

Fairville Management Company, LLC Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

Fairville Management Company, LLC ("Fairville") 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, ("VAWA"),¹ Fairville 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. Victims cannot be discriminated against on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age.

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 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 Fairville is in compliance with VAWA.

Definitions

- **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. For example: If a tenant moves from one property to another property, often across ownership or management entities, this would be categorized as an External emergency transfer.
- **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. A tenant may request a transfer to a different unit within the same apartment building because the abuser knows their current unit location.
- **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).

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 Fairville must provide a copy if requested. Fairville may ask for submission of a written request for an emergency transfer, such as form HUD-5383, to certify eligibility for the emergency transfer.

A Tenant is eligible for an 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 the assault occurred.

Fairville, in response to an emergency transfer request, should not evaluate where 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.

Emergency Transfer Policies

Internal transfers when a safe unit is immediately available

Upon receipt of a completed VAWA transfer request and absent any conflicting or missing information, Fairville will immediately process the request for transfer submitted by the tenant due to domestic violence, dating violence, sexual assault, stalking, or human trafficking.

Fairville will make the maximum effort to approve or deny internal transfer requests as soon as accurate and complete information is received, but no later than fourteen (14) business days. However, approval of an emergency transfer does not guarantee a safe and appropriate unit is available. If one is not available at the time, Fairville will refer the tenant to organizations that may be able to further assist.

Fairville will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available, if the tenant believes that there is a threat of further imminent harm if they remain in the unit. Fairville defines immediately available as a vacant unit, that is ready for move-in with a reasonable period, not to exceed 90 days.

The tenant, except when the transfer is due to the need of Fairville, will pay all moving costs related to the transfer.

The resident will be billed for any maintenance or other charges due for the "old" unit. The security deposit will be refunded to the tenant minus these charges. When moving into the new unit the tenant will be responsible for paying the new security deposit.

Internal transfers when a safe unit is not immediately available

If a safe unit is not immediately available, Fairville will place the tenant on the emergency transfer waiting list. At the request of the tenant, Fairville 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 Fairville will also refer the tenant to organizations that may be able to further assist.

External transfers

Tenants who qualify for an Emergency Transfer will not be required to provide a move-out notice. The tenant will also be provided with all available information on current unit availability known to Fairville.

VAWA provisions do not supersede eligibility or other occupancy requirements that may apply under a covered housing program. Fairville may be unable to transfer a tenant to a particular unit if the tenant cannot establish eligibility for that unit.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify HP's management office and submit a written request for a transfer to Fairville Management Company, LLC, 5718 Kennett Pike, Wilmington, DE 19807 or welisten@fairvillemanagement.com. If Fairville does not already have documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, Fairville may ask for this documentation in accordance with 24 CFR 5.2007. Unless Fairville receives documentation that contains conflicting information, as described in 24 CFR 5.2007(b)(2), Fairville cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. Fairville will provide reasonable accommodations to this policy for individuals with disabilities.

The tenant's written request for an emergency transfer should 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.

Form HUD-5383 may be used for making a written request for an emergency transfer.

All documentation must be provided by the tenant within fourteen (14) business days of the request for documentation from Fairville, Unless Fairville receives documentation that contains conflicting information, including certification forms from two or more members of a household each claiming to be a victim and claiming one or more of the other petitioning household members as the perpetrator, as described in 24 CFR 5.2007(b)(2), Fairville cannot require third-party documentation to determine status as a VAWA victim for emergency transfer eligibility. If a third-party request is made by Fairville, the tenant shall have 30 calendar days from the date of the request to provide the information.

Fairville will provide reasonable accommodations to this policy for individuals with disabilities, which may include the option to provide a request verbally.

Priority for 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.

- Fairville waitlists give preference for VAWA emergency transfers. Current tenants who qualify for a VAWA emergency transfer will be given first priority, if and when, a safe and appropriate unit is available. Emergency transfers under VAWA will take priority over waiting list admissions.
- VAWA emergency transfers will take priority over Fairville's required transfers (transfers not requested by tenants) and general transfer requests made by tenants who are not a VAWA transfer request.

Confidentiality

If a tenant inquires 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, Fairville 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 Fairville employees or contractors if explicitly authorized by Fairville 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:

- Written permission by the victim in a time-limited release;
- Required for use in an eviction proceeding or hearing regarding termination of assistance; or
- 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, Fairville's confidentiality policy requires a written release of information, signed by the victim, to release any information outside the organization, unless the information is needed to execute an eviction, facilitate a hearing, or if Fairville is compelled by law to release the information. It is Fairville's policy to provide strict confidentiality in all areas and VAWA is no exception, including a tenant's request for Fairville to communicate with advocates or other community partners, which requires a signed Release of Information from the tenant.

Emergency Transfer Procedure

Fairville cannot specify how long it will take from the time a transfer request is approved until the tenant can be placed in a new, safe unit. Fairville will, however, act as quickly as possible to assist a tenant who qualifies for an emergency transfer. If Fairville identifies an available unit

and the tenant believes that unit would not be safe, the tenant may request a transfer to a different unit. Fairville may be unable to transfer a tenant and their household to a particular unit if the tenant and their household have not established or cannot establish eligibility for that unit.

If Fairville does not have any safe and available units for which the tenant is eligible, Fairville will assist the tenant in identifying other covered housing providers who may have safe and available units to which the tenant could move. At the tenant's request, Fairville will also assist the tenant in contacting the local organizations offering assistance to victims of VAWA violence/abuse that are attached to this plan.

Making the Emergency Transfer Plan Available

Fairville's VAWA Emergency transfer Plan may be found on the Fairville website at: <https://www.fairvillemanagement.com> and can be provided upon request. VAWA information is also available in alternative languages and accessible formats at: <https://www.hud.gov/vawa#close>

Safety and Security of Tenants

When Fairville receives any inquiry or request regarding an emergency transfer, Fairville 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.

Resource Information

For additional information on VAWA and to find help in your area, visit <https://www.hud.gov/vawa> . If you are in danger, please call 911. Other organizations offering assistance:

National Domestic Violence Hotline https://www.thehotline.org/ 1-800-799-SAFE (7233) TTY: 1-800-787-3224 Text "START" to 88788	National Human Trafficking Hotline https://humantraffickinghotline.org/en 1-888-373-7888 711 (TTY) Text: 233733
National Sexual Assault Hotline https://rainn.org/ 1-800-656-HOPE (4673) Text HOPE to 64673	National Teen Dating Abuse Helpline https://www.loveisrespect.org 1-866-331-9474 Text LOVEIS to 22522
National Runaway Safeline https://www.1800runaway.org 1-800-RUNAWAY (800-786-2929) (call or text)	National Center for Victims of Crime https://victimconnect.org/ 1-855-VICTIM (1-855-484-2846) (call or text)