

## **Philadelphia Continuum of Care Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual violence, Human Trafficking, or Stalking**

### **Emergency Transfers**

The [Philadelphia Continuum of Care \(CoC\)](#) is concerned about the safety of participants in homeless assistance programs, and such concern extends to participants who are victims of domestic violence, dating violence, sexual assault, human trafficking, or stalking. As stated by HUD, CoCs should be able to provide individuals and families fleeing violence access to housing and trauma-informed, victim-centered services that prioritize the survivor's safety needs, accommodates their unique circumstances, and maximizes client choice.

In accordance with the [Violence Against Women Act \(VAWA\)](#),<sup>1</sup> Philadelphia homeless assistance programs providing housing or rental assistance must allow participants who are victims of domestic violence, dating violence, sexual violence, human trafficking, or stalking to request an emergency transfer from the participant's current unit to another unit. This requirement applies to programs supported by U.S. Department of Housing and Urban Development (HUD) CoC Program funds, HUD Emergency Solutions Grants (ESG), or City of Philadelphia funds through the Office of Homeless Services and all programs participating in the CoC's [Coordinated Entry and Assessment-Based Housing Referral System \(CEA-BHRS\)](#).

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.<sup>2</sup> Housing providers will work with the Office of Homeless Services' Supportive Housing Clearinghouse (Clearinghouse), which serves as the CEA-BHRS Centralized Referral Entity, to enact external emergency transfers. The ability of the Clearinghouse to honor requests for participants currently receiving assistance may depend upon a preliminary determination that the participant is or has been a victim of domestic violence, dating violence, sexual violence, human trafficking, or stalking, and on whether another dwelling unit is available and is safe to offer the tenant for temporary or more permanent occupancy.

Participants in programs that receive additional HUD funding (e.g., Housing Choice Voucher funds from Philadelphia Housing Authority) may choose to use the protections or remedies

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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.

under any or all of those programs, as long as the protections or remedies would be feasible and permissible under each of the program statutes. Philadelphia Housing Authority's Emergency Transfer Plans are included as appendices in the PHA Admissions & Continued Occupancy Plan (ACOP) for public housing and the PHA Administrative Plan for Tenant-Based Vouchers and Unit-Based Vouchers.

This plan includes information on eligibility for an emergency transfer, required documentation, confidentiality protections, the transfer process, and guidance to participants on safety and security. This plan is based on a [model emergency transfer plan](#) published by HUD, which is the Federal agency that oversees VAWA compliance of CoC- and ESG-funded programs.

### **Definitions**

***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. All providers are highly encouraged to consult with the Philadelphia Domestic Violence Hotline at 1-866-723-3014 about safety assessment and client's safety planning, without disclosing participants' personal information without consent.

***Bifurcate*** means to divide a lease as a matter of law, such that certain tenants or lawful occupants can be evicted or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.

***Domestic Violence*** [based on [Pennsylvania Coalition Against Domestic Violence \(PCADV\)](#) and [Centers for Disease Control and Prevention \(CDC\)](#) definitions] is a pattern of behavior that one person in a relationship uses to gain power and control over the other. Domestic violence could include physical, sexual, or psychological harm, as well as financial abuse; and it also includes abusive behaviors perpetrated by a former or ex-partner. Some other terms used to refer to domestic violence are: *intimate partner violence (IPV)*, *family violence*, *relationship violence*, *spousal violence*, and *dating violence*.

***External emergency transfer*** refers to an emergency relocation of a participant to another assisted unit outside the inventory of their current housing provider.

***Human Trafficking*** refers to subjecting a person to an act or practice of:

- (1) sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or
- (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

**Internal emergency transfer** refers to an emergency relocation of a participant to another assisted unit within the inventory of their current housing provider.

**Safe unit** refers to a unit that the victim of domestic violence, dating violence, sexual violence, human trafficking, or stalking believes is safe.

**Sexual Violence** [based on [Centers for Disease Control and Prevention \(CDC\)](#) and [Women Organized Against Rape \(WOAR\)](#) definitions] refers to sexual activity when consent is not obtained or not given freely. This term is used to define the continuum of acts of violence which can violate a person's trust and sense of safety. The continuum of sexual violence includes rape, incest, child sexual assault, date and acquaintance rape, statutory rape, marital or partner rape, sexual exploitation, unwanted sexual contact, sexual harassment, exposure, and voyeurism.

**Stalking** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others; or
- (2) Suffer substantial emotional distress.

**Trauma-informed** refers to approaches delivered with an understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach recognizes signs of trauma in staff, clients, and others, and responds by integrating knowledge about trauma into policies, procedures, practices, and settings. Trauma-informed approaches place priority on restoring the survivor's feelings of safety, choice, and control. Programs, services, organizations, and communities can be trauma-informed.

**VAWA** means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.)

**Victim-centered** refers to placing the victim's priorities, needs, and interests at the center of the work with the victim; providing nonjudgmental assistance, with an emphasis on client self-determination, where appropriate, and assisting victims in making informed choices; ensuring that restoring victims' feelings of safety and security are a priority and safeguarding against policies and practices that could inadvertently re-traumatize victims; ensuring that victims' rights, voices, and perspectives are incorporated when developing and implementing system- and community-based efforts that impact victims of violence.

### **Eligibility for Emergency Transfers**

A participant is eligible for an emergency transfer when any member of the household is a victim of domestic violence, dating violence, sexual violence, human trafficking, or stalking, and reasonably believes that there is a threat of imminent harm from further violence if the

participant remains within the same unit. If the participant is a victim of sexual violence, the participant may also be eligible to transfer if the sexual violence occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.

A participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. 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 participant shall notify their housing provider's management and submit a written request for a transfer to that provider. The provider must provide reasonable accommodations to this policy for individuals with disabilities. The participant's written request for an emergency transfer should include either:

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

The participant may use the attached HUD model form [5383](#) to request an emergency transfer.

The housing provider may request documentation of the domestic or sexual violence. If requested, the participant may provide any one of the following forms of documentation:

1. HUD model form [5382](#) stating the individual is a victim (attached);
2. Signed documentation from a victim service provider, an attorney, a medical professional, or a mental health professional from whom the participant has sought assistance relating to domestic violence, dating violence, sexual violence, or stalking, or the effects of abuse; or
3. A police report or court record.

If a housing provider receives reports or documentation of domestic or sexual violence that contain 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 housing provider may require a participant to submit third-party documentation, as described in 2 & 3 above and in 24 C.F.R. 5.2007(b), within 30 calendar days of the date of the request for the third-party documentation. If third party documentation is not received or third party documentation presents conflicting information, the housing provider must contact the City's Office of Domestic Violence Strategies for case consultation.

### **Confidentiality**

The housing provider and the Office of Homeless Services' Supportive Housing Clearinghouse team will keep confidential any information that the participant submits in requesting an emergency transfer, and any information about the emergency transfer, unless the participant gives the housing provider written permission to release the information on a time-limited basis, or if disclosure of the information is required by law or for use in an eviction proceeding or termination hearing. To this end, in order to submit an emergency transfer request to Philadelphia's Coordinated Entry & Assessment-Based Housing Referral System (CEA-BHRS), even without any details about the circumstances, the housing provider must get a signed consent form (attached). This protection also includes keeping confidential the new location of the dwelling unit of the participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual violence, stalking, or trafficking against the participant. See the Notice of Occupancy Rights under the Violence Against Women Act for more information about the provider'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**

Each provider must develop a strategy to transfer a survivor to a safe unit as quickly as possible. Nothing may preclude a participant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available. The housing provider must explain both options to the participant. The provider is responsible for assisting the household members as they work to meet their safety needs, until a transfer can occur. All providers are highly encouraged to consult with the Philadelphia Domestic Violence Hotline at 1-866-723-3014 about the situation without disclosing personal information. Hotline staff can assist with assessing whether the participants' safety plan needs to include immediate relocation before a transfer can be effected. At the participant's request, the provider will also assist the participant with contacting the local organizations assisting victims of domestic violence, dating violence, sexual violence, human trafficking, or stalking whose information is attached to this plan.

Upon receiving the participant's emergency transfer request, the housing provider will assess the possibility of an internal emergency transfer by determining the availability and safety of an alternative unit within that provider's inventory. If an internal emergency transfer is feasible (there is a safe unit available), the provider will act within 24-48 hours to move the participant who is a victim of domestic violence, dating violence, sexual violence, human trafficking, or stalking to another unit. All internal emergency transfer requests within this Plan must receive the same priority that other types of emergency transfer requests, such as those related to emergency maintenance issues, receive.

If a unit is available and safe, the transferred participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the participant has been transferred. The

provider may be unable to transfer a participant to a particular unit if the participant has not or cannot establish eligibility for that unit. If a participant reasonably believes a proposed transfer would not be safe, the participant may request a transfer to a different unit.

If the participant wishes to submit concurrent transfer requests or if the participant prefers an internal emergency transfer, but the provider has no safe and available units in its inventory for which the participant making the request is eligible, the provider will request documentation of the victim's status in any of the forms previously mentioned, including the self-certification form. The provider will submit the "Transfer Request Form" to the Clearinghouse in the ClientTrack Housing Assessment workflow to request an external "Imminent Safety Transfer" but will not enter any additional identifying personal information about the domestic violence situation. The housing provider will enter information necessary to identify a safe unit, such as unit size needed and areas of the city where the participant cannot live.

The Clearinghouse will review the imminent safety transfer request within one business day and decide about approval within two business days of receiving requested information. Once a request is approved, the household will appear within ClientTrack as available to match with vacancies for which they are eligible. Regardless of VI-SPDAT score, the individual or family shall have priority over all other applicants within CEA-BHRS for rental assistance, transitional housing, and permanent supportive housing projects for which the household meets all eligibility criteria. The household shall retain their original homeless or chronically homeless status for the purposes of the transfer. If the external transfer request is approved and the participant is matched to another program, the provider is responsible for assisting the household with meeting documentation requirements of the program they are moving to. For instance, the provider would share the documentation of homelessness, disability, and/or other items that were received at entry to their program. The provider would not share any information about the situation prompting the transfer without receiving specific written consent from the participant.

### **Non-transferring Household Member(s) & Lease Bifurcation**

If a family separates in order to affect an emergency transfer and the non-transferring household member is engaged in criminal activity directly relating to domestic violence, sexual violence, dating violence, human trafficking, or stalking, the housing provider may bifurcate the lease, or remove said household member from the lease in order to evict, remove, terminate occupancy rights, or terminate assistance to the non-transferring member. In terminating assistance or occupancy rights of the non-transferring household member, the housing provider must follow its written termination policy and grievance procedure, including formal due process. In removing the abuser or perpetrator from the unit, the housing provider must follow Federal, State, and local eviction procedures.

When a household receiving assistance separates, the household's assistance shall continue for the household member(s) who are not evicted or removed in a program for which the remaining household member(s) are eligible.

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

Pending processing of the transfer and the actual transfer, if approved, the participant is urged to take all reasonable precautions to be safe and the provider is urged to support those efforts.

For help regarding domestic violence, people who believe they may be in an abusive relationship or who just want more information are encouraged to contact the 24-hour [Philadelphia Domestic Violence Hotline](#) at 1-866-723-3014 anytime for crisis intervention, safety planning, resources and referrals. All calls are free, confidential and anonymous and bilingual counselors are available on the line for non-English speaking individuals. Alternatively, the National Domestic Violence Hotline is available at 1-800-799-7233 or via 24-hour live chat at <https://www.thehotline.org/>. Persons with hearing impairments can access the Philadelphia hotline at 215-456-1529 (TTY) and the national hotline by calling 1-800-787-3224 (TTY).

For help regarding sexual violence, people are encouraged to contact:

- Women Organized Against Rape (WOAR) Hotline at 215-985-3333
- 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/>
- The Philadelphia Sexual Assault Response Center, 300 E. Hunting Park Avenue, Philadelphia, PA 19124, Phone: 215-800-1589; For emergencies, phone 215-425-1625.

For help regarding human trafficking, you may visit the National Human Trafficking Hotline website at <https://humantraffickinghotline.org/> or contact the National Human Trafficking Hotline—available 24 hours a day, 7 days a week, in more than 200 languages—by calling 1-888-3737-888 or texting HELP to BEFREE (233722). Callers can dial 711 to access the Hotline using TTY. Additional options include live chat at <https://humantraffickinghotline.org/chat> or email to [help@humantraffickinghotline.org](mailto:help@humantraffickinghotline.org).

Participants who are or have been victims of stalking may visit the National Center for Victims of Crime's Stalking Resource Center for help at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

### **Costs of Breaking a Lease**

Providers of HUD CoC-funded tenant-based rental assistance may use grant funds to pay amounts owed for breaking the lease if the family qualifies for an emergency transfer under this emergency transfer plan.

### **Limitations on Transfer Requests**

Neither a housing provider nor the Clearinghouse can force a participant to move to unit that does not feel safe. A survivor of domestic violence, dating violence, sexual violence, human trafficking, or stalking can invoke this plan multiple times. A transfer cannot be denied because the perpetrator learned of a new location of residence, even if the perpetrator learned from the victim. There is no limitation on the number of emergency transfers that a survivor can request.

### **Grievance**

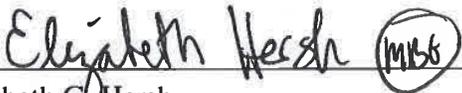
If denied an emergency transfer, participants can file a grievance by submitting a letter or CEA-BHRS Grievance Form to the Office of Homeless Services via email to [ohs-generalinfo@phila.gov](mailto:ohs-generalinfo@phila.gov) or by phoning the Participant Comment Line at 215-686-4700. The Office of Homeless Services will respond to said grievance within 2 business days from receipt. If the denial is reversed, the household will appear within ClientTrack as available to match with vacancies for which they are eligible. Regardless of VI-SPDAT score, the individual or family shall have priority over all other applicants within CEA-BHRS for rental assistance, transitional housing, and permanent supportive housing projects for which the household meets all eligibility criteria. The household shall retain their original homeless or chronically homeless status for the purposes of the transfer.

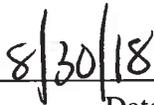
### **Record Keeping**

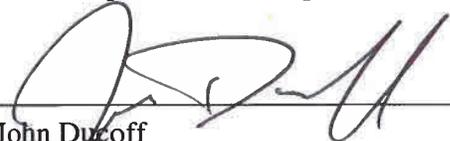
Both housing providers and the Clearinghouse must keep a record of all emergency transfers requested, the documentation provided with the requests, and the outcomes of such requests. Requests and outcomes of such requests must be reported to HUD annually. Records must be retained for at least 5 years after the expenditure of all funds from the grant under which the program participant was served. When Continuum of Care funds are used for the acquisition, new construction, or rehabilitation of a project site, records must be retained until 15 years after the date that the project site is first occupied, or used, by program participants.

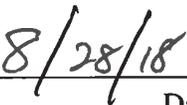
**Attachments:** HUD Forms [5382](#) and [5383](#).

**Effective Date:** This policy is effective as of its approval by the Philadelphia Continuum of Care Board on August 28, 2018.

  
 Elizabeth G. Hersch  
 Director, City of Philadelphia Office of Homeless Services  
 Co-Chairperson, Philadelphia Continuum of Care Board

  
 Date

  
 John Duzoff  
 Co-Chairperson, Philadelphia Continuum of Care Board

  
 Date