

Homeless	= 3
Families with Minor Children	= 2
Residency	= 1
RAD Choice Mobility	= 3
PH Special Accommodation	= 3
FUP Youth	= 3
RAD Relocation	= 4
HACA VAWA Emergency	= 5

- (A) **Elderly Preference:** HACA will give preference to elderly families. An elderly family is a family in which the head, spouse or co-head is age 62 or older.
- (B) **Disabled Preference:** HACA will give preference to disabled families. A disabled family is a family in which the head, spouse or co-head is disabled using the current HUD definition of disability.
- (C) **Involuntary Displacement Preference:** HACA will give preference to families displaced as a result of natural disaster or government action. The following documentation will be used to verify displacement status:

Certification from a unit of government concerning displacement due to natural disaster; or

Certification from a unit of government concerning displacement due to code enforcement or public improvement/development or displacement by inaccessibility of a unit.

The displacement must have occurred within six months of requesting the involuntary displacement preference. Also, HACA will offer a preference to any family that has been terminated from its HCV program due to insufficient program funding.

- (D) **Homeless Preference:** HACA will give preference to homeless applicants. Each fiscal year HACA will give a preference to no more than 100 applicants or 25% of all applicants drawn (whichever is less) meeting all of the following criteria:
 - a) Meet the HUD definition of homeless. See definitions section at the end of the Administrative Plan.
 - b) Are referred to HACA by a coalition of homeless service providers with whom HACA has executed a Memorandum of Understanding (MOU) outlining the provider’s responsibilities with respect to the provision of housing search assistance and supportive services for the referred household.
 - c) Have received a written commitment from the referring homeless service provider for housing search / location assistance.
 - d) Have received a written commitment from the homeless service provider to offer support services on an as needed basis to help the household transition from homelessness to permanent housing; and

(K) **HACA VAWA Emergency Preference:** HACA will give preference to families living in a HACA owned Public Housing property or Project Based Rental Assistance (PBRA) property, who are victims of domestic violence, dating violence, sexual assault or stalking and meet the eligibility requirements outlined in HACA's VAWA Emergency Transfer Move Plan. Due to the potentially life-threatening nature of a VAWA emergency, this preference is the most heavily weighted preference.

2. Specified category vouchers waiting list selection criteria.

A. **Family Unification Program Vouchers** (targeted funding) Waiting list policy:

Placing FUP eligible families referred by CPS on HACA's HCV waiting list:

The waiting list will remain open for FUP eligible referrals. Eligibility for the FUP vouchers will be based on the respective HUD Notice of Funding Availability and may be limited to referrals from the Texas DFPS. When HACA receives a completed application and referral from the Texas Department of Family and Protective Service (DFPS), the applicant will be placed on the waiting list in order according to the date and time when HACA first received both documents. FUP eligible applicants are granted a preference over all other applicants not eligible for FUP vouchers. Applicants certified eligible for the FUP vouchers will be coded as such on HACA's waiting list. This preference will be granted only for the issuance of FUP vouchers and not any other voucher. If FUP vouchers are not available, FUP eligible families will maintain their original place on the waiting list for the issuance of non-FUP vouchers. All families granted a FUP preference will be prioritized based on date and time of being certified eligible and any other applicable preference (elderly, disable, displaced, homeless, residency).

If a youth or family coded as FUP ceases to meet the criteria for FUP eligibility before the family has moved into an assisted unit, HACA will remove the FUP coding. If the family or youth was previously on the Housing Choice Voucher waiting list, they will maintain their original place on the waiting list. If the youth or family was only on the waiting list due to a FUP referral, they will be removed from the waiting list or lose their voucher if already issued.

B. **Non-Elderly Disabled Program** vouchers (targeted funding) waiting list policy:

For the issuance of Non-Elderly Disabled (NED) vouchers, only applicants certified eligible for NED Vouchers will be issued a NED voucher. To be an eligible application for a NED voucher, HACA will have to receive both a completed application and a completed referral from the Texas Department of Aging and Disability Services (DADS) through their service provider ARCIL (Area Resource Center for Independent Living). Until both are received, the application will not be considered an eligible application. The applicant will only be placed on the waiting list once both documents have been received.

all moves by a family assisted under HACA's HCV program, whether the family moves to another unit within HACA's jurisdiction or to a unit outside HACA's jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into HACA's jurisdiction. This part also covers the special responsibilities that HACA has under portability regulations and procedures.

PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.A. ALLOWABLE MOVES

HUD lists six regulatory conditions under which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.35(b)(3)]. If the family terminates the lease on notice to the owner, the family must give HACA a copy of the notice at the same time [24 CFR 982.35(d)(1)].

The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.35(b)(1)(ii)].

HACA Policy

The following defines HACA's policy on approving moves with continued assistance:

If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the HACA a copy of the termination agreement.

The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.35(b)(2)]. The family must give the HACA a copy of any owner eviction notice [24 CFR 982.551(g)].

The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.35(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to HACA, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR

- 982.35(b)(4), 24 CFR 982.353(b)]. [The PHA must adopt an emergency transfer plan as required by regulations at 24 CFR 5.2007\(e\).](#)

HACA Policy

If a family requests permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault or stalking, HACA will request documentation in accordance with section 16-IX.D of this plan.

The HACA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the HACA will document the waiver in the family's file. [The PHA has adopted an emergency transfer plan, which is included as Exhibit 1 to this plan.](#)

HACA has terminated the HAP contract for the family's unit for the owner's breach [24 CFR 982.314(b)(1)(i)].

HACA determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, HACA must issue the family a new voucher, and the family and PHA must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, HACA must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which HACA gives notice to the owner. [24 CFR 982.403(a) and (c)]

The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.314(b)(3)]. If the family terminates the lease on notice to the owner, the family must give HACA a copy of the notice at the same time [24 CFR 982.314(d)(1)].

10-I.B. RESTRICTIONS ON MOVES

A family's right to move is generally contingent upon the family's compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which HACA may deny a family permission to move and two ways in which HACA may restrict moves by a family.

Denial of Moves

HUD regulations permit HACA to deny a family permission to move under the following conditions:

Insufficient Funding

HACA may deny a family permission to move either within or outside HACA's jurisdiction if HACA does not have sufficient funding for continued assistance [24 CFR 982.35(e)(1)].

However, Notice PIH ~~2016-09~~²⁰¹²⁻¹² significantly restricts the ability of HACA to deny permission to

move due to insufficient funding and places further requirements on HACA regarding moves

EXHIBIT 1**Emergency Transfer Move Plan****for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking****Emergency Transfers**

The Housing Authority of the City of Austin (HACA) is concerned about the safety of its residents and program participants in the Housing Choice Voucher (HCV) program, Public Housing (PH) program and the Project Based Rental Assistance (PBRA) program. Such concern extends to residents who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),² HACA allows residents who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer move from the resident's current unit to another unit within HACA's three programs mentioned above. The ability to request a transfer move is available regardless of sex, gender identity, or sexual orientation.³

The ability of HACA to honor such requests for residents currently receiving assistance, however, may depend upon two things:

- a preliminary determination that the resident is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and
- whether HACA has another dwelling unit that is available and is safe to offer the resident for temporary or permanent occupancy.

This plan identifies residents who are eligible for an emergency transfer move, the documentation needed to request an emergency transfer move, confidentiality protections, how an emergency transfer move may occur, and tips for residents on safety and security. This plan is based on a model emergency transfer move plan published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees the HCV, PH and PBRA programs.

² 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.

³ 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.

Eligibility for Emergency Transfers

A resident of HACA's HCV, PH or PBRA program 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 move if:

- the resident reasonably believes that there is a threat of imminent harm from further violence if the resident remains within the same unit; or
- in the case of sexual assault the resident 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 move.

A resident requesting an emergency transfer move must expressly request the transfer move in accordance with the procedures described in this plan.

Residents who are not in good standing may still request an emergency transfer move if they meet the eligibility requirements in this section.

Emergency Transfer Move Request Documentation

To request an emergency transfer move, the resident must do the following:

HCV Resident: The resident shall notify his / her eligibility specialist and submit a written request for a transfer move to another unit. The eligibility specialist will provide the resident with an Emergency Transfer Move Request form. HACA will provide reasonable accommodations to this policy to allow individuals with disabilities to submit the request in an accessible manner.

PH and PBRA Residents: The resident shall notify the property manager and submit a written request for a transfer to the property manager. The property manager will provide the resident with an Emergency Transfer Request form. HACA will provide reasonable accommodations to this policy to allow individuals with disabilities to submit the request in an accessible manner.

The HCV, PH or PBRA resident's written request for an emergency transfer move should include either:

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

Confidentiality

HACA will keep confidential any information that the resident submits in requesting an emergency transfer move, and information about the emergency transfer move, unless:

- the resident gives HACA written permission to release the information on a time limited basis, or
- disclosure of the information is required by law; or
- disclosure is required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program.

This confidentiality includes keeping confidential the new location of the dwelling unit of the resident, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the resident. See the Notice of Occupancy Rights under the Violence Against Women Act For All Residents for more information about HACA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Emergency Transfer Move Timing and Availability

HACA cannot guarantee that a transfer move request will be approved or how long it will take to process a transfer move request. HACA will, however, act as quickly as possible to move a resident who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

Residents can request internal and external transfer moves. Internal transfer moves are moves within the same program. External transfer moves are moves that cross over to a different program. Residents can make these requests simultaneously to allow for the opportunity to move at the earliest possible time.

HCV Residents: Upon receipt of the Transfer Move Request and verification of being a victim of domestic violence, dating violence, sexual assault, or stalking, the eligibility specialist will provide the resident with a Rescission form to be completed by the resident and their current landlord. The eligibility specialist will assist the resident with both internal and external move options:

- *Internal Transfer Move Options:* The resident will be given a voucher which can be used to locate a new unit within HACA's voucher jurisdiction where the family feels safe. The family can also use the portability feature of the voucher and move to the jurisdiction of any other Public Housing Authority that administers the HCV program.
- *External Transfer Move Options:* The resident will be given the opportunity to place their name on the waiting list for any of HACA's 18 PH and PBRA properties where the family feels safe, even if the waiting list for that property is closed. This placement on the waiting list is done with a preference that will move the family to the top of the list. HACA's Admissions Department will streamline the eligibility determination process to assist the family with moving as quickly as possible.

PH and PBRA Residents: Upon receipt of the Transfer Move Request and verification of being a victim of domestic violence, dating violence, sexual assault, or stalking, the property manager will assist the resident with both internal and external move options:

- *Internal Transfer Move Options:* The resident will be given the opportunity to place their name on the waiting list for any of HACA's 18 PH and PBRA properties where the family feels safe even if the waiting list for that property is closed. This placement on the waiting list is done with a preference that will move the family to the top of the list. If a resident reasonably believes a proposed internal transfer would not be safe, the resident may reject the transfer offer and request a transfer to a different unit.
- *External Transfer Move Options:* When voucher funding is available, the resident may request to be placed on the voucher waiting list with an emergency preference, even if the list is closed. With a voucher the family can locate a new unit within HACA's voucher jurisdiction where the family feels safe. The family can also use the portability feature of the voucher and move to the jurisdiction of any other Public Housing Authority that administers the HCV program. HACA's Admissions Department will streamline the eligibility determination process to assist the family with moving as quickly as possible.

If a unit is available, the transferred resident must agree to abide by the terms and conditions that govern occupancy in the unit and program to which the resident has been transferred. HACA may be unable to transfer a resident to a particular unit if the resident has not or cannot establish eligibility for that unit.

If HACA has no safe and available units for which a resident who needs an emergency transfer move is eligible, HACA will assist the resident by referring them to local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are attached to this plan.

Safety and Security of Residents

Pending processing of the transfer move and the actual transfer move, if it is approved and occurs, the resident is urged to take all reasonable precautions to be safe.

Residents who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, 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).

Residents who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Residents who are or have been victims of stalking may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

Attachment: Local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking include the following (list may not be exhaustive):

- **Safe Place**
24/7 Hotline: (512) 267-SAFE (7233)
- **The Salvation Army Shelter for Women and Children**
4523 Tannehill Ln
Austin, TX 78721
(512) 933-0600
- **Casa Marianella**
Posada Esperanza
821 Gunter St
Austin, TX 78702
(512) 928-8862
- **Asian Family Support Services of Austin**
Hotline: 1-877-281-8371
Local: (512) 651-3743
- **Travis County Health and Human Services Community Centers**

Palm Square
100 N IH 35 Suite 2000
Austin, TX 78701
(512) 854-4120

Del Valle
3518 FM 973 S
Del Valle, TX 78617
(512) 854-1520

Post Road
2201 Post Rd Suite101
Austin, TX 78704
(512) 854-9130

Manor
600 W Carrie Manor St
Manor, TX 78653
(512) 854-1550

Pflugerville
15822 Foothill Farm Loop
Pflugerville, TX 78660
(512) 854-1530

Oak Hill
8656 W Hwy 71
Oak Hill, TX 78735
(512) 854-2130

- **City of Austin Neighborhood Centers**

Blackland
2005 Salina St

East Austin
211 Comal St

Montopolis
1416 Montopolis Dr

Austin, TX 78722
(512) 972-5790

Austin, TX 78702
(512) 972-6650

Austin, TX 78741
(512) 972-6650

Rosewood-Zaragoza
2800 Webberville Rd
Austin, TX 78702
(512) 972-6740

South Austin
2508 Durwood St
Austin, TX 78704
(512) 972-6840