CENTRAL AT SOUTH HAYMARKET APARTMENTS
EMERGENCY TRANSFER PLAN FOR VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Central at South Haymarket Apartments is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act of 1994, as amended ("VAWA"), ***Central at South Haymarket Apartments*** allows any tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. VAWA protections are not limited to women and are available regardless of age or actual or perceived sexual orientation, gender identity, sex, or marital status. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex (including perceived or actual sexual orientation or gender identity), familial status, disability, or age. HUD-assisted and HUD-insured housing must also be made available to all otherwise eligible individuals and families regardless of age, or actual or perceived gender identity, sexual orientation, or marital status.

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 regarding safety and security. The plan is based on Federal regulations at 24 Code of Federal Regulations (CFR) part 5, subpart L, related program regulations, and the model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD). HUD is the Federal agency that oversees that ***Low Income Tax Credit Program and Housing Choice Voucher Program (HCV)*** is in compliance with VAWA.

Definitions

- ***Actual and imminent threat*** refers to a physical danger that is real, would occur within an immediate time frame, and could result in death or serious bodily harm. In determining whether an individual would pose an actual and imminent threat, the factors to be considered include: The duration of the risk, the nature and severity of the potential harm, the likelihood that the potential harm will occur, and the length of time before the potential harm would occur.
- ***Affiliated individual***, with respect to an individual, means:
  1. A spouse, parent, brother, sister, or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody, or control of that individual); or
  2. Any other person living in the household of that individual.
- ***Bifurcate*** means to divide a lease as a matter of law, subject to the permissibility of such process under the requirements of the applicable HUD-covered program and State or local law, such that certain tenants or lawful occupants are subject to eviction or removed and the remaining tenants or lawful occupants can continue to reside in the unit under the same lease requirements or as may be revised depending upon the eligibility for continued occupancy of the remaining tenants and lawful occupants.
- ***Dating Violence*** is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.
- ***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, by a person who is living 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 receiving grant monies, 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.
- ***External emergency transfer*** refers to an emergency relocation of a tenant to another unit where the tenant would be categorized as a new applicant; that is, the tenant must undergo an application process in order to reside in the new unit.
- ***Internal emergency transfer*** refers to an emergency relocation of a tenant to another unit where the tenant would not be categorized as a new applicant; that is, the tenant may reside in the new unit without having to undergo an application process.
- ***Perpetrator*** means a person who commits acts of domestic violence, dating violence, sexual assault, or stalking against a victim.
- ***Sexual Assault*** is any type of sexual contact or behavior that occurs without the explicit consent of the recipient, including when the individual lacks capacity to consent.
- ***Spouse or Intimate Partner*** 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.
- ***Stalking*** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's individual safety or the safety of others, or suffer substantial emotional distress
- ***Safe unit*** refers to a unit that the victim of VAWA violence/abuse believes is safe.

- ***VAWA violence/abuse*** means an incident or incidents of domestic violence, dating violence, sexual assault, or stalking, as those terms are defined in 24 CFR 5.2003 and "Certification of Domestic Violence, Dating Violence, Sexual Assault, or Stalking" (Form HUD-5382).
- ***VAWA Self Petitioner*** refers to noncitizens who claim to be victims of "battery or extreme cruelty." Battery or extreme cruelty includes domestic violence, dating violence, sexual assault, and stalking. VAWA allows these noncitizens to self-petition for Lawful Permanent Resident ("LPR") status without the cooperation of or knowledge of their abusive relative

Eligibility for Emergency Transfers
A tenant may seek an emergency transfer to another unit if they or their household member is a victim of VAWA violence/abuse, as outlined in the "Notice of Occupancy Rights Under the Violence Against Women Act," Form HUD-5380. This emergency transfer plan provides further information on emergency transfers, and ***Central at South Haymarket Apartments*** must provide a copy if requested. ***Central at South Haymarket Apartments*** may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

Emergency Transfer Policies

A Tenant is eligible for an emergency transfer if:
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, L is eligible for and emergency transfer if:

1. The tenant (or their household member) is a victim of VAWA violence/abuse;
2. The tenant expressly requests the emergency transfer; **AND**
3. **EITHER**
   a. The tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if they or (their household member) stays in the same dwelling unit; **OR**
   b. If the tenant (or their household member) is a victim of sexual assault, either the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or their household member) were to stay in the unit, or the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when that assault occurred.

Central at South Haymarket Apartments, in response to an emergency transfer request, should not evaluate whether the tenant is in good standing as part of the assessment or provision of an emergency transfer. Whether or not a tenant is in good standing does not impact their ability to request an emergency transfer under VAWA.

Requesting an Emergency Transfer
To request an emergency transfer, the tenant shall notify ***Central at South Haymarket Apartments*** or NP Dodge Management Company and submit a written request for a transfer (HUD-5383). The tenant may submit the written request by any of the following methods: hand delivery to the office, via email to, or via mail to ***Central at South Haymarket Apartments*** or **NP Dodge Management Company Corporate office:** The tenant's written request for an emergency transfer should include either:

Central at South Haymarket Apartments
Attention: Property Manager/Regional Manager
933 N Street
Lincoln, NE 68508
Phone: (402) 548-1874
CentralAtSouthHaymarket@NPDodge.com

NP Dodge Management Company
Attention: Vice President/Director Property Management
8701 West Dodge Road, Suite 200
Omaha, NE 68114
Phone: (402) 397-4900
VAWA@NPDodge.com

The property specific VAWA emergency transfer plan and all other supporting VAWA documents are available by clicking on the following link: https://www.npdodgemanagement.com/vawa-help-page

If ***Central at South Haymarket Apartments*** does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, ***Central at South Haymarket Apartments*** may ask for this documentation in accordance with 24 CFR 5.2007. Unless ***Central at South Haymarket Apartments*** receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), ***Central at South Haymarket Apartments*** cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility ***Central at South Haymarket Apartments*** will provide reasonable accommodations to this policy for individuals with disabilities.

Required Written Documentation for an Emergency Transfer
The tenant's written request for an emergency transfer must include either:

1. A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence, including trauma, if the tenant (or household member) stays in the same dwelling unit; OR
2. In the case of a tenant (or household member) who is a victim of sexual assault, **either** a statement that the tenant reasonably believes there is a threat of imminent harm from further violence or trauma if the tenant (or household member stays in the same dwelling unit), **or** a statement that the sexual assault occurred on the premises and the tenant requested an emergency transfer within 90 days (including holidays and weekend days) of when the assault occurred.
3. Form HUD-5383 may be used for making a written request for an emergency transfer and can be provided by ***Central at South Haymarket Apartments*** or found online at https://www.npdodgemanagement.com/vawa-help-page
4. The tenant will have 14 business days to provide the requested documentation of the VAWA victim status.

Emergency Transfer Timing and Availability
Central at South Haymarket Apartments cannot guarantee that a transfer request will be approved or how long it will take to process the request. However, the ***Central at South Haymarket Apartments*** will 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 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. VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program.
Central at South Haymarket Apartments may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If ***Central at South Haymarket Apartments*** has no safe and available units for which a tenant who need an emergency is eligible, ***Central at South Haymarket Apartments*** will assist the tenant in identifying other Owner/Agents who may have safe and available unit to which the tenant could move. At the tenant's request ***Central at South Haymarket Apartments*** will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Internal transfers when a safe unit is immediately available:
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 is being transferred. ***Central at South Haymarket Apartments*** may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.

Internal transfers when a safe unit is not immediately available:
If the ***Central at South Haymarket Apartments*** does not have a safe unit immediately available for an internal emergency transfer, the victim will be place on the Emergency Transfer Waitlist, if it exists, will take precedence over applicants on other property waitlists.

External transfers:
If ***Central at South Haymarket Apartments*** has no safe and available units for which an existing tenant who needs an emergency transfer is eligible, a tenant may also request an External Emergency Transfer. A tenant my choose to pursue both an internal and an external transfer at the same time.

In cases where ***Central at South Haymarket Apartments*** determines that the family's decision to move out of the ***Central at South Haymarket Apartments'*** unit was reasonable under the circumstances, ***Central at South Haymarket Apartments*** may wholly or partially waive rent, and any rent owed shall be reduced by the amount of the rent collected for the remaining lease term from a tenant subsequently occupying the unit.

A Housing Choice Voucher ("HCV") participant will not be denied portability to a unit located in another jurisdiction so long as the participant has complied with all other requirements of the HCV program and:

5. Has moved from the unit in order to protect the health and safety of an individual member of the household who is or has been the victim of domestic violence, dating violence, sexual assault or stalking and,
6. Who reasonably believes the tenant or other household member(s) will be imminently threatened by harm from further violence if the individual remains in the present dwelling unit.

Priority of VAWWA Emergency Transfers over Other Categories of Emergency Transfers
Tenants who qualify for an emergency transfer under VAWA will be given the following priority over other categories of tenants seeking transfers and individuals seeking placement on waiting lists.

In general, ***Central at South Haymarket Apartments*** will prioritize needs of existing tenants over external transfers, and opportunities to maximize use of accessible units (see next section). The order for priority of VAWA Emergency Transfers will be as follows:

1. First priority will go to Internal Emergency Transfers, including VAWA Emergency Transfers. Priority among VAWA Emergency Transfers and other non-VAWA Emergency Transfers will be evaluated on a case-by-case basis if such conflicts arise.
2. Second priority will go to other Internal Transfers that are not emergencies.
3. Third priority will go to the External VAWA Emergency Transfers.

Accessible Units: In order to meet the requirements of HUD Section 504 to maximize use of accessible units by those who need accessibility features, ***Central at South Haymarket Apartments*** will apply the following order of priority for accessible units only:

1. First Priority will go to a current occupant of the property who needs the accessibility features of the vacant unit.
2. Second priority will be to an eligible qualified individual on the waiting list who needs accessible features.
3. Third priority will go to individuals with out disabilities who need an emergency transfer under VAWA.

Confidentiality

If a tenant inquiries about or requests any VAWA protections or represents that they or a household member are a victim of VAWA violence/abuse entitled to VAWA protections, ***Central at South Haymarket Apartments*** must keep any information they provide concerning the VAWA violence/abuse, their request for an emergency transfer, and their or a household member's status as a victim strictly confidential.

This information should be securely and separately kept from tenant files. All the information provided by or on behalf of the tenant to support an emergency transfer request, including information on the Certification Form (HUD-5382) and the Emergency Transfer Request Form (HUD-5383) (collectively referred to as "Confidential Information") may only be accessed by ***Central at South Haymarket Apartments*** employees or contractors if explicitly authorized by ***NP Dodge Management Company*** for reasons that specifically call for those individuals to have access to that information under applicable Federal, State, or local law.

Confidential information must not be entered into any shared database or disclosed to any other entity or individual, except if:

1. Written permission by the victim in a time-limited release;
2. Required for use in an eviction proceeding or hearing regarding termination of assistance; or
3. Otherwise required by applicable law.

In addition, HUD's VAWA regulations require emergency transfer plans to provide strict confidentiality measures to ensure that the location of the victim's dwelling unit is never disclosed to a person who committed or threatened to commit the VAWA violence/abuse. Accordingly, ***Central at South Haymarket Apartments*** Will keep a record of all emergency transfers for a period of three (3) years or for a period as specified in program regulations.

Safety and Security of Tenants

When ***Central at South Haymarket Apartments*** receives any inquiry or request regarding an emergency transfer, ***Central at South Haymarket Apartments*** will encourage the person making the inquiry or request to take all reasonable precautions to be safe, including seeking guidance and assistance from a victim service provider. However, tenants are not required to receive guidance or assistance from a victim service provider.

- For additional information on VAWA and to find help in your area, visit https://www.hud.gov/vawa.
- **National Domestic Violence Hotline: (800) 799-7233 (24 Hour)** https://www.thehotline.org/

Bellevue, NE:

Sarpy County Victim/Witness Unit: Non-Emergency (402) 593-2201 Emergency 9-1-1
1210 Golden Gate Drive #1420, Papillion, NE
https://www.bellevuepd.com/services/victim-assistance?page414=1&size414=12

Legal Aid of Nebraska: (402) 348-1069
209 South 19th Street, Omaha, NE
https://www.legalaidofnebraska.org/

Heartland Family Services (Sarpy County): Non-Emergency (402) 292-5888 (800) 523-3666 (24 Hour)
302 American Parkway, Papillion, NE
https://www.heartlandfamilyservice.org/services/domestic-violence-sexual-assault/

Council Bluffs:

Council Bluffs Police Department:	Non-Emergency (712) 328-5797	Emergency 9-1-1
https://www.councilbluffs-ia.gov/2455/Victim-Services		

Legal Aid Iowa:	(515) 283-3636
830 North 14th Street, Suite 301, Council Bluffs, IA	
https://www.iowalegalaid.org/	

Women's Center for Advancement:	General Information: (402) 345-6555	Crisis Line (402) 354-7273 (24 hours)
3801 Harney Street, Omaha, NE 68131		
https://wcaomaha.org/		

Lincoln, NE:

Lincoln Police Victim Assistance:	(402) 441-7181	Emergency: 9-1-1
575 South 10th Street, Lincoln, NE		
https://www.lincoln.ne.gov/City/Departments/Police/Departments/Victim-Assistance		

Legal Aid of Nebraska:	(402) 435-2161
1241 N Street #200, Lincoln, NE	
https://www.legalaidofnebraska.org/	

Voices of Hope:	(402) 476-2110	(402) 475-7273 (crisis line)
2545 N Street, Lincoln, NE		
https://www.voicesofhopelincoln.org/contact.html		

Omaha, NE:

Omaha Police Department		
Domestic Violence Squad:	(402) 444-5825	Emergency: 9-1-1
https://police.cityofomaha.org/reporting-incidents/domestic-violence		

Legal Aid of Nebraska:	(402) 348-1069
209 South 19th Street, Omaha, NE	
https://www.legalaidofnebraska.org/	

Women's Center for Advancement:	General Information: (402) 345-6555	Crisis Line (402) 354-7273 (24 hours)
3801 Harney Street, Omaha, NE		
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Public reporting burden for this collection of information is estimated to range from four to eight hours per each covered housing provider's response, depending on the covered housing program. This includes the time to develop program and project-specific emergency transfer policies and develop contacts with local service providers. 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. This is a model plan and covered housing providers in programs covered by VAWA may, at their discretion, use it to develop their own emergency transfer plans, as required under 24 CFR 5.2005(e). While HUD does not intend to collect emergency transfer plans, HUD may access these plans to ensure compliance with the regulations. 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.