

**LOS ANGELES COUNTY DEVELOPMENT AUTHORITY
HOUSING ASSISTANCE DIVISION**



LACDA

Los Angeles County Development Authority

VAWA

VIOLENCE AGAINST WOMEN ACT

Emergency Transfer Plan

EFFECTIVE 01-2019

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HOUSING ASSISTANCE DIVISION**

EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING

EMERGENCY TRANSFERS

The Los Angeles County Development Authority (LACDA) is concerned about the safety of its tenants/participants (tenant), and such concern extends to those who are victims of domestic violence, dating violence, sexual assault, or stalking, collectively referred to herein as “VAWA crimes”. In accordance with the Violence Against Women Act (VAWA),¹ LACDA allows tenants who are victims of VAWA crimes, 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.² LACDA’s ability to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the participant is or has been a victim of a VAWA crime and on whether LACDA has a voucher or another dwelling unit that is available and is safe to offer the participant for temporary or more permanent occupancy.

This plan identifies:

1. The eligibility requirements for an emergency transfer;
2. The documentation needed to request an emergency transfer;
3. Confidentiality protections;
4. How an emergency transfer may occur; and
5. Guidance to participants on safety and security.

For the Housing Choice Voucher (HCV) and Project-Based Voucher (PBV) programs, LACDA is responsible for implementing the emergency transfer plan. For the Moderate Rehabilitation (Mod Rehab) program, the owner is responsible for implementing the emergency transfer plan. If the Mod Rehab owner already has an emergency transfer plan in place, that emergency transfer plan will supersede this emergency transfer plan. LACDA and Mod Rehab owners are required to keep a record of all emergency transfer requests and the outcome of such requests, retain this information for a minimum of three years, and report this information to HUD.

This emergency transfer plan does not apply to HOME units without HCV assistance or Continuum of Care program units (the Continuum of Care is responsible for the emergency transfer policy), or other LACDA-owned or controlled units without HCV assistance or other HUD assistance (e.g. Properties under a Preservation Contract). LACDA has included information within this plan to assist the victim with available resources should they be requested of LACDA.

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 ensures LACDA’s covered housing programs comply with VAWA.

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.

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LACDA's protected housing programs include the following:

1. Section 8 Housing Choice Voucher (HCV) Program, which includes
 - HUD Veterans Administration Supportive Housing (VASH) Program
 - Project-Based Voucher (PBV) Program
2. Housing Opportunities for Persons With Aids (HOPWA)
3. Moderate Rehabilitation (Mod Rehab)
4. Continuum of Care Program

1. Eligibility for Emergency Transfers

Tenants that receive assistance under a program mentioned above are eligible to request an emergency transfer in accordance with VAWA (in accordance with each program's requirements).

A tenant who is a victim of a VAWA crime, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer if:

The tenant expressly requests the transfer; and

Either:

1. The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or
2. In the case of sexual assault, the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same 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 an emergency transfer (24 CFR 5.2005(e)(2)).

Tenants that are not in good standing may still request an emergency transfer if they meet the eligibility requirements of the covered housing program as defined in LACDA's Administrative Plan and Admissions and Continued Occupancy Policy (ACOP).

Qualifying for an emergency transfer does not guarantee continued assistance under the program or a transfer to another covered housing program. The emergency transfer requirements do not supersede any eligibility or occupancy requirement that may apply under a covered housing program. (24 CFR 5.2005(e)(13))

2. Emergency Transfer Request Documentation

To request an emergency transfer, tenants with rental-subsidized assistance should submit their written request to the following:

LACDA Main Office:	700 W. Main Street, Alhambra, CA 91801
Palmdale (Satellite Office):	2323 E. Palmdale Blvd., Suite B, Palmdale, CA 93550

The tenant or someone on his/her behalf will have the option of submitting form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking and Alternate Documentation (form HUD-5382). The Tenant or someone on his/her behalf may submit one of the following types of third-party documentation:

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- A statement signed by the victim certifying that the information provided is true and correct and that it describes bona fide incident(s) of actual or threatened domestic violence, dating violence, sexual assault or stalking.
- A record of a Federal, State, tribal, territorial or local law enforcement agency (such as a police report), court, or administrative agency documenting the domestic violence, dating violence, sexual assault or stalking.
- Documentation signed by an employee, agent, or volunteer of a victim service provider, an attorney, a medical or mental health professional, from whom the victim has sought assistance in addressing VAWA crimes, or the effect of the abuse in which the professional attests under penalty of perjury to the professional's belief that the incident or incidents in question are bona fide incidents of abuse, and that the victim of VAWA crimes has signed or attested to the documentation. The victim must also sign the documentation.

LACDA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the individual will suffice. If LACDA receives two or more completed form HUD-5382 that conflicts, the LACDA can require the participant to submit third-party documentation within thirty (30) calendar days. Given the third-party documentation submitted, LACDA will make a best judgment determination of which individual is the true victim in order to resolve the conflict. Lastly, LACDA will provide reasonable accommodations to this policy for individuals with disabilities.

3. VAWA Confidentiality

LACDA will keep confidential any information that the tenant submits when requesting an emergency transfer, unless:

- 1) The tenant provides written permission to release the information on a time-limited basis;
- 2) Disclosure of the information is required by law; or
- 3) Disclosure is 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 a VAWA crime against the tenant. Further, LACDA will not enter the tenant's information into any shared database or disclose the information to any other entity or individual unless specified above. Lastly, VAWA does not limit LACDA'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.

NOTE: See the Form HUD-5380, Notice of Occupancy Rights under the Violence Against Women Act For All Tenants (Form HUD-5380) for more information about LACDA's responsibility to maintain the confidentiality of information related to incidents of VAWA crimes.

4. Types of Emergency Transfers

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Emergency transfers may be defined as an internal transfer or as an external transfer depending on the circumstances surrounding the request. Participants can seek both internal and external emergency transfers simultaneously if a safe unit is not immediately available.

Each type of transfer is defined below:

- **Internal Emergency Transfers:** Internal emergency transfer refers to an emergency relocation of a participant to another unit where the participant would not be categorized as a new applicant; that is, the participant may reside in the new unit without having to undergo an application process (24 CFR Part 5.2005).
- **External Emergency Transfers:** External emergency transfer refers to an emergency relocation of a participant to another unit where the participant would be categorized as a new applicant; that is, the participant must undergo an application process in order to reside in the new unit (24 CFR Part 5.2005). LACDA will allow a minimum of 90 days to establish eligibility under an external emergency transfer.

5. How an Emergency Transfer May Occur (Timing and Availability)

For this section, the "Housing Provider" is:

1. LACDA for the HCV and PBV programs, and
2. Both LACDA and the owner for the Moderate Rehabilitation program.

The Housing Provider cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The Housing Provider, however, 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 availability and safety of a unit.

A unit is considered to be available if the unit is vacant and ready for move-in within 30 days. 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. 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 the housing provider has no safe and available units for which a tenant who needs an emergency transfer is eligible, the housing provider 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, the housing provider 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.

A. Tenant-Based Assistance under a Voucher Program

If the victim is currently assisted through the tenant-based HCV program and requests an emergency transfer as described in this plan, LACDA will assist the tenant with their move to a safe unit quickly using the existing HCV assistance, if warranted. If a family breaks up as a result of an occurrence of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L,

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LACDA will refer the displaced member to other housing opportunities in the community. LACDA will allow a minimum of 90 days to establish eligibility for the victim for another type of assistance found suitable for the victim.

LACDA does not have a priority for VAWA crime victims over others registered on the Housing Choice Voucher Program waiting list unless the VAWA victim is referred for assistance under a law enforcement referral (see Administrative Plan Chapter 4, Section 4.3 Local Preferences).

LACDA may make exceptions to program regulations restricting moves as required (see Administrative Plan, Chapter 13).

At the victim's request, LACDA will refer the victim to organizations that may be able to further and expeditiously assist with the situation. LACDA will assist the victim with identifying other housing providers that may have safe and available units to which the victim could move and local organizations offering assistance to victims of a VAWA crime (attached to this plan) in the following circumstances:

- If the victim seeks to move sooner than a tenant-based voucher will be available;
- If LACDA cannot offer the victim other assistance; or
- Another safe PBV unit is not immediately available.

I. Where VAWA Victims Can Move With Tenant-Based Assistance

LACDA's jurisdiction includes the unincorporated areas of Los Angeles County and 62 participating cities (see Exhibit B). A HCV Program participant who is a victim of a VAWA crime and requests an emergency transfer may move within the LACDA's jurisdiction (see Administrative Plan Chapter 13. Allowable Moves/Portability).

The victim may exercise the portability feature of the HCV voucher (if permissible by the respective program requirements and regulations) and move anywhere within the United States where a Public Housing Agency (PHA) administers a HCV Program (or the respective program).

II. Moves with Continued Assistance

In accordance with 24 CFR 982.354(c)(2)(iii), LACDA's Administrative Plan Section 13.2 Restriction on Moves policies, which restrict timing and number of moves, do not apply when the family or a member of the family is or has been the victim of a VAWA crime and the move is needed to protect the health or safety of the family or family member.

The VAWA Final Rule, and the governing regulations codified at 24 CFR §982.354 (HCV program) and 24 CFR §983.261(c)(1) (PBV program) provides that a PHA may not terminate assistance if the family moves out of a unit in violation of a lease, if they moved to protect the health or safety of a family member who is or has been a VAWA crime victim. The family must have reasonably believed they were imminently threatened by harm from further violence if they remained in the dwelling unit. The family is also protected from termination if any family member has been the victim of sexual assault that occurred on the premises during the 90-calendar-day period preceding the family's request to move.

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III. Outgoing Portability Procedures

Portability is the right to move, with voucher assistance, to any jurisdiction in the U.S. where this is a PHA that administers a Section 8 Housing Choice Voucher program.

In accordance with the Administrative Plan (Chapter 13 Allowable Moves/Portability, section 13.4), voucher holders must first identify the new area where they will be moving. If there is more than one PHA serving that area, the LACDA will provide the voucher holder with the contact information for the PHAs that serve that area for the voucher holder to select the PHA. The voucher holder must inform the LACDA which PHA it has selected. In cases where the voucher holder prefers not to select a PHA, LACDA will select the PHA on behalf of the voucher holder.

Once LACDA has found the voucher holder eligible to port and has identified the receiving PHA, LACDA will contact the receiving PHA, prior to approving the voucher holders request to port, to determine whether the voucher will be absorbed or billed by the receiving PHA.

Voucher holders found eligible to port will be issued a voucher (if not yet issued) and will be advised of how to contact and request assistance from the receiving PHA. LACDA will prepare the voucher holders file and provide it to the receiving PHA. LACDA will only disclose VAWA protections to the receiving PHA if LACDA has obtained written permission from the victim.

Voucher holders porting to another PHA will be subject to the that PHA's rules and policies regarding their Payment Standards, Occupancy Standards, utility allowances, which may cause a change in the subsidized rental amount. The voucher holder and their household members will also be subject to criminal background screening standards.

IV. Briefing for Families Wishing to Exercise Portability

Since voucher holders wishing to move to another jurisdiction must understand that the policies and procedures of the receiving PHA prevail, LACDA will provide an expedited one-on-one counseling for victims who express an interest in portability.

This will include a discussion of how portability works; the advantages of areas that do not have a high concentration of low-income families; the difference in payment standards; subsidy standards; and income limits, if applicable. See Chapter 8, Section 8.4 for a detailed list of the information provided at the briefing session.

B. Veterans Affairs Supportive Housing Program – When the Veteran is the Perpetrator

The VASH program is governed under tenant-based housing choice voucher rules. However, in the VASH Program, when a veteran's family member is receiving protection as a victim of domestic violence, dating violence, sexual assault, or stalking, and the veteran is the perpetrator or such violence, the victim must continue to be assisted.

Upon termination of the perpetrator's VASH voucher due to the perpetrator's acts of domestic violence, dating violence, sexual assault, or stalking, the victim receiving protections (under 24 CFR, part 5,

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subpart L) should be given a regular HCV voucher if one is available and the perpetrator's HUD-VASH voucher should be used to serve another eligible veteran family.

If a regular HCV is not available for the victim, the perpetrator must be terminated from assistance, and the victim will continue to utilize the VASH voucher until a regular HCV voucher is available. In the case of the victim utilizing the VASH voucher upon termination of the perpetrator, this VASH voucher must be issued to another eligible veteran upon the voucher's turnover.

C. Project-Based Assistance governed under the Housing Choice Voucher Program

The PBV program is governed under tenant-based housing choice voucher rules. However, LACDA must have emergency transfer policies for PBV assisted tenants, since PBV families cannot move with their project-based assistance since the assistance is tied to the unit. A family or member of the family is not required to give advanced written notice, with a copy to LACDA, of intent to vacate the PBV unit if the family moved to protect the health or safety of the victim.

LACDA does not offer tenant-based voucher assistance if the victim has not lived in the PBV unit for at least a year. If a victim makes an emergency transfer request and has been living in the PBV unit for less than one year, LACDA will offer another safe PBV unit, if available, or refer the victim to other housing opportunities in the community.

When an Emergency Transfer is requested and approved, LACDA will expedite the transfer of the tenant to another unit, subject to availability and safety of a unit. If the 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. LACDA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

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

If a victim, makes an emergency transfer request and has been living in the PBV unit for one year or more, LACDA must give the victim priority to receive the next available opportunity for continued tenant-based rental assistance (see 24CFR 983.261).

If a family has been living in the PBV unit for one year or more, and the family breaks up as a result of an occurrence of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 CFR part 5, subpart L, LACDA will offer another safe PBV unit, if available and subject to eligibility, or refer the displaced member to other housing opportunities in the community.

The tenant should also refer to his/her Property Owner's Emergency Transfer Plan.

D. HOPWA Program

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If the victim is a participant in the HOPWA program and request an emergency transfer from LACDA during the first year, LACDA will refer the victim to the Los Angeles Housing and Community Investment Department (LAHCID). LACDA does not offer tenant-based voucher assistance if the victim has not lived with HOPWA assistance for at least a year. Like LACDA, LAHCID must have an emergency transfer plan for HOPWA assisted participants.

Emergency Transfers will not take priority over waiting list admissions for the Housing Choice Voucher program under this category. At the victim's request, LACDA will refer the victim to organizations that may be able to further assist the victim and provide a list of housing service providers in the community.

E. Moderate Rehabilitation (Mod Rehab)

If the victim is a participant in the Mod Rehab program and request an emergency transfer from the owner as described in this plan, the owner will assist the victim with the move to an available and safe unit as quickly as possible. If a safe unit is not available for a tenant who qualifies for an emergency transfer, the owner must, at a minimum:

1. Review the owner's existing inventory of units and determine when the next vacant unit may be available; and
2. Provide a listing of nearby HUD subsidized rental properties, with or without preference for persons who are victims of VAWA crimes domestic violence, dating violence, sexual assault, or stalking, and contact information for the local HUD field office.

Emergency Transfers will not take priority over Housing Choice Voucher program waiting list admissions for programs under this category. At the victim's request, LACDA will refer the victim to organizations that may be able to further assist the victim and provide a list of housing service providers in the community.

F. Continuum of Care Program

If the victim is participating in the Continuum of Care Program and request an emergency transfer, the case request must be made to the Continuum, the Los Angeles Homeless Services Authority (LAHSA). LAHSA will assist the victim to move to an available and safe unit as quickly as possible.

Emergency Transfers will not take priority over Housing Choice Voucher program waiting list admissions. At the victim's request, LACDA will refer the victim to organizations that may be able to further assist the victim and provide a list of housing service providers in the community.

6. Safety and Security of Tenants

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

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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 Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

7. Recordkeeping

LACDA must keep confidential records of all emergency transfers requested under this Emergency Transfer Plan, and the outcomes of such requests. LACDA will retain VAWA records in accordance with each covered housing program's policies under the Los Angeles County Development Authority's Records Retention and Disposition Schedule.

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**Local Organizations Assisting Victims of
Domestic Violence, Dating Violence, Sexual Assault, or Stalking**

Antelope Valley Domestic Violence Council	(661) 723-7772	www.valleyoasis.org
Peace Over Violence	(626) 793-3385 (310) 392-8381 (213) 626-3393	www.peaceoverviolence.org
1736 Family Crisis Center	(323) 737-3900 (213) 745-6434	www.1736familycrisiscenter.org
Wilmington Community Service Center (Veterans Only)	(424) 772-5668	unavailable
Asian Pacific Women's Center	(213) 250-2977	www.apwcla.org
Jenesse Center, Inc.	(323) 299-9496	www.jenesse.org
Center for Pacific Asian Family	(323) 653-4045	www.nurturingchange.org
Jewish Family Service of Los Angeles	(818) 505-0900	www.jfsla.org
California Hispanic Commission	(323) 773-1992	www.chcada.org
First to Serve	(323) 758-4670	www.firsttoserve.org
Little Tokyo Service Center	(213) 473-3030	www.ltsc.com
Su Casa Ending Domestic Violence	(562) 421-6537	www.sucasadv.org
House of Ruth	(323) 266-4139	www.hruth.org

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Volunteers of America Los Angeles	(213) 389-1500	www.voala.org
Rainbow Services	(310) 548-5450	www.rainbowservicesdv.org
Police Emergency	911	N/A
Health & Human Referral Services	211	www.211la.org
LA City Programs and Services	311	www.lacity.org/myla-311/myla-311-service-request

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Exhibit A – Areas Served

REGION <i>(Cities/Unincorporated Areas)</i>
CENTRAL REGION
Alhambra
Arcadia
Arcadia (UI)
Artesia
Athens (UI)
Azusa
Azusa (UI)
Baldwin Hills (UI)
Bassett (UI)
Bell
Bell Gardens
Bellflower
Carson
Carson (UI)
Cerritos
Charter Oak (UI)
City Terrace (UI)
Claremont
Claremont (UI)
City of Commerce
Compton (UI)
Covina
Cudahy
Diamond Bar
Downey
Duarte
East Los Angeles (UI)
El Monte
Florence (UI)
Gardena
Glendora
Glendora (UI)
Hacienda Heights (UI)
Hawthorne (UI)
Huntington Park
Irwindale
La Habra Heights
La Mirada
La Puente
La Verne
La Verne (UI)
Ladera Heights (UI)
Lakewood
Lawndale
Lawndale (UI)
Lennox (UI)
Lynwood
Los Angeles (UI)
Maywood
Montebello

REGION <i>(Cities/Unincorporated Areas)</i>
Monterey Park
Paramount
Rancho Dominguez (UI)
Rosemead
Rowland Heights (UI)
San Dimas
San Gabriel
San Gabriel (UI)
Santa Fe Springs
Sierra Madre
Temple City
Torrance (UI)
Valinda (UI)
Walnut
West Covina
West Covina (UI)
Whittier
Whittier (UI)
Willowbrook (UI)
Windsor Hills/View Park (UI)
COASTAL REGION
Agoura Hills
Agoura (UI)
Avalon (Catalina Island)
Catalina Island (UI)
Cornell (UI)
El Nido (UI)
El Segundo
Hermosa Beach
Lomita
Los Angeles (UI)
Malibu
Malibu Bowl (Malibu)
Malibu Lake (UI)
Manhattan Beach
El Porto (Manhattan Beach)
Marina Del Rey (UI)
Miraleste (UI)
Rancho Palos Verdes
Rolling Hills
Rolling Hills (UI)
Rolling Hills Estates
Signal Hill
Topanga (UI)
VALLEY REGION
Altadena (UI)
Beverly Hills
Bouquet Canyon (UI)
Calabasas
Calabasas Park (Calabasas)
Calabasas Highlands (UI)

REGION <i>(Cities/Unincorporated Areas)</i>
Castaic (UI)
Fernwood (UI)
Forest Park (UI)
Glenview (UI)
La Canada Flintridge
La Crescenta (UI)
Lang (UI)
Los Angeles (UI)
Mint Canyon (UI)
Monte Nido (UI)
Montrose (UI)
San Fernando
San Marino
Santa Clarita
Canyon Country (Santa Clarita)
Newhall (Santa Clarita)
Saugus (Santa Clarita)
Stevenson Ranch (Santa Clarita)
Valencia (Santa Clarita)
South Pasadena
Sulphur Springs (UI)
Universal City (UI)
Val Verde (UI)
West Hollywood
Westlake Village
NORTH COUNTY REGION
Acton (UI)
Antelope Acres (UI)
Agua Dulce (UI)
Elizabeth Lake (UI)
Green Valley (UI)
Lake Hughes (UI)
Lake Los Angeles (UI)
Lancaster
Leona Valley (UI)
Little Rock (UI)
Llano (UI)
Los Angeles (UI)
Palmdale
Palmdale (UI)
Pearblossom (UI)
Pinetree (UI)
Quartz Hill (UI)
Soledad (UI)
Valyermo (UI)
Vasquez Rocks (UI)
Wilsona Gardens (UI)