

Westchester County Continuum of Care

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

It is the intention of the Westchester County COC to provide safe housing for all residents, and the COC will make efforts to ensure that residents feeling unsafe from domestic violence, sexual assault or other intimate partner or family violence are offered and, whenever possible, provided a place that they deem safe. To that end, all CoC housing provider agency members must adhere to the Emergency Transfer Plan described below.

Emergency Transfers

All homeless Housing Providers in the Westchester County Continuum of Care (**acronym HP for purposes of this plan**) must be concerned about the safety of their 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 (VAWA),¹ All HP's must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of HP to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether HP has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

¹ 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.

² 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.

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), the Federal agency that oversees the Continuum of Care and Emergency Solutions Grants programs are in compliance with VAWA.

Eligibility for Emergency Transfers

A tenant 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: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant 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.

- Providers are prohibited from considering anything other than a tenant's eligibility (meeting one of the two criteria described above) when processing an emergency transfer request. Common examples of *prohibited* considerations include: Gender; Mental health; Family size/configuration; Age; Race or ethnicity; Perceived reliability.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

A tenant requesting an emergency transfer must expressly request the transfer to a "safe unit" in accordance with the procedures described in this plan.

- Per 24 CFR 5.2005: Safe unit means "a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe"

- Not constrained by anyone else’s opinion about what is or is not ‘safe’
- Not constrained by geography: may outside the ESG/CoC HP’s geographic area, or even be outside New York State.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HP’s management office and submit a written request for a transfer to their HP staff. HP will provide reasonable accommodations to this policy for individuals with disabilities. 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 HP’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.

Requests must be documented:

- Recipients must document both request and outcome
- Outcomes must be reported annually to HUD
- Records must be maintained for at least 3 years

Confidentiality

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of

assistance from the covered program. 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 For All Tenants for more information about HP'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

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP will, however, 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 a Safe unit is immediately available in the current project, HP must allow internal emergency transfer. If a 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. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HP has no Safe unit immediately available for which a tenant who needs an emergency transfer is eligible, HP and CoC Coordinated Entry 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, HP 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.

Priority for Coordinated Entry referrals will be given to current CoC and ESG participants who request an emergency transfer from the tenant's current unit to a Safe unit if the participant reasonably believes that there is a threat of imminent harm from further violence if the participant remains within the same unit or if the participant is a victim of sexual assault on the premises within the 90-calendar-day period preceding the request for an emergency transfer.

Where it is impossible or unsafe to transfer these participants to a new unit in the current CoC or ESG project, emergency transfers will be prioritized over all other referrals, and will receive the next available bed placement for which they match the goals and any identified target populations served by the new project.

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>.

Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

My Sisters' Place (MSP) has worked to end violence in intimate relationships and combat the effects of domestic violence and human trafficking on women, men, and children throughout Westchester County.

The MSP 24-hour Crisis Hotline: 1-800-298-7233 (SAFE)

Hope's Door seeks to end domestic violence and to empower victims to achieve safety, independence, and healing from the trauma of abuse. Hope's Door 24-hour Hotline (888) 438-8700.

The Office for Women is a partner in the **Westchester County Family Justice Center (FJC)**

Collaborative to provide services for individuals who are victims of domestic violence, dating violence, sexual assault, and stalking. The FJC is funded through a grant administered by the county Office for Women, with 23 county agencies, not for profits and community partners.

The FJC offers a network of hope. It is a safe place where victims can go to talk with an advocate, get legal help in obtaining an Order of Protection, custody, and child support, immigration and other issues, learn about making a safety plan, find out about domestic violence shelter services, access public assistance and receive spiritual support in addition to other services.

The FJC is located at the Westchester County Court Complex with free child care and Spanish speaking staff available.

Open Monday – Friday, 9 a.m. to 4:30 p.m.

Walk-ins welcome - no appointment necessary

Free and confidential

Free childcare for clients

Services available in Spanish and multi-language interpretation

Call for more information or to make an appointment