

## **Beacon Management LLC**

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

#### **Emergency Transfers**

##### **Beacon Management LLC and its eligible managed communities; hereafter referred to as Housing Provider (HP)**

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),<sup>1</sup> HP allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking 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.<sup>2</sup> The ability of HP 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 HP 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. 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 **covered housing program in HUD's regulations at [24 CFR 5.2003](#)**. is in compliance with VAWA.

#### **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. 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 emergency transfer.

---

<sup>1</sup> 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.

<sup>2</sup> 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.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Please be advised that the HP is hereby [requesting HUD form 5382 a written Transfer Request](#). 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, the tenant shall notify HP's management office and submit a written request for a transfer to: Beacon Management LLC attention VAWA 209 S 19<sup>th</sup> St suite 100 Omaha, NE 68102. Using [HUD form 5382 a written Transfer Request](#). HP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

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 HP'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 emergency transfer.

### **Confidentiality**

HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives HP 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 HP'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**

HP cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. HP 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. HP may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If HP has no safe and available units for which a tenant who needs an emergency is eligible, HP will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. We have provided this information at <https://www.beacon.cc/vawa.html> . At the tenant's request, HP 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. We have provided this information at <https://www.beacon.cc/vawa.html>

### **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:** Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking are provided at <https://www.beacon.cc/vawa.html>

### **Part B Specific Written Action Plan:**

**VAWA protections. Emergency transfer plan.** (e) Each covered housing provider, as identified in the program-specific regulations for the covered housing program, shall adopt an emergency transfer plan, no later than June 14, 2017 based on HUD's model emergency transfer plan, in accordance with the following:

(1) For purposes of this section, the following definitions apply:

(i) *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. **The application process may be expedited when an internal emergency transfer is needed provided that; (a) the initial application or recertification is dated no more than 120 days from the date of transfer and (b) the household composition is unchanged from the last certification and (c) the move is not to a new building identification number (bin#).**

(ii) *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. **The full application process will be required when; (a) the initial application or recertification is dated more than 120 days from the date of transfer or (b) the household composition has changed from the last certification and (c) the move is to a new building identification number (bin#).**

(iii) *Safe unit* refers to a unit that the victim of domestic violence, dating violence, sexual assault, or stalking believes is safe.

(2) A tenant receiving rental assistance through, or residing in a unit subsidized under, a covered housing program who is a victim of domestic violence, dating violence, sexual assault, or stalking qualifies for an emergency transfer if:

(A) (i) The tenant expressly requests the transfer; and

(ii) The tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying; or

(B) In the case of a tenant who is a victim of sexual assault, either the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

(3) The emergency transfer plan must detail the measure of any priority given to tenants who qualify for an emergency transfer under VAWA in relation to other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

(A) A qualifying tenant seeking a VAWA transfer shall not have priority placement over another applicant who has already submitted an application and been assigned to a specific unit (application in process).

(B) A qualifying tenant seeking a VAWA transfer shall have priority placement over another applicant who has submitted an application but has not been assigned to a specific unit, (wait list applicant).

(4) The emergency transfer plan must incorporate strict confidentiality measures to ensure that the covered housing provider does not disclose the location of the dwelling unit of the tenant to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the tenant. **Management shall not knowingly disclose the name and address of residents involved in a VAWA transfer to anyone identified in HUD form 5383 line 7, identified as “accused perpetrator”. The VAWA transfer applicant shall be made aware however that the HUD and state reporting requirements will still apply and that their personal information will be reported as required by the agency(s).**

(5) The emergency transfer plan must allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. **In the event a WAVA transfer request occurs, the normal notice period may be waived; however, Management will not hold an “immediately available” apartment off the market longer than 7 days after the transfer has been approved without compensation for vacancy loss.**

(6) The emergency transfer plan must describe policies for assisting a tenant in making an internal emergency transfer under VAWA when a safe unit is not immediately available, and these policies must ensure that requests for internal

emergency transfers under VAWA receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests. **After making the transfer request using HUD form 5383 if “a safe unit is not immediately available” and the VAWA tenant wishes to wait for a unit suitable unit for transfer, they shall apply for the “safe unit”. The priority of placement shall be as described in sections 1, 2 and 3 above.**

(7) The emergency transfer plan must describe reasonable efforts the covered housing provider will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available. The plan must include policies for assisting a tenant who is seeking an external emergency transfer under VAWA out of the covered housing provider's program or project, and a tenant who is seeking an external emergency transfer under VAWA into the covered housing provider's program or project. These policies may include:(i) Arrangements, including memoranda of understanding, with other covered housing providers to facilitate moves; and(ii) Outreach activities to organizations that assist or provide resources to victims of domestic violence, dating violence, sexual assault, or stalking.

**Collectively, the above description refers to moving away – off-site. If the move is to another managed property under the same ownership, management will expedite the application process if the transferring resident qualifies as stated in all of the above sections. If the transfer is to an external site not under managements control or ownership we will assist by providing the following:**

- (a) A pre-move out inspection to expedite the process of the deposit disposition and return of the security deposit if the lease terms have been fulfilled.
- (b) a print out of the resident’s ledger to take to the new HP to assist with the landlord reference.
- (c) If requested, copies of any already completed income verification paperwork that may aid in expediting the application and approval process.
- (d) information on 3<sup>rd</sup> party housing providers, aid agencies and emergency contact organizations, and links to forms in other languages are available at <https://www.beacon.cc/vawa.html>

(8) Nothing may preclude a tenant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available. **Management shall make available any and all items customarily provided to others moving away from the community including access to storage areas, freight elevators and moving van parking if such items exist.**

(9) Where applicable, the emergency transfer plan must describe policies for a tenant who has tenant-based rental assistance and who meets the requirements of paragraph (e)(2) of this section to move quickly with that assistance.

*(e)(ii) 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.* **We qualify this as an applicant with a portable voucher, new to the community but coming to us due to a VAWA issue. As stated above; The full application process will be required when; (a) the initial application or recertification is**

dated more than 120 days from the date of transfer or (b) the household composition has changed from the last certification and (c) the move is to a new building identification number (bin#). To expedite the new move-in, management will accept the documents that have been 3<sup>rd</sup> party verified by prior management if less than 120 days old, if provided and deemed reliable. If these documents do not exist or are unavailable, management may rely on the income collection data provided by the agency that issued the voucher when determining compliance in the new apartment. Within the first 60 days of occupancy the new incoming household must fully and independently certify under all income requirements or vacate. To satisfy the program requirements, a copy of the HUD 5382, provided to the prior HP, certifying the reason for the transfer must also be provided before the emergency incoming transfer will be considered. The HUD form 5382 should be dated within a recent time frame in order to satisfy the exception to normal processing (i.e. the date verifies the necessity of the emergency transfer in progress).

(10) The emergency transfer plan may require documentation from a tenant seeking an emergency transfer, provided that:(i) The tenant's submission of a written request to the covered housing provider, where the tenant certifies that they meet the criteria in paragraph (e)(2)(ii) of this section, shall be sufficient documentation of the requirements in paragraph (e)(2) of this section;(ii) The covered housing provider may, at its discretion, ask an individual seeking an emergency transfer to document the occurrence of domestic violence, dating violence, sexual assault, or stalking, in accordance with § 5.2007, for which the individual is seeking the emergency transfer, if the individual has not already provided documentation of that occurrence; and(iii) No other documentation is required to qualify the tenant for an emergency transfer. **HUD form 5382 is hereby requested for all VAWA transfers in or out of the community.** Management shall accept this form or the other documents specified in HUD's regulations at 24 CFR 5.2007

(11) The covered housing provider must make its emergency transfer plan available upon request and, when feasible, must make its plan publicly available. **This policy is available at <https://www.beacon.cc/vawa.html> and is provided upon request.**

(12) The covered housing provider must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually. **Requests made under VAWA shall be made to: Beacon Management LLC attention VAWA 209 S 19<sup>th</sup> St suite 100 Omaha, NE 68102. These records shall be kept independently of resident files (off-site) and information will be released as specified by HUD or a state agency governing program compliance. Management shall rely on the diligence of HUD and the state agency to verify that no conflict of interest with provision 4 above exists.**

(13) Nothing in this paragraph (e) may be construed to supersede any eligibility or other occupancy requirements that may apply under a covered housing program.