



Wyoming Community Development Authority

Emergency Transfer Plan for Victims of

Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Scope of the Plan

Wyoming's Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking (The Plan) applies to properties funded by Wyoming Community Development Authority (WCDA) through the Home Investments Partnerships (HOME) program, the National Housing Trust Fund (NHTF) program and/or the Neighborhood Stabilization Program (NSP). This Plan implements provisions of the Violence Against Women Act (VAWA) as required by the U.S. Department of Housing and Urban Development (HUD). This Plan will help to identify tenants who are eligible for an emergency transfer, the documentation required to request an emergency transfer, confidentiality requirements, how an emergency transfer may be processed and guidance to tenants on safety and security. This Plan is based on a model emergency transfer plan published by HUD.

Emergency Transfers

VAWA¹ 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 or

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.

another property. The request to transfer must be made by the victim or someone close to the victim that is aware of the situation and the facts. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² However, a tenant's ability to transfer 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 upon whether another dwelling unit is available and is safe to offer the tenant for temporary or more permanent occupancy.

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:

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 unit; OR
2. b. 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.

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

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.

Internal and External Transfers

Tenants may request transfers to other units within the same project (an internal transfer) or to be released from their leases to allow them to transfer to another project (an external transfer). It is up to each tenant to decide which transfer makes them safest. An internal transfer to an available unit on the same property would allow an eligible tenant to reside in a new unit without having to undergo an application process. The ability of an owner to honor such a request may depend upon whether the property has a safe unit that is available to offer the eligible tenant for temporary or more permanent occupancy. If the eligible tenant does not feel safe staying at the same property, he/she may ask to be released from his/her Lease in order to make application to another property. In this situation, the tenant would be considered an applicant, requiring the tenant to undergo an application process in order to reside at the new property. If the new property does not have any units available at the time the tenant applies, the tenant may have to be placed on the property's waiting list. Requests for an internal and an external transfer may be made concurrently if a safe unit is not immediately available.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify the management office and submit a written request for a transfer to the site manager. The property management company 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 remains in the same dwelling unit; 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.

HUD form #5383 may be used for this request.

In response to a written request from the property management company for purposes of documenting an occurrence of domestic violence, dating violence, sexual assault, or stalking, the tenant may submit, at his discretion, any one of the following forms of documentation:

1. The certification form described in § 5.2005(a)(1)(ii); (HUD form 5382) or
2. A document:
 - (a) Signed by 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 victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; and
 - (b) Signed by the applicant or tenant; and
 - (c) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under § 5.2003; or
3. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

4. At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

If the property management company receives documentation that contains conflicting information, (including certification forms from two or more members of a household each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator), the property management company may require an applicant or tenant to submit third-party documentation, as described above as 2., 3. or 4. of this section, within 30 calendar days of the date of the request for the third-party documentation.

Any request by the management company for additional information must comply with 24 C.F.R. part 5, subpart L. The property management company will make a preliminary determination regarding whether a tenant qualifies for an emergency transfer and will provide both the emergency transfer request documentation and its written determination to WCDA via email to housingdev@wyomingcda.com within 24 hours of the request. WCDA staff will review the request and will respond to the property management company within two business days. If WCDA has not responded to the request within two business days, the property management company will treat the tenant's request as approved.

Confidentiality

WCDA and the property management company will maintain confidentiality of all information that the tenant submits in requesting an emergency transfer and information about the emergency transfer (including the fact of transfer), unless the tenant gives WCDA and/or the property management company 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 maintaining confidentiality of 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.

Emergency Transfer Timing and Availability

WCDA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, property managers are 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 a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit or property. 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. Property managers may be unable to approve a transfer for 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, WCDA provides a listing of all affordable housing projects on its website: www.wyomingcda.com. At the eligible tenant's request, the property management company will also assist tenants in contacting the local organizations that offer assistance to victims of domestic violence, dating violence, sexual assault, or stalking that can be accessed on the website noted at the end of this plan.

WCDA's role is limited to reviewing the property management company's determination of whether a tenant qualifies for a transfer under the Plan. WCDA does not process or handle transfers or transfer requests beyond that review.

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 may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Local Assistance: Tenants may choose to call 911 for emergency assistance. In addition, local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking located in the State of Wyoming may be accessed at the following website: <http://ag.wyo.gov/victim-services-home-page/victim-services-providers>.