



Chicago Continuum of Care

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Emergency Transfers

The Chicago Continuum of Care (CoC) is committed to ensuring safety of homeless services program participants, and this commitment extends to program participants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ Homeless Services Provider (HSP) allows program participants, which can be any member of the household, who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the program participant's current unit or placement to another unit or placement in the following situations (additional situations may be included at the discretion of HSP):

- *The program participant reasonably believes that there is a threat of imminent harm from further violence if the program participant remains within the unit or placement.*
- *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.*

¹ 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.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of HSP to honor such request for program participants currently receiving services, however, may depend 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 HSP can identify another unit or placement that is available and is safe to offer the program participant for temporary or more permanent occupancy. The first step is to try to move the participant to a new unit or placement utilizing the resources available through the current program. If the program participant was residing in a dwelling unit at the time they requested an emergency transfer, HSP should follow the Coordinated Entry Transfer Policy & Procedure if a unit is unable to be identified using the resources of the current homeless services program. 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 that the Chicago CoC is in compliance with VAWA.

Eligibility for Emergency Transfers

All program participants may request an emergency transfer if they meet the eligibility requirements in this section. A program participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. The eligibility requirements indicated in this section constitute basic protections; HSP is encouraged to implement a broader definition under which an Emergency Transfer can occur.

² 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.

In accordance with the Violence Against Women Act (VAWA),³ Homeless Services Provider (HSP) 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 or placement to another unit or placement in the following situations:

- *The program participant reasonably believes that there is a threat of imminent harm from further violence if the program participant remains within the same unit or placement.*
- *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.*

Emergency Transfer Request Documentation

To request an emergency transfer, the program participant shall notify a HSP staff person and submit a written request for a transfer to HSP. HSP will provide reasonable accommodations to this policy for individuals with disabilities. The program participant's written request for an emergency transfer can be made using HUD Form 5383: Emergency Transfer Request. It should include:

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 or placement while receiving services through HSP's 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.

Homeless services providers may, but are not required to, request from tenants seeking emergency transfers a self-certification of the VAWA crime. If homeless services providers choose to

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request this documentation in writing, the tenant can use a Self-Certification (Form HUD-5382). Housing providers are not permitted to require documentation beyond self-certification.

Confidentiality

HSP 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 HSP 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 or placement 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 more information about HSP'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

HSP will act as quickly as possible to move a program participant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit or placement.

Upon approving a request for emergency transfer, HSP will attempt to identify an alternative dwelling unit or placement, exhausting all resources available to HSP. Examples of these efforts can include: working with the project's HUD Community Planning and Development representative to resolve shifts within the grant and budget, internal program transfers, locating an alternative scattered-site unit, collaborating with neighboring CoCs to identify alternative dwellings outside Chicago, and utilizing emergency shelters (particularly DV shelters) as a short-term solution while a long-term solution is formulated. HSP will assist the program participant in identifying other housing and homeless services providers who may have safe and available units or placements to which the program

participant could move. If the program participant was residing in a dwelling unit at the time they requested an emergency transfer, and a dwelling unit is unable to be identified using the resources of the current housing program, then the HSP should follow the Coordinated Entry Transfer Policy & Procedure to initiate an internal or external transfer request. At the program participant's request, HSP will also assist program participants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

If a program participant reasonably believes the unit or placement proposed by the HSP would not be safe, the program participant may request a transfer to a different unit or placement. If a unit or placement is available, the transferred program participant must agree to abide by the terms and conditions that govern occupancy in the unit or placement to which the program participant has been transferred. HSP may be unable to transfer a program participant to a particular unit or placement if the program participant has not or cannot establish eligibility for that unit or placement.

Non-transferring Household Member(s) and Lease Bifurcation

If a CoC household separates in order to effect an emergency transfer when a household member has engaged in domestic violence, dating violence, sexual assault, or stalking against another household member, the HSP may bifurcate a lease in order to terminate the assistance from the non-transferring member while continuing to provide services to the transferring household members. In order to protect the safety and security of the tenants experiencing violence, the HSP will first move the tenants who have sought an emergency transfer, before beginning any termination proceedings against any household member who has engaged in domestic violence, dating violence, sexual assault, or stalking against another household member. The HSP will follow all applicable grievance procedures and lawful eviction procedures in seeking to terminate the non-transferring member's tenancy.

Safety and Security of Program Participants

The program participant is urged to take all reasonable precautions to be safe. HSP must offer appropriate resources to assist the participant in ensuring their safety.

Program participants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY). You may also contact the Illinois Domestic Violence Hotline at 1-877-863-6338 or for persons with hearing impairments, 1-877-863-6339 (TTY).

Program participants who 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/>.

Program participants 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>.

Local 24 hour hotlines include:

Family Rescue: (800)-360-6619

Neopolitan Lighthouse: (773)-722-0005

Apna Ghar: (800)-717-0757

WINGS Metro: (847) 221-5680

STOP-IT Initiative Against Human Trafficking: (877-606-3158)

*This document will be regularly updated to reflect the policies and resources of the Chicago Continuum of Care. Please ensure you are using the most recently updated version of this document. **This document was last updated 12/04/2019.***