The Balance of State (BoS) Continuum of Care (CoC) is concerned about the safety of the tenants in all our CoC-funded housing projects, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized. In accordance with the Violence Against Women Act (VAWA), CoC‐funded projects providing permanent housing or transitional housing, except safe havens, must allow tenants who are victims of domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized to request an emergency transfer from the tenant’s current unit to another unit.

The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. The ability of a housing project to honor such a request for tenants currently receiving rental assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, stalking, or other dangerous, traumatic, or life-threatening conditions related to the violence against the individual or a family member in the individual's or family's current housing situation, including where the health and safety of children are jeopardized, and on whether the housing provider has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

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 to tenants on safety and security. The plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency which ensures that Continuums of Care are in compliance with VAWA.  Note that housing providers are also subject to additional requirements under VAWA and HUD regulations implementing VAWA at 24 CFR part 5, subpart L, and at 24 CFR part 578.

The BoS CoC asks all housing providers funded by the BoS CoC to adopt this as their Emergency Transfer Plan for CoC-funded programs.

**Eligibility for Emergency Transfers:** A tenant 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 tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or
* The tenant is a victim of a sexual assault, and the sexual assault occurred on the premises within the 90‐day period preceding a request for an emergency transfer.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Tenants 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, a tenant must notify the Director of the housing project in which they are enrolled and submit a written request for a transfer to that individual. The tenant may request and shall be entitled to receive assistance in this process from their case manager. The housing provider will provide reasonable accommodations to this policy for individuals with disabilities. It is not necessary that the tenant complete a specific form. The tenant’s written request for an emergency transfer should include either:

* A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains in the same dwelling unit assisted under the housing provider’s project; OR
* A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90‐calendar-day period preceding the tenant’s request for an emergency transfer.

The housing project may request additional documentation from a tenant in accordance with the documentation policies of HUD’s regulations at 24 CFR part 5, subpart L.

**Confidentiality:** The housing project will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the housing project 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 tenant, if one is provided, from the person(s) that committed the act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about the housing 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:** The housing provider cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. However, the housing provider will act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to the availability and safety of a unit.

The housing project will also contact other, non-CoC housing projects in the area to determine whether they have an available unit. If a unit is available, the tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant is being transferred.  The housing provider may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If the housing provider has no safe and available units for which a tenant who needs an emergency transfer is eligible, the housing provider will do two things:

1. Secure a release from the tenant to share information with the Coordinated Entry System and, using an Emergency Transfer Form (see form HUD-5383 below), notify the Coordinated Entry System within 1 business day of receipt of form being completed.  The Coordinated Entry system will work with the housing provider to identify a new unit within the CoC’s inventory of projects and units, and will prioritize the requested transfer above all other housing placements. Households who qualify for an emergency transfer but where a safe unit is not immediately available for an internal emergency transfer, shall have priority over all other applicants for CoC funded rental assistance, transitional housing, and permanent supportive housing projects, provided that: The individual or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA; and the individual or family meets any additional criteria or preferences established in accordance with § 578.93(b)(1), (4), (6), or (7). The individual or family shall not be required to meet any other eligibility criteria or preferences for the project. The individual or family shall retain their original homeless or chronically homeless status for the purposes of the transfer.
2. Assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move.  If the tenant is interested, the housing provider will also assist tenants in contacting local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking.

In tenant based rental assistance projects, if a family household separates in order to effect an emergency transfer, the leasing or rental assistance remains with the household members fleeing.  The household members remaining in the original unit, being ineligible for the project, shall not be entitled to retention of the assistance.

**Safety and Security of Tenants:**  Pending processing of the transfer request and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe. The tenant is 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).

Safelink is the Massachusetts statewide 24/7 toll-free domestic violence hotline, and can be reached at (877) 785-2020. People who are Deaf and hard of hearing can reach SafeLink through the Mass Relay service by dialing 711 in Massachusetts. From anywhere else, dial 1-800-439-0183 for English or 1- 800-930-9252 for Spanish.

Ask to be connected to the hotline (1-877-785-2020).

Tenants 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/.

Tenants 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.

**Providing and explaining policy and form to program participants:** The Balance of State CoC requires that all providers share this notice at the time of intake to all participants entering into their CoC-funded housing projects. At that time, the housing provider should explain to the participant how they would submit a request for an emergency transfer, explain the steps of the process, and ensure the participant has a copy of this process.

**Form HUD-5383:** This below form must be used by agencies operating CoC housing projects to initiate an external emergency transfer through Coordinated Entry to another CoC program.  Housing providers should ensure they also have a properly executed release of information to request the transfer through the Coordinated Entry System, and may submit the form electronically to the CoC Supervisor (Karen Byron, karen.byron@mass.gov) via email with the subject line “Emergency Transfer Request” to ensure immediate attention. In the event that submitting electronically is not available, the form may be hand delivered at 100 Cambridge St., Boston MA.