Emergency Transfers

The Massachusetts Department of Housing and Community Development ("DHCD") has developed this Emergency Transfer Plan for units funded under the HOME Investment Partnerships ("HOME") or Housing Trust Fund ("HTF") programs through DHCD pursuant to requirements of the Violence Against Women Act ("VAWA"). The purpose of this Emergency Transfer Plan is to assist tenants of HOME/HTF assisted units who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with VAWA, tenants who are victims of domestic violence, dating violence, sexual assault, or stalking may request an emergency transfer from the tenant’s current unit to another unit at the same or another property. DHCD through its designee, Casa Myrna Vazquez, Inc. (the “Designee”), will facilitate this request by making a determination that a tenant qualifies for an emergency transfer and by providing information on housing and other domestic violence resources as described in this Emergency Transfer Plan. DHCD will also include VAWA requirements in contracts with owners of HOME/HTF assisted units (each an “Owner”), take further steps to assure that Owners are aware of their obligations under VAWA. The ability to request a transfer and to receive a

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1 While the core statutory protections of VAWA that prohibit denial or termination of assistance or eviction solely because an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking became applicable upon 2013 VAWA enactment, compliance with HUD’s VAWA regulatory requirements under 24 CFR Part 5, subpart L and 24 CFR part 92 is required for rental projects for which the date of the HOME funding commitment is on or after December 16, 2016.

2 Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regard less of sex, gender identity, or sexual orientation.
determination of qualification for an emergency transfer and resources under this Emergency Transfer Plan is available regardless of sex, gender identity, or sexual orientation. The ability of the Designee to facilitate such request for tenants currently receiving assistance, however, may depend upon a determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the Designee is able to help the tenant identify a housing provider (i.e., housing owner) that has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies the category of 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 compliance of the HOME and HTF programs 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

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3 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.
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.

A tenant requesting a determination through the Designee that it meets the criteria for an emergency transfer under VAWA must expressly request the transfer in accordance with the procedures described in this plan.

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

Note on Internal Transfers: in accordance with VAWA regulations applicable to HOME/HTF, a tenant that is eligible for an emergency transfer under this plan must receive priority for an internal transfer (relocation to another unit where the tenant would not be characterized as a new applicant) that is at least equal to any applicable additional priority that the housing providers may already provide to other types of emergency transfer requests.

Emergency Transfer Request Documentation

To request a determination of qualification for an emergency transfer under VAWA through DHCD, the tenant shall submit a written request for a transfer to the Designee at 451 Blue Hill Avenue, Boston MA 02121 or ETP@casamyrna.org through the attached Emergency Transfer Request Form. DHCD and its Designee will provide reasonable accommodations to this policy for individuals with disabilities.

Confidentiality

DHCD and the Designee will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives DHCD or the Designee 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 any information that DHCD or its Designee may obtain regarding the location of the new dwelling unit to which the tenant relocates, if applicable, 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 more information about the responsibility of DHCD, the Designee, and the Owners of HOME/HTF assisted housing to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

The Designee cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. Note: since DHCD is not an owner and cannot make transfers, the owner has the responsibility for implementing transfers under this Emergency Transfer Plan when an emergency arises. Accordingly, approval of an emergency transfer request by the Designee will consist of a determination that the tenant qualifies for an emergency transfer.

The Designee will provide to the tenant documentation of tenant’s qualification under this Emergency Transfer Plan for the tenant to submit to an Owner that either: 1) requests such documentation in order to permit the tenant to transfer from the Owner’s unit or to terminate its current lease without penalty; and/or 2) requests such documentation in order to permit the tenant to transfer to the Owner’s unit.

The Designee will act as quickly as possible to process a qualification determination in response to a request by a tenant who is a victim of domestic violence, dating violence, sexual assault, or
stalking, to provide the tenant information on housing and domestic violence resources, and to provide the tenant a list of properties that include DHCD-funded HOME or HTF-units (depending on which program the tenant is currently under), including for each such property the property’s address, contact information, the unit sizes (number of bedrooms) for such units, and, to the extent known, any tenant preferences or eligibility restrictions for such units. 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. The Designee may be unable to facilitate a transfer of a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If the Designee is not aware of safe and available units for which a tenant who needs an emergency transfer is eligible, in addition to providing the listing of HOME/HTF assisted units described above, the Designee 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 Designee will also assist by referring the tenant to the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are listed in the attachment to this plan.

**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.

**Safety Resources**

SafeLink (877) 785-2020 or [http://www.casamyrna.org/chat](http://www.casamyrna.org/chat), the state domestic violence hotline, for connection to resources and your local domestic violence organization, support and
safety planning. SafeLink is a toll-free domestic violence Massachusetts hotline that provides callers 24/7 live response in English, Spanish, Portuguese, with access to translation in more than 130 languages. People who are Deaf and hard of hearing can reach SafeLink through the Mass Relay service (http://www.mass.gov/massrelay) or dialing 711 in Massachusetts. See also https://www.casamyrna.org/ETP for resources relating to VAWA and DHCD’s Emergency Transfer Plan, and www.masshousing.com/vawa for additional information on VAWA and related state law information and resources.

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 visit the online hotline at www.thehotline.org, for assistance in creating a safety plan. For persons who are Deaf and hard of hearing, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who are or 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 1:** Emergency Transfer Request Form, Form HUD-5383

**Attachment 2:** Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, Form HUD-5382