assist.

**External transfers:**

Tenants with a Housing Choice Voucher or other tenant-based rental assistance who qualify for an Emergency Transfer will be provided with a transfer voucher and Request for Tenancy Approval form without requiring a move-out notice (or mutual recission if they are in an active lease). The tenant will also be provided with all available information on current unit availability known to the CDA.

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

### **Emergency Transfer Request Documentation**

To request a VAWA emergency transfer, a Public or Multifamily Housing tenant shall notify their Property Management Office. A Section 8 participant shall notify the CDA Section 8 Office. Contact information, including direct telephone numbers and email addresses is available at:

<https://www.cityofmadison.com/dpced/housing/staff-directory/467/>. VAWA emergency transfer requests may also be mailed to the CDA's Central Office at 215 Martin Luther King, Jr., Blvd, Suite 161, Madison WI 53703.

If the CDA does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the CDA may ask for this documentation in accordance with 24 CFR 5.2007, which states a tenant may satisfy the documentation request by providing any one of the following forms of documentation:

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; 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 (Exhibit 16-4) may be used for making a written request for a VAWA emergency transfer.**

All documentation must be provided by the tenant within fourteen (14) business days of the request for documentation from the CDA. Unless the CDA receives documentation that contains conflicting information, (including certification forms from two or more household members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator, as described in 24 CFR 5.2007(b)(2)), the CDA cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. If a third-party request is made by the CDA, the tenant shall have 30 calendar days from the date of the request to provide the information.

The CDA will provide reasonable accommodations to this policy for individuals with disabilities, which may include the option to provide a request orally.

### **Priority for Transfers**

Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists:

- CDA waitlists do not give waitlist preference for VAWA emergency transfers. Current tenants who qualify for a VAWA emergency transfer will be given first priority if and when a safe and appropriate unit is available. Emergency transfers under VAWA will take priority over waiting list admissions.
- For Public and Multifamily Housing, VAWA emergency transfers will take priority over CDA required transfers (transfers not requested by tenant) and general transfer requests made by tenants who are not a VAWA transfer request.
- The processing of all items related to the Emergency Transfer of a Housing Choice Voucher (or other tenant-based rental assistance) tenant will be given priority over other transfers in order to expedite the transfer of their assistance to a safe unit.
- For Section 8 Project Based Voucher (PBV) tenants, if the CDA is operating under shortfall as determined by HUD, tenants who have requested emergency transfers will be given priority for the next available voucher.

### **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 CDA 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 CDA employees or contractors if explicitly authorized by the CDA 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, the CDA's confidentiality policy requires a written release of information, signed by the victim, to release any information outside the organization, unless the information is needed to execute an eviction, facilitate a hearing, or if the CDA is compelled by law to release the information. It is the CDA's policy to provide strict confidentiality in all areas and VAWA is no exception, including a tenant's request for the CDA to communicate with advocates or other community partners, which requires a signed Release of Information from the tenant.

## Emergency Transfer Procedure

The CDA 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 CDA will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If the CDA 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 CDA 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 CDA does not have any safe and available units for which the tenant is eligible, the CDA 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 CDA will also assist the tenant in contacting local organizations offering assistance to victims of VAWA.

## Making the Emergency Transfer Plan Available

The CDA's VAWA Emergency Transfer Plan may be found on the CDA's website at: <https://www.cityofmadison.com/dpced/housing/violence-against-women-act/538/> and can be provided upon request. VAWA information is also available in alternative languages and accessible formats by at: <https://www.hud.gov/vawa#close>

## Safety and Security of Tenants

When the CDA receives any inquiry or request regarding an emergency transfer, the CDA 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.

## Resource Information

For additional information on VAWA and to find help in your area visit <https://www.hud.gov/vawa>.

You may also contact **Domestic Abuse Intervention Services of Dane County** at (608) 251-4445 or text (608) 420-4638. <https://abuseintervention.org>

If you are in danger, please call 911. Other organizations offering assistance:

National Domestic Violence Hotline <a href="https://www.thehotline.org/">https://www.thehotline.org/</a> 1-800-799-SAFE (7233) TTY: 1-800-787-3224 Text "START" to 88788	National Human Trafficking Hotline <a href="https://humantraffickinghotline.org/en">https://humantraffickinghotline.org/en</a> 1-888-373-7888 711 (TTY) Text: 233733
National Sexual Assault Hotline <a href="https://rainn.org/">https://rainn.org/</a> 1-800-656-HOPE (4673) Text HOPE to 64673	National Teen Dating Abuse Helpline <a href="https://www.loveisrespect.org/">https://www.loveisrespect.org/</a> 1-866-331-9474 Text LOVEIS to 22522
National Runaway Safeline <a href="https://www.1800runaway.org/">https://www.1800runaway.org/</a> 1-800-RUNAWAY (800-786-2929) (call or text)	National Center for Victims of Crime <a href="https://victimconnect.org/">https://victimconnect.org/</a> 1-855-VICTIM (1-855-484-2846) (call or text)