

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

**Emergency Transfers**

The Berkeley Housing Authority (BHA) is concerned with the safety of its program participants, including those who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),<sup>1</sup> BHA allows program participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the program participant'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 BHA to honor such request depends upon a preliminary determination that the program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether there is another dwelling unit that is safe and available, for which the program participant chooses to move, and for which the landlord is willing to sign a HAP contract.

This plan identifies program participants 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 program participants 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 BHA's compliance with VAWA.

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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.

## **Eligibility for Emergency Transfers**

A program participant 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 program participant reasonably believes that there is a threat of imminent harm from further violence should the program participant remain in the same unit.

If the program participant is a victim of sexual assault, the program participant 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, and provided there is a unit to which to move, including landlord willing to accept Section 8 HAP contract.

Note: transfers are contingent on whether the program participant identifies a unit of their choosing, and informs BHA staff as to whether the request to move is a transfer (inside Berkeley) or a port (outside of Berkeley, to a jurisdiction of their choice).

BHA will coordinate with local Project-based unit housing partners, to see if there is a vacant Project-based unit suited for the family size of the VAWA victim program participant, and allow a VAWA victim and family to move to a Project-based unit (outside of the normal Project-based waitlist procedure), should that be an available option at the time.

A program participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Program participants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

## **Emergency Transfer Request Documentation**

To request an emergency transfer, the program participant shall notify their BHA Housing Specialist by submitting a written request for a transfer from their unit, as well as the VAWA Victim documentation. The documentation may be:

- HUD Certification of Domestic Violence, Dating Violence or Stalking (Form 5382), or

- police reports, or
- domestic violence/shelter advocate letter, or
- copy of restraining order.

BHA will provide reasonable accommodations to this policy for individuals with disabilities. The program participant's written request for an emergency transfer should include either:

1. A statement expressing that the program participant reasonably believes that there is a threat of imminent harm from further violence if the program participant were to remain in the same dwelling unit assisted under BHA's Section 8 program; OR
2. A statement that the program participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the program participant's request for an emergency transfer.

### **Confidentiality**

BHA will keep confidential any information that the program participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the program participant gives BHA 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 program participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the program participant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about BHA'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**

BHA cannot guarantee that a transfer request will be approved nor determine how long it will take to process a transfer request. BHA will however, act as quickly as possible to process a move, subject to availability and safety of a unit, and the desire of the program participant to

remain in the jurisdiction or port out of Berkeley. BHA may be unable to transfer a program participant to a particular unit if the program participant has not or cannot establish eligibility for that unit.

If BHA is unaware of a safe and available unit for the program participant, BHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move, including in the Project-based housing stock, other non-Section 8 non-profit housing options, or other housing authorities.

### **Safety and Security of Program Participants**

Pending processing of the transfer and the actual transfer if available and approved, the program participant is urged to take all reasonable safety precautions.

**If you are in immediate danger, please call 911 for BPD,  
or from a cell phone, call 981-5911.**

### **Resources**

**If you are in immediate danger, call 911 for BPD or from a cell phone, call 981-5911.**

**Building Futures' 24-hour Crisis Line:** 1-866-A-WAY-OUT [1-866-292-9688]

**A Safe Place 24-Hour Crisis Line:** 510-536-7233

**Family Violence Law Center 24 Hour Crisis Line:** 1-800-947-8301

#### **National Domestic Violence Hotline**

1-800-799-7233 • TTY 1-800-787-3224 • [www.ndvh.org](http://www.ndvh.org)

#### **National Sexual Assault Hotline**

1-800-656-HOPE (1-800-656-4673) • [www.rainn.org](http://www.rainn.org)

#### **National Teen Dating Abuse Helpline**

1-866-331-9474 • TTY 1-866-331-8453 • [www.loveisrespect.org](http://www.loveisrespect.org)

#### **Stalking Resource Center**

[www.victimsofcrime.org/our-programs/stalking-resource-center](http://www.victimsofcrime.org/our-programs/stalking-resource-center)

**Alipato Project (legal):** 510-393-2723