



North Dakota-500 Statewide Continuum of Care

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

CoC Board Approval: April 2023 (pending)
CoC Membership Approval: May 2023 (pending)

Next Review: April 2024

I. Emergency Transfers

- A. The North Dakota Continuum of Care is concerned about the safety of victims of domestic violence, dating violence, sexual assault, or stalking in all our homeless programs. In accordance with the Violence Against Women Act (herein VAWA),¹ programs allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of programs to honor such requests for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether the program has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.
- B. This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. 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 that all Continuum of Care and Emergency Solutions Grantees are in compliance with VAWA. Furthermore, the plan applies to other homeless designated programs funded by the state of North Dakota.

II. Eligibility for Emergency Transfers

- A. A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If the tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.
- B. A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.
- C. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

III. Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify any program's office and submit a written request for a transfer to the program manager. The HP will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

- A. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the program; OR
- B. A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.

IV. Confidentiality

The HP will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives the program 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 one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants (HUD-5380 form) for more information about the program's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

V. Emergency Transfer Timing and Availability

- A. The program cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. The program will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. The program may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.
- B. If the program has no safe and/or available units for which a tenant who needs an emergency is eligible, the program will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, the program will also assist tenants in contacting the local organizations aiding victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

VI. Safety and Security of Tenants

- A. Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.
- B. National Contacts
 - 1. Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline via phone at 1-800-799-7233 by texting START to 88788, or chat online at <https://www.thehotline.org/>, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

2. Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-4673 or visit the online hotline at <https://hotline.rainn.org/online>.
3. Tenants who are or have been victims of stalking seeking help may contact the National Center for Victims of Crime's Stalking Resource Center at <https://victimsofcrime.org/stalking-resource-center/>.

C. State Contacts

Location	Organization	Crisis Hotline	Office Number
Belcourt *	Hearts of Hope	701.477.0002	701.477.0002
Beulah *	Women's Action and Resource Center	701.873.2274	701.873.2274
Bismarck *	Abused Adult Resource Center	866.341.7009	701.222.8370
Bottineau	Family Crisis Center	800.398.1098	701.228.2028
Devils Lake *	Safe Alternatives for Abused Families	888.662.7378	701.662.7378
Dickinson *	Domestic Violence & Rape Crisis Center	888.225.4506	701.225.4506
Ellendale	Kedish House	877.349.4729	701.349.4729
Fargo *	Rape and Abuse Crisis Center	800.344.7273	701.293.7273
Ft. Totten *	Spirit Lake Victim Assistance	701.766.1816	701.766.1816
Grafton *	Domestic Violence and Abuse Center	866.435.7490	701.331.0466
Grand Forks *	Community Violence Intervention Center	866.746.8900	701.746.0405
Jamestown	Safe Shelter	888.353.7233	701.251.2300
Lisbon	Abuse Resource Network	701.683.5061	701.683.5061
Minot *	Domestic Violence Crisis Center	701.857.2500	701.852.2258
New Town *	Three Affiliated Tribes Victim Services	701.627.3617	701.627.4171
Stanley	Domestic Violence Program of NW ND	800.273.8232	701.628.3233
Valley City	Abused Persons Outreach Center	701.845.0072	701.845.0078
Wahpeton	Three Rivers Crisis Center	800.627.3659	701.642.2115
Washburn	McLean Family Resource Center	701.462.8643	701.462.8643
Williston *	Family Crisis Shelter	800.231.7724	701.572.0757

* Denotes Shelters