



## **Oakland Housing Authority Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

### **Emergency Transfers**

**Oakland Housing Authority (OHA)** is concerned about the safety of its tenants/participants (tenant), 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),<sup>1</sup> OHA allows 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.<sup>2</sup> The ability of OHA 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 *based on your covered housing program*, OHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy,

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 that OHA's covered housing programs comply with VAWA. OHA's covered housing programs include, Public Housing, Section 8 Housing Choice Voucher, HUD Veterans Administration Supportive Housing (VASH), Section 8

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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, 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.

Project-Based Voucher, Moderate Rehabilitation (Mod Rehab) and the McKinney-Vento Homelessness Program (Shelter Plus Care).

### **Eligibility for Emergency Transfers**

Tenants who receive assistance under the following programs: Public Housing, Section 8 Housing Choice Voucher, HUD Veterans Administration Supportive Housing (VASH), Section 8 Project-Based Voucher, Moderate Rehabilitation (Mod Rehab) and the McKinney-Vento Homelessness (Shelter Plus Care) Programs are eligible to request an emergency transfer in accordance with VAWA.

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 qualifies for an emergency transfer if:

The tenant expressly request the transfer; and

Either:

1. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or
2. In the case of sexual assault, the tenant/participant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same 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 an emergency transfer (24 CFR 5.2005(e)(2).)

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements of the covered housing program as defined in the current Oakland Housing Authority Administrative Plan. An emergency transfer does not guarantee continued assistance under the program or a transfer to another covered housing program. The emergency transfer requirements do not supersede any eligibility or occupancy requirements that may apply under a covered housing program.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, Housing Choice Voucher (Section 8) participants, shall notify the Leased Housing Department and submit a written request for transfer at the following location:

- 1540 Webster Street Oakland CA 94612.

Public Housing (PH) and Oakland Affordable Housing Preservation Initiatives (OAHPI) tenants shall notify their Property Administrator and submit a written request for a transfer at **one of the following locations:**

- 1327 65<sup>th</sup> Ave Oakland CA 94621 (East District)
- 935 Union Street Oakland, CA 94607 (West District)
- 1180 25<sup>th</sup> Ave Oakland CA 94601 (Central District).

### **Written Request for a Transfer**

To request an emergency transfer, the tenant shall complete all 11 questions of the optional HUD Form 5382 or the tenant or someone on his/her behalf may submit one of the following types of third-party documentation:

- (1) A document signed by the tenant and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. **The document must specify, under penalty of perjury**, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) A statement or other evidence provided by the tenant.

OHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenants’ 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 OHA’s program; OR
2. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises assisted unit during the 90-calendar-day period preceding the tenant’s request for an emergency transfer.; AND

3. A certification to the truth and accuracy of the information being provided.

The name of the accused perpetrator does not have to be provided if it is unknown or it cannot be provided safely. **False statements or information could be the basis for denial of admission, termination of assistance or eviction.**

### **Public Housing (PH)**

See OHA's Standard Operating Procedure Office of Property Operations Confidential Client Request revised 6.14.17 for the processing of VAWA cases (EXHIBIT A.)

### **Section 8 Housing Choice Voucher (HCV)**

For tenants with tenant-based assistance OHA will expedite administrative processes for participants who wish to move with their voucher. See OHA's Standard Operating Procedure Leased Housing Department Confidential Client Request revised 6.14.17 for the processing of VAWA cases (EXHIBIT B.)

When the victim and perpetrator are members of the same household, requests are subject to the current OHA Administrative Plan guidelines (24 CFR 982.315) (24 CFR 982.353), (24 CFR 982.354).

Emergency transfer request to move outside of OHA's jurisdiction are subject to the portability regulations (PIH 2016-09).

### **Section 8 Project Based Voucher (PBV)**

PBV families cannot move with their project-based assistance, as the assistance is tied to the unit. Nonetheless, a victim can make an emergency transfer request if the tenant has been living in the PBV unit for one year or more. The tenant should refer to his/her Property Owner for their Emergency Transfer Plan for the processing of VAWA cases.

### **Moderate Rehabilitation (Mod Rehab)**

The tenant should refer to his/her Property Owner for their Emergency Transfer Plan for the processing of VAWA cases.

**Confidentiality**

OHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives OHA 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 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 OHA'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**

OHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. OHA will expedite administrative processes for participants who wish to move to as a result of domestic violence, dating violence, sexual assault, or stalking in the following manner:

**Public Housing (PH)**

OHA will transfer a tenant to another unit, subject to availability and safety of a unit. 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. OHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If OHA has no safe and available units for which a tenant who needs an emergency is eligible, OHA 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, OHA 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.

**Section 8 Housing Choice Voucher (HCV)**

OHA will expedite the issuance of a transfer voucher to move.

**Section 8 Project Based Voucher (PBV)**

The tenant should refer to his/her Property Owner's Emergency Transfer Plan.

**Section 8 Project Based Voucher (OAHPI)**

Unlike families receiving tenant-based assistance under the HCV program, OAHPI PBV families cannot move with their project-based assistance, as the assistance is tied to the unit. A family or member of the family is not required to give advanced written notice, with a copy to OHA, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.

OHA will transfer a tenant to another unit, subject to availability and safety of a unit. 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. OHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If OHA has no safe and available units for which a tenant who needs an emergency is eligible, OHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.

OHA 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.

The tenant should refer to his/her Property Owner's Emergency Transfer Plan.

**Less than one year**

OHA does not offer tenant-based assistance if the victim has not lived in the PBV unit for at least a year. If a victim, makes an emergency transfer request and has been living in the PBV unit for less than one year, OHA will:

- Offer another safe PBV unit, if available
- Refer the victim to other housing opportunities in the community

The tenant should refer to his/her Property Owner's Emergency Transfer Plan.

**One year or more**

If a victim, makes an emergency transfer request and has been living in the PBV unit for one year or more, OHA must give the victim priority to receive the next available opportunity for continued tenant-based rental assistance (see 24CFR 983.261.)

**Two years or more**

If a victim makes an emergency transfer request and has been living in the PBV unit for 24-months or more, the current Oakland Housing Authority Administrative Plan guidelines apply. (Admin Plan p17-45)

**Moderate Rehabilitation (Mod Rehab)**

The tenant should refer to his/her Property Owner's Emergency Transfer Plan.

**Safety and Security of Tenants**

Pending the processing of the transfer request and approved transfers, OHA will advise the tenant 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(s):**

1. EXHIBIT A: OHA's Standard Operating Procedure Office of Property Operations  
Confidential Client Request revised 6.14.17

2. EXHIBIT B: OHA's Standard Operating Procedure Leased Housing Department Confidential Client Request revised 6.14.17
3. EXHIBIT C: Local organizations assisting victims of domestic violence, dating violence, sexual assault, or stalking.