

FALL RIVER HOUSING AUTHORITY VIOLENCE AGAINST WOMEN ACT POLICY

1. PURPOSE AND APPLICABILITY

The purpose of this policy is to implement the applicable provisions of the “*Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs, Final Rule*” (*VAWA Final Rule*) published in the Federal Register on November 16, 2016. This Policy shall be applicable to the administration by FRHA of all its federally-subsidized public housing and Housing Choice Voucher (HCV) programs under the United States Housing Act of 1937 (42 U.S.C. §1437 et seq.).

Consistent with the nondiscrimination and equal opportunity requirements at 24 CFR 5.105(a), victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

Notwithstanding its title, protections are for all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of actual or perceived gender identity, sexual orientation, or marital status, in accordance with HUD’s Equal Access Rule at § 5.105(a)(2).

The VAWA Final Rule protects qualified tenants, participants, and applicants, and affiliated individuals, who are victims of domestic violence, dating violence, sexual assault, or stalking from being denied housing assistance, evicted, or terminated from housing assistance based on acts of such violence against them.

2. 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. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: the duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.

Affiliated individual. (1) A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent to a child (for example, the affiliated individual is a child in the care, custody, or control of that individual); or (2) any individual, tenant, or lawful occupant living in the household of that individual.

Bifurcate. To divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD covered program and State or local 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.

Dating violence: Violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (2) where the existence of such a relationship shall be determined based on a consideration of the (i) length of the relationship; (ii) type of relationship; and (iii) frequency of interaction between the persons involved in the relationship.

Domestic violence: Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim (as defined in 18 U.S.C. 2266), by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

The term "spouse or intimate partner of the victim" includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Sexual assault: means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (1) Fear for his or her safety or the safety of others; or (2) Suffer substantial emotional distress.

3. NOTIFICATION OF OCCUPANCY RIGHTS UNDER VAWA

In accordance with the VAWA Final Rule, Fall River Housing Authority will provide written notice to public housing and Housing Choice Voucher applicants and tenants of their rights under VAWA (See: Attachment A: *Notification of Occupancy Rights under VAWA and Certification*) at the time:

1. An applicant is denied assistance or admission;
2. The individual is provided assistance or admission under the covered housing program; and
3. With any notification of eviction or notification of termination of rental assistance is issued. The notification will also include the VAWA Certification Form described in Section 4(A)(i) below to be used as verification to the FRHA for any resident or applicant claiming protection under the Act.
4. During the 12-month period following November 16, 2016, either during the annual recertification or lease renewal process, whichever is applicable.

4. VERIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE OR STALKING

A. **Requirement for Verification:** For those seeking protection under this Policy, the law allows, but does not require, FRHA to verify that an incident or incidents of actual or threatened domestic violence, dating violence, or stalking claimed by a tenant or other lawful occupant is bona fide and meets the requirements of the applicable definitions set forth in this policy. FRHA shall require verification in all cases where an individual claims protection against an action.

- i. *HUD-approved form:* The FRHA may request that an individual certify via a HUD-approved certification form (See Attachment B) that the individual is a victim of domestic violence, dating violence, or stalking, and that the incident or incident in question are bona fide incidents of such actual or threatened abuse and meet the requirements set forth in the statute. Such certification shall include the name of the perpetrator. If there is reason to believe that verification is incomplete or inaccurate, the FRHA may require additional documentation of the incident(s). Such documentation requirement shall not place the victim in danger.

- ii. *Other Documentation:* An individual may also satisfy the certification requirement by providing FRHA staff with documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, or a medical or mental health professional, from whom the victim has sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects the abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) to the professional's belief that the incident or incidents in question meet the definition of the applicable abusive action(s) set forth in this policy. The victim of the described incident(s) of domestic violence, dating violence, or stalking must also sign and attest to the documentation;
 - iii. *Police or Court Record:* An individual may provide FRHA with a Federal, State, tribal, territorial, or local police or court record describing the incident or incidents in question.
- B. **Time Allowed to Provide Verification:** An individual that claims protection under this Act has **fourteen (14)** business days after receipt of the request for verification. Failure to provide verification, in proper form within such time will result in loss of protection under VAWA and this policy against a proposed adverse action. Time for response will be extended upon a showing of good cause as determined by the Director of Field Operations.

5. CONFIDENTIALITY

All information (including the fact that an individual is a victim of domestic violence, dating violence or stalking) provided by the victim to the FRHA pursuant to the verification required under Section 4.A of this policy, shall be retained in confidence and not entered into any shared database nor provided to any related entity except when the disclosure is: (1) consented to by the individual in writing, (2) required for use in eviction proceedings, or (3) otherwise required by law.

6. TRAINING

Housing Choice Voucher, Public Housing Management and Tenant Selection staff employed by the FRHA will be encouraged to participate in training sessions dealing with issues of Violence Against Women, in order to recognize residents who are victims.

7. ADMISSIONS AND SCREENING

- A. **Denial of Assistance:** FRHA will not deny admission to Public Housing or Housing Choice Voucher (HCV) assistance to any person because that person is or has been a victim of domestic violence, dating violence, or stalking, provided that such person is otherwise qualified for such admission.
- B. **Admissions Preference:** Applicants for Public Housing and HCV assistance from FRHA will receive a priority in admission by virtue of their status as victims of domestic violence. This priority is described for Public Housing in the FRHA's ACOP and for HCV participants in its Administrative Plan.
- C. **Mitigation of Disqualifying Information:** When requested by an applicant for Public Housing and HCV assistance whose history includes incidents in which the applicant was a victim of domestic violence, dating violence and/or stalking, FRHA may take such

information into account in mitigation of potentially disqualifying information, such as previous damage to a dwelling or criminal records. FRHA shall be entitled to conduct such inquiries as are reasonably necessary to verify the claimed history and its probable relevance to the potentially disqualifying information. FRHA may disregard such mitigating circumstances if the applicant household includes a perpetrator of a previous incident or incidents of domestic violence, dating violence and/or stalking.

8. TERMINATION OF TENANCY OR ASSISTANCE

A. VAWA Protections. Under VAWA, public housing residents, and persons assisted under the Housing Choice Voucher program, have the following specific protections, which will be observed by FRHA in administration of its programs:

- i. An incident or incidents of actual or threatened domestic violence, dating violence, or stalking will not be considered to be a “serious or repeated” violation of the lease by the victim or threatened victim of that violence and will not be good cause for terminating tenancy or assistance to the victim of that violence.
- ii. Further, tenancy or assistance will not be terminated by FRHA as a result of criminal activity, if that criminal activity is directly related to domestic violence, dating violence or stalking engaged in by a member of the assisted household, a guest, or another person under the tenant’s control, and the tenant or a member of the household is the victim or threatened victim of this criminal activity. However, the protection against termination of tenancy or assistance described in this paragraph is subject to the following limitations:
 - a) FRHA may evict or terminate assistance to a tenant for good cause when it is not premised on the act or acts of domestic violence, dating violence, or stalking in question against the tenant or a member of the tenant’s household so long as the same standards apply equally to victims and non-victims.
 - b) FRHA may evict or terminate from assistance any tenant or lawful applicant if the FRHA can demonstrate an actual and imminent threat to other tenants or to those employed at or providing service to the property, if the tenant is not evicted or terminated from assistance.

B. Lease Bifurcation (Removal of the Perpetrator). Notwithstanding anything in paragraph 8.B (ii) above, or Federal, State or local law to the contrary, FRHA may bifurcate a lease, or remove a household member from a lease, without regard to whether a household member is a signatory to a lease, in order to evict, remove, terminate occupancy rights, or terminate assistance to any individual who is a tenant or lawful occupant and who perpetrates acts of physical violence against family members or others. Such action against said perpetrator (1) may be taken without evicting, removing, terminating assistance to, or otherwise penalizing the victim of such violence who is also the tenant or a lawful occupant, and (2) shall be affected in accordance with the procedures prescribed by law applicable to terminations of tenancy and evictions by FRHA.

Where FRHA exercises the option to bifurcate a lease and the evicted or terminated tenant was the recipient of assistance at the time of bifurcation, FRHA shall provide a reasonable time period during which a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking may remain in the unit while establishing eligibility under the current housing program or under another covered housing program, or seeking alternate housing. (See 24 CFR 5.2009(b).)

9. TRANSFER TO NEW RESIDENCE

The opportunity to transfer in Public Housing or relocate in the Housing Choice Voucher program due to incidents of domestic violence, dating violence and/or stalking is described in the FRHA Admissions and Continued Occupancy Policy (ACOP) and FRHA Administrative Plan, respectively. FRHA will incorporate reasonable confidentiality measures to ensure that it does not disclose the location of the dwelling unit of a tenant to a person that commits an act of domestic violence, dating violence, sexual assault, or stalking against the tenant.

10. COURT ORDERS

When notified of a court order, FRHA will comply with a court order with respect to: (a) The rights of access or control of property, including civil protection orders issued to protect a victim of domestic violence, dating violence, sexual assault, or stalking; or (b) The distribution or possession of property among members of a household in a case.

11. GRIEVANCE PROCEDURE

All residents have the right to have a Grievance Hearing after a Private Conference is made. Upon filing a written request, as provided by the Fall River Housing Authority grievance procedure, any resident who disagrees with any FRHA action will be afforded this opportunity.

ATTACHMENT A

FALL RIVER HOUSING AUTHORITY NOTICE OF OCCUPANCY RIGHTS UNDER VAWA

TO ALL TENANTS AND APPLICANTS

The Violence Against Women Act (VAWA) provides protections for victims of domestic violence, dating violence, sexual assault, or stalking. VAWA protections are not only available to women, but are available equally to all individuals regardless of sex, gender identity, or sexual orientation. The U.S. Department of Housing and Urban Development (HUD) is the Federal agency that oversees that **Fall River Housing Authority (FRHA)** is in compliance with VAWA. This notice explains your rights under VAWA. A HUD-approved certification form is attached to this notice. You can fill out this form to show that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, and that you wish to use your rights under VAWA.”

PROTECTIONS FOR APPLICANTS

If you otherwise qualify for assistance under FRHA, you cannot be denied admission or denied assistance because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

PROTECTIONS FOR TENANTS

If you are receiving assistance under FRHA, you may not be denied assistance, terminated from participation, or be evicted from your rental housing because you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking.

Also, if you or an affiliated individual of yours is or has been the victim of domestic violence, dating violence, sexual assault, or stalking by a member of your household or any guest, you may not be denied rental assistance or occupancy rights under FRHA solely on the basis of criminal activity directly relating to that domestic violence, dating violence, sexual assault, or stalking.

Affiliated individual means your spouse, parent, brother, sister, or child, or a person to whom you stand in the place of a parent or guardian (for example, the affiliated individual is in your care, custody, or control); or any individual, tenant, or lawful occupant living in your household.

REMOVING THE PERPETRATOR FROM THE HOUSEHOLD

FRHA may divide (bifurcate) your lease in order to evict the individual or terminate the assistance of the individual who has engaged in criminal activity (the abuser or perpetrator) directly relating to domestic violence, dating violence, sexual assault, or stalking.

If FRHA chooses to remove the abuser or perpetrator, FRHA may not take away the rights of eligible tenants to the unit or otherwise punish the remaining tenants. If the evicted abuser or perpetrator was the sole tenant to have established eligibility for assistance under the program, FRHA must allow the tenant who is or has been a victim and other household members to remain in the unit for a period of time, in order to establish eligibility under the program or under another HUD housing program covered by VAWA, or, find alternative housing.

In removing the abuser or perpetrator from the household, FRHA must follow Federal, State, and local eviction procedures. In order to divide a lease, FRHA may, but is not required to, ask you for documentation or certification of the incidences of domestic violence, dating violence, sexual assault, or stalking.

MOVING TO ANOTHER UNIT

Upon your request, FRHA may permit you to move to another unit, subject to the availability of other units, and still keep your assistance. In order to approve a request, FRHA may ask you to provide documentation that you are requesting to move because of an incidence of domestic violence, dating violence, sexual assault, or stalking. If the request is a request for administrative transfer, the housing provider may ask you to submit a written request or fill out a form where you certify that you meet the criteria for an administrative transfer under VAWA. The criteria are:

(1) You are a victim of domestic violence, dating violence, sexual assault, or stalking. If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation, as described in the documentation section below.

(2) You expressly request the administrative transfer. Your housing provider may choose to require that you submit a form, or may accept another written or oral request.

(3) You reasonably believe you are threatened with imminent harm from further violence if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an administrative transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an administrative transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you expressly request the transfer.

FRHA will keep confidential requests for administrative transfers by victims of domestic violence, dating violence, sexual assault, or stalking, and the location of any move by such victims and their families.

FRHA's administrative transfer plan provides further information on administrative transfers, and HP must make a copy of its administrative transfer plan available to you if you ask to see it.

DOCUMENTING YOU ARE OR HAVE BEEN A VICTIM OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

FRHA can, but is not required to, ask you to prove or "certify" that you are a victim of domestic violence, dating violence, sexual assault, or stalking. It must give you at least 14 business days (i.e., Saturdays, Sundays, and holidays do not count) to provide this proof. FRHA may, but does not have to, extend the deadline for the submission of documentation upon your request. You can provide one of the following to FRHA as documentation. If FRHA asks you to provide documentation that you are or have been a victim of domestic violence, dating violence, sexual assault, or stalking, it is your choice which of the following forms of documentation to submit.

1. Complete the HUD-approved certification form given to you by FRHA with this notice. The form will ask for your name, the date, time, and location of the incident of domestic violence, dating violence, sexual assault, or stalking, and a description of the incident. The certification form provides for including the name of the abuser or perpetrator if the name of the abuser or perpetrator is known and is safe to provide.
2. A statement, which you must sign, along with the signature of an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional or a mental

health professional (collectively, “professional”) from whom you sought assistance in addressing domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, and with the professional selected by you attesting under penalty of perjury that he or she believes that the incident or incidents of domestic violence, dating violence, sexual assault, or stalking are grounds for protection.

3. A record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency that documents the incident of domestic violence, dating violence, sexual assault, or stalking. Examples of such records include police reports, protective orders, and restraining orders, among others.
4. Any other statement or evidence that FRHA has agreed to accept.

If you fail to provide one of these documents within the 14 business days, FRHA does not have to provide you with the protections contained in this notice.

If FRHA receives conflicting evidence that an incident of domestic violence, dating violence, sexual assault, or stalking has been committed (such as 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 abuser or perpetrator), FRHA has the right to request that you provide third-party documentation within thirty 30 calendar days in order to resolve the conflict. If you fail or refuse to provide third-party documentation where there is conflicting evidence, FRHA does not have to provide you with the protections contained in this notice.

CONFIDENTIALITY

FRHA must keep confidential any information you provide related to the exercise of your rights under VAWA, including the fact that you are exercising your rights under VAWA.

FRHA must not allow any individual administering assistance or other services on behalf of FRHA (for example, employees and contractors) to have access to confidential information unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

FRHA must not enter your information into any shared database or disclose your information to any other entity or individual. FRHA, however, may disclose the information provided if:

- You give written permission to FRHA to release the information on a time limited basis.

FRHA needs to use the information in an eviction or termination proceeding, such as to evict your abuser or perpetrator or terminate your abuser or perpetrator from assistance under this program.

- A law requires FRHA or your landlord to release the information.

VAWA does not limit FRHA’s duty to honor court orders about access to or control of the property. This includes orders issued to protect a victim and orders dividing property among household members in cases where a family breaks up.

REASONS A TENANT ELIGIBLE FOR OCCUPANCY RIGHTS UNDER VAWA MAY BE EVICTED OR ASSISTANCE MAY BE TERMINATED

FRHA can still evict you if FRHA can show there is an *actual and imminent* (immediate) threat to other tenants or housing authority staff if you are not evicted. You can be evicted and your assistance can be terminated for serious or repeated lease violations that are not related to the

domestic violence, dating violence, sexual assault, or stalking against you. However, FRHA cannot hold you tenants who have been victims of domestic violence, dating violence, sexual assault, or stalking to a more demanding set of rules than it applies to tenants who have not been victims of domestic violence, dating violence, sexual assault, or stalking.

The protections described in this notice might not apply, and you could be evicted and your assistance terminated, if FRHA can demonstrate that not evicting you or terminating your assistance would present a real physical danger that:

1. Would occur within an immediate time frame, and
2. Could result in death or serious bodily harm to other tenants or those who work on the property.

If FRHA can demonstrate the above, FRHA should only terminate your assistance or evict you if there are no other actions that could be taken to reduce or eliminate the threat.

OTHER LAWS

VAWA does not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. You may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

You may view a copy of HUD's final VAWA rule at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>.
FRHA must make a copy of HUD's VAWA regulations available to you if you ask to see them.

For questions regarding VAWA, please contact **Fall River Housing Authority, 85 Morgan Street, Fall River, MA 02721**
or call (508) 675-3500.

For help regarding an abusive relationship, you may call the National Domestic Violence Hotline at 1-800-799-SAFE (7233) or, for persons with hearing impairments, 1-800-787-3224 (TTY).

For 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>.

ATTACHMENT B

FALL RIVER HOUSING AUTHORITY CERTIFICATION OF DOMESTIC VIOLENCE DATING VIOLENCE, SEXUAL ASSAULT OR STALKING

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking. In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

1. Documentation signed by an employee, agent or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
2. A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
3. At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period.

If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to a PHA, owner or manager concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and such details shall not be entered into any shared database. Employees of the PHA, owner, or manager are not to have access to these details unless to grant or deny VAWA protections to you; and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____

Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This 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.

ATTACHMENT C

FALL RIVER HOUSING AUTHORITY

ADMINISTRATIVE TRANSFER PLAN

FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

ADMINISTRATIVE TRANSFERS

Fall River Housing Authority (FRHA) 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 (VAWA),¹ FRHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an administrative 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.² The ability of FRHA to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether FRHA 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 administrative transfer, the documentation needed to request an administrative transfer, confidentiality protections, how an administrative transfer may occur, and guidance to tenants 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 Fall River Housing Authority is in compliance with VAWA.

ELIGIBILITY FOR ADMINISTRATIVE 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 (administrative) 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.

If the tenant is a victim of sexual assault, the tenant 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 administrative transfer.

A tenant requesting an administrative 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 administrative transfer if they meet the eligibility requirements in this section.

ADMINISTRATIVE TRANSFER REQUEST DOCUMENTATION

To request an administrative transfer, public housing tenants shall notify FRHA's management office and submit a written request for a transfer. FRHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an administrative transfer should include either:

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.

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under FRHA's program; OR
2. 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 administrative transfer.

CONFIDENTIALITY

FRHA will keep confidential any information that the tenant submits in requesting an administrative transfer, and information about the administrative transfer, unless the tenant gives FRHA 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 an 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 FRHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

ADMINISTRATIVE TRANSFER TIMING AND AVAILABILITY

FRHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. FRHA will, however, 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 availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. FRHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If FRHA has no safe and available units for which a tenant who needs an emergency is eligible, FRHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, FRHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

SAFETY AND SECURITY OF TENANTS

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

Tenants 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).

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>.

ATTACHMENT D

FALL RIVER HOUSING AUTHORITY VAWA POLICY TRANSFER REQUEST FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

PURPOSE OF FORM: If you are a victim of domestic violence, dating violence, sexual assault, or stalking, and you are seeking an administrative transfer, you may use this form to request an administrative transfer and certify that you meet the requirements of eligibility for an administrative transfer under the Violence Against Women Act (VAWA). Although the statutory name references women, VAWA rights and protections apply to all victims of domestic violence, dating violence, sexual assault or stalking. Using this form does not necessarily mean that you will receive an administrative transfer. See your housing provider's administrative transfer plan for more information about the availability of emergency transfers.

THE REQUIREMENTS YOU MUST MEET ARE:

- 1. You are a victim of domestic violence, dating violence, sexual assault, or stalking.** If your housing provider does not already have documentation that you are a victim of domestic violence, dating violence, sexual assault, or stalking, your housing provider may ask you for such documentation. In response, you may submit Form HUD-5382, or any one of the other types of documentation listed on that Form.
- 2. You expressly request the administrative transfer.** Submission of this form confirms that you have expressly requested a transfer. Your housing provider may choose to require that you submit this form, or may accept another written or oral request. Please see your housing provider's administrative transfer plan for more details.
- 3. You reasonably believe you are threatened with imminent harm from further violence** if you remain in your current unit. This means you have a reason to fear that if you do not receive a transfer you would suffer violence in the very near future.

OR

You are a victim of sexual assault and the assault occurred on the premises during the 90-calendar-day period before you request a transfer. If you are a victim of sexual assault, then in addition to qualifying for an administrative transfer because you reasonably believe you are threatened with imminent harm from further violence if you remain in your unit, you may qualify for an administrative transfer if the sexual assault occurred on the premises of the property from which you are seeking your transfer, and that assault happened within the 90-calendar-day period before you submit this form or otherwise expressly request the transfer.

SUBMISSION OF DOCUMENTATION: If you have third-party documentation that demonstrates why you are eligible for an administrative transfer, you should submit that documentation to your housing provider if it is safe for you to do so. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom you have sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

CONFIDENTIALITY: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking, and concerning your request for an administrative transfer shall be kept confidential. Such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections or an administrative transfer to you. Such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

TO BE COMPLETED BY OR ON BEHALF OF THE PERSON REQUESTING A TRANSFER

1. Name of victim requesting an administrative transfer: _____
2. Your name (if different from victim's): _____
3. Name(s) of other family member(s) listed on the lease: _____

4. Name(s) of other family member(s) who would transfer with the victim: _____

5. Address of location from which the victim seeks to transfer: _____
6. Address or phone number for contacting the victim: _____
7. Name of the accused perpetrator (if known and can be safely disclosed): _____
8. Relationship of the accused perpetrator to the victim: _____
9. Date(s), Time(s) and location(s) of incident(s): _____

10. Is the person requesting the transfer a victim of a sexual assault that occurred in the past 90 days on the premises of the property from which the victim is seeking a transfer? YES NO
If "YES", skip question. If no, fill out question #11.
11. Describe why the victim believes they are threatened with imminent harm from further violence if they remain in their current unit: _____
12. If voluntarily provided, list any third-party documentation you are providing along with this notice: _____

This is to certify that the information provided on this form is true and correct to the best of my knowledge, and that the individual named above in Item 1 meets the requirement laid out on this form for an administrative transfer. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____