



Berkeley Housing Authority

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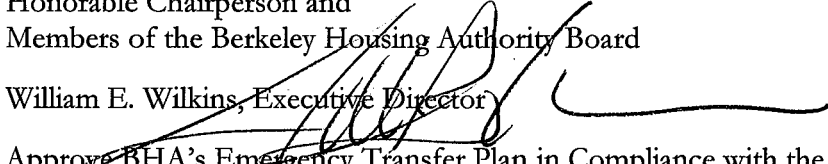
Office of the Executive Director

Item 7D

NEW BUSINESS

July 13, 2017

To: Honorable Chairperson and
Members of the Berkeley Housing Authority Board

From: William E. Wilkins, Executive Director 

Subject: Approve BHA's Emergency Transfer Plan in Compliance with the Violence
Against Women Reauthorization Act of 2013

RECOMMENDATION

Approve BHA's Emergency Transfer Plan in Compliance with the Violence Against Women (VAWA) Reauthorization Act of 2013.

BACKGROUND

In 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013. The law extends protections to victims who identify as LGBT and immigrant survivors of sexual assault and domestic violence. It also adds that covered parties include members of the same household, whether the victim is related by marriage, blood or neither. Most importantly, for purposes of Board action, it requires all public housing authorities to implement an Emergency Transfer Plan for VAWA victims.

BHA has notified all applicants and program participants of their VAWA rights for many years now, at least since 2010, on the website, in application packets, and annual recertification packets. Staff is trained on how to handle reports of domestic violence and abuse in terms of the options available including removing the perpetrator from the Section 8 voucher household.

STATUS

HUD has provided a model Emergency Transfer Plan; staff used it as a template to develop the Plan before you tonight. Because BHA is a Section 8 only housing authority, there are limited options for emergency transfers. Housing authorities that own public housing units logically would have more options for assisting in an emergency transfer.

Staff has included all options available in this plan, including the possibility of a vacant Project-based unit (normally reserved for those on the Project-based waitlist), partnerships with non-profit developers, and the possibility that the victim may wish to port their assistance to another jurisdiction.

FINANCIAL IMPLICATIONS OF ACTION

None.

CONTACT PERSON

William E. Wilkins, Executive Director, Berkeley Housing Authority, 981-5471

Rachel Gonzales-Levine, Management Analyst, 981-5485

Attachments:

1. Resolution
2. BHA's VAWA Emergency Transfer Plan

BERKELEY HOUSING AUTHORITY
RESOLUTION NO. 17-_____

APPROVING THE BERKELEY HOUSING AUTHORITY'S EMERGENCY TRANSFER PLAN IN COMPLIANCE WITH THE VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT OF 2013

WHEREAS in 2013, President Obama signed into law the Violence Against Women Reauthorization Act of 2013; and

WHEREAS the VAWA Reauthorization Act requires all public housing authorities to adopt an Emergency Transfer Plan; and

WHEREAS in November 2016, HUD published its Final Rule on the VAWA Reauthorization Act including the provision of a template for housing authorities to use in developing their Emergency Transfer Plans; and

WHEREAS BHA has provided notification on VAWA rights to victims since at least 2010 on the website, and in all application and recertification packets; and

WHEREAS BHA has included options for emergency transfers that may be available including project-based units, other non-profit developer units, porting, and other housing authority low income units;

NOW THEREFORE BE IT RESOLVED THAT BHA's Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, hereto attached as Exhibit A, is adopted.

The foregoing Resolution was adopted by the Board of the Berkeley Housing Authority on July 13, 2017 by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Attest: _____
William E. Wilkins, Secretary

**Berkeley Housing Authority
Emergency Transfer Plan for Victims of Domestic Violence,
Dating Violence, Sexual Assault, or Stalking**

Emergency Transfers

The Berkeley Housing Authority (BHA) is concerned with the safety of its program participants, including those who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ BHA allows program participants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the program participant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.²

The ability of BHA to honor such request depends upon a preliminary determination that the program participant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether there is another dwelling unit that is safe and available, for which the program participant chooses to move, and for which the landlord is willing to sign a HAP contract.

This plan identifies program participants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to program participants on safety and security. This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees BHA's compliance 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.

Eligibility for Emergency Transfers

A program participant 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 program participant reasonably believes that there is a threat of imminent harm from further violence should the program participant remain in the same unit.

If the program participant is a victim of sexual assault, the program participant 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, and provided there is a unit to which to move, including landlord willing to accept Section 8 HAP contract.

Note: transfers are contingent on whether the program participant identifies a unit of their choosing, and informs BHA staff as to whether the request to move is a transfer (inside Berkeley) or a port (outside of Berkeley, to a jurisdiction of their choice).

BHA will coordinate with local Project-based unit housing partners, to see if there is a vacant Project-based unit suited for the family size of the VAWA victim program participant, and allow a VAWA victim and family to move to a Project-based unit (outside of the normal Project-based waitlist procedure), should that be an available option at the time.

A program participant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. Program participants 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 program participant shall notify their BHA Housing Specialist by submitting a written request for a transfer from their unit, as well as the VAWA Victim documentation. The documentation may be:

- HUD Certification of Domestic Violence, Dating Violence or Stalking (Form 50066), or
- police reports, or
- domestic violence/shelter advocate letter, or

- copy of restraining order.

BHA will provide reasonable accommodations to this policy for individuals with disabilities. The program participant's written request for an emergency transfer should include either:

1. A statement expressing that the program participant reasonably believes that there is a threat of imminent harm from further violence if the program participant were to remain in the same dwelling unit assisted under BHA's Section 8 program; OR
2. A statement that the program participant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the program participant's request for an emergency transfer.

Confidentiality

BHA will keep confidential any information that the program participant submits in requesting an emergency transfer, and information about the emergency transfer, unless the program participant gives BHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the program participant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the program participant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about BHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Timing and Availability

BHA cannot guarantee that a transfer request will be approved nor determine how long it will take to process a transfer request. BHA will however, act as quickly as possible to process a move, subject to availability and safety of a unit, and the desire of the program participant to remain in the jurisdiction or port out of Berkeley. BHA may be unable to transfer a program participant to a particular unit if the program participant has not or cannot establish eligibility for that unit.

If BHA is unaware of a safe and available unit for the program participant, BHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move, including in the Project-based housing stock, other non-Section 8 non-profit housing options, or other housing authorities.

Safety and Security of Program Participants

Pending processing of the transfer and the actual transfer if available and approved, the program participant is urged to take all reasonable safety precautions.

**If you are in immediate danger, please call 911 for BPD,
or from a cell phone, call 981-5911.**

Resources

If you are in immediate danger, call 911 for BPD or from a cell phone, call 981-5911.

Building Futures' 24-hour Crisis Line: 1-866-A-WAY-OUT [1-866-292-9688]

A Safe Place 24-Hour Crisis Line: 510-536-7233

Family Violence Law Center 24 Hour Crisis Line: 1-800-947-8301

National Domestic Violence Hotline

1-800-799-7233 • TTY 1-800-787-3224 • www.ndvh.org

National Sexual Assault Hotline

1-800-656-HOPE (1-800-656-4673) • www.rainn.org

National Teen Dating Abuse Helpline

1-866-331-9474 • TTY 1-866-331-8453 • www.loveisrespect.org

Stalking Resource Center

www.victimsofcrime.org/our-programs/stalking-resource-center

Alipato Project (legal): 510-393-2723