

EXHIBIT 16-3 (REPLACEMENT) — ADMINISTRATIVE PLAN, CHAPTER 16

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

Housing Choice Voucher and Project Based Voucher Programs

Emergency Transfer Plan

Purpose and Scope

Fresno Housing (FH) is committed to the safety of participants and household members who are victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking. In accordance with the Violence Against Women Act of 1994, as amended (VAWA), FH allows an eligible participant to request an emergency transfer from the participant's current unit to another unit. VAWA protections are available regardless of sex, gender identity, sexual orientation, marital status, or any other protected characteristic.

This plan applies to participants assisted through FH's tenant-based Housing Choice Voucher (HCV) Program and Project Based Voucher (PBV) Program. It describes eligibility, request procedures, documentation, confidentiality, transfer options, priorities, and safety resources. It does not guarantee that a particular unit, location, or type of assistance will be immediately available.

This plan is adopted as Exhibit 16-3 to the Administrative Plan and implements the policies referenced in Chapter 3, Section 3-III.H; Chapter 10, Section 10-I.A; Chapter 12, Section 12-II.E; and Chapter 16, Part IX of the Administrative Plan. If any provision of this plan conflicts with the Administrative Plan, the Administrative Plan controls unless this plan states a more specific or more protective standard adopted for the Housing Choice Voucher and Project Based Voucher programs.

What an Emergency Transfer Is

An emergency transfer means that FH will approve and speed up a qualifying participant's move to a safe unit. What that involves depends on the type of assistance the participant receives.

Tenant-based HCV. For a participant with a tenant-based voucher, an emergency transfer is FH's approval to move with the participant's existing voucher, even when the move would not otherwise be allowed. FH will make exceptions to its usual move restrictions in Chapter 10, such as limits on moving during the initial lease term or more than once in a 12-month period, and will allow the participant to keep their assistance after moving out in violation of the lease when the move is needed for safety. FH will also process the move, including portability to another housing agency, as quickly as possible. The participant finds the new unit, as with any other move; FH does not choose, provide, or pay for the new unit or the move (see Tenant Based HCV Emergency Moves).

Project Based Voucher (PBV). For a PBV participant, an emergency transfer is a move to another safe unit. Depending on what is available, this may be a unit in the same project, a unit in another FH-owned development (if the property allows this), a tenant-based voucher if one is available, or housing in another program that the participant applies to (see Project Based Voucher Emergency Transfers).

An emergency transfer does not guarantee a particular unit, location, or timeframe, and it does not change the participant's rent calculation, family obligations, or eligibility requirements.

Definitions

- Safe unit means a unit that the victim believes is safe. FH will not substitute its judgment for the victim's determination that a proposed unit or location is unsafe.
- VAWA violence or abuse means domestic violence, dating violence, sexual assault, stalking, or human trafficking, as defined in 24 CFR 5.2003, Chapter 16, Section 16-IX.B of the Administrative Plan, and Form HUD-5382. Domestic violence includes economic and technological abuse as described in Section 16-IX.B.
- Victim includes a participant or household member who has experienced VAWA violence or abuse.

Eligibility for an Emergency Transfer

A participant may qualify for an emergency transfer when all of the following conditions are met:

1. The participant or a household member is a victim of VAWA violence or abuse.
2. The participant expressly requests an emergency transfer.
3. The participant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the participant or household member remains in the unit; or, in the case of sexual assault, the assault occurred on the premises and the request is made within 90 calendar days, including weekends and holidays, after the assault.

A participant does not have to be in good standing to request or qualify for an emergency transfer. Rent owed, a repayment agreement, lease violations, pending termination action, or other program compliance concerns will not be used to determine whether the participant may request VAWA protection. Separate program requirements may still apply after the emergency transfer request is addressed.

How to Request an Emergency Transfer

A participant may make an initial request orally or in writing by contacting any FH employee, visiting any FH office, calling FH at (559) 443-8400, or submitting an HCV Inquiry Form through www.fresnohousing.org. The participant should state that they are requesting VAWA protection or an emergency move. The participant is not required to describe the incident to reception staff or to any employee who is not responsible for reviewing the request. FH will discuss VAWA matters with the participant in a private space where the conversation cannot be overheard.

An FH employee who receives a request will promptly route it to an authorized HCV supervisor or other designated employee. FH will ask the participant for the safest and most secure way to communicate, including whether FH may leave a voicemail, send an email or text message, mail correspondence, or contact an attorney, advocate, or other secure contact the participant designates (Section 16-IX.C). FH will honor the participant's safe-contact instructions whenever practicable.

Review and Response Time

FH typically acknowledges a request at the time it is made or submitted but will do so as soon as possible. A request involving an immediate safety concern will be escalated for review as soon as practicable on the day received. When FH has enough information to determine eligibility and there is no missing or conflicting information, FH will generally decide whether the request qualifies within three business days.

If FH determines that a request does not qualify for a VAWA emergency transfer (for example, because the request is not related to VAWA violence or abuse, or because requested documentation was not provided within the required time), FH will notify the participant in writing, using the participant's safe-contact instructions. The notice will state the reason and explain that the participant may still request a move under the regular move policies in Chapter 10. The notice will also describe any informal hearing rights that apply under Part III of Chapter 16.

These timeframes address FH's review of the request. They do not guarantee when a participant will locate, lease, or occupy a new unit. Availability may depend on the participant's housing search, inspection, rent approval, owner participation, portability processing, PBV vacancy, or availability of a tenant-based voucher.

Documentation

FH may ask the participant to document VAWA victim status in accordance with 24 CFR 5.2007. FH will make any request for documentation in writing and will allow at least 14 business days after the participant receives the written request. FH may extend the deadline by up to 10 business days when the participant requests additional time or good cause exists, consistent with Chapter 16, Section 16-IX.D of the Administrative Plan. Once the participant provides documentation, FH will acknowledge receipt within 10 business days.

The participant may satisfy the request by submitting Form HUD-5382 or another permissible form of documentation described in Form HUD-5380. FH will not require third-party documentation unless FH receives conflicting information that requires additional documentation under HUD requirements and Section 16-IX.D. Form HUD-5383 may be used to document an emergency transfer request, but FH will assist a participant who cannot safely or independently complete the form.

If FH requests third-party documentation because it has received conflicting information, the participant will have 30 calendar days to provide it, as described in Section 16-IX.D. FH may also accept the participant's statement or other corroborating evidence without formal documentation. When it does, FH will document its acceptance confidentially in the participant's file.

Reasonable Accommodations and Language Assistance

FH will provide reasonable accommodations and effective communication for individuals with disabilities. FH will also provide interpretation and translated materials consistent with its Language Access Plan. A participant may request assistance completing forms or communicating with FH. A disability accommodation or language-assistance request will not delay immediate safety review when FH has enough information to act.

Confidentiality and Information Security

FH will keep confidential any information showing that a participant or household member is a victim of VAWA violence or abuse, has asked about VAWA protections, or has requested an emergency transfer. Confidential information will be maintained securely and separately from the general participant file. It will not be entered into broadly accessible case notes, shared databases, owner portals, inspection notes, or other systems available to employees or contractors who do not need the information to perform an authorized function.

Access is limited to FH employees or contractors who are specifically authorized and whose duties require access for a lawful purpose. FH will not disclose confidential information unless:

- the victim gives written permission through a time-limited release;
- the information is required for use in an eviction proceeding or hearing concerning termination of assistance; or
- disclosure is otherwise required by applicable law.

If disclosure is required for use in an eviction proceeding or hearing, or is otherwise required by applicable law, FH will inform the victim before the disclosure occurs so that safety risks can be identified and addressed.

FH will use strict safeguards to prevent disclosure of the victim's new address or location to a person who committed or threatened VAWA violence or abuse. FH will follow the participant's safe-contact instructions; limit information shared with owners and receiving housing agencies to what is necessary; and review outgoing correspondence, portability documents, and system entries before release. FH will not leave a detailed voicemail, send mail, or use an email address that the participant has identified as unsafe.

Records and Reporting

FH will keep confidential records of all emergency transfer requests and their outcomes for at least three years, as provided in Chapter 16, Section 16-VI.B of the Administrative Plan. These records will be kept separately from the general participant

file and are subject to the confidentiality requirements of this plan. FH will report emergency transfer requests and outcomes to HUD annually as required by 24 CFR 5.2005(e)(12), using Form HUD-5384 or another method HUD requires.

Transfer Priority

A participant who qualifies for a VAWA emergency transfer will receive at least the same priority as other emergency transfers under the applicable FH program. If more than one household has the same priority for the same available resource, FH may consider the date and time a complete request was received, immediate safety needs, eligibility for the available assistance or unit, and the participant's determination of whether the location is safe. FH will apply any additional priorities required by the Administrative Plan, waiting-list policy, PBV requirements, or other applicable program rules.

Tenant Based HCV Emergency Moves

After approving an emergency transfer for a tenant-based HCV participant, FH will assist the participant to move quickly using the participant's existing voucher assistance. FH will make exceptions to restrictions on moves when required by VAWA and applicable HCV requirements (see Sections 10-I.A and 10-I.B). FH may take the following actions, as applicable:

- expedite issuance of move documents or a transfer voucher;
- explain lease-termination, owner-notice, family-obligation, and move procedures, including available exceptions when ordinary procedures would create a safety risk;
- provide housing-search referrals and information about available rental listings without selecting or steering the participant to a specific unit;
- consider a reasonable voucher extension based on safety, disability, housing-market, or other relevant circumstances;
- prioritize inspection and lease-up processing when operationally practicable; and
- refer the participant to organizations that may assist with shelter, safety planning, deposits, moving costs, utility assistance, legal services, or other relocation needs (referrals only; see below).

The participant remains responsible for identifying a unit the participant believes is safe and that meets HCV requirements. The unit must pass the applicable inspection, the rent must be approvable, the owner must be eligible and willing to participate, and the family must meet all applicable occupancy and program requirements. FH does not identify, select, hold, or place the participant in a specific unit under a tenant-based emergency transfer, consistent with Chapter 16, Section 16-IX.B of the Administrative Plan. FH does not move the participant's belongings and does not pay or reimburse moving expenses — including moving company costs, truck rental, packing services, storage, or security deposits — under this plan or under the HCV program. The participant is solely responsible for arranging and paying for the move; FH's role is limited to referring the participant to third-party organizations that may be able to help with those costs. FH also does not provide emergency shelter or temporary housing, pay amounts the participant owes the current owner (such as unpaid rent or damages), or guarantee that an owner will accept the voucher or that a unit will be available within a particular time.

Portability for Safety

A participant who needs to leave FH's jurisdiction may request portability. FH will expedite portability processing when the participant qualifies for an emergency transfer and will coordinate with the receiving public housing agency using only the information needed to administer the voucher. FH cannot issue assistance on behalf of another housing authority or complete a portability move until the required portability information is received and processed through the applicable HUD system. FH will protect the participant's location and safe-contact information throughout the process.

Project Based Voucher Emergency Transfers

A PBV participant may request an emergency transfer to a safe unit. Depending on availability, program requirements, and the participant's eligibility, options may include:

- an available safe PBV unit within the same project, when the move can be completed without a new application;

- an available safe PBV unit in another development owned by FH (if the property allows this), when the move can be completed without a new application;
- tenant-based voucher assistance when required or permitted by applicable PBV and VAWA requirements and when assistance is available; or
- housing in another program for which the participant must apply, such as public housing, PBV assistance in a development not owned by FH, or another covered housing provider or program, subject to that program's eligibility, admission, and availability requirements.

When a safe unit that does not require a new application is immediately available and the participant is eligible for it, FH will process the transfer consistent with the PBV lease, HAP contract, owner coordination requirements, and this plan. A participant may decline a proposed unit that the participant believes is unsafe. FH will not disclose the participant's new location to the person who committed or threatened the VAWA violence or abuse.

An emergency transfer does not automatically override eligibility requirements, a project-specific referral requirement, an occupancy standard, or another funding source's rules. FH will explain available options and, when requested, assist with referrals to other covered housing providers and community partners. When the participant must apply to another program, the participant must be placed on that program's waiting list. A VAWA admissions preference may apply, depending on whether that program allows it.

Owner and Property Coordination

FH will communicate with an owner or property manager only to the extent necessary to process the move, end or change assistance, coordinate an inspection, or administer the HAP contract. FH will not identify the participant as a victim, describe the incident, disclose documents submitted under VAWA, or provide the participant's new address unless the participant gives written permission or disclosure is otherwise authorized by law.

If Immediate Housing Is Not Available

FH does not provide emergency shelter or temporary housing, and cannot guarantee that a voucher or PBV unit will be immediately available. If an immediate transfer cannot be completed, FH will continue processing the housing request and, at the participant's request, provide referrals to confidential victim-service providers, emergency shelter, legal services, financial assistance, and other community resources. A participant is not required to use a victim-service provider or obtain a restraining order to receive VAWA protections.

Plan Availability

FH will make this plan and current HUD VAWA forms available upon request, and will post this plan in its offices and on www.fresnohousing.org. Materials will be provided in accessible formats and in languages required by FH's Language Access Plan. FH will periodically verify that forms, telephone numbers, web links, and community-resource information remain current.

Safety and Community Resources

If there is an immediate threat to life or safety, call 911. Contacting a service provider is voluntary and is not a condition of receiving VAWA protections from FH. When using a shared device, consider whether browser history, call logs, email, text messages, or location services can be monitored by another person.

Resource	Services	Contact
Marjaree Mason Center	Domestic violence crisis support, confidential safety planning, emergency shelter, legal advocacy, counseling, and services for adults and children of all genders.	24-hour helpline: (559) 233-4357 Business: (559) 237-4706 mmcenter.org
RCS Fresno	Sexual assault crisis intervention, advocacy, counseling, and support.	24-hour rape crisis line: (559) 222-7273 rcsfresno.org
James Rowland Crime Victim Assistance Center	Victim advocacy, criminal-justice information, court support, emergency referrals, restraining-order referrals, and help applying for CalVCB benefits.	(559) 600-2822 ProbationVictimServices@fresnocountyca.gov
Central California Legal Services	Civil legal advice and referrals involving housing, family violence, public benefits, and related matters. Eligibility rules apply.	(559) 570-1200 Toll-free: (800) 675-8001 centralcallegal.org
California Victim Compensation Board	Possible reimbursement for eligible crime-related expenses, including certain relocation, medical, mental-health, income-loss, and residential-security expenses.	(800) 777-9229 victims.ca.gov
United Way 211 Fresno and Madera Counties	24-hour multilingual information and referrals for housing, food, health, mental-health, transportation, and other community needs.	Dial 211 Toll-free: (866) 559-4211 211ca.org
National Domestic Violence Hotline	Confidential national domestic violence support, safety planning, and referrals.	(800) 799-7233 TTY: (800) 787-3224 Text START to 88788 thehotline.org
RAINN National Sexual Assault Hotline	Confidential national sexual assault support and referrals.	(800) 656-4673 rainn.org
988 Suicide and Crisis Lifeline	Crisis support for emotional distress, mental-health concerns, or suicidal thoughts.	Call or text 988 988lifeline.org
HUD VAWA Information	Information about federal VAWA housing protections and current HUD forms.	hud.gov/vawa

Fresno Housing Contact

Fresno Housing
1331 Fulton Street
Fresno, CA 93721
Telephone: (559) 421-2869
TTY: (800) 735-2929
Email: hcvqa@fresnohousing.org

Website and HCV Inquiry Form: www.fresnohousing.org

Forms and Authorities

- 24 CFR part 5, subpart L, including 24 CFR 5.2003, 5.2005, 5.2007, and 5.2009.
- Form HUD-5380, Notice of Occupancy Rights Under the Violence Against Women Act.
- Form HUD-5381, Model Emergency Transfer Plan.
- Form HUD-5382, Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, and Alternate Documentation.
- Form HUD-5383, Emergency Transfer Request for Certain Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking.
- Form HUD-5384, VAWA Emergency Transfer Data Collection Form.

Related Fresno Housing Policies

This plan should be read together with the applicable provisions of the FH HCV Administrative Plan addressing VAWA protections, moves, portability, PBV assistance, lease bifurcation, termination of assistance, reasonable accommodations, and language access. These include Chapter 16, Part IX (VAWA notification, documentation, and confidentiality), Section 16-VI.B (record retention), and Sections 10-I.A and 10-I.B (moves). If there is a conflict, controlling federal law and regulation apply.

**CERTIFICATION OF DOMESTIC VIOLENCE, DATING VIOLENCE,
SEXUAL ASSAULT, OR STALKING**

Confidentiality Note: Any personal information you share in this form will be maintained by your covered housing provider according to the confidentiality provisions below.

Purpose of Form: If you are a tenant of or applicant for housing assisted under a covered housing program, or if you are applying for or receiving transitional housing or rental assistance under a covered housing program, and ask for protection under the Violence Against Women Act (“VAWA”), you may use this form to comply with a covered housing provider's request for written documentation of your status as a "victim". This form is accompanied by a "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

VAWA protects individuals and families regardless of a victim's age, sex, or marital status.

You are not expected **and cannot be asked or required** to claim, document, or prove victim status or VAWA violence/abuse other than as stated in "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380.

This form is **one of your available options** for responding to a covered housing provider's written request for documentation of victim status or the incident(s) of VAWA violence/abuse. If you choose, you may submit one of the types of third-party documentation described in Form HUD-5380, in the section titled, “What do I need to document that I am a victim?”. Your covered housing provider must give you at least 14 business days (weekends and holidays do not count) to respond to their written request for this documentation.

Will my information be kept confidential? Whenever you ask for or about VAWA protections, your covered housing provider must keep any information you provide about the VAWA violence/abuse or the fact you (or a household member) are a victim, including the information on this form, strictly confidential. This information should be securely and separately kept from your other tenant files. This information can only be accessed by an employee/agent of your covered housing provider if (1) access is required for a specific reason, (2) your covered housing provider explicitly authorizes that person's access for that reason, **and** (3) the authorization complies with applicable law. This information will not be given to anyone else or put in a database shared with anyone else, unless your covered housing provider (1) gets your written permission to do so for a limited time, (2) is required to do so as part of an eviction or termination hearing, **or** (3) is required to do so by law.

In addition, your covered housing provider must keep your address strictly confidential to ensure that it is not disclosed to a person who committed or threatened to commit VAWA violence/abuse against you (or a household member).

What if I require this information in a language other than English? To read this in Spanish or another language, please HUD Website: <https://www.hud.gov/vawa#VAWA-Forms> ; FOR HOPWA PROVIDERS – <https://www.hud.gov/vawa#VAWA-Forms>. You can read translated VAWA forms at https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a#4. If you speak or read in a language other than English, your covered housing provider must give you language assistance regarding your VAWA protections (for example, oral interpretation and/or written translation).

Can I request a reasonable accommodation? If you have a disability, your covered housing provider must provide reasonable accommodations to rules, policies, practices, or services that may be necessary to allow you to equally benefit from VAWA protections (for example, giving you more time to submit documents or assistance with filling out forms). You may request a reasonable accommodation at any time, even for the first time during an eviction. If a provider is denying a specific reasonable accommodation because it is not reasonable, your covered housing provider must first engage in the interactive process with you to identify possible alternative accommodations. Your covered housing provider must also ensure effective communication with individuals with disabilities.

° **Need further help?** For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa>. To speak with a housing advocate, contact Central Valley Legal Services (800) 675-8001 2115 Kern St, Fresno CA 93721

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

1. Name(s) of victim(s): _____

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

3. Name(s) of other member(s) of the household: _____

4. Name of the perpetrator (if known and can be safely disclosed): _____

5. What is the safest and most secure way to contact you? (You may choose more than one.)

If any contact information changes or is no longer a safe contact method, notify your covered housing provider.

☐ Phone Phone Number: _____

Safe to receive a voicemail: ☐ Yes ☐ No

☐ E-mail E-mail Address: _____

Safe to receive an email: ☐ Yes ☐ No

☐ Mail Mailing Address: _____

Safe to receive mail from your housing provider: ☐ Yes ☐ No

☐ Other Please List: _____

6. Anything else your housing provider should know to safely communicate with you?

Applicable definitions of domestic violence, dating violence, sexual assault, or stalking:

Domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who lives with or has lived with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Spouse or intimate partner of the victim includes a person who is or has been in a social relationship of a romantic or intimate nature with the victim, as determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

Dating violence means violence committed by a person:

- (1) Who is or has been in a social relationship of a romantic or intimate nature with the victim; **and**
- (2) Where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) The length of the relationship; (ii) The type of relationship; and (iii) The frequency of interaction between the persons involved in the relationship.

Sexual assault means any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks capacity to consent.

Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's individual safety or the safety of others **or**
- (2) Suffer substantial emotional distress.

Certification of Applicant or Tenant: By signing below, I am certifying that the information provided on this form is true and correct to the best of my knowledge and recollection, and that one or more members of my household is or has been a victim of domestic violence, dating violence, sexual assault, or stalking as described in the applicable definitions above.

Signature

Date

Public Reporting Burden for this collection of information is estimated to average 20 minutes per response. This includes the time for collecting, reviewing, and reporting. Comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden can be sent to the Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410. Housing providers in programs covered by VAWA may request certification that the applicant or tenant is a victim of VAWA violence/abuse. A Federal 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.