

<p><b>EXHIBIT 16-3: TOWN OF YORKTOWN EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING (HCV VERSION), FORM HUD-5381</b></p>
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Attachment: Certification form HUD-5382

**TOWN OF YORKTOWN HCV RENTAL ASSISTANCE PROGRAM**

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

**Emergency Transfers**

Town of Yorktown HCV Rental Assistance Program (Yorktown) 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>3</sup> Housing Provider (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>4</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.

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<sup>3</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>4</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.

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 Yorktown 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.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

### **Emergency Transfer Request Documentation**

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to 363 Underhill Avenue, Yorktown Heights, NY 10598. 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. 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.

### **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.

## **VIOLENCE AGAINST WOMEN ACT (VAWA) STATEMENT**

THE TOWN OF YORKTOWN HOUSING CHOICE VOUCHER PROGRAM (YORKTOWN) PROVIDES ASSISTANCE TO ANY CHILD OR ADULT VICTIMS OF DOMESTIC VIOLENCE (DV), DATING VIOLENCE, SEXUAL ASSAULT OR STALKING.

ACTING AS A RESOURCE CENTER FOR COUNTY SERVICE ORGANIZATIONS FOR THE COMMUNITY AT LARGE AS WELL ASSISTED FAMILIES, YORKTOWN CONNECTS FAMILIES WITH SERVICE PROVIDERS THAT CAN HELP FAMILIES TO AVOID BECOMING A VICTIM, ACCESS IMMEDIATE SERVICES IN A CRISIS OR AS A RESULT OF AN OCCURANCE, OBTAIN OR MAINTAIN HOUSING AND ENHANCE VICTIM SAFETY.

AS A MEMBER OF THE WESTCHESTER COUNTY URBAN CONSORTIUM, YORKTOWN REFERS FAMILIES TO THE WESTCHESTER COUNTY OFFICE FOR WOMEN, WHOM IN PARTNERSHIP WITH FOURTEEN COUNTY AGENCIES, NOT FOR PROFITS AND COMMUNITY PARTNERS, PROVIDE INFORMATION, COUNSELING AND SHELTER SERVICES FOR INDIVIDUALS.

ADDITIONALLY, THE OFFICE OF WOMEN IS A PARTNER IN THE WESTCHESTER COUNTY FAMILY JUSTICE (FJC) COLLABORATIVE, WHICH IS LOCATED COUNTY COURT COMPLEX WHICH PROVIDES A SAFE PLACE WHERE VICTIMS CAN TALK WITH A COUNSELOR, GET LEGAL HELP SUCH AS OBTAINING AN ORDER OF PROTECTION AND CHILD SUPPORT, LEARN ABOUT MAKING A SAFETY PLAN, FIND OUT ABOUT DV SHELTER SERVICES, ACCESS PUBLIC ASSISTANCE, IN ADDITION TO OTHER SERVICES FREE OF CHARGE.

THE FJC INCLUDES, BUT IS NOT LIMITED TO THE FOLLOWING PARTNERS:

- WESTCHESTER COUNTY DISTRICT ATTORNEY
- HOPE'S DOOR
- MY SISTER'S PLACE
- VICTIM ASSISTANCE SERVICES OF WESTCOP
- PACE WOMEN'S JUSTICE CENTER
- LEGAL SERVICES OF THE HUDSON VALLEY
- WESTCHESTER COUNTY DEPARTMENT OF SOCIAL SERVICES
- WESTCHESTER COUNTY CHIEF OF POLICE ASSOCIATION

YORKTOWN PROVIDES ALL APPLICANTS/PARTICIPANTS WITH A NOTICE OF OCCUPANCY RIGHTS UNDER VAWA(FORM HUD-5380) AND CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING AND ALTERNATIVE DOCUMENTATION(FORM HUD-5382) AT INITIAL BRIEFING AND AT REEXAMINATION. ALL OWNERS ARE PROVIDED A VAWA NOTICE AT TIME OF REQUEST FOR TENANCY APPROVAL SUBMISSION FOR INITIAL LEASE UP OR MOVES WITH CONTINUED ASSISTANCE. VAWA LEASE ADDENDUM IS ATTACHED TO ALL LEASES. ALL RELATED NOTICES ARE POSTED ON YORKTOWN'S WEBSITE.