U.S. Department of Housing and Urban Development
OMB Approval No. 2577-0286
Exp. 1/31/2028

HUD 5381 MODEL EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING
CONCORD HOUSING AUTHORITY

34 Everett Street, Concord, MA 01742 • Main: 978-369-8435 • www.concordha.org

Federal Housing Programs Administered by CHA:
Section 8 Housing Choice Voucher Program (HCV) – 24 CFR Part 982, and
Section 8 Project-Based Voucher Program (PBV) – 24 CFR Part 983

CHA VAWA Contact / Coordinator: Jennifer Polito, Executive Director • 978-369-8435 • jpolito@concordha.org

The Concord Housing Authority "**CHA"** is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act of 1994, as amended ("VAWA"), **CHA** allows any tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. VAWA protections are not limited to women. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

This plan identifies 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 regarding safety and security. The plan is based on Federal regulations at 24 Code of Federal Regulations (CFR) part 5, subpart L, related program regulations, and the model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that the Concord Housing Authority's Section 8 Housing Choice Voucher Program (HCV) under 24 CFR Part 982 and Section 8 Project-Based Voucher Program (PBV) under 24 CFR Part 983 is in compliance with VAWA.

Definitions

- **External emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit.
- **Internal emergency transfer** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process. Example: a Concord Housing Authority PBV participant moving to another PBV unit administered by CHA, or an HCV participant moving with continued tenant-based voucher assistance to a different unit within the CHA jurisdiction.
- **Safe unit** refers to a unit that the victim of VAWA violence/abuse believes is safe.
- **VAWA violence/abuse** means an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR 5.2003 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (Form HUD-5382).

Eligibility for Emergency Transfers

A tenant may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and **CHA** must provide a copy if requested. **CHA** may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

A Tenant is eligible for an emergency transfer if:

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; **AND**
3. **EITHER**
    a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; **OR**
    b. If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

CHA, in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.

Emergency Transfer Policies

The Concord Housing Authority (CHA) administers only the following federal programs: Section 8 Housing Choice Voucher (HCV) program (24 CFR Part 982) and the Section 8 Project-Based Voucher (PBV) program (24 CFR Part 983). CHA does not operate any Federal public housing units. Because tenant-based voucher assistance is inherently mobile, most VAWA emergency transfers from CHA will involve either (1) a move with continued tenant-based voucher assistance to another safe unit within Concord or elsewhere (including by portability), or (2) for PBV participants, a move to another PBV unit operated under CHA's jurisdiction or, after one year of PBV occupancy, an offer of the next available tenant-based voucher. Once a complete emergency transfer request is received CHA will approve or deny the request within 10 business days. CHA will communicate with the tenant using only the safe contact method the tenant has identified (phone, email, mail, or in person). If documentation is required, CHA will give the tenant at least 14 business days to submit it, with extensions granted on a case-by-case basis for safety reasons. The following specific emergency transfer policies apply:

Internal transfers:

For Section 8 HCV participants, an "internal" emergency transfer means a move with continued tenant-based voucher assistance to another safe, HQS-compliant, rent-reasonable unit within CHA's jurisdiction. When a safe unit has been identified and a Request for Tenancy Approval has been submitted, the CHA will take all reasonable measures to expedite the HQS inspection and rent reasonableness determination process. CHA will generally waive any otherwise applicable moving restrictions (including restrictions on timing and number of moves.) For PBV participants, an "internal"

emergency transfer means a move to another available PBV unit operated by CHA that the victim reasonably believes is safe. CHA will expedite administrative processes for the move and will not disclose the victim's new unit to any person who committed or threatened to commit the VAWA violence/abuse. Tenants who qualify for a VAWA emergency transfer are given a priority status.

During this time CHA will work with the tenant to maintain confidentiality and support interim safety planning in coordination with a victim service provider of the tenant's choice (see Resources section).

External transfers:

An external emergency transfer refers to a move to housing assistance administered by a different covered housing provider (CHP). CHA does not currently have any Memoranda of Understanding (MOUs) or formal transfer agreements with neighboring PHAs. However, CHA will assist victims in identifying other covered housing providers with available units, including by providing a list of partnering providers and community referrals.

For tenants already participating in CHA's Section 8 Housing Choice Voucher (HCV) Program who qualify for a VAWA emergency transfer, CHA will: (1) waive any required minimum lease term before moving with continued voucher assistance when safety is at risk (24 CFR 982.354(c)(2)(iii)); (2) not restrict timing or number of moves because of the VAWA incident; (3) apply CHA's family break-up policy (24 CFR 982.315) to ensure that the victim retains voucher assistance when the perpetrator is a household member; (4) issue a voucher with an expedited HQS inspection and rent-reasonableness determination; (5) provide a portability packet to any jurisdiction where portability is permitted; (6) provide referrals to local housing search assistance (including REACH Beyond Domestic Violence, MetroWest Legal Services, and Metro Housing|Boston); and (7) coordinate with any receiving PHA on confidentiality and priority placement. CHA will not disclose the tenant's new address to the perpetrator or to any person the tenant has identified as unsafe.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. **CHA** may be unable to transfer a PBV tenant to a particular unit if the PBV tenant cannot establish eligibility for that unit.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify Jennifer Polito, Executive Director, at the Concord Housing Authority, 34 Everett Street, Concord, MA 01742; phone 978-369-8435; website www.concordha.org. The request may be made in writing (using Form HUD-5383) or verbally in person, by phone, or by secure email. CHA will also accept a request submitted on behalf of the tenant by a victim service provider, attorney, or other advocate with the tenant's consent. If **CHA** does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, **CHA** may ask for this documentation in accordance with 24 CFR 5.2007. Unless **CHA** receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), **CHA** cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. **CHA** will provide reasonable accommodations to this policy for individuals with disabilities.

IF CHP REQUIRES A WRITTEN REQUEST FOR AN EMERGENCY TRANSFER

The tenant's written request for an emergency transfer must include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or household member) stays in the same dwelling unit; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.

Form HUD-5383 may be used for making a written request for an emergency transfer.

Priority for Transfers

Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists. CHA places tenants who qualify for an emergency transfer under VAWA in one of the highest priority category for internal transfers. For external emergency transfers requiring placement on the HCV or PBV waiting list, CHA applies an Emergency VAWA Preference. If more than one VAWA emergency transfer request is pending at the same time, requests are addressed in the order they are received, with expedited placement offered to the tenant whose documented circumstances present the most immediate risk of harm.

Confidentiality

If a tenant inquires about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections, **CHA** must keep any information they provide concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member's status as a victim strictly confidential. This information should be securely and separately kept from tenant files. All the information provided by or on behalf of the tenant to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as "Confidential Information") may only be accessed by **CHA** employees or contractors if explicitly authorized by **CHA** for reasons that specifically call for those individuals to have access to that information under applicable Federal, State, or local law.

Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

- Written permission by the victim in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance; or
- Otherwise required by applicable law.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse. Accordingly, Specifically, the Concord Housing Authority will: (1) maintain all VAWA-related documentation in a locked, access-restricted file at CHA's main office, separate from the tenant's regular housing file, accessible only to the CHA VAWA Coordinator (Jennifer Polito) and other staff with a legitimate need to know; (2) never enter VAWA-related information into shared databases or HUD systems in a way that can be accessed by the

perpetrator or any third party; (3) communicate with the tenant only through the safe communication methods identified on Form HUD-5382 or HUD-5383; (4) redact the tenant's new address (for HCV tenant-based transfers) from any documents shared with owners of the tenant's prior unit and from any responses to reference requests; (5) provide a confidential safe mailing address upon the tenant's request; (6) train all CHA staff regularly on VAWA confidentiality requirements; and (7) clearly explain any legal limits to confidentiality to the tenant at intake, including mandated reporting laws and use in eviction or termination proceedings.

Emergency Transfer Procedure

CHA cannot specify how long it will take from the time a transfer request is approved until the tenant can be placed in a new, safe unit. **CHA** will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If **CHA** identifies an available unit and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. **CHA** may be unable to transfer a tenant and their household to a particular unit if the tenant and their household has not established or cannot establish eligibility for that unit.

If **CHA** does not have any safe and available units for which the tenant is eligible, **CHA** will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move. At the tenant's request, **CHA]**will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

Making the Emergency Transfer Plan Available

The Concord Housing Authority makes this VAWA Emergency Transfer Plan publicly available on the CHA website at www.concordha.org and in hard copy at the CHA main office, 34 Everett Street, Concord, MA 01742 (Monday–Friday, 8:30 a.m.–4:30 p.m.). A copy will be provided free of charge upon request in any of the following ways: in person, by phone at 978-369-8435, by email, or by mail. CHA will also provide the plan in accessible formats (large print, screen-reader-compatible, etc.) and in translated languages upon request, at no cost to the tenant.

Safety and Security of Tenants

When **CHA** receives any inquiry or request regarding an emergency transfer, **CHA** will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, tenants are not required to receive guidance or assistance from a victim service provider.

For additional information on VAWA and to find help in your area, visit https://www.hud.gov/vawa.
See the comprehensive "Local VAWA Resources" below for contact information for local organizations serving Concord, MA and the surrounding area.

LOCAL VAWA RESOURCES – CONCORD, MA AND SURROUNDING AREA (CENTRAL MIDDLESEX COUNTY)

If you are in immediate danger, call 911.

Crisis Hotlines (24/7):

• **Domestic Violence Services Network, Inc. (DVSN)** (Concord-based; serves Concord, Carlisle, Lincoln, Sudbury, and surrounding central Middlesex communities) – 24/7 Toll-Free Help Line: 1-888-399-6111 • Office: 978-318-3421 • www.dvsn.org

• **SafeLink – Massachusetts Statewide Domestic Violence Hotline** – 1-877-785-2020 (TTY 1-877-521-2601)

• **Boston Area Rape Crisis Center (BARCC)** – Sexual Assault 24/7 Hotline: 1-800-841-8371 • www.barcc.org

• **National Domestic Violence Hotline** – 1-800-799-7233 (SAFE) • Text "START" to 88788 • www.thehotline.org

• **National Sexual Assault Hotline (RAINN)** – 1-800-656-4673 (HOPE) • www.rainn.org

Shelter, Counseling & Survivor Services:

• **REACH Beyond Domestic Violence** (Waltham) – Emergency shelter, safety planning, counseling, and legal advocacy; serves Concord and the broader Middlesex County area • 781-891-0724 (business) • 1-800-899-4000 (24/7 hotline) • www.reachma.org

• **RESPOND, Inc.** (Somerville) – Shelter and survivor advocacy • 617-623-5900 (24-hour hotline) • www.respondinc.org

• **Casa Myrna** (Boston) – Shelter and bilingual advocacy • 1-800-992-2600 (SafeLink) • www.casamyrna.org

• **Transition House** (Cambridge) – Shelter, counseling, youth programs • 617-661-7203 (hotline) • www.transitionhouse.org

Legal Aid (free/low-cost civil legal help for survivors):

• **Greater Boston Legal Services (GBLS)** – Housing and family law for survivors • 617-371-1234 • www.gbls.org

• **Harvard Legal Services Center Housing Law Clinic** – Jamaica Plain • 617-390-2500 • www.legalservicescenter.org

• **MetroWest Legal Services** (Framingham) – 508-620-1830 • www.mwlegal.org

Law Enforcement & District Attorney:

• **Concord Police Department** – 219 Walden Street, Concord, MA 01742 • Emergency: 911 • Business: 978-318-3400 • Anonymous Tip Line: 978-318-3407 • www.concordma.gov/250/Police (Concord PD partners with DVSN on domestic violence response)

• **Middlesex County District Attorney – Victim Witness Services** – 781-897-8300 • www.middlesexda.com/victim-services

HUD Fair Housing & VAWA Rights Violation Complaints:

• **HUD FHEO Region 1 – Boston Regional Office** – Federal Building, 10 Causeway St., Room 553, Boston, MA 02222 • 617-994-8300 • 1-800-827-5005 • TTY 1-800-877-8339 • www.hud.gov/VAWA

Massachusetts Protections (In Addition to VAWA):

Under Massachusetts law (M.G.L. c. 186, §§ 24–29), tenants who are victims of domestic violence, rape, sexual assault, or stalking have additional rights, including the right to terminate a lease early with written notice and the right to request a change of locks at their own expense. Ask Jennifer Polito, CHA Executive Director (978-369-8435 or jpolito@concordha.org), for more information.

Public reporting burden for this collection of information is estimated to range from four to eight hours per each covered housing provider's response, depending on the covered housing program. This includes the time to develop program and project-specific emergency transfer policies and develop contacts with local service providers. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. This is a model plan and covered housing providers in programs covered by VAWA may, at their discretion, use it to develop their own emergency transfer plans, as required under 24 CFR 5.2005(e). While HUD does not intend to collect emergency transfer plans, HUD may access these plans to ensure compliance with the regulations. A Federal agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.