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**DOCUMENT TITLE:** Emergency Transfer Policy

**POLICY ADMINISTRATION:** The Greater Kansas City Coalition to End Homelessness, Jackson/Wyandotte County Continuum of Care Lead Agency

­­­**Policy Formation and Approval Process**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Step | Responsible Party | Due Date | Date Completed | Link to Draft, Notes, etc. |
| Initial Draft | Policy and Procedure Coordinator |  | 8/23/2019 | Initial Draft |
| Draft Review | Community Standards Committee |  | N/A | Notes |
| 2nd Draft | Policy and Procedure Coordinator |  | N/A | 2nd Draft |
| 2nd Draft Review | Community Standards Committee |  | N/A | Notes |
| 3rd Draft | Policy and Procedure Coordinator |  | 2/28/2020 | 3rd Draft |
| Review & Committee Vote | Community Standards Committee |  | 3/3/2020 | Notes |
| Committee Approved Policy Sent to Full Membership for 10 Business Day Review | Policy and Procedure Coordinator |  | 3/5/2020 | Email  Website |
| 4th Draft | Policy and Procedure Coordinator |  | 5/16/2020 | 4th Draft |
| 4th Draft Sent to Full Membership for 3 Business Day Review | Policy and Procedure Coordinator |  | 5/18/2020 | Email  Website |
| Final Draft | Policy and Procedure Coordinator | 5/22/20 | 5/26/20 | Final Draft |
| Presented to Board of Directors for Approval, as needed. | Policy and Procedure Coordinator & Executive Director | 6/5/2020 | 6/5/2020 | Notes |
| Approved Policy Published via Email and Website | Policy and Procedure Coordinator | 6/8/2020 | 6/8/2020 | Email  Website |

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**EFFECTIVE DATE:** 6/5/2020

**POLICY**

It is the role of the Greater Kansas City Coalition to End Homelessness (GKCCEH), the Continuum of Care Lead Agency for Jackson and Wyandotte counties, to ensure that appropriate policies and procedures are in place to protect the safety of clients, particularly within CoC MO-604, including ESG-Funded programs. This policy/procedure addresses safety of individuals who are experiencing or have experienced domestic violence, dating violence, sexual assault, and/or stalking.

In accordance with the [Violence Against Women Act](https://www.congress.gov/bill/116th-congress/house-bill/1585/text?q=%7B%22search%22%3A%5B%22H.R.+1585%22%5D%7D&r=1&s=2) (VAWA) and other entities, CoC MO-604 allows individuals affected by domestic violence, dating violence, sexual assault, and/or stalking to request an emergency transfer from their current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation. While the ability of Housing Programs (HP) within CoC MO-604 to honor such requests for individuals currently receiving support may depend upon unit availability, CoC MO-604 encourages programs to creatively consider all possible options to increase individuals’ safety.

The following process identifies individuals who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how a transfer may occur, and guidance to individuals on safety and security. However, each program is expected to adhere to the following standards:

* An individual requesting an emergency transfer must request the transfer in accordance with the procedures described in this plan.
* These procedures must be communicated with individuals receiving services upon entry into any housing program.
* These procedures must be easily accessible to all individuals, regardless of language spoken, ability, etc. It is the responsibility of the provider to ensure necessary steps are taken to ensure accessibility.
* If more than one consecutive emergency transfer has been requested for an individual, the HP is permitted to request an in-person meeting. This meeting will enable the HP to determine if additional interventions are necessary for continued protection of the individual.

**PROCEDURES**

**Eligibility for Emergency Transfers**

An individual who is affected by domestic violence, dating violence, sexual assault, and/or stalking is eligible for an emergency transfer if the individual reasonably believes that there is a threat of imminent harm from further violence if the individual remains within the same unit.

Note: Individuals who are not in good standing within a program may still request an emergency transfer if they meet the eligibility requirements in this section.

**Emergency Transfer Request Documentation**

1. HP notify participants of Emergency Transfer Policy and VAWA rights, prior to or at lease signing.
2. To request an emergency transfer, an individual shall notify the HP.
3. HP will provide any necessary forms to the individual as well as assist in creating a safety plan for the individual.

The HP may choose to waive the requirement of documentation for the individual if they are already familiar with the individual’s experiences of violence. However, it is then the responsibility of the HP to provide documentation for the request.

The HP will provide reasonable accommodations to this policy for individuals with disabilities. For example, if an individual is unable to fill out the form, the HP is responsible for providing a staff member to complete and turn in the form with the individual. Regardless of an individual’s abilities the Emergency Transfer Form will be accepted in written, electronic, or other methods of submission.

1. The individual’s written request should include:

* A statement expressing that the individual reasonably believes that there is a threat of imminent harm from further violence if they were to remain in the same dwelling unit, and
* The general reasons indicating to the individual that there is a threat of imminent harm from further violence.

Note: Explicit details regarding the nature of the violence that occurred is not required of the individual. An individual’s aversion to relay details will not be used as a deciding factor as to whether or not they will be permitted an emergency transfer.

1. The individual shall be made aware of local and state requirements that may need to be met in order to avoid eviction, termination fees, and violations of lease agreements. For more information on local and state laws please review attachments.
2. Any HP of the CoC MO-604 Coordinated Entry process that receives a CoC MO-604 Emergency Transfer Form shall notify CoC MO-604, regardless of whether or not a transfer is granted. HP that have open units or the ability to rehouse the individual should do so as soon as possible.
   * Should an individual decline to have their information shared with CoC MO-604, HP is required to give CoC MO-604 the following information:
     + Date Emergency Transfer was Requested, and
     + Outcome of the Request.
3. The HP must document the outcome of the request, regardless of approval or denial, and maintain said documentation in the individual’s file. Records must be retained for at least 5 years after the completion of the emergency transfer.

**Confidentiality**

The CoC MO-604, its HP, and the landlord (if aware) will keep confidential any information that the individual submits in requesting an emergency transfer, and information about the emergency transfer, unless the individual gives the CoC MO-604, its HP, and landlord written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. (Individuals inquiring about or applying for an emergency transfer will be told explicitly what information, if disclosed, will need to be released regardless of whether or not a release of information is signed.)

Note: This includes keeping confidential the new location of the dwelling unit of the individual, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the individual.

**Emergency Transfer Timing and Availability**

1. HP will act as quickly as possible, engaging CoC MO-604 and its Transfer Committee, if necessary, to move an individual who is approved for transfer to another unit, subject to availability and safety of a unit. The CoC MO-604 and its HP cannot guarantee that a transfer request will be approved.
2. At the individual’s request, the HP will also assist individuals in contacting organizations offering assistance to individuals affected by domestic violence, dating violence, sexual assault, or stalking. (For a list of potential resources, see table below.)
3. Each transfer request will receive a response, within 14 business days from the date the request was received by the HP, stating whether the request was approved or denied.
4. If an individual reasonably believes a proposed transfer would not be safe, the individual may request a transfer to a different unit.
5. If a unit is available, the transferred individual must agree to abide by the terms and conditions that govern occupancy in the unit to which the individual has been transferred. The HP may be unable to transfer an individual to a particular unit if the individual has not or cannot establish eligibility for that unit.
6. Any HP of the CoC MO-604 Coordinated Entry process that receives a CoC MO-604 Emergency Transfer Form shall notify CoC MO-604, regardless of whether or not a transfer is granted. HP that have open units or the ability to rehouse the individual should do so as soon as possible.
7. If the HP has no safe and available units for which an individual who needs an emergency transfer is eligible, the HP will assist the individual in identifying other housing providers, through use of the Transfer Committee, who may have safe and available units to which the individual could move and sustain with the HP’s assistance. An individual cannot be forced to move into unit that does not feel safe. The CoC MO-604 and HP are responsible for establishing partnerships (locally, statewide, and nationally) with alternative providers to increase the likelihood that individuals are not forced to remain in unsafe housing due to lack of availability of safe units.
8. If the HP has exhausted options and there are no safe and available units for an individual who is eligible for an emergency transfer, HPs may coordinate with local shelters to move the individual into a safe shelter environment until a safe unit becomes available.
9. HP will attempt to provide moving assistance/resources to any individual who is granted an emergency transfer. HP are encouraged to establish partnerships with moving services that offer assistance to individuals at low or no cost to prevent delay in an individual’s emergency transfer process or set aside funding to assist with emergency transfer moving costs. Supportive services funds can be used for one-time moving expenses.

**Emergency Transfer Process Assistance**

Any HP needing assistance with Emergency Transfer Requests, process and placement, safety planning concerns, or confidentiality concerns, should contact CoC MO-604 immediately.

**Safety and Security of Individuals**

The individual affected by domestic violence, dating violence, sexual violence, and/or stalking is urged to take all reasonable precautions to be safe throughout the transfer request process and the actual transfer, if it is approved and occurs. Should an individual need support accessing safety resources or taking safety precautions, the HP will provide a staff member to assist in accessing and engaging resources (see Potential Resources below).

It shall be the responsibility of HP to ensure that any landlord receiving funds from a HUD CoC grant is informed of and adheres to these policies and procedures, evidenced by the presence of the CoC MO-604 Emergency Transfer Policy Lease Addendum signed by the tenant and the landlord and, if applicable, the HP.

**Costs of Breaking a Lease**

Note that 24 CFR Part 578.51(m) allows recipients and subrecipients of grants for tenant-based rental assistance to use grant funds to pay amounts owed for breaking the lease if a household qualifies for an emergency transfer under the emergency transfer plan established under § 578.99(j)(8).

Prior to using HP funding for broken lease payments, local and state ordinances and laws should be checked to determine if individuals experiencing violence are required to pay for broken leases (See For HP Reference below).

The individual must be a victim of domestic violence, dating violence, sexual assault, and/or stalking, to be eligible to continue receiving assistance until the lease ends should the requirements be met in order to receive VAWA protections as it is stated in the [VAWA final rule](https://www.hudexchange.info/resource/4718/federal-register-notice-proposed-rule-violence-against-women-act-2013-vawa-2013/). The VAWA final rule expands remedies for victims of domestic violence, dating violence, sexual assault, and/or stalking by requiring covered housing providers to have emergency transfer plans, and providing that if housing providers allow for bifurcation of a lease, then tenants should have a reasonable time to establish eligibility for assistance under a VAWA-covered program or to find new housing when an assisted household has to be divided as a result of the violence or abuse covered by VAWA.

As an alternate to disrupting the individual’s living situation, if HP provides housing for both the individual requesting the transfer and the accused perpetrator, the HP may bifurcate the lease. The accused perpetrator would then be housed separately from the individual requesting the transfer. For this to occur, the individual would need to feel safe remaining in their current unit, understanding that the accused perpetrator would know the location of their home.

**Limitations on Transfer Requests**

1. Any individual affected by domestic violence, dating violence, sexual assault, or stalking may invoke this plan.
2. There is no limitation on the number of emergency transfers that an individual can request. However, because a request does not guarantee a transfer, each new request will be reviewed individually by the HP.

Note: A transfer cannot be denied because the person(s) perpetrating violence learned of a new location of residence, even if the person(s) perpetrating violence learned from the individual requesting the emergency transfer.

**Notice of Individual Right to an Emergency Transfer**

HP are responsible for notifying in writing all individuals engaged in housing services, prior to being housed, of their right to an emergency transfer. For those already housed at the time of this policy’s implementation, each household will be notified in writing of the Emergency Transfer Policy and will be given the opportunity to discuss the policy with a HP staff person. All individuals engaged in housing services with any HP are required to have a signed form acknowledging that they received a copy of and understand the CoC MO-604’s Emergency Transfer Policy.

HP must keep a record of all emergency transfers requested, the documentation provided with the requests, and the outcomes of such requests. Requests and outcomes of such requests will be reported to HUD by CoC MO-604, at least, annually. Records must be retained for at least 5 years after the completion of the emergency transfer.

**Notice Regarding Other Laws**

This policy does not replace any Federal, State, or local law that provides greater protection for individuals who are experiencing or have experienced domestic violence, dating violence, sexual assault, and/or stalking.

**Non-Compliance with the Requirements of the Emergency Transfer Policy**

Any individual or staff member may report a HP’s violations of these rights and seek additional assistance, if needed, by contacting CoC MO-604 at 816-924-7997 or HUD’s Kansas City Regional Office at 913-551-5462 (1-800-877-8339 TTY).

**Attachments**

* [CoC MO-604 Emergency Transfer Policy- Acknowledgement of Receipt and Understanding](#Acknowledgement)
* [CoC MO-604 Emergency Transfer Request Form](#Request)
* [CoC MO-604 Emergency Transfer Policy Lease Addendum](#Lease)
* CoC MO-604 Release of Information-Coming Soon!

**For Housing Program Reference**

* [Violence Against Women Act](https://www.congress.gov/bill/116th-congress/house-bill/1585/text?q=%7B%22search%22%3A%5B%22H.R.+1585%22%5D%7D&r=1&s=2)
* [The Violence Against Women Reauthorization Act of 2013: Q&A for Advocates](http://nhlp.org/files/VAWA-2013-Packet.pdf)
* [MCASDV’s “New 2019 Missouri Law”](https://www.mocadsv.org/FileStream.aspx?FileID=1130)
* [Kansas Senate Bill No. 150](http://www.kslegislature.org/li/b2019_20/measures/documents/sb150_01_0000.pdf)
* [Kansas City, MO Ordinance #180516](http://cityclerk.kcmo.org/LiveWeb/Documents/Document.aspx?q=q1k0bbX6%2fCn2W%2b5ZKIbYZXFVjC2v7uK7uNBdnGeqk%2bQ%2bLdKu5RQYe4HomC%2fjJOsC)

**POTENTIAL RESOURCES**

|  |  |
| --- | --- |
| Domestic Violence  &  Dating Violence | * Hope House 816-461-4673 or<http://www.hopehouse.net/> * Joyce Williams/Friends of Yates 913-321-0951 or <http://www.friendsofyates.org/DellaGillJoyceHWilliamsCenter%20.htm> * Kansas City Anti-Violence Project (LGBTQIA+ specific) 816-561-0550 or [www.kcavp.org](http://www.kcavp.org/) * Newhouse 816-471-5800 or [https://www.newhouseshelter.org](about:blank) * Rose Brooks Center 816-861-6100 or <https://www.rosebrooks.org/> * Safehome 913-262-2868 or<http://www.safehome-ks.org/> * Synergy Services Inc. Domestic Violence Center 816-321-7050 or<https://www.synergyservices.org/our-work/Provide-Safety/Emergency-Shelter> * National Domestic Violence Hotline 1-800-799-7233 (1-800-787-3224 TTY) * Missouri Coalition Against Domestic and Sexual Violence for Missouri resources 1-888-666-1911 or [www.mocadsv.org](http://www.mocadsv.org/) * Kansas Coalition Against Sexual and Domestic Violence for Kansas resources 1-888-363-2287 or <https://www.kcsdv.org/> |
| Sexual Violence | * Kansas City Anti-Violence Project (LGBTQIA+ specific) 816-561-0550 or [www.kcavp.org](http://www.kcavp.org/) * Metropolitan Organization to Counter Sexual Assault (MOCSA) 816-531-0233 or 913-642-0233 or <https://www.mocsa.org/> * Synergy Services Inc. Domestic Violence Center 816-321-7050 or<https://www.synergyservices.org/our-work/Provide-Safety/Emergency-Shelter> * Rape, Abuse & Incest National Network’s National Sexual Assault Hotline 1-800-656-HOPE or <https://ohl.rainn.org/online/> * Missouri Coalition Against Domestic and Sexual Violence for Missouri resources 1-888-666-1911 or [www.mocadsv.org](http://www.mocadsv.org) * Kansas Coalition Against Sexual and Domestic Violence for Kansas resources 1-888-363-2287 or <https://www.kcsdv.org/> |

|  |  |
| --- | --- |
| Stalking | * Missouri Coalition Against Domestic and Sexual Violence for Missouri resources 1-888-666-1911 or [www.mocadsv.org](http://www.mocadsv.org/) * Kansas Coalition Against Sexual and Domestic Violence for Kansas resources 1-888-363-2287 or<https://www.kcsdv.org/> * National Center for Victims of Crime’s Stalking Resource Center<https://www.victimsofcrime.org/our-programs/stalking-resource-center> * Kansas City Anti-Violence Project (LGBTQIA+ specific) 816-561-0550 or [www.kcavp.org](http://www.kcavp.org/) |
| Human Trafficking | * Restoration House of Greater Kansas City (816) 623-5260 or https://restorationhousekc.com/ * Kansas City Anti-Violence Project (LGBTQIA+ specific) 816-561-0550 or [www.kcavp.org](http://www.kcavp.org/) * Veronica’s Voice (913) 214-1401 or [https://www.veronicasvoice.org](https://www.veronicasvoice.org/) * The Justice Project <http://justiceprojectkc.org/> * Missouri Coalition Against Domestic and Sexual Violence for Missouri resources 1-888-666-1911 or [www.mocadsv.org](http://www.mocadsv.org/) * Kansas Coalition Against Sexual and Domestic Violence for Kansas resources 1-888-363-2287 or<https://www.kcsdv.org/> |
| New Address Confidentiality  (Missouri) | * Safe at Home program 1-866-509-1409 or [www.sos.mo.gov/business/safeathome](http://www.sos.mo.gov/business/safeathome) |
| Legal Services and Information on Local/State Law | * Kansas Coalition Against Sexual and Domestic Violence for information on latest Kansas laws 1-888-363-2287 or<https://www.kcsdv.org/>Kansas Legal Services 913-621-0200 or [www.kansaslegalservices.org](http://www.kansaslegalservices.org) * Legal Aid of Western Missouri 816-474-6750 or [www.lawmo.org](http://www.lawmo.org) * Missouri Coalition Against Domestic and Sexual Violence for information on latest Missouri laws 1-888-666-1911 or [www.mocadsv.org](http://www.mocadsv.org/) |

**Emergency Transfer Policy**

Acknowledgement of Receipt and Understanding

I/ We,\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ hereby (Print First and Last Name of each adult in household)

acknowledge that I/we received a copy of the CoC MO 604 Emergency Transfer Policy and understand my rights should I/we ever need to request an emergency transfer while receiving services from \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_.

(Print Name of Agency)

I/We further understand that the Emergency Transfer Policy may be revised or updated from time to time and that I/we have a continued right to receive updated copies of the Emergency Transfer Policy as they occur.

In addition, I/we understand that should I/we feel as though my rights to an Emergency Transfer are being violated by the agency listed above, I/we have the right to contact the Greater Kansas City Coalition to End Homelessness (816-924-7997) to ensure my/our rights are being upheld.

|  |  |
| --- | --- |
|  |  |
| Printed Name | Printed Name (If Applicable) |
|  |  |
|  |  |
| Signature Date | Signature & Date (If Applicable) |
| Agency Staff Member Printed Name |  |
| Agency Staff Member Signature Date |  |



**Greater Kansas City Coalition to End Homelessness Continuum of Care**

**Emergency Transfer Policy Lease Addendum**

|  |  |  |
| --- | --- | --- |
| TENANT and/or HOUSING PROGRAM (HP) | LANDLORD | UNIT NO. & ADDRESS |

This lease addendum adds the following paragraphs to the Lease between the above referenced Tenant/HP and Landlord.

**Purpose of the Addendum**

The lease for the above referenced unit is being amended to include the provisions of the Violence Against Women Act (VAWA) and the Greater Kansas City Coalition to End Homelessness Continuum of Care’s (referred to as CoC) Policies.

**Conflicts with Other Provisions of the Lease**

In case of any conflict between the provisions of this Addendum and other sections of the Lease, the provisions of this Addendum shall prevail.

**Term of the Lease Addendum**

The effective date of this Lease Addendum is \_\_\_\_\_\_\_\_­­­\_\_\_\_\_\_. This Lease Addendum shall continue to be in effect until the Lease is terminated.

**Addendum Protections**

1. The Landlord may not consider incidents of domestic violence, dating violence, sexual assault, and/or stalking as serious or repeated violations of the lease or other “good cause” for termination of assistance, tenancy or occupancy rights of the Tenant(s).
2. The Landlord may not consider criminal activity directly relating to abuse, engaged in by a member of a tenant’s household or any guest or other person not under the tenant’s control, cause for termination of assistance, tenancy, or occupancy rights if the tenant or an immediate member of the tenant’s family is the affected by or threatened with abuse.
3. The Landlord may request in writing that the tenant, or a family member or CoC HP staff on the tenant’s behalf, confirm that the individual has been affected by or threatened with violence. Written documentation must be submitted within 14 business days, or an agreed upon extension date, to receive protection under this addendum. Failure to provide confirmation within the specified timeframe may result in eviction.
4. The Landlord agrees to terminate the lease, without penalty, if the tenant requests, with the CoC HP they receive services through, an Emergency Transfer and it is approved. The Landlord may request in writing documentation of the Emergency Transfer Approval. The CoC HP must provide written documentation of the approval within 14 business days, or an agreed upon extension date, for the tenant to receive protection under this addendum. Failure to provide confirmation within the specified timeframe may result in termination of the lease with penalty or eviction.
5. The landlord will keep confidential any information that the tenant discusses or submits in writing, unless the tenant gives the landlord written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if disclosed, from the person(s) that committed an act(s) of violence against the tenant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Tenant Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Housing Program/Agency Staff (If Applicable) Date

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Landlord Date