

# Housing Authority of the City of Erie

## VAWA Policy and Emergency Transfer Policy

### PROTECTIONS PROVIDED UNDER THE VAWA

The Violence Against Women Act (VAWA) provides protections to individuals regardless of sex, gender identity or sexual orientation, who are applicant to or residents of any Housing Authority of the City of Erie (HACE) properties and who are the victims of domestic violence, dating violence, sexual assault and/or stalking – collectively referred to as VAWA crimes. HACE understands that, regardless of whether state or local laws protect victims of VAWA crimes, people who have been victims of violence have certain rights under Federal fair housing regulation.

This policy is intended to support or assist victims of VAWA crimes and protect victims, as well as affiliated persons, from being denied housing or from losing their HUD assisted housing as a consequence of their status as a victim of VAWA crimes.

VAWA protections are provided to affiliated persons which are defined as follows:

1. A spouse, parent, brother, sister, or child of the victim, or a person to whom the victim stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of the victim); or
2. Any lawful occupant living in the household

Other than what is described above, VAWA protections are not provided to guests, unauthorized residents or service providers (including live-in aides) hired by the resident.

VAWA ensures that victims are not denied housing and housing assistance is not terminated solely because the person is a victim of a VAWA crime.

Eligibility requirements for housing programs cannot be modified. Being a victim of a VAWA crime does not automatically make a person eligible for housing assistance.

Being a victim of a VAWA crime is not reason to waive requirements set forth in the HUD Model Lease or in any lease attachment or HUD approved lease addendum unless being a victim of a VAWA crime was the cause of the lease violation.

HACE will not assume that any act is a result of abuse covered under the Violence Against Women Act. In order to receive the protections outlined in the VAWA, the applicant/resident must specify that they wish to exercise these protections. If any applicant or resident wishes to exercise the protections provided in the VAWA, they should contact the property staff immediately.

### CONFIDENTIALITY

HACE is committed to ensuring that the Privacy Act is enforced in this and all other situations.

The identity of the victim and all information provided to HACE relating to the incident(s) of abuse covered under the VAWA will be retained in confidence.



Information will not be entered into any shared database nor provided to a related entity, except to the extent that the disclosure is:

1. Requested or consented to by the victim in writing for a limited period of time; or
2. Required for use in an eviction proceeding or termination of assistance; or
3. Otherwise required by applicable law

HACE will retain all documentation relating to an individual's domestic violence, dating violence, sexual assault and/or stalking in a separate file that is kept in a separate secure location from other applicant or resident files.

## REQUESTS & CERTIFICATION

The person seeking VAWA protections may make a request for a VAWA accommodation in any reasonable manner. The resident/applicant may:

- Complete a VAWA Request Form provided by HACE
- Submit a written request (*including email but not texting*)
- Make a personal (oral) request either in person or via phone

Once a request is made, HACE requires that the applicant certifies their status as a victim of a VAWA crime or as a person affiliated with a victim using one of the following methods. Applicants and residents decide which of the following methods is used to certify their status as a victim of a VAWA crime or as someone affiliated with a victim of a VAWA crime.

1. When HACE responds to a request to exercise protections provided under the VAWA, Management will request that an individual provide HUD Form 5382 *Certification as a Victim of Domestic Violence, Dating Violence, Stalking or Sexual Assault* to certify status as a VAWA victim or as a person affiliated with a VAWA Victim. A copy of this form is attached.

HACE understands that the delivery of the certification form to the applicant/resident via mail may place the victim at risk, (e.g., the accused perpetrator may monitor the mail). Management will work with the applicant/resident in making acceptable delivery arrangements.

2. Alternatively, if the applicant/resident has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking from a federal, state, tribal, territorial jurisdiction, local police or court, the resident may submit written proof of this outreach in lieu of the certification form.

HACE will accept a federal, state, tribal, territorial, or local police record or court record or other official record documenting status as a victim of a VAWA crime or a person affiliated with a victim of a VAWA crime as defined in this policy.

3. HACE will also accept a document signed and attested to by a professional (*employee, agent or volunteer of a victim service provider, an attorney, medical personnel, etc.*) from whom the person seeking VAWA protections has sought assistance in addressing domestic violence, dating violence, sexual assault and/or stalking or the effects of the abuse. This document must be signed by the applicant/resident. A copy of this form is attached.

4. If the applicant/resident is currently living in a shelter established to protect victims of violence covered under the VAWA, HACE will accept verification of such living arrangement in lieu of certification methods described above.



5. If the person seeking VAWA protections cannot provide any of the documents described above, the person should contact management staff to discuss acceptable alternatives. If the documents above cannot be provided, HACE will be the final decision maker regarding acceptable alternatives.

Victims are not required to name their accused perpetrator if doing so would result in imminent threat or if the victim does not know the name of their accused perpetrator.

The person seeking VAWA protections will have fifteen (15) calendar days from the date of the written request to provide certification using any of the options above.

If HACE 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*), HACE will require an applicant or tenant to submit third-party documentation, as described above in options 2, 3, or 4, within fifteen (15) calendar days of the date of the request for the third-party documentation.

To ensure that a person is not wrongly accused of committing an act covered under the VAWA, HACE will carefully evaluate abuse claims as to avoid denial, termination of assistance, termination of tenancy or eviction based on false or unsubstantiated accusations.

HACE will review and respond to requests to exercise protections provided under the VAWA as quickly as possible but within no more than ten (10) business days of receiving all required documentation. HACE may provide the response in any manner acceptable to the victim and Management.

Responses include:

- Approval of the Request for a specific VAWA accommodation
- Denial of the Request for a specific VAWA accommodation
- Request for additional information or Request to meet

If the request is denied, the person seeking VAWA protections will have the right to appeal. Written requests to appeal must be received within ten (10) business days of the date of the denial. When requested, the appeal will be held with the Deputy Executive Director.

## **LEASE BIFURCATION**

If HACE determines that physical abuse caused by a resident is clear and present, the law provides Management the authority to bifurcate a lease (i.e., remove, evict, or terminate housing assistance to any accused perpetrator), while allowing the victim, who lawfully occupies the home, to maintain tenancy.

HACE may attempt to evict the accused perpetrator, but residents should know that an eviction or termination must be in accordance with state/local tenant/landlord laws which HACE must comply with. Management cannot guarantee that a court will award or enforce an eviction.

In the event that one household member is removed from the unit because of engaging in acts of domestic violence, dating violence, sexual assault and/or stalking against another household member, an appropriate certification will be processed reflecting the change in household composition. Special consideration will be given if the remaining household members are not qualified to remain in the unit as a “remaining household member”.



## **LEGAL ACTION**

Victims are encouraged to seek police/legal protection from their accused perpetrator. In some cases, HACE may add the individual(s) to the “banned list” for a property, and/or file a restraining order against the accused perpetrator to prevent the accused perpetrator from entering the property.

The VAWA does not limit the authority of HACE, when notified of a court order, to comply with a court order with respect to:

- The rights of access or control of property, including civil protection orders issued to protect a victim of a VAWA Crime; or
- The distribution or possession of property among members of a household.

## **TERMINATION OF TENANCY OR TERMINATION OF ASSISTANCE**

HACE will not subject the resident/applicant, who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, or is affiliated with an individual who is or has been a victim of a VAWA crime, to a more demanding standard than other residents/applicants in determining whether to evict or terminate assistance.

The VAWA does not limit HACE’s authority to deny, terminate assistance to, or evict a resident/applicant under a covered housing program when management can demonstrate an actual and imminent threat would be present if that resident/applicant or lawful occupant is not evicted/terminated. In this context, words, gestures, actions, or other indicators will be considered an actual and imminent threat if they meet the standards provided in the definition. Actual and imminent threat refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

The VAWA does not limit HACE’s authority to deny, evict or terminate assistance to a resident/applicant for any violation that is not the result of an act of a VAWA crime.

HACE will take into account individual circumstances when making a determination to terminate tenancy; such circumstances might include, among other things, the seriousness of the offending action, the extent of participation by the leaseholder in the offending action, and whether the leaseholder, if not the wrongdoer, took all feasible steps to prevent the offending action from occurring and has removed the offending person from the lease or otherwise banned the offending person from the premises in the future.

Any eviction or termination of assistance will be initiated only when there are no other actions that could be taken to reduce or eliminate the threat. Examples of such action include, but are not limited to:

- Transferring the victim to a different unit when doing so would reduce or eliminate the threat;
- Barring the accused perpetrator from the property;
- Contacting law enforcement to request an increase in police presence;
- Develop other plans to keep the property safe, or;
- Seeking other legal remedies to prevent the perpetrator from acting on a threat



## ENSURING EQUAL ACCESS

If you have difficulty understanding English, please request our assistance and we will ensure that you are provided with meaningful access based on your individual needs.

Certifications/forms required may be submitted in an equally effective manner or modified as a reasonable accommodation when there is the presence of a disability.

HACE does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development's regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

Dusti Dennis  
606 Holland Street  
Erie, PA 16501  
814-452-2425 ext 2231



## **VAWA EMERGENCY TRANSFER PLAN**

HACE is concerned about the safety of residents and applicants, and such concern extends to residents and applicants who are victims of domestic violence, dating violence, sexual assault, or stalking – collectively referred to as VAWA crimes.

This VAWA Emergency Transfer Plan identifies:

- Residents or applicants who are eligible for an emergency transfer,
- The documentation needed to request or receive an emergency transfer,
- Confidentiality,
- How an emergency transfer may occur, and
- Guidance about safety and security.

In accordance with the Violence Against Women Act (VAWA), HACE allows residents who are victims of VAWA crimes or people who are affiliated with victims of VAWA crimes to request a VAWA Emergency Transfer from the resident's current unit to another unit that is part of this property (internal transfer) or part of another property (external transfer).

Regardless of whether the resident/applicant is applying for an internal emergency transfer or an external emergency transfer, residents/applicants requesting a VAWA EMERGENCY TRANSFER must qualify for the new unit based on the requirements set forth by the governing agency. The resident/applicant should understand that they may also be subject to other screening requirements set forth by the owner/agent responsible for the other property.

The resident or applicant is responsible for paying for any expenses associated with the move. The U.S. Department of Justice (DOJ) administers programs that provide funding for victims covered by VAWA, and the Victims Crime Fund could be used to pay for relocation expenses of these victims, or to provide other sources of support, which could free up funding to pay for moving costs. Information about the Crime Victims Fund is available at: <https://www.ovc.gov/about/victimsfund.html>. Information about Office of Violence Against Women grants is available at [www.justice.gov/ovw/grant-programs](http://www.justice.gov/ovw/grant-programs).

### **ELIGIBILITY FOR EMERGENCY TRANSFERS**

A resident/applicant is eligible for a VAWA Emergency Transfer when:

1. The person making the request is a victim of a VAWA crime or are a person affiliated with a victim of a VAWA crime
2. There is a request for a VAWA Emergency Transfer; and
3. The resident reasonably believes that there is a threat of imminent harm if they remain within the same unit; or
4. If the resident is a victim of sexual assault, the resident may 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.

### **EMERGENCY TRANSFER REQUEST DOCUMENTATION**

Victims of VAWA crimes or people who are affiliated with victims of VAWA crimes (or a representative) must submit a request for a VAWA Emergency Transfer.

To request a VAWA EMERGENCY TRANSFER, the victim of the VAWA crime or people who are affiliated with victims of VAWA crimes (or a representative) must notify property staff; and

1. Submit a written request for a transfer using a form provided by HACE; or



2. Request and participate in a meeting during which the victim of the VAWA crime may verbally request a VAWA Emergency Transfer which will be documented on a form signed by the person requesting the transfer.

**Internal Emergency Transfer:** If an existing resident qualifies for an internal VAWA EMERGENCY TRANSFER, the first available unit based on the transfer policy, that the requestor deems “safe”, will be offered to the resident.

If a “safe” unit is not immediately available or if there are other residents who have submitted a Unit Transfer Request, the resident will be added to the property waiting list. HACE will offer the next available unit based on preferences, if any.

When an appropriate unit is not available on this property, HACE will work with the resident to identify alternative housing under this or other federally funded programs. HACE will also provide information about national and local organizations that may assist with providing alternative housing until a safe unit becomes available.

The resident may have to qualify for the next available unit. The resident will be advised when this is the case. HACE may only move the resident to the next available unit if the resident is qualified under the program rules established by the governing agency.

When a “safe” unit is offered and accepted, the resident will have thirty (30) calendar days to complete appropriate paperwork, take possession of the new unit and move out of the current unit.

Once the resident is approved for a transfer, they will need to physically move in a mutually agreeable time frame not to exceed 14 calendar days. The resident may only receive subsidy in one unit on any given day. If the resident takes possession of the new unit before moving out of the old unit, the resident will be responsible for market rent for the days the resident is in legal possession of the original unit.

### **External Emergency Transfer:**

#### **Transferring from Current Property to Another Property Owned or Managed by HACE**

If a resident qualifies for an external VAWA EMERGENCY TRANSFER, and the resident wishes to move to another property owned by HACE, and when the property’s waiting list is open HACE will:

- Accept a completed application,
- Determine eligibility based on the requirements of the governing agency and the property management plan and,
- If appropriate, will add the resident to that property’s waiting list

Before the external transfer is granted, the resident/applicant must participate in an eligibility/screening review, must qualify based on the Tenant Selection Plan in place at the time of the eligibility determination and must agree to abide by the terms and conditions that govern occupancy in the new unit.

If a resident reasonably believes a proposed transfer would not be safe, the resident may request a different unit.



### **Transferring from This Property to Another Property That is Not Owned or Managed by HACE**

If a resident qualifies for an external VAWA EMERGENCY TRANSFER, and the resident wishes to move to another property that is not owned or managed by HACE, management will work closely with the applicant and will take all reasonable measures to assist with the victim's efforts to find alternative housing.

HACE can assist the resident in identifying other housing providers who may have safe and available units. HACE cannot guarantee that the resident will receive priority placement based on the resident's status as a victim of a VAWA crime or the resident's status as a person affiliated with a victim of a VAWA crime. The resident should contact the property staff at the new property and ask for information about applicant selection and placement preference.

The resident must notify management when the resident plans to move. The resident cannot begin subsidy in a new unit until the resident stops receiving subsidy in this unit. HACE cannot stop subsidy until they can legally take possession of the unit. In the case where some household members remain in the original unit, the resident must be removed from the household subsidy and the lease when the resident moves out.

### **EMERGENCY TRANSFER TIMING AND AVAILABILITY**

HACE cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HACE will, however, act as quickly as possible to move a resident who is a victim of a VAWA crime to another unit, subject to availability and safety of a unit.

When a person seeking VAWA protections requests a VAWA Emergency Transfer and when that resident qualifies for the emergency transfer and qualifies for a proposed unit owned or managed by HACE, the unit will be offered based on the following.

Residents who are requesting new units and who qualify for the VAWA Emergency Transfer will be placed on the waiting list based on the date and time the completed VAWA Emergency Transfer Request is received.

### **Selection Order**

When a person seeking VAWA protections requests a VAWA Emergency Transfer and when that resident qualifies for the emergency transfer and qualifies for a proposed unit owned or managed by HACE the unit will be offered based on the following order:

1. Imminent Threat (VAWA Emergency Transfer),
2. To permit modernization of the unit and/or building,
3. To allow a resident to transfer to an accessible unit based on verified medical need,
4. To correct occupancy standards,
5. To avoid concentrations of the most economically and socially deprived families

Accessible units will always be offered to residents and applicants who need the features of the accessible unit before they are offered to residents and applicants who do not need the features of an accessible unit.

Please see the Unit Transfer Policy or the Management Plan for additional information.

### **OTHER HOUSING RESOURCES**

As part of the VAWA Emergency Transfer Plan, HACE has also identified resources, that are available to residents and applicants.

At the resident's request, HACE can also assist residents in contacting local organizations offering assistance to victims of VAWA Crimes.





**SAFETY AND SECURITY OF APPLICANTS AND RESIDENTS**

Victims of VAWA crimes and/or any person affiliated with a victim of a VAWA crime are urged to take all reasonable precautions to be safe.

**ORGANIZATIONS OFFERING ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.**

**National Resources:**

The National Domestic Violence Hotline	800-799-7233 (SAFE)	<a href="http://www.ndvh.org">www.ndvh.org</a>
National Dating Abuse Helpline	866-331-9474	<a href="http://www.loveisrespect.org">www.loveisrespect.org</a>
Americans Overseas Domestic Violence Crisis Center	866-USWOMEN (879-6636)	<a href="http://www.866uswomen.org">www.866uswomen.org</a>
National Child Abuse Hotline/Childhelp	800-4-A-CHILD 800-422-4453	<a href="http://www.childhelp.org">www.childhelp.org</a>
National Sexual Assault Hotline	800-656-4673 (HOPE)	<a href="http://www.rainn.org">www.rainn.org</a>
National Center for Victims of Crime	202-467-8700	<a href="http://www.victimsofcrime.org">www.victimsofcrime.org</a>
National Human Trafficking Resource Center/Polaris Project	888-373-7888 Text: HELP to BeFree (233733)	<a href="http://www.polarisproject.org">www.polarisproject.org</a>
National Resource Center on Domestic Violence	800-537-2238	<a href="http://www.nrcdv.org">www.nrcdv.org</a> and <a href="http://www.vawnet.org">www.vawnet.org</a>
Futures Without Violence: The National Health Resource Center on Domestic Violence	888-792-2873	<a href="http://www.futureswithoutviolence.org">www.futureswithoutviolence.org</a>
National Center on Domestic Violence, Trauma & Mental Health	312-726-7020 ext. 2011	<a href="http://www.nationalcenterdvtraumamh.org">www.nationalcenterdvtraumamh.org</a>
Rape, Abuse & Incest National Network's National Sexual Assault Hotline	800-656-HOPE	<a href="https://ohl.rainn.org/online/">https://ohl.rainn.org/online/</a>
National Center for Victims of Crime's Stalking Resource Center		<a href="http://www.victimsofcrime.org">www.victimsofcrime.org</a>
Domestic Violence Initiative	303-839-5510 877-839-5510	<a href="http://www.dviforwomen.org">www.dviforwomen.org</a>
Deaf Abused Women's Network (DAWN)	202-559-5366	<a href="mailto:Hotline@deafdawn.org">Hotline@deafdawn.org</a> <a href="http://www.deafdawn.org">www.deafdawn.org</a>
Women of Color Network	800-537-2238	<a href="http://www.wocninc.org">www.wocninc.org</a>
INCITE! Women of Color Against Violence		<a href="mailto:incite.natl@gmail.com">incite.natl@gmail.com</a> <a href="http://www.incite-national.org">www.incite-national.org</a>
Alianza	505-753-3334	<a href="https://domestic-violence.laws.com/domestic-violence-news/alianza-confronting-domestic-violence-among-our-nation39s-latinos-36511.html">https://domestic-violence.laws.com/domestic-violence-news/alianza-confronting-domestic-violence-among-our-nation39s-latinos-36511.html</a>
Casa de Esperanza	651-772-1611	<a href="http://www.casadeesperanza.org">www.casadeesperanza.org</a>
Asian and Pacific Islander Institute on Domestic Violence	415-954-9988	<a href="http://www.apiidv.org">www.apiidv.org</a>
Committee Against Anti-Asian Violence (CAA AV)	212- 473-6485	<a href="http://www.caaav.org">www.caaav.org</a>



Manavi	732-435-1414	<a href="http://www.manavi.org">www.manavi.org</a>
Institute on Domestic Violence in the African American Community	877-643-8222	<a href="http://idvaac.org">idvaac.org</a>
The Black Church and Domestic Violence Institute	770-909-0715	<a href="http://www.nonprofitfacts.com">www.nonprofitfacts.com</a>
The Audre Lorde Project		<a href="http://www.alp.org">www.alp.org</a>
LAMBDA GLBT Community Services	206-350-4283 178-596-0342	<a href="http://www.qrd.org/qrd/www/orgs/avproject/main.htm">www.qrd.org/qrd/www/orgs/avproject/main.htm</a>
National Coalition of Anti-Violence Programs 1-212-714-1184	206-350-4283	<a href="https://ncadv.org">https://ncadv.org</a>
National Gay and Lesbian Task Force	202-393-5177	<a href="http://www.nglftf.org">www.nglftf.org</a>
Northwest Network of Bisexual, Trans, Lesbian & Gay Survivors of Abuse	206-568-7777	<a href="http://www.nwnetwork.org">www.nwnetwork.org</a>
National Clearinghouse on Abuse in Later Life	608-255-0539	<a href="http://www.ncall.us">www.ncall.us</a>
National Center for Elder Abuse	855-500-3537	<a href="https://ncea.acl.gov">https://ncea.acl.gov</a>
American Bar Association Commission on Domestic Violence	202-662-1000	<a href="http://www.abanet.org/domviol">www.abanet.org/domviol</a>
Battered Women's Justice Project	800-903-0111	<a href="http://www.bwjp.org">www.bwjp.org</a>
Safe Horizon stalking victims' hotline (assessment & referrals provided)	866-689-4357	
Stalking Resource Center		<a href="http://www.victimsofcrime.org/our-programs/stalking-resource-center">www.victimsofcrime.org/our-programs/stalking-resource-center</a>
The National Organization for Victim Assistance	800-879-6682	<a href="http://www.trynova.org">www.trynova.org</a>
iSafetyNet		<a href="http://www.isafetynet.org/">www.isafetynet.org/</a>

**Local Resources:**

SafeNet	814-454-8161	<a href="http://www.safeneterie.org">www.safeneterie.org</a>
Erie County Domestic Violence Hotline	716-862-4357	<a href="http://www2.erie.gov/socialservices/index.php?q=domestic-violence">www2.erie.gov/socialservices/index.php?q=domestic-violence</a>
Crime Victim Center	814-455-9414 800-352-7273	<a href="http://www.cvcerie.org">www.cvcerie.org</a>

**INFORMATION ABOUT PROPERTIES PROVIDING HUD SUBSIDY AND SUBJECT TO THE RULES PROVIDED BY THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT 2013**

HACE will assist the victim in finding alternative housing with subsidy provided through the Department of Housing and Urban Development.

Victims can conduct their own "search" and can find Section 8 apartments on HUD's web sites  
<http://www.hud.gov/apps/section8/>  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/pha/contacts](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/contacts)

For information about Low-Income Housing Tax Credit properties in State please contact PHFA at 1-855-827-3466 or go to [www.phfa.org](http://www.phfa.org)

**NON-COMPLIANCE WITH THE REQUIREMENTS OF THIS NOTICE**



You may report a covered housing providers violations of these rights and seek additional assistance, if needed, by contacting or filing a complaint with the local HUD Office.

HUD-Pittsburgh Office  
William Moorhead Federal Building  
1000 Liberty Avenue, Suite 1000  
Pittsburgh, PA 15222-4004  
(412) 644-6428

Attachments:

Certification Form (HUD-5382)

Emergency Transfer Request (HUD-5383)

Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking-Alternate Verification

