

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

Beacon Management, LLC 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 of 1994, as amended (“VAWA”), **Beacon Management, LLC** allows any tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant’s current unit to another unit. VAWA protections are not limited to women. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

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 regarding safety and security. The plan is based on Federal regulations at 24 Code of Federal Regulations (CFR) part 5, subpart L, related program regulations, and the model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that Programs including but not limited to Project based section 8, LITCH, HOME, National Housing Trust Fund, CDBG and Housing for older adults, is in compliance with VAWA.

Definitions

- **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. Relocation to an external property or one under a different ownership entity are considered external transfers as are relocations to different (Building Identification (BIN) numbers.
- **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 same property, under the same ownership, when the building identification number (BIN) is the same and the median area income requirements, if any, are the same as the former location.
- **Safe unit** refers to a unit that the victim of VAWA violence/abuse believes is safe.
- **VAWA violence/abuse** means an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR 5.2003 and “Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking” (Form HUD-5382).

Eligibility for Emergency Transfers

A tenant may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the “Notice of Occupancy Rights Under the Violence Against Women Act,” Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and **Beacon Management, LLC** must provide a copy if requested. **Beacon Management, LLC** REQUIRES submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

A Tenant is eligible for an emergency transfer if:

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; **AND**
3. **EITHER**
 - a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; **OR**
 - b. If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

Beacon Management, LLC, in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.

Emergency Transfer Policies

Internal transfers when a safe unit is immediately available:

An internal transfer is a transfer to a different apartment in the same community. If the community receives layered funding from other sources, such as LIHTC, the resident may have to qualify for the next available unit. The resident will be advised when this is the case. Beacon Management, LLC may only move the resident to the next available unit if the resident is qualified under the program rules established by the governing agency. (example: same BIN number at LIHTC communities or on the same community when a LIHTC community has an 8609 8b election of "Yes")

- Transfers within any covered housing program must obtain instruction and approval for the transfer from their Beacon Management compliance analyst or the programs housing specialist. If the approval is from an agency outside of Beacon Management representative, obtain approval from the resident to communicate directly with them.
- Where the community has apartments with varying AMI designations, Beacon Management will also make every effort to transfer the resident's AMI designation from the current apartment to the transferring apartment, so the rent remains the same.
- Any AMI transfer from one apartment to another must follow program regulations and requirements.
- If an existing resident qualifies for an internal emergency transfer, the first available apartment that the resident deems safe will be offered to them. The resident will determine whether the available apartment is safe and can refuse to accept an available apartment if they believe it is not safe.
- If a "safe" unit is offered and accepted, the resident will have thirty (30) calendar days to complete the appropriate paperwork, take possession of the new apartment, and move out of the current apartment.
- The management office will work with the existing resident to coordinate the move-in and move-out dates.
- Lease term for new apartment will stay the same, start date is date of possession and end date is the same date as the original apartment lease.

- The resident may only receive a subsidy in one apartment on any given day. If the resident takes possession of the new apartment before moving out of the old apartment, the resident will be responsible for market rent for the days the resident is in legal possession of the original apartment.
- Beacon Management will work with the transferring residents to determine an appropriate payment plan for any move in funds. The VAWA Coordinator will provide directions on this.
- If a "safe" unit is not immediately available, the resident **may be given priority** and moved to the top of the waiting list (above residents requesting a reasonable accommodation transfer) within the community where they reside.
- When an appropriate apartment is unavailable in this community, Beacon Management associates will work with the resident to identify alternative housing under this or other federally funded programs. Beacon Management will provide information about national and local organizations that may assist with providing alternative housing until a safe unit becomes available.
- If the resident decides to remain in their current apartment permanently or temporarily while waiting for an available internal apartment, Beacon Management will change the resident's locks in accordance with state law.

External transfers:

An external transfer is a move to an entirely different community which would require the resident to apply, qualify, and meet all program criteria of the chosen community.

- The resident can request an internal and external transfer simultaneously.
- The resident must understand that although the term "external transfer" is used, the resident is legally a new applicant and a new resident. A resident's eligibility in the current apartment does not "transfer" to the external community's apartment.
- The community's management staff will assist the resident by working with them closely during the external transfer process by:
 - providing the resident with a list of known communities in the area, as well as names and contact information of organizations offering assistance to victims,
 - taking all reasonable measures to assist with the victim's efforts to find alternative housing that may have safe and available apartments, and
 - providing a letter, if requested by the resident, that can be shared with prospective housing providers that state the resident is a victim of domestic violence and is eligible for VAWA protections, and
- The resident must notify the community's management staff when the resident plans to move. The resident cannot begin a subsidy in a new apartment until the resident stops receiving subsidies in this apartment.
- Beacon Management cannot stop the subsidy until the resident can legally take possession of the apartment. In the case where some household members remain in the original apartment, the resident must be removed from the income certification (e.g., HUD Form 50059) and the lease when the resident moves out. An Owner's/Resident Certification of Compliance will be completed in accordance with the requirements set forth by the program's governing agency.
- Beacon Management **will not give priority to external applicants.**

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. **Beacon Management** may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify **The VAWA Coordinator, Beacon Management, LLC toll free at 1-888-298-0888 email VAWAcoordinator@beacon.cc mailing address 209 S. 19th Street Omaha, NE 68102.** If **Beacon Management, LLC** does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, **Beacon Management, LLC** may ask for this documentation in accordance with 24 CFR 5.2007. Unless **Beacon Management, LLC** receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), **Beacon Management, LLC** cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. **Beacon Management, LLC** will provide reasonable accommodations to this policy for individuals with disabilities.

Beacon Management LLC REQUIRES A WRITTEN REQUEST FOR AN EMERGENCY TRANSFER

The tenant's written request for an emergency transfer must include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or household member) stays in the same dwelling unit; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.
3. The resident has 14 business days to provide the requested documentation establishing VAWA victim status. Form HUD-5383 may be used for making a written request for an emergency transfer.

Confidentiality

If a resident inquires about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections, Beacon Management, LLC must keep any information they provides concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member's status as a victim strictly confidential. This information should be securely and separately kept from resident files. All the information provided by or on behalf of the resident to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as "Confidential Information") may only be accessed by Beacon Management, LLC employees or contractors if explicitly authorized by Beacon Management, LLC for reasons that specifically call for those individuals to have access to that information under applicable Federal, State, or local law.

Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

- Written permission by the victim in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance; or

- Otherwise required by applicable law.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse. Accordingly, all VAWA documents will be maintained in a file separate from the resident file. All documents regarding a VAWA incident shall be kept at 209 S 19th St. Omaha, NE 68102 in care of the VAWA Coordinator.

Emergency Transfer Procedure

Beacon Management, LLC cannot specify how long it will take from the time a transfer request is approved until the resident can be placed in a new, safe unit. Beacon Management will, however, act as quickly as possible to assist a resident who qualifies for an emergency transfer. If Beacon Management, LLC identifies an available unit and the resident believes that unit would not be safe, the resident may request a transfer to a different unit. Beacon Management, LLC may be unable to transfer a resident and their household to a particular unit if the resident and their household has not established or cannot establish eligibility for that unit.

If Beacon Management, LLC does not have any safe and available units for which the resident is eligible, Beacon Management, LLC will assist the resident in identifying other covered housing providers who may have safe and available units to which the resident could move. At the resident's request, Beacon Management, LLC will also assist the resident in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

Making the Emergency Transfer Plan Available

At the resident's request, Beacon Management, LLC agrees to make this Emergency Transfer Plan available for review. Individuals requiring alternative formats to this plan will receive it in a manner that is usable for them.

Safety and Security of Residents

When Beacon Management, LLC receives any inquiry or request regarding an emergency transfer, Beacon Management, LLC will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, residents are not required to receive guidance or assistance from a victim service provider.

For additional information on VAWA and to find help in your area, visit www.hud.gov/vawa. In addition, the following resources are available:

**ORGANIZATIONS OFFERING ASSISTANCE TO VICTIMS OF
DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING.**

Alianza	505-753-3334	www.alianzadv.org
American Bar Association Commission on Domestic Violence	202-662-1000	www.abanet.org/domviol
Deaf Abused Women's Network (DAWN)	202-559-5366	hotline@deafdawn.org
Esperanza United	651-772-1611	www.casadeesperanza.org
Futures Without Violence: The National Health Resource Center on Domestic Violence	888-792-2873	www.futureswithoutviolence.org
Manavi Anti-South Asian Violence	732-435-1414	www.manavi.org
National Center for Elder Abuse	855-500-3537	https://ncea.acl.gov
National Center for Victims of Crime	202-467-8700	www.victimsofcrime.org
National Center on Domestic Violence, Trauma, and Mental Health	312-726-7020 Ext 2011	www.nationalcenterdvtraumamh.org
National Child Abuse Hotline (Child Help)	800-422-4453	www.childhelp.org
National Clearinghouse on Abuse in Later Life (NCALL)	608-255-0539	www.ncall.us
National Coalition of Anti-Violence Programs	206-350-4283	https://ncadv.org
National Dating Abuse Helpline	866-331-9474	www.loveisrespect.org
National Human Trafficking Resource Center/Polaris Project	888-373-7888	www.polarisproject.org
National Resource Center on Domestic Violence	800-537-2238	www.nrcdv.org
National Sexual Assault Hotline	800-656-4673	www.Rainn.org
Pathways to Safety International	833-SAFE-833	https://pathwaystosafety.org/
Safe Horizon Stalking Programs (Assessment and Referrals Provided)	866-689-4357	www.safehorizon.org/get-help/stalking
The National Domestic Violence Hotline	800-799-7233 TEXT 88788 TTY	www.ndvh.org
The National Organization for Victim Assistance (NOVA)	800-879-6682	www.trynova.org
	800-787-3224	