

**NC-505 Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Human  
Trafficking, Sexual Assault, or Stalking  
Approved: 09/26/2024**

**1. Emergency Transfers**

The Charlotte-Mecklenburg Continuum of Care (NC-505) is concerned about the safety of participants in homeless assistance programs, and such concern extends to tenants who are victims of domestic violence, dating violence, human trafficking, sexual assault, or stalking. Accordingly, NC-505 seeks to provide individuals and families fleeing violence access to housing and trauma informed care and victim centered services that prioritize the household's safety needs and accommodates their unique circumstances to ensure their safety.

In accordance with the Violence Against Women Act (VAWA),<sup>3</sup> agencies utilizing federal housing funds in NC-505, tenants who are victims of domestic violence, dating violence, sexual assault, human trafficking or stalking may request an emergency transfer from the tenant's current unit in the event of domestic violence, to another unit.<sup>4</sup> The ability to request a transfer is available regardless of family status sex, gender identity, or sexual orientation.<sup>5</sup> The ability of an agency to honor a request 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 whether an agency has a dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan is compliant under VAWA and based on a model emergency transfer plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees the Continuum of Care (CoC) and applies to all housing programs supported by HUD: Emergency Solutions Grant (ESG), HOME-Tenant Based Rental Assistance (HOME-TBRA), Continuum of Care or Housing Opportunities for Persons with AIDS (HOPWA), and all programs participating in the NC-505 Coordinated Entry system.

This emergency transfer plan includes information on eligibility for an emergency transfer, the required documentation, confidentiality protections, a description of the transfer process, and resources for participants affected by domestic violence, dating violence, human trafficking, sexual assault, or stalking. A housing provider must make this emergency transfer plan available upon request and publicly available when feasible.

**2. 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. All providers are highly encouraged to call the domestic violence hotline about safety assessment and client's safety planning, without disclosing

---

<sup>3</sup> Despite the name of this law, **VAWA** means the Violence Against Women Act of 1994, as amended (42 U.S.C. 13925 and 42 U.S.C. 14043e, et seq.). VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

<sup>4</sup> See, HUD Form and NC ESG Form 5380, *Notice of Occupancy Rights Under VAWA*.

<sup>5</sup> 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.

participants' personal information without consent.

***Bifurcate*** means to divide a lease as a matter of law, such that certain tenants or lawful occupants can be evicted 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.

***Domestic Violence*** [based on Centers for Disease Control and Prevention (CDC) definitions] is a pattern of behavior that one person in a relationship uses to gain power and control over the other. Domestic violence could include physical, sexual, or psychological harm, as well as financial abuse; and it also includes abusive behaviors perpetrated by a former or ex-partner. Some other terms used to refer to domestic violence include: intimate partner violence (IPV), family violence, relationship violence, spousal violence, and dating violence.

***External emergency transfer*** refers to an emergency relocation of a participant to another assisted unit outside the inventory of their current housing provider.

***Human Trafficking*** refers to subjecting a person to an act or practice of (1)sex trafficking in which a commercial sex act is induced by force, fraud, or coercion, or in which the person induced to perform such act has not attained 18 years of age; or (2) the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

***Internal emergency transfer*** refers to an emergency relocation of a participant to another assisted unit within the inventory of their current housing provider.

***Safe unit*** refers to a unit that the victim of domestic violence, dating violence, sexual assault, human trafficking, or stalking believes is safe.

***Sexual Violence*** [based on Centers for Disease Control and Prevention (CDC) definitions] refers to sexual activity when consent is not obtained or not given freely. This term is used to define the continuum of acts of violence which can violate a person's trust and sense of safety. The continuum of sexual violence includes rape, incest, child sexual assault, date and acquaintance rape, statutory rape, marital or partner rape, sexual exploitation, unwanted sexual contact, sexual harassment, exposure, and voyeurism.

***Stalking*** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's individual safety or the safety of others; or (2) suffer substantial emotional distress.

***Economic Abuse*** in the context of domestic violence, dating violence and abuse in later life, means behavior that is coercive, deceptive, or unreasonably controls or restrains a person's ability to acquire, use or maintain economic resources to which they are entitled, including using coercion, fraud or manipulation to (A) restrict a persons access to money, assets, credit or financial information; (B) unfairly use a person's personal economic resources, including money, assets, and credit, for one's own advantage; or (C) exert undue influence over a person's financial and

economic behavior or decisions, including forcing default on joint or other financial obligations, exploiting powers of attorney, guardianship, or conservatorship, or failing or neglecting to act in the best interests of a person to whom one has a fiduciary duty.

**Technological Abuse** means an act or pattern of behavior that occurs within domestic violence, sexual assault, dating violence or stalking and is intended to harm, threaten, intimidate, control, stalk, harass, impersonate, exploit, extort or monitor, except as otherwise permitted by law, another person, that occurs using any form of technology, including but not limited to: internet enabled devices, online spaces and platforms, computers, mobile devices, cameras and imaging programs, apps, location tracking devices or communication technologies, or any other emerging technologies.

**Trauma-informed** refers to approaches delivered with an understanding of the vulnerabilities and experiences of trauma survivors, including the prevalence and physical, social, and emotional impact of trauma. A trauma-informed approach recognizes signs of trauma in staff, clients, and others, and responds by integrating knowledge about trauma into policies, procedures, practices, and settings. Trauma-informed approaches place priority on restoring the survivor's feelings of safety, choice, and control. Programs, services, organizations, and communities can be trauma-informed.

**Victim-centered** refers to placing the victim's priorities, needs, and interests at the center of the work with the victim; providing nonjudgmental assistance, with an emphasis on client self-determination, where appropriate, and assisting victims in making informed choices; ensuring that restoring victims' feelings of safety and security are a priority and safeguarding against policies and practices that could inadvertently re-traumatize victims; ensuring that victims' rights, voices, and perspectives are incorporated when developing and implementing system- and community-based efforts that impact victims of violence.

### **3. Eligibility for Emergency Transfers**

A tenant who is a victim of domestic violence, dating violence, human trafficking, sexual assault, stalking, emotional abuse and/or technological abuse as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer, if: a tenant expressly requests a transfer, and 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. Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements described.

Participants in housing assistance programs that receive additional HUD funding (e.g. Housing Choice Voucher/Project Based Vouchers) may choose to use the protections or remedies under any or all of those programs, as long as the protections or remedies are feasible and permissible under each of the program statutes. The Charlotte-Mecklenburg Regional Housing Authority's (NRHA) Emergency Transfer Plans are part of the Admission and Continued Occupancy Plan (ACOP) for public housing and the NRHA's Administrative Plan for Tenant-Based and Unit-Based Vouchers.

A tenant's request for a transfer does not guarantee continued assistance beyond the term of the program, if applicable, nor an external transfer to other HUD housing programs.

#### **4. Emergency Transfer Request and Documentation**

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan and outlined in the Request for Emergency Transfer ([HUD Form 5383](#)). To request an emergency transfer, the participant shall notify the housing provider and submit a written request for a transfer to the administrative office or the assigned case manager.<sup>6</sup> A covered agency will provide reasonable accommodations to this policy for persons with disabilities and those with limited English proficiency.<sup>7</sup> The housing provider will assist the participant in securing documentation of the reported incident and/or third party documentation as described in HUD Form 5382. A participant has 14 business days in which to provide documentation of an incident after receiving a written request from the housing provider. An extension of time is available for extenuating circumstances, otherwise, participant may lose these afforded protections.

A tenant's request for an emergency transfer should include either:<sup>8</sup>

1. 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 agency's assistance program; OR

---

<sup>6</sup> See, HUD Form 5382 and NC ESG Form 5382, *Certification of Documenting Incident Under VAWA*

<sup>7</sup> See, [https://www.hud.gov/program\\_offices/administration/hudclips/forms/hud5a](https://www.hud.gov/program_offices/administration/hudclips/forms/hud5a) for forms in various languages.

<sup>8</sup> See, HUD Form 5383 and NC ESG HUD Form 5383

2. 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.

A participant may have third-party documentation that demonstrates eligibility for an emergency transfer under VAWA. Examples of third party documentation include, but are not limited to: a letter or other documentation from a victim service provider, social worker, legal assistance provider, pastoral counselor, mental health provider, or other professional from whom the participant sought assistance; a current restraining order; a recent court order or other court records; a law enforcement report or records; communication records from the perpetrator of the violence or family members or friends of the perpetrator of the violence, including emails, voicemails, text messages, and social media posts.

## **5. Confidentiality**

A covered housing provider will keep confidential any information that the tenant submits requesting an emergency transfer, whether internal or external, and any information about the emergency transfer, unless the tenant gives 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, human trafficking, dating violence, sexual assault, or stalking against the tenant.<sup>9</sup>

A housing provider must keep confidential any information related to the exercise of a tenant's rights under VAWA, including the fact that a tenant is exercising their rights under this notice and must not allow any individual administering assistance or other services on behalf of the housing provider (for example, employees and contractors) to have access to confidential information unless it is specifically permitted that these individuals have access to this information under applicable Federal, State, or local law. A housing provider must not enter the information into any shared database or disclose the information to any other entity or individual unless and if:

1. Victim gave written permission to release the information on a time limited basis.
2. The housing provider needs to use the information in an eviction or termination proceeding, such as to evict the abuser or perpetrator or terminate the abuser or perpetrator from assistance under this program.
3. Another state or federal law requires the housing provider or the landlord to release the information.

## **6. Emergency Transfer Timing and Availability**

An agency cannot guarantee that a transfer request will be granted or how long it will take to process a transfer request. However, the agency 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 the availability and safety of a given unit. Nothing may preclude a participant from seeking an internal emergency transfer and an external emergency transfer concurrently if a safe vacant unit is not immediately available. The housing provider must explain both options to the participant. The provider is responsible for assisting household members as they work

<sup>9</sup> See the Notice of Occupancy Rights, Form 5380, under the Violence Against Women Act for All Tenants for more information about a housing provider's responsibility to maintain the confidentiality of information related to incidents of domestic violence, human trafficking, dating violence, sexual assault, or stalking.

to meet their stated safety needs until a transfer can occur. 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. An agency may be unable to transfer a tenant to a specific unit if the tenant has not or cannot establish eligibility for that unit. If a given agency has no safe and available units for which a tenant who needs an emergency transfer is eligible, the agency 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 agency will also assist tenants in contacting the local organizations that offer assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are included in this plan.

Upon receiving the participant's emergency transfer request, the housing provider will assess the possibility of an internal emergency transfer by determining the availability and safety of an alternative unit within that provider's inventory. If an internal emergency transfer is feasible (there is a safe vacant unit available), the provider will act within 48 hours to move the participant who is a victim of domestic violence, dating violence, human trafficking sexual assault, or stalking to another unit. If an internal transfer is not feasible, the participant should be considered for an external transfer to another program within the CoC. All emergency transfer requests shall receive priority for available housing placements for which they are eligible. The household shall retain their original homeless or chronically homeless status for the purposes of the transfer. If the external transfer request is approved and the participant is referred to another program, the provider is responsible for assisting the household with meeting documentation requirements of the program where they are referred. For instance, the provider would share the documentation of homelessness, disability, and/or other items that were received at entry to the referring program. The housing provider would not share any information about the situation prompting the transfer without receiving specific written consent from the participant.

#### **7. Non-transferring Household Member(s) and Lease Bifurcation**

If a family separates in order to affect an emergency transfer and the non-transferring household member is engaged in criminal activity directly relating to domestic violence, sexual assault, dating violence, human trafficking, or stalking, a housing provider may bifurcate the lease, or remove said household member from the lease in order to evict, remove, terminate occupancy rights, or terminate assistance to the non-transferring member. In terminating assistance or occupancy rights of the non-transferring household member, the housing provider must follow its written termination policy and grievance procedure, including formal due process. In removing the abuser or perpetrator from the unit, the housing provider must follow Federal, State, and local eviction procedures. When a household receiving assistance separates, the household's assistance shall continue for the household member(s) who are not evicted or removed in a program for which the remaining household member(s) are eligible.

#### **8. Costs of Breaking a Lease**

Providers of CoC or ESG funded tenant-based rental assistance may use grant funds to pay amounts owed for breaking the lease if the family qualifies for an emergency transfer under this model plan.

### **9. Limitations on Transfer Requests**

Neither a housing provider nor NC 505 can force a participant to move to a unit that does not feel safe. A survivor of domestic violence, dating violence, human trafficking, sexual assault, or stalking can invoke this plan multiple times. A transfer cannot be denied because the perpetrator learned of a new location of residence, even if the perpetrator learned from the victim. There is no limitation on the number of emergency transfers that a survivor can request.

### **10. Grievance**

If an emergency transfer is denied, participants can file a grievance following the NC-505 Participant Grievance and Termination procedure. The Coordinated Entry Oversight Committee will respond to said grievance within two (2) business days from receipt. If the denial is reversed, the household will be transferred to a unit for which they are eligible.

### **11. Record Keeping**

The housing provider 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 must be reported to HUD annually. Records must be retained for at least 5 years after the expenditure of all funds from the grant under which the program participant was served consistent with the NC 505 Participant File and Record Retention Policy.

### **12. Safety and Security of Tenants**

Pending processing of the emergency transfer request and any actual transfer, the tenant should take all reasonable precautions to be safe. Contact Law Enforcement (**911**) for immediate assistance or these resources:

- Charlotte-Mecklenburg Police Department (704) 336-7600
- Charlotte-Mecklenburg Police Department Domestic Violence Unit (704) 336-2379
- Huntersville Police Department (704) 464-5400
- Mecklenburg County Sheriff's Department (704) 336-8100
- Mint Hill Police Department (704) 545-1085
- Pineville Police Department (704-889-7867
- Greater Charlotte Hope Line (980) 771-4673
  - 24/7 crisis telephone support related to domestic violence, sexual assault, and parenting
- National Domestic Violence Hotline at 1-800-799-7233. For persons with hearing impairments, that national hotline is accessible by calling 1-800-787-3224 (TTY). Sexual Trauma Resource Center (704) 332-9034
- Mecklenburg County Community Support Services (704) 336-3210
  - Individual counseling, support groups, and support services related to domestic violence or dating violence
- Safe Alliance Lake Norman Services (704) 655-8745
  - Individual counseling, support groups, and victim advocacy related to domestic violence, sexual assault and child abuse in the Lake Norman area

- Safe Alliance Victims Assistance Court Program (704) 312-1667
  - Assistance with Domestic Violence Protective Orders and court advocacy