



# Emergency Transfer Program and Plan

## Introduction

NYCHA's Emergency Transfer Program allows tenants (lessee or co-lessee) to apply for an emergency transfer if they believe they, or other individuals covered under the definitions below, qualify as a victim under one of the four emergency transfer categories. Furthermore, an authorized household member can also apply for a VAWA transfer. There are four Emergency Transfer Categories:

- **Victim under the Violence Against Women Act (VAWA): Victim of domestic violence, dating violence, sexual assault, or stalking**
- **Intimidated Witness**
- **Intimidated Victim**
- **Victim of a Traumatic Incident**

This plan is based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees NYCHA.

In making its eligibility determinations regarding emergency transfers, NYCHA does not discriminate on the basis of any protected characteristic, including race, color, religion, national origin, sex, disability, sexual orientation, age, familial status, marital status, partnership status, lawful occupation, lawful source of income, military status, alienage or citizenship status, or on the grounds that a person is a victim of domestic violence, dating violence, sexual assault, or stalking. NYCHA makes assistance available to all otherwise eligible individuals regardless of actual or perceived protected status in the above-listed groups.

This section outlines NYCHA's eligibility criteria, documentation requirements, and procedures for processing emergency transfer requests for each emergency transfer category. Additionally, this section provides guidance on alternative housing options, confidentiality protections, and safety and security.

NYCHA will provide reasonable accommodations to this policy for individuals with disabilities.

## Emergency Transfer Process and Categories

NYCHA cannot guarantee that an emergency transfer request will be approved or how long it will take to process an emergency transfer request. NYCHA reviews each emergency transfer request to determine if the tenant meets the eligibility requirements for the requested transfer category. Eligible tenants are placed on a waiting list and given a T2 transfer priority in the Tenant Selection and Assignment Plan (TSAP). NYCHA will act as quickly as possible to transfer eligible tenants to a new apartment; however, the timing is determined by the availability of a unit based on the tenant's family composition transfer preferences and priority, the size of NYCHA's waiting list, turnover rate, and the availability of vacant apartments.

To qualify for an emergency transfer, a tenant must meet the eligibility requirements and submit the requisite documentation under one of the transfer categories below.

### ELIGIBILITY STANDARD

To qualify for an emergency transfer as a **VAWA** victim:

The tenant, an authorized household member, or an affiliated individual<sup>1</sup> must qualify as a victim under one of the following **VAWA** categories:

- **Domestic Violence:** Victim of a felony or misdemeanor crime of violence committed by a family member, current or former spouse or intimate partner, a person similarly situated to a spouse under New York’s domestic or family violence laws, or by a person against a victim protected under New York’s domestic or family violence laws.
- **Dating Violence:** Victim of violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such relationship is to be determined based on length and type of relationship and frequency of interaction between the persons involved in the relationship.
- **Sexual Assault:** Victim of any nonconsensual sexual act proscribed by Federal, tribal, or State law, including when the victim lacks the capacity to consent.
- **Stalking:** Victim of a course of conduct directed at a specific person that would cause a reasonable person to fear for his/her individual safety or the safety of others or suffer substantial emotional distress.

### **NOTE:**

If a tenant requests an emergency transfer based on an incident involving an individual who is not a tenant or authorized household member, staff will review the request to determine whether the individual qualifies as an “affiliated individual” and whether the tenant qualifies for emergency transfer under **VAWA**.

A tenant, authorized household member, or affiliated individual, who meets any of the above definitions must also reasonably believe that he or she is threatened with imminent harm from further violence if he or she remains in his or her current apartment. This means the victim has reason to fear that if the victim does not receive a transfer the victim would suffer violence in the very near future.

Victims of sexual assault may also qualify if the sexual assault occurred on the premises of the property from which the tenant is seeking to transfer, and that assault happened within the 90-calendar-day period before submission of a transfer request form.

<sup>1</sup> *An Affiliated Individual is defined as a spouse; parent; brother; sister; child; or a person to whom the tenant stands in the place of a parent or guardian, i.e., a person in the tenant’s care, custody, or control.*

## NOTE:

The ability to request a transfer under VAWA is available regardless of sex, gender identity, or sexual orientation.

### CO-LESSEES

If the perpetrator and the victim are co-lessees, the perpetrator still resides in the NYCHA apartment, and the victim seeks an emergency transfer, Property Management staff must first inform the victim that he or she must initiate a process to bifurcate the lease. Property Management staff must provide the victim with NYCHA Form 040.683, **VAWA: Victim Certification-HUD Form No. 5006**, and advise him or her to submit the form with the transfer request. Property Management staff must submit any bifurcation documentation to FLD. See Section XXI., *Compliance with Violence Against Women Act (VAWA)*, for information on bifurcation.

### AUTHORIZED OCCUPANTS

If the perpetrator is the sole lessee (sole signatory of the lease) and an authorized occupant seeks an emergency transfer under **VAWA**, the authorized occupant must first establish eligibility to succeed to the lease under Section XXI., *Compliance with Violence Against Women Act (VAWA)*, and staff must initiate proceedings to terminate the tenancy of the perpetrator. If at least one authorized occupant has eligible immigration status, the family has 90 calendar days from the date of bifurcation to establish eligibility to succeed to the lease or to find alternative housing. See Section XXI., *Compliance with Violence Against Women Act (VAWA)*, for information on this process. If no authorized occupants have eligible immigration status, the family is limited to 30 calendar days from the bifurcation to establish eligibility, unless the authorized household member-victim is a **VAWA** self-petitioner. See below for the rules regarding **VAWA** self-petitioners.

See Section XII.B., *Eligibility for a Lease/Occupancy of a NYCHA Apartment*, for information on establishing eligibility.

### VAWA SELF-PETITIONERS

If the perpetrator is the sole lessee with eligible immigration status, an authorized occupant may qualify for eligible immigration status as a **VAWA** self-petitioner.

To apply as a **VAWA** self-petitioner, the authorized occupant must submit INS Form I-360, INS Form I-130, or INS Form 797 to Property Management.

If Property Management receives one of these forms from an authorized occupant, it must treat the individual as having satisfactory immigration status during the verification process.

- During this time, Property Management should not delay, deny, reduce, or terminate assistance to the authorized occupant and should proceed with transferring the lease to the authorized occupant if he or she is otherwise eligible.
- If the self-petitioner seeks an emergency transfer, Property Management must provide him or her with the emergency transfer application and advise him or her that he or she can only apply for a transfer once he or she is a lessee.
- If a self-petitioner has become a lessee and submits an emergency transfer request during the verification process, staff must process the emergency transfer request.

To verify the self-petitioner's status, staff must initiate verification in the DHS SAVE system in accordance with HUD PIH 2017-02 (HA). Once Property Management has entered the requisite information into the SAVE system, staff must wait for a final determination from the SAVE system.

- If Property Management receives a final determination from the SAVE system denying the individual's **VAWA** self-petition, Property Management must cancel the bifurcation, cancel or deny the emergency transfer request, if applicable, and notify the self-petitioner.
- If Property Management receives a final determination granting the self-petition, Property Management must proceed with processing any outstanding requests.

### **DOCUMENTATION**

To establish eligibility for a **VAWA** emergency transfer, the tenant, authorized household member, or affiliated individual must submit a completed NYCHA Form 040.923, *Emergency Transfer Request Form: VAWA Victim*, including the signed certification establishing that the tenant, authorized household member, or affiliated individual meets the above eligibility standard. The form can be submitted online using NYCHA's Self-Service Portal, or to the Property Management office.

***If a tenant submits a completed, signed Emergency Transfer Request Form for VAWA Victims, NYCHA cannot require the tenant to submit additional third-party documentation.*** See the third party documentation requirement exceptions listed below. Tenants may submit additional third-party documentation if they choose, but it is their option.

***Exception: Third party documentation is required in three situations: (i) if a tenant submits an emergency transfer request and certification with conflicting information, (ii) if a tenant submits documentation that conflicts with existing information NYCHA already has, or reliable information NYCHA regularly receives, such as police reports or surveillance footage, or (iii) if NYCHA receives cross-complaints: requests from two or more members of a household, each claiming to be a victim and naming one or more of the other petitioning household members as the perpetrator. See Section VI.A.7.d.(3), Conflicting Information and Cross-Complaints, below for more information on processing cross-complaints.***

### **INITIATING A VAWA TRANSFER**

If a tenant visits the Property Management office and requests an emergency transfer under **VAWA**, Property Management staff gives the tenant NYCHA Form 040.923, *Emergency Transfer Request Form: VAWA Victim*, generated under the case record in Siebel to record the request. The "Requested For" field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA's website under the "Residents" section.

To initiate a VAWA transfer request:

- The tenant can complete NYCHA Form 040.923, *Emergency Transfer Request Form: VAWA Victim*, either using NYCHA's Self-Service Portal or by submitting a hard copy to Property Management.
- If the VAWA form is submitted to Property Management, they will immediately create the Emergency Transfer Service Request in Siebel and upload the emergency transfer request form. If the tenant submits any additional documents these must also be uploaded to Siebel as per the current transfer process procedure. This includes any bifurcation documentation, if applicable.

Property Management staff must review and forward the request to the FLD Department within 2 business days from when the tenant submits the request. They must ensure that all the required information is included on the Service Request. The case will automatically be flagged as sensitive in Siebel

- If the VAWA transfer form is filled out on NYCHA's Self-Service Portal, and the emergency transfer request is submitted online the system will forward it to the ATAD Department (FLD) for review. The case will automatically be flagged as sensitive in Siebel
- If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note is made on the Service Request followed up by a communication to the FLD supervisor.
- FLD staff will review and approve or disapprove the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues related to a reasonable accommodation.
- Notification of the approval/disapproval of the request will be sent to the tenant's address, unless he or she indicates a preferred alternate address. Tenants can also check the status of their request on the Self-Service Portal.

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## INTIMIDATED WITNESSES

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### **ELIGIBILITY STANDARD**

To qualify for an emergency transfer as an Intimidated Witness (IW), a tenant or authorized household member must demonstrate that he or she meets one of the following definitions:

#### **Intimidated Witness – NYPD Referral:**

A tenant or authorized household member is referred by, and cooperates with, the NYPD in the anticipated arrest and/or prosecution of an individual who committed a crime, and as a result of such cooperation: (i) the NYPD anticipates that (s)he will suffer threat or physical injury once his or her cooperation with law enforcement becomes known to the perpetrator and/or the perpetrator's associates, (ii) the perpetrator or the perpetrator's associates know where the tenant or authorized household member lives, and (iii) the NYPD anticipates that the tenant or authorized household member will suffer if (s)he continues to live in the current residence.

#### **Intimidated Witness – N.Y. District Attorney/NYC Corporation Counsel/U.S. Attorney Referral:**

A tenant or authorized household member is referred by and cooperates with the N.Y. District Attorney's Office/NYC Corporation Counsel (if the perpetrator is a minor), or U.S. Attorney's office in the arrest and prosecution of an individual(s) who committed a crime, and as a result of such cooperation: the tenant or authorized household member suffered actual physical injury or the threat of injury against him or herself or immediate family due to cooperation in the arrest and/or prosecution of the perpetrator, and the perpetrator or perpetrator's associates know where the tenant or authorized household member lives, and (ii) the tenant or authorized household member will continue to suffer if (s)he continues to live in the current Residence.

## **DOCUMENTATION**

To establish eligibility for an IW transfer, the Referring Agency (N.Y.P.D., N.Y. District Attorney, NYC Corporation Counsel or U.S. Attorney) must submit the following documents through NYCHA's Self-Service Portal:

- NYCHA Form 040.921OL, *Emergency Transfer Request Form for Intimidated Witness*.
- ReferringAgencyAdvocacyLetterestablishingthatthetenantorauthorizedhouseholdmember meets the above eligibility standard.

## **INITIATING A TRANSFER**

If a tenant visits a Property Management office and requests an emergency transfer as an IW, Property Management staff gives the tenant NYCHA Form 040.921A, *Tenant Consent Form for Intimidated Witness*, generated under the case record in Siebel to record the request. The "Requested For" field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA's website under the "Residents" section. Along with the consent, the tenant should be given NYCHA Form 040.921B, *Emergency Transfer Information Sheet for Intimidated Witness*, and NYCHA Form 088.121, *IW Transfer-Emergency: NY District /US Attorney Offices/NYPD*.

To initiate an IW transfer request:

- The tenant must be referred by a Referring Agency, such as the NYPD, NY District Attorney, NYC Corporation Counsel, or U.S. Attorney.
- If the Referring Agency agrees to refer the tenant for an IW transfer, the tenant must provide consent for the Referring Agency to submit a referral to NYCHA on the tenant's behalf either by signing the online Intimidated Witness Consent Form on NYCHA's Self-Service Portal under the Transfer tab, or obtaining a hard copy of NYCHA Form 040.921A, *Tenant Consent Form for Intimidated Witness*, generated in Siebel under the contact record from Property Management and submitting it at the Property Management office.

If the consent form is submitted at the Property Management office, staff must upload the form in Siebel under the tenant's case record. This will enable the referring agency to proceed with the referral.

- To complete an IW emergency transfer request, the Referring Agency must complete NYCHA Form 040.921OL, *Emergency Transfer Request Form for Intimidated Witness*, on NYCHA's Self-Service Portal, upload all required documentation to the portal, and submit the referral online.
- Upon submission of the referral by the Referring Agency, a Service Request is immediately created in Siebel for FLD.
- Once the emergency transfer request has been submitted, the case will be flagged as sensitive in Siebel and will be assigned to FLD for review.

- FLD staff must review the request and any supporting documentation, verify income and household composition. They must ensure that all the required information is included on the Service Request.
- If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note must be made on the Service Request, followed up by a communication to the FLD supervisor.
- FLD staff approves or disapproves the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues related to a reasonable accommodation.
- Notification of the approval/disapproval of the request is sent to the tenant at the tenant's address, unless he or she indicates an alternate address, and to the Referring Agency. Tenants and Referring Agencies can also check the status of the request on the Self-Service Portal.
- For approved emergency transfer requests, an apartment notification letter is sent to the tenant and an email is sent to the Referring Agency once an apartment becomes available.

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## INTIMIDATED VICTIMS

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### ELIGIBILITY STANDARD

To qualify for an emergency transfer as an Intimidated Victim (IV), a tenant or authorized household member must demonstrate that he or she meets the following definition:

A tenant or authorized household member who is the victim of a violent crime or the threat of a violent crime and such crime was committed in a non-random manner as a result of a relationship between the victim and the perpetrator, and as a result of such crime the victim suffered actual physical injury or the threat of injury against him or herself or immediate family, and the victim will continue to suffer if (s)he continues to live in the current residence.

To be eligible, the crime must have occurred within 12 months of the submission date of the emergency transfer request.

A tenant or authorized household member who meets any of the above standard must also reasonably believe that he or she is threatened with immediate harm from further violence if the tenant remains in his or her current apartment. This means the victim has reason to fear that if he or she does not receive a transfer, he or she would suffer violence in the very near future.

### DOCUMENTATION

To establish eligibility for an IV transfer, Safe Horizon must submit the following documents through NYCHA's Self-Service Portal:

- NYCHA Form 040.9200L, *Emergency Transfer Request Form for Intimidated Victims*
- A Safe Horizon Emergency Transfer Advocacy Letter
- Either one form of the following third-party documentation:
  - A Police Report (Complaint 61) documenting a criminal offense of physical violence or threat of violence against the victim that occurred within 12 months of the submission date of the emergency transfer request
  - An order of protection (OOP) from a Criminal Court documenting a criminal offense of physical violence or threat of violence against the victim that occurred within 12 months of the submission date of the emergency transfer request



## **INITIATING A TRANSFER REQUEST**

If a tenant visits the Property Management office and requests an emergency transfer as an IV, staff must give the tenant NYCHA Form 040.920A, *Tenant Consent Form for Intimidated Victims*, generated under the case record in Siebel to record the request. The “Requested For” field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA’s website under the “Residents” section. Along with the consent form, the tenant should be given NYCHA Form 040920B, *Emergency Transfer Information Sheet for Intimidated Victims*.

To initiate an IV transfer request:

- The tenant must be referred by Safe Horizon.
- If Safe Horizon agrees to refer the tenant for an IV transfer, the tenant must provide consent for Safe Horizon to submit a referral to NYCHA on the tenant’s behalf either by signing the Intimidated Victim Consent Form online on NYCHA’s Self-Service Portal under the Transfer tab, OR obtaining a hard copy of NYCHA Form 040.920A, *Tenant Consent Form for Intimidated Victims*, generated in Siebel under the contact record from Property Management and submitting it at the Property Management office.

If the consent form is submitted at the Property Management office, staff must upload the form in Siebel under the tenant’s contact record. This will enable the referring agency to proceed with the referral.

- To complete an IV emergency transfer request, the Referring Agency must complete NYCHA Form 040.9200L, *Emergency Transfer Request Form for Intimidated Victims*, on NYCHA’s Self-Service Portal, upload all required documentation to the portal, and submit the referral online.
- Upon submission of the referral by the Referring Agency, a Service Request is immediately created in Siebel for the FLD department review. The case will automatically be flagged as sensitive in Siebel.
- FLD reviews the request and any supporting documentation, verify income and family composition. They must ensure that all the required information is included on the Service Request.
- If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note must be made on the Service Request followed up by a communication to the FLD supervisor
- FLD staff approves or disapproves the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues related to a reasonable accommodation.
- Notification of the approval/disapproval of the request is sent to the tenant’s address, unless he or she indicates a preferred alternate address. Tenants and Safe Horizon can also check the status of the request on the Self-Service Portal.
- For approved requests, an apartment notification letter is sent to the tenant and an email is sent to the Referring Agency once an apartment becomes available.

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## VICTIMS OF A TRAUMATIC INCIDENT

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### **ELIGIBILITY STANDARD**

To qualify for an emergency transfer as a Victim of a Traumatic Incident (VTI), a tenant or authorized household member must demonstrate that he or she meets the following definition:

A tenant or authorized household member who is either the victim of a violent felony on development grounds or witnessed a violent felony committed against another household or family member (as defined in Section XI.B.2.a.(2))<sup>2</sup> on development grounds, and as a result of the violent felony suffered trauma and will continue to suffer if (s)he continues to live in the current residence.

### **DOCUMENTATION**

To establish eligibility for a VTI transfer, the tenant must submit the following documents through NYCHA's Self-Service Portal or to the Property Management office:

- NYCHA Form 040.922, *Emergency Transfer Request Form: Victims of a Traumatic Incident*.
- NYCHA Form 088.165, *Transfer – Victim of Traumatic Incident*, or documentation submitted by a psychiatrist or a licensed social worker documenting the traumatic effects of a violent felony on the tenant or authorized household member and recommending a transfer.
- A police report identifying NY Penal Law Section of offense on *Violent Felony List for Victims of a Traumatic Incident* (see Appendix W for this list), and address and date indicating the offense took place at the tenant's development no more than 6 months before the date the tenant submitted the emergency transfer request.

<sup>2</sup> Family members include the following: husband, wife, son, daughter, stepson, stepdaughter, father, mother, stepfather, stepmother, brother (including half-brother), sister (including half-sister), grandfather, grandmother, grandson, granddaughter, son-in-law, daughter-in-law, father-in-law, mother-in-law, or a person registered as the domestic partner of the tenant.

### **INITIATING A TRANSFER REQUEST**

If a tenant visits the Property Management office and requests an emergency transfer as a VTI, Property Management staff must give the tenant NYCHA Form 040.922, *Emergency Transfer Request Form: Victims of a Traumatic Incident*, generated under the case record in Siebel to record the request. The "Requested For" field, identifying the person making the request, must be indicated on the document tracking record. A sample form is also available online on NYCHA's website under the "Residents" section.

To initiate a VTI transfer request:

- The tenant must complete NYCHA Form 040.922, *Emergency Transfer Request Form: Victims of a Traumatic Incident*, using NYCHA's Self-Service Portal or by submitting a hard copy to Property Management. The tenant must also submit NYCHA Form 088.165, Transfer – Victim of Traumatic Incident, and a copy of a qualifying police report by uploading them to the Self-Service Portal or submitting them with their hard copy application.
- If the form is submitted to Property Management, the property manager shall immediately create the Emergency Transfer Service Request in Siebel and upload the emergency transfer request form along with the required documents. Property Management must not accept the form unless all required documents are included.
- If the Transfer Request is submitted online, the system will forward it to the FLD department for review. The case will automatically be flagged as sensitive in Siebel.
- FLD staff must review the request and any supporting documentation, verify income and household composition and ensure that all the required information is included on the Service Request.
- If there are issues regarding the family composition or the status of the tenancy due to a termination of tenancy or warrant of eviction being issued, a note must be made on the Service Request followed up by a communication to the FLD supervisor.
- FLD staff approves or disapproves the Transfer Request. Follow up may be required if there are any issues that would result in the disapproval of the request or unresolved issues relating to a reasonable accommodation.
- Notification of the approval/disapproval of the request is sent to the tenant's address, unless he or she indicates a preferred alternate address. Tenants can also check the status of their request on the Self-Service Portal.
- For approved requests, apartment notification letters are sent to the tenant once an apartment becomes available.

## **Emergency Transfer Options**

Tenants who are eligible for an emergency transfer have the option to be placed on a NYCHA-wide waiting list (all five boroughs). Alternatively, a tenant can select to be placed on a single borough waiting list.

Tenants can also have the option of excluding areas in which they would not feel safe transferring to by selecting up to two zip codes to exclude from NYCHA's apartment selection process. Tenants are not required to exclude any zip codes, including the zip code where they currently reside, if they feel they can safely transfer to an apartment in their current zip code.

## **Evaluation of Transfer Requests**

Once an emergency transfer request has been submitted by Property Management or through NYCHA's Self-Service Portal, ATAD shall:

- Review the request and any supporting documentation, including bifurcation documentation, if applicable, to determine whether the tenant is eligible for an emergency transfer in the designated category.
- Ensure that all the information required to process the transfer is updated and correct on the Service Request.
- Verify any reasonable accommodation requests and documentation.
- Verify immigration status for **VAWA** Self-Petitioners in the SAVE System, if applicable.
- Approve or disapprove the request based on **VAWA** requirements and NYCHA tenancy standards (no warrant of eviction or termination of tenancy has been issued).

### **APPROVALS**

- **ATAD shall place approved transfers on the appropriate TSAP waiting list and enter excluded zip codes, if indicated.**
- **ATAD shall ensure NYCHA Form 040.050B, *Public Housing Transfer Determination Letter*, is sent to the tenant at the address indicated in the application.**
- **Based on their placement on the waiting list, tenants are contacted by the selecting development once an apartment is available. To facilitate safe transfers, eligible tenants are given two apartment offers. If a tenant receives and rejects two offers because the tenant believes the proposed transfers would not be safe, the tenant must submit a signed statement to Property Management from the tenant or an advocate providing a concrete and reasonable explanation for why the prior apartment offers were unsafe. If the tenant feels unsafe submitting the request to his or her current development, the tenant can submit the request to the development office where the second apartment offered is located. Property Management staff must email FLD the refusal details or upload the request to Siebel and create a Record Update Service Request (sub-type: Transfer Change). FLD Supervisor is informed via autogenerated email that the case current TSAP status is D with refusal code 06 (Does not feel safe / crime activity) and asked to determine if the transfer needs to be restored to TSAP WL for an additional offer. FLD evaluates and determines if the tenant qualifies for a third offer and updates TSAP accordingly.**

## NOTE:

Tenants who are found eligible for an emergency transfer and accept an offered apartment must move to the new apartment along with other authorized household members. No one may remain in the old apartment. The transfer must result in only one subsidized apartment for the household.

## DISAPPROVALS

- Tenants may be found ineligible for the transfer if, at the time of review of the request, they do not meet the requirements for the type of transfer requested, there is an issue with the family composition, the tenancy has been terminated following administrative proceedings, or a warrant of eviction has been issued.
- NYCHA Form 040.050B, *Public Housing Transfer Determination Letter*, is sent to the tenant advising them of the disapproval. They have 14 days to appeal the decision at the Property Management office through the standard grievance process. If a tenant also files a complaint regarding an emergency transfer with NYCHA's Department of Equal Opportunity (DEO), DEO will wait for the tenant to complete the grievance process before investigating the complaint. Tenants may again be found ineligible upon apartment selection when the tenancy evaluation is conducted if there is an issue with the family composition, the tenancy has been terminated following administrative proceedings, or a warrant of eviction has been issued.

## CONFLICTING INFORMATION AND CROSS-COMPLAINTS

If Property Management receives conflicting information or cross-complaints, Property Management staff must immediately notify the FLD supervisor. If FLD receives conflicting information or cross-complaints from two or more tenants, FLD staff must follow the procedures below:

- Place an immediate hold on any emergency transfer requests that are submitted.
- Immediately send NYCHA Form 040.926, **VAWA** *Cross-Complaints: Request for Third-Party Documentation*, to all tenant(s) or cross-complainants requesting additional third-party documentation within 30 calendar days of the date of the request. Tenants must be directed to submit additional documentation to their Property Management office. If Property Management receives additional documentation, staff must upload it to Siebel and create a Record Update Service Request (sub-type: Transfer Change).
- If third-party documentation is not provided by either tenant within 30 calendar days, both emergency transfer requests must be denied.
- If one or both tenants submit third-party documentation, staff must evaluate the documentation to determine if the additional documentation identifies the victim and perpetrator.

- If documentation identifies a victim and perpetrator, staff must proceed with processing the transfer for the victim and notifying Property Management to commence termination proceedings against the perpetrator.

If the documentation does not identify a victim and a perpetrator, staff must send both complainants NYCHA Form 040.927, **VAWA**

*Cross-Complaints: Denial Based on Insufficient Verification*, notifying both complainants that their conflicting requests for emergency transfers are denied because NYCHA was unable to make a determination based on

the documentation provided. Property Management must be notified not to take any adverse action against the tenancy based on the emergency transfer requests.

- If one or both complainants submit additional documentation after the new documentation identifies a victim and a perpetrator, staff must proceed as indicated in the first bullet point on this page.

## **Move-In and Move-Out Process**

Property Management staff must exercise extreme caution to prevent a tenant's inadvertent move-out in TDS during the processing of an emergency transfer. A tenant who notifies Property Management staff that (s)he is leaving the NYCHA apartment while the transfer is pending must be advised not to turn in keys or sign NYCHA Form 040.032, *Notice of Intent to Vacate*. If an emergency transfer is in process, an apartment must not be considered abandoned based on reports that the tenant no longer resides there.

- ☐ Tenants are responsible for their rent during the transfer process. However, if the tenant has vacated the apartment for safety reasons due to domestic violence, NYCHA will not pursue a non-payment of rent proceeding or an administrative termination-of-tenancy proceeding based on unpaid rent for the period between: (1) the date the tenant has both been approved for the domestic violence transfer and submitted documentary proof verifying he or she vacated the apartment for safety reasons, and (2) when the tenant has been selected to a new NYCHA apartment. Domestic violence victims may provide documentary proof by sending it to [VAWATempRelo@nycha.nyc.gov](mailto:VAWATempRelo@nycha.nyc.gov). NYCHA will not nullify the transfer request based on any legal action taken against any remaining members of the household in the original apartment.
- ☐ If a tenant has moved into an apartment at another development based on an emergency transfer, (s)he must turn in the keys to the old apartment within 15 days of receiving the keys to the new apartment and sign NYCHA Form 040.032, *Notice of Intent to Vacate*, at the Receiving Development. The Receiving Development forwards both items to FLD. FLD notifies the Originating Development that the tenant has moved. Failure to turn in keys within 15 days may result in charges for both apartments.
- ☐ The Receiving Development must not charge rent for the new apartment until the tenant has signed the lease for the new apartment and the 15-day period has expired.

## Confidentiality

Staff must maintain the confidentiality of all information and documentation pertaining to a tenant's emergency transfer request, including the tenant's new location and the tenant's status as a victim, unless the tenant: (1) gives written permission to NYCHA to release the information on a time limited basis, (2) NYCHA needs to use the information in an eviction or termination proceeding, or (3) a law requires NYCHA to release the information.

Access to information and records pertaining to emergency transfer requests will be restricted and only granted to staff on a need-to-know basis.

## Safety and Security

NYCHA's Emergency Transfer Program is not intended to be a witness protection program and NYCHA cannot guarantee the safety or security of individuals and families who choose to apply and/or who are transferred under this program. Pending the review and/or processing of the tenant's emergency transfer request, tenants should be urged to take reasonable precautions to be safe.

Tenants seeking additional guidance on safety and security must be given a copy of *Resources for VAWA Victims* (Appendix X). This form is also available on NYCHA's website under the "Residents" section and must be made available at the Property Management office upon request.

## External Transfers and Resources

If a tenant seeks to apply for housing in a different NYCHA program, other than NYCHA's public housing program, or seeks to apply for housing with a different housing provider, Property Management must give the tenant a copy of *Alternative Housing Resources* (Appendix Y), which identifies other programs and housing providers the tenant may contact for assistance. A tenant may apply simultaneously for an emergency transfer and for housing in a different NYCHA program.

### **Need further help?**

- For advice about an abusive relationship, call the *National Domestic Violence Hotline* at 1-800-799-7233 or 1-800-787-3224 (TTY).
- For advice about sexual assault, call the *National Sexual Assault Hotline* at 1-800-656-4673.
- For advice about stalking, visit *Victim Connect Resource Center* (<https://victimconnect.org>) or call 1855-4VICTIM (1-855-484-2846).
- For multidisciplinary centers providing social services, civil legal, and criminal justice assistance to survivors of domestic and gender-based violence and their children, visit **The Mayor's Office to End Domestic and Gender Based Violence (ENDGBV)** (<https://www.nyc.gov/site/ocdv/index.page>) and its NYC *Family Justice Centers* (FJC's) (<https://www.nyc.gov/site/ocdv/programs/family-justice-centers.page>)

### **Additional resources:**

- **The Official Website of the City of New York** ([Kacategory · NYC311](#))
- For support for individuals and families in need of affordable housing or homelessness prevention resources visit *Human Resources Administration* (HRA) website (<https://www.nyc.gov/site/hra/help/affordable-housing.page>).
- For information about housing assistance from various New York City agencies visit the *Affordable Housing Resource Center* (<http://www1.nyc.gov/nyc-resources/service/1021/affordable-housing>)