

**City of Chicago Emergency Transfer Plan
For
Victims of Domestic Violence,
Dating Violence, Sexual Assault, or Stalking**

Effective as of June 14, 2017

This Plan is also available on the City's website

The City of Chicago, by and through its various social service, public health and social service departments, including, but not limited to, its Department of Family and Support Services, its Department of Public Health and its Department of Planning and Development (collectively, the “City”), in accordance with the federal Violence Against Women Act at 42 U.S.C. 13925 and 42 U.S.C. 14043e et seq. (“VAWA”) and the implementing regulations for VAWA at 24 CFR part 5, subpart L (the “Implementing Regulations”), is required by law to extend special concerns and efforts to and on behalf of a certain class of tenants who live in housing located within Chicago city limits or, under certain programs, a certain class of tenants who live in eligible housing located within the Chicago Eligible Metropolitan Statistical Area, and a certain class of homeless persons who live within Chicago city limits, each of whom benefit from or are supported by funding provided by certain programs of the U.S. Department of Housing and Urban Development (“HUD”) (such persons, collectively, “Eligible Persons”).

About VAWA

VAWA provides certain protections for victims of domestic violence, dating violence, sexual assault, or stalking. **VAWA protections are not limited only to women** but, instead, are **available equally to all qualifying individuals regardless of sex, sexual orientation or gender identity.**

The relevant HUD programs for City purposes are: (i) the HOME Program, (ii) the Emergency Solutions Grants (ESG) program, (iii) the Housing Opportunities for Persons With AIDS (HOPWA) program, and (iv) the Continuum of Care (CoC) program (collectively, “HUD Programs”). For purposes of this Plan, eligible housing within the City of Chicago, and eligible housing located within the Chicago Eligible Metropolitan Statistical Area, that is supported by funding provided through any of these four HUD Programs, shall be called “HUD Program-Supported Housing.”

About this VAWA Emergency Transfer Plan

Under the Implementing Regulations, an Eligible Person who is a victim of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in the Implementing

Regulations, is eligible for an emergency transfer, if the Eligible Person expressly requests the transfer and

- the Eligible Person reasonably believes there is a threat of imminent harm from further violence if the Eligible Person remains within the same dwelling unit that the Eligible Person is currently occupying; or
- in the case of an Eligible Person who is a victim of sexual assault, either the Eligible Person reasonably believes there is a threat of imminent harm from further violence if the Eligible Person remains within the same dwelling unit that the Eligible Person is currently occupying, or the sexual assault occurred on the premises during the 90-calendar-day period preceding the date of the request for transfer.

An Eligible Person requesting an emergency transfer must expressly request the transfer with the appropriate covered housing provider as described below.

An Eligible Person who is not in good standing under the Eligible Person's HUD Program-Supported Housing may still request an emergency transfer if the Eligible Person meets the eligibility requirements herein.

The City is not a landlord and operates no HUD Program-Supported Housing directly.

Therefore, the City will undertake the following actions under this Plan. However, nothing in this Plan is intended to supersede any eligibility or other occupancy requirements that may apply under any individual HUD Program-Supported Housing program.

This Plan may be amended from time to time by the City.

Assisting Covered Housing Providers in Fulfilling Their VAWA Responsibilities Generally

The City, through its contractual relationships with covered housing providers such as the owners of HOME projects, delegate agents for HOPWA, and ESG and CoC delegate agencies, will undertake to assist them in fulfilling their VAWA responsibilities. This will include:

- adding requisite text concerning VAWA, including changes to tenant lease addenda and lease bifurcation text, to delegate agency agreements, HOME loan agreements, HOME regulatory agreements, and the like;
- ensuring that covered housing providers give priority, if so required under the relevant HUD Program, to Eligible Persons who qualify for an emergency transfer over other categories of tenants seeking transfers and individuals seeking placement on waiting lists;
- seeking confirmation that covered housing providers have an emergency transfer plan in place, and that they have provided all required VAWA information to all appropriate tenants and applicants; and

- collecting from covered housing providers all information that the City is required to collect under the Implementing Regulations.

Emergency Transfer Plan Procedures for Each HUD Program-Supported Housing Program

To request an emergency transfer, the Eligible Person should follow the procedures listed for the particular HUD Program that provides the Eligible Person's housing. The Eligible Person should be prepared to present the covered housing provider the written documentation referred to in the Emergency Transfer Request Documentation section below.

Information specific to each program will also be listed in the Eligible Person's lease and/or notice for reference.

If an Eligible Person requests an internal transfer, as defined in the Implementing Regulations, the covered housing provider will facilitate the provision of VAWA protections for the Eligible Person as set out in the program-specific regulations below.

If an Eligible Person requests an external transfer, as defined in the Implementing Regulations – whether the transfer would be out of a covered housing provider's project, or into a covered housing provider's project – the covered housing provider will assist the Eligible Person in the provision of a safe and available unit for the Eligible Person.

The City may also coordinate with covered housing providers that are providing HUD Program-Supported Housing to develop their emergency transfer plans, to make referrals, and to facilitate emergency transfers to safe and available units.

The City is aware that nothing precludes an Eligible Person from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe unit is not immediately available.

HOPWA

If an Eligible Person seeks VAWA protections, the Eligible Person must submit such request through the project sponsor—the delegate agency that receives HOPWA funds under a contract with the City.

For housing assisted with HOPWA grant funds for facilities-based rental assistance, the City and the project sponsor will work with the housing or facility owner or manager to facilitate protections on the Eligible Person's behalf.

For HOPWA tenant-based rental assistance, the project sponsor will work with the housing owner or manager to facilitate timely protections on the Eligible Person's behalf

HOME

If an Eligible Person seeks VAWA protections, the request may be made through the Eligible Person's housing or facility owner, or manager. If a request for internal or external transfer is made, the housing or facility owner, or manager may, in addition to other actions indicated above, provide a list of properties within the City limits that include HOME-assisted units.

The City maintains a list of HOME-assisted properties – the link is shown below. The list includes the following information for each property: The property's address, contact information, the unit sizes (number of bedrooms) for the HOME-assisted units, and, to the extent known, any tenant preferences or eligibility restrictions for the HOME-assisted units.

https://www.cityofchicago.org/city/en/depts/dcd/supp_info/affordable_rentalhousingresourceslist.html

ESG

For ESG tenant-based rental assistance arrangements, the City will assist delegate agencies with the provision of VAWA protections and quick moving assistance for Eligible Persons. The City will also have procedures for delegate agencies that will specify what will happen with respect to the non-transferring family member(s) if the family separates in order to effect an emergency transfer.

To the extent there are any ESG project-based rental assistance arrangements, the City will assist the housing owner or manager in the provision of any transfer priority the Eligible Person is required to receive under the ESG program over all other applicants for tenant-based rental assistance, utility assistance, and units for which project-based rental assistance is provided.

CoC

For the Eligible Person or for families receiving tenant-based rental assistance under CoC, the City will assist the delegate agency with the provision of VAWA protections and quick moving assistance for the Eligible Person. The City will also have procedures for delegate agencies that will specify what will happen with respect to the non-transferring family member(s) if the family separates in order to effect an emergency transfer.

For CoC-assisted housing arrangements, the City will assist the housing owner or manager in the provision of any transfer priority the Eligible Person is required to receive under the CoC program over all other applicants for rental assistance, transitional housing, and permanent supportive housing projects funded under this part, provided that the Eligible Person or family meets all eligibility criteria required by Federal law or regulation or HUD NOFA and the Eligible Person or family meets any additional criteria or preferences established in accordance with 24 CFR 578.93(b)(1), (4), (6), or (7). The Eligible Person or family shall not be required to meet any other eligibility criteria or preferences for the project. The Eligible Person or family shall retain their original homeless or chronically homeless status for the purposes of the transfer.

Emergency Transfer Request Documentation

Written documentation required under all HUD Programs shall be either as described in (i) or (ii) below:

(i) The Eligible Person's submission of a written certification that the Eligible Person reasonably believes there is a threat of imminent harm from further violence if the Eligible Person remains within the same dwelling unit that the Eligible Person is currently occupying, or

(ii) One of the following:

- a completed and signed Certification on the form attached as "Appendix C" hereto
- a document that is (A) signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, "professional") from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse; (B) signed by the Eligible Person; and (C) that specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under VAWA
- court order of protection in favor of the Eligible Person
- a statement or other evidence provided by the applicant or tenant

Confidentiality

The City will keep confidential any information that an Eligible Person submits to the City related to the exercise of the Eligible Person's rights under VAWA, including the fact that the Eligible Person is exercising rights under VAWA.

If the City learns that an Eligible Person has relocated to a safe unit, the City will not disclose the location of that unit to a person who committed or threatened to commit an act of domestic violence, dating violence, sexual assault, or stalking against the Eligible Person.

The City will not allow any individual administering assistance or other services on behalf of the City in connection with the exercise of an Eligible Person's rights under VAWA (for example, employees and contractors) to have access to confidential information about the Eligible Person unless for reasons that specifically call for these individuals to have access to this information under applicable Federal, State, or local law.

The City will not enter an Eligible Person's information into any shared database (e.g., a database outside the City's control) or disclose the information to any other entity or individual. The City, however, may disclose the information provided if:

- the Eligible Person gives written permission to the City to release the information on a time limited basis; or
- the City needs to use the information in an eviction or termination proceeding, such as to evict the Eligible Person's abuser or perpetrator or to terminate such abuser or perpetrator from assistance under this program; or
- a law requires the City to release the information. VAWA does not limit the City'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.

City Cannot Assist With Eviction Problems

The City is not a landlord for any HUD Program-Supported Housing. The City does not have any new or special duties under this Plan or the Implementing Regulations to assist Eligible Persons experiencing eviction problems.

This Plan Does Not Replace Other Laws

This Plan, and VAWA and the Implementing Regulations, do not replace any Federal, State, or local law that provides greater protection for victims of domestic violence, dating violence, sexual assault, or stalking. Eligible Persons may be entitled to additional housing protections for victims of domestic violence, dating violence, sexual assault, or stalking under other Federal laws, as well as under State and local laws.

Recordkeeping and Reporting

The covered housing provider is required, under the Implementing Regulations, to keep certain information in its files.

The covered housing provider must keep a record of all emergency transfer requests made or the outcomes of such requests, and (i) retain records of such requests and outcomes for three years (four years for HOPWA), and (ii) while not violating the confidentiality requirements listed above, report certain information to HUD annually.

Safety and Security of Eligible Persons

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the Eligible Person is urged to take all reasonable precautions to be safe.

Eligible Persons who have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1– 800–799–7233, the Illinois Domestic Violence Hotline at 1-877-863-6338, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, the National Domestic Violence Hotline can be accessed by calling 1– 800–787–3224 (TTY) and the Illinois Domestic Violence Hotline can be accessed by calling 1-877-863-6339 (TTY).

Eligible Persons who have been victims of sexual assault are encouraged to contact 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/>.

Eligible Persons who have been victims of stalking are encouraged to contact the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

For Additional Information

Please see:

- the Violence Against Women Act at 42 U.S.C. 13925 and 42 U.S.C. 14043e et seq.
- the Implementing Regulations at <https://www.gpo.gov/fdsys/pkg/FR-2016-11-16/pdf/2016-25888.pdf>

Attachments:

Please see the attached Certification of Domestic Violence form

Appendix C

CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING, AND ALTERNATE DOCUMENTATION

U.S. Department of Housing
and Urban Development

OMB Approval No. XXXX-XXX
Exp. XX/XX/XXXXX

Purpose of Form: The Violence Against Women Act (“VAWA”) protects applicants, tenants, and program participants in certain HUD programs from being evicted, denied housing assistance, or terminated from housing assistance based on acts of domestic violence, dating violence, sexual assault, or stalking against them. Despite the name of this law, VAWA protection is available to victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

Use of This Optional Form: If you are seeking VAWA protections from your housing provider, your housing provider may give you a written request that asks you to submit documentation about the incident or incidents of domestic violence, dating violence, sexual assault, or stalking.

In response to this request, you or someone on your behalf may complete this optional form and submit it to your housing provider, or you may submit one of the following types of third-party documentation:

- (1) A document signed by you and an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom you have sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse. The document must specify, under penalty of perjury, that the professional believes the incident or incidents of domestic violence, dating violence, sexual assault, or stalking occurred and meet the definition of “domestic violence,” “dating violence,” “sexual assault,” or “stalking” in HUD’s regulations at 24 CFR 5.2003.
- (2) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or
- (3) At the discretion of the housing provider, a statement or other evidence provided by the applicant or tenant.

Submission of Documentation: The time period to submit documentation is 14 business days from the date that you receive a written request from your housing provider asking that you provide documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking. Your housing provider may, but is not required to, extend the time period to submit the documentation, if you request an extension of the time period. If the requested information is not received within 14 business days of when you received the request for the documentation, or any extension of the date provided by your housing provider, your housing provider does not need to grant you any of the VAWA protections. Distribution or issuance of this form does not serve as a written request for certification.

Confidentiality: All information provided to your housing provider concerning the incident(s) of domestic violence, dating violence, sexual assault, or stalking shall be kept confidential and such details shall not be entered into any shared database. Employees of your housing provider are not to have access to these details unless to grant or deny VAWA protections to you, and such employees may not disclose this information to any other entity or individual, except to the extent that disclosure is: (i) consented to by you in writing in a time-limited release; (ii) required for use in an eviction proceeding or hearing regarding termination of assistance; or (iii) otherwise required by applicable law.

**TO BE COMPLETED BY OR ON BEHALF OF THE VICTIM OF DOMESTIC VIOLENCE,
DATING VIOLENCE, SEXUAL ASSAULT, OR STALKING**

1. Date the written request is received by victim: _____

2. Name of victim: _____

3. Your name (if different from victim's): _____

4. Name(s) of other family member(s) listed on the lease: _____

5. Residence of victim: _____

6. Name of the accused perpetrator (if known and can be safely disclosed):

7. Relationship of the accused perpetrator to the victim: _____

8. Date(s) and times(s) of incident(s) (if known): _____

10. Location of incident(s): _____

In your own words, briefly describe the incident(s):

This is to certify that the information provided on this form is true and correct to the best of my knowledge and recollection, and that the individual named above in Item 2 is or has been a victim of domestic violence, dating violence, sexual assault, or stalking. I acknowledge that submission of false information could jeopardize program eligibility and could be the basis for denial of admission, termination of assistance, or eviction.

Signature _____ Signed on (Date) _____

Public Reporting Burden: The public reporting burden for this collection of information is estimated to average 1 hour per response. This includes the time for collecting, reviewing, and reporting the data. The information provided is to be used by the housing provider to request certification that the applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking. The information is subject to the confidentiality requirements of VAWA. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid Office of Management and Budget control number.