

12-I.B. EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

The VAWA 2013 final rule requires the PHA to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, or stalking.

JCHA Policy

The following are considered emergency circumstance warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health, or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.

A verified incident of domestic violence, dating violence, sexual assault, stalking, **or human trafficking**. For instances of domestic violence, dating violence, sexual assault, stalking, **or human trafficking** the threat may be established through documentation outlined in section 16-VII.D. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP), although, JCHA may waive this requirement in order to expedite the transfer process.

JCHA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, stalking, **or human trafficking** JCHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. JCHA defines *immediately available* as a vacant unit, that is ready for move-in within a reasonable period of time, not to exceed **15 days**. If an internal transfer to a safe unit is not immediately available, JCHA will assist the resident in seeking an external emergency transfer either within or outside JCHA's programs.

At the discretion of the executive director, an external emergency transfer within JCHA programs will be approved if an internal emergency transfer is not feasible. The requestor will be given an application to complete. JCHA may allow the applicant to bypass regular wait list processes to facilitate a timely response and prevent further abuse, even if the wait list is closed to new applicants. The requestor is still subject to all eligibility requirements for the program in which they are applying for. For external emergency transfers with other agencies or programs outside of JCHA, JCHA will work with that agency to determine the appropriate actions based on their policies and procedures.

If a JCHA tenant who is seeking an emergency transfer under VAWA is residing with their abuser, JCHA will require the head of household to apply for transfer

and the remaining household member to apply for new admission, as necessary. At the discretion of the executive director, the remaining household member will be given an application to complete and will bypass regular wait list processes to facilitate a timely response and prevent further abuse, even if the wait list is closed to new applicants.

12-I.C. EMERGENCY TRANSFER PROCEDURES

JCHA Policy

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, JCHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, JCHA will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers that arise due to maintenance conditions are mandatory for the tenant.

12-I.D. COSTS OF TRANSFER

JCHA Policy

JCHA will bear the reasonable costs of temporarily accommodating the tenant and of long-term transfers, if any, due to emergency **maintenance** conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

JCHA will move the family at JCHA's expense.

All amounts owed under tenancy will follow the family regardless of transfer.

PART II: PHA REQUIRED TRANSFERS

12-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to the PHA to develop reasonable transfer policies.

The PHA may require that a resident transfer to another unit under some circumstances. For example, the PHA may require a resident to transfer to make an accessible unit available to a disabled family. The PHA may also transfer a resident in order to maintain occupancy standards based on family composition. Finally, a PHA may transfer residents in order to demolish or renovate the unit.

A transfer that is required by the PHA is an adverse action and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

12-II.B. TYPES OF PHA REQUIRED TRANSFERS

JCHA Policy

The types of transfers that may be required by JCHA, include, but are not limited to,