

EMERGENCY TRANSFER POLICY FOR:

**Victim of Domestic Violence (VDV)
Intimidated Witness (IW)
Intimidated Victim (IV)
Child Sexual Victim (CSV)**

I. VICTIM OF DOMESTIC VIOLENCE (VDV)

The documentation that shall now be required for a VDV depends on the severity of the crime committed against the tenant. This new procedure establishes three separate categories of required documentation as follows:

Category "A"

This category either verifies that there is a current court order of protection or documents that a domestic violence incident occurred within the past six (6) months.

Category "B"

For cases that do not involve a serious felony, this category establishes that an additional domestic violence incident occurred within the past 12 months.

Category "C"

This category provides for an advocacy letter from any one of several social service or government agencies.

a. Non-Serious Felony Cases

In cases that do not involve a serious crime, the tenant must provide a minimum of one (1) document from each of the above three (3) categories.

For example, in cases involving a non-serious felony case, a current court order of protection would fulfill the requirement for category "A". An additional police report (not older than 12 months from date of request) would satisfy the category "B" requirement and an advocacy letter (dated within 60 days) from Safe Horizon would fulfill the requirement for category "C".

It is important to note that in lieu of a current court order of protection or a police/domestic incident report, the tenant may now submit a Hospital In-Patient Admission letter, a "Court Dispute Referral Center (CDRC) letter or a District Attorney/Detective letter resulting from an assault within six (6) months of the emergency transfer request. Any of these documents can fulfill a category "A" requirement.

NOTE: If the tenant chooses to submit a Hospital Letter, the NYCHA form (see attachment) must be completed and signed by an authorized hospital official.

b. One-Time Serious Felony Cases

In cases that involve a one-time serious felony, refer to the VDV checklist to determine the proper documentation required. It should be noted that the only documents that can establish a one-time serious felony case under category "A" are a current criminal court order of protection, police report or a domestic incident report (DIR) which lists a serious felony code. A minimum of one of these 3 documents is required from category "A" along with one from category "C". It shall not be necessary to obtain documentation from category "B" for one-time serious felony cases.

For example, the VDV can provide a police report which lists a one time serious felony code along with an advocacy letter from any category "C" agency. No category "B" documentation is required in this case.

II. INTIMIDATED VICTIM (IV)

One document from each of the three (3) categories must be submitted to NYCHA. This includes either an order of protection or police report documenting a criminal offense within 6 months prior to the transfer request, an acceptable advocacy letter, and either an **additional** order of protection or police report for a different incident committed by the same perpetrator.

III. INTIMIDATED WITNESS (IW)

When processing an emergency transfer request from an IW, staff must utilize the IW checklist (attachment "C"). A letter from either a District Attorney's Office or U.S. Attorney's Office (or NYC Corporation Counsel's Office if the perpetrator is a minor) must document the following:

- the tenant or an immediate family member suffered or was threatened with physical injury as a result of the IW's cooperation.
- the perpetrator or perpetrator's associates know where the IW lives, and
- the IW will continue to suffer if the family remains in the current residence

In addition, a letter from either a District Attorney's or U.S. Attorney's Office (attachment "C") must be submitted advocating an emergency transfer on behalf of the IW. One letter from either a District Attorney's or U.S. Attorney's office is sufficient to fulfill both categories "A & C", as long as the letter addresses both issues. There are no category "B" requirements for IW cases.

IV. CHILD SEXUAL VICTIM (CSV)

For an emergency transfer request based on a CSV, staff shall utilize attachment "D". Either an order of protection or a police report documenting an incident within the past 12 months, as well as an advocacy letter, must be submitted.

To qualify for this priority, the offense committed must be covered by one of the following three penal codes:

130.35 - Rape in the 1st Degree

130.50 - Sodomy in the 1st Degree

130.70 - Aggravated Sexual Abuse

Lease Release Requirement

As a reminder, NYCHA is **not** authorized to break any lease agreement between a landlord and a tenant. Therefore, in cases where a tenant is requesting an emergency transfer, if the lease for the apartment is still in effect at the time of the request, the tenant is responsible for obtaining a signed lease release from the landlord. However, in the event that the tenant vacates the apartment as a result of the documented incident, staff may accept the tenant's transfer request upon presentation of evidence that the family is no longer occupying the apartment (*i.e. proof of residence in a domestic violence shelter*). In such cases, if the apartment was vacated, subsidy **must** be suspended. If the family cannot verify that they are out of the apartment, then a landlord signed lease release will be required to approve the emergency transfer request.

**NEW YORK CITY HOUSING AUTHORITY
LEASED HOUSING DEPARTMENT**

SERIOUS FELONIES (ONE-TIME SERIOUS ABUSE)

A Victim of Domestic Violence (**VDV**) requesting an emergency transfer who reports one of the felonies listed below may provide one Police Report/Domestic Incident Report or a Criminal Court Order of Protection. It must be accompanied by a letter from Category C on the Emergency Transfer Program Document Requirements sheet.

	Category	Penal Code #	Penal Code Title
1	ASSAULT	120.05	Assault-2nd degree
2		120.07	Gang Assault- 1st degree
3		120.10	Assault- 1st degree
4		120.12	Aggravated Assault- victim under age 11
5	STALKING	120.60	Stalking- 1st degree
6	MURDER	125.25	Murder- 2nd degree (and § 110.00 Attempted Murder- 2nd degree)
7	SEX OFFENSES	130.35	Rape- 1st degree
8		130.50	Criminal Sexual Act- 1st degree
9		130.67	Aggravated Sexual Abuse- 2nd degree
10		130.70	Aggravated Sexual Abuse- 1st degree
11	KIDNAPPING	135.25	Kidnapping- 1st degree
12	BURGLARY	140.25 (1b)	Burglary- 2nd degree [only sub § (1)(b)]
13		140.30 (2)	Burglary- 1st degree [only sub § (2)]
14	ARSON	150.20 (1ai)	Arson- 1st degree [only sub § (1)(a)(i)]
15	ROBBERY	160.10 (2a)	Robbery- 2nd degree [only sub § (2)(a)]
16		160.15 (1)	Robbery- 1st degree [only sub § (1)]
17	CRIMINAL CONTEMPT	215.52	Aggravated Criminal Contempt
18	ENDANGERING THE WELFARE OF ELDERLY	260.32	Endangering Welfare of a vulnerable elderly person- 2nd degree
19		260.34	Endangering Welfare of a vulnerable elderly person- 1st degree

**NEW YORK CITY HOUSING AUTHORITY
LEASED HOUSING DEPARTMENT**

55 West 125 St.
New York, NY 10027
(917) 492-8900

1 Fordham Plaza
Bronx, NY 10458
(718) 329-7701

350 Livingston St.
Brooklyn, NY 11217
(718) 250-9778

59-17 Junction Blvd
Corona, NY 11368
(718) 393-7400

120 Stuyvesant Place
Staten Island, NY 10301
(718) 556-2682

Date: _____

Voucher #: _____

(Name of NYCHA Tenant if different from Patient)

Dear Sir/Madam:

On _____, _____ received medical care at
(Date of hospital admission) *(Name of patient)*

_____ as a victim of domestic violence. The
(Name and Address of Hospital)

patient was admitted as an inpatient and treated for _____
(Type of injuries/condition)

(Type of injuries/condition)

which patient claims to have been caused by _____,
(Name of Perpetrator)

_____, _____,
(Relationship to Victim) *(Address if known)*

during a domestic violence incident on or about _____.
(Date of injuries/condition)

The patient fears that the perpetrator of the attack has knowledge of the patient's residence which places him/her at continued risk of another attack. The undersigned is of the opinion that due to the patient's injuries/condition, it is in the best interest of the patient/family to be relocated.

Sincerely,

(Signature)

(Print)

(Title)

(Telephone Number)

(Name of Hospital)

NYC Housing Authority
Leased Housing Department
April 2006

Hospital Stamp or Seal

TENANT HANDOUT FOR EMERGENCY TRANSFER (VDV/IV/CSV/IV)

Checklist

Minimum of one (1) document from each category (A, B and C) is required, unless otherwise specified

	CATEGORY A - Primary Documentation	CATEGORY B - Secondary Documentation	CATEGORY C - Advocacy Assessment
VICTIM OF DOMESTIC VIOLENCE (VDV)			
1	Current Criminal Court Order of Protection (OOP) at time of Emergency Transfer request. If the document indicates a Serious Felony, Category B is not required.	Additional Police Report (Complaint 61)/Domestic Incident Report (DIR) for Criminal Offense. (Must name same perpetrator or associates as document in Category A, but must be for a different incident). Incident must have occurred within 12 months of the transfer request.	Advocacy Letter from Safe Horizon, Family Justice Center or other Certified Social Service Provider. (dated within 60 days of Emergency Transfer request)
2	Police Report (Complaint 61)/Domestic Incident Report (DIR) for a criminal offense (within 6 months of Emergency Transfer request) – If the document indicates a Serious Felony, Category B is not required.		
3	Current Family Court Order of Protection (OOP) at time of Emergency Transfer request.	Order of Protection (OOP) Criminal Court/Family Court for other incident not indicated from Category A (Must name same perpetrator or associates as document in Category A, but must be for a different Incident). OOP may be Expired, incident must have occurred within 12 months of the transfer request.	Advocacy Letter from Administration for Children Services (ACS). (dated within 60 days of Emergency Transfer request)
4	Hospital In-Patient Admission Letter resulting from Assault (within 6 months of Emergency Transfer request).		Advocacy Letter from Mental Health Provider. (dated within 60 days of Emergency Transfer request)
5	Court Dispute Referral Center Letter (CDRC) – Must indicate domestic violence exists, describing situation, give a justifiable reason why no OOP was issued, and advocate for relocation of family. (Incident must be within 6 months of Emergency Transfer request).	Hospital Admission Letter or Medical Records/Discharge Papers Documenting a Domestic Violence related injury other than for the incident indicated in Category "A" (Must name same perpetrator or associates as document in Category A, but must be for a different Incident). Incident must have occurred within 12 months of the transfer request.	Advocacy Letter from District Attorney/US Attorney Office. (Not acceptable if DA's Letter was used for Category "A" (dated within 60 days of Emergency Transfer request)
6	Letter from NYPD Detective or from a Parole Officer if batterer is incarcerated – Must identify what criminal offense occurred and advocate for relocation of family. (Offense must be within 6 months of Emergency Transfer request)		Advocacy Letter from Human Resources Administration (HRA) (dated within 60 days of Emergency Transfer request)
INTIMIDATED VICTIM (IV)			
1	Order of Protection (OOP): Criminal Court OOP documenting a criminal offense of physical violence or threat of violence against victim [Must be valid at time of Emergency Transfer request].	Police Report (Complaint 61) documenting a criminal offense of physical violence or threat of violence or pattern of intimidation against victim [Incident must be no older than 6 months prior to the Emergency Transfer request]. Must name same perpetrator or associates as document in Category A, but must be for a different incident.	Advocacy Letter from Safe Horizon
2	Police Report (Complaint 61) documenting a criminal offense of physical violence or threat of violence against victim [Incident must be no older than 6 months prior to the Emergency Transfer request].		Advocacy Letter from either the NY District Attorney or US Attorney
INTIMIDATED WITNESS (IW)			
1	Letter from either the NY District Attorney or U.S. Attorney Office (or NYC Corporation Counsel Office if perpetrator is a minor) attesting to the commission of the crime and documenting the victim's cooperation in the arrest and prosecution of the perpetrator of a crime. The Letter must specify that: <ul style="list-style-type: none"> • The tenant or an immediate family member suffered or was threatened with physical injury as a result of the IW's cooperation, • That the perpetrator or perpetrator's associates know where the IW lives, and • The IW will continue to suffer if the family remains in the current residence. 	NONE	Advocacy Letter from either the NY District Attorney or US Attorney advocating the need for an Emergency Transfer.
Note:- One District Attorney/US Attorney Office Letter is acceptable as long as it addresses all the issues from each Category (A & C)			
CHILD SEXUAL VICTIM (CSV)			
1	Order of Protection (OOP): Criminal Court OOP documenting any of the CSV Criminal Offenses against victim. [Incident must be no older than 12 months prior to the Emergency Transfer request].	NONE	Advocacy Letter from Safe Horizon
2	OOP: Family Court - documenting any of the CSV Criminal Offenses against victim. [Incident must be no older than 12 months prior to the Emergency Transfer request].		Advocacy Letter from either the NY District Attorney/US Attorney
3	Police Report (Complaint 61) documenting any of the CSV Criminal Offenses against victim. [Incident must be no older than 12 months prior to the Emergency Transfer request].		
4	Police Domestic Incident Report (DIR) documenting any of the CSV Criminal Offenses against victim. [Incident must be no older than 12 months prior to the Emergency Transfer request].		

