

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

PUBLIC HOUSING PROGRAM

Emergency Transfers

The Bennington Housing Authority (“BHA”) is concerned about the safety of its Public Housing residents, and such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ BHA allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the program participant’s current unit to another unit or another public housing development. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of BHA to honor such arequest, 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.

This plan identifies residents 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

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.

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.

Development (HUD), the Federal agency that oversees that the Section 8 Housing Choice Voucher program is in compliance with VAWA.

Eligibility for Emergency Transfers

A resident 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 resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit. If the resident is a victim of sexual assault, the resident 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.

A resident requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Residents 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, resident shall notify and submit an Emergency Transfer Request form to the Executive Director, Bennington Housing Authority, 22 Willow Brook drive, Bennington, Vermont 05201. A copy of the Emergency Transfer Request Form is attached to this plan and will be provided to any program participant upon request.

BHA will provide reasonable accommodations to this policy for individuals with disabilities.

The resident's written request for an emergency transfer should include either:

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

Confidentiality

BHA will keep confidential any information that the resident submits in requesting an emergency transfer, and information about the emergency transfer, unless the resident gives BHA 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 of the resident, 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 BHA'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

BHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. BHA will, however, act as quickly to assist a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to move to another eligible Public

housing unit, subject to the availability and safety of a unit that is acceptable to the resident. If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit to which the resident has been transferred. BHA may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit.

If there are no available and safe units in BHA's public housing developments, BHA will assist the resident in identifying other housing providers who may have safe and available units to which the resident could move. At the resident's request, BHA will also assist the resident in contacting the local organization offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

Safety and Security of Public Housing residents

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe.

Residents 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).

Residents 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/>.

Residents 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>.

The following local organization also offers assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

PROJECT AGAINST VIOLENT ENCOUNTERS (PAVE) 442-2111

ATTACHMENT: Emergency Transfer Request Form