



Emergency Transfer Program Frequently Asked Questions



(UPDATED 11.25.20)

What is the Violence Against Women Act (VAWA)?

The Violence Against Women Act (VAWA) is a federal law that protects victims of domestic violence, dating violence, sexual assault, and stalking (VAWA victims), whether they are men or women.

The U.S. Department of Housing and Urban Development has issued new regulations regarding the Violence Against Women Act (VAWA). These regulations will simplify the emergency transfer process for VAWA victims (victims of domestic violence, dating violence, sexual assault, and stalking).

NYCHA is also making changes to simplify the emergency transfer process for intimidated witnesses (IW), intimidated victims (IV), and victims of traumatic incidents (VTI), even though they are not covered by the VAWA regulations. NYCHA will change its emergency transfer process for public housing residents as of June 14, 2017.

What's Changing?

Residents who are VAWA victims (victims of domestic violence, dating violence, sexual assault, or stalking) can, but are no longer required to, submit third-party documentation to show they are VAWA victims eligible for an emergency transfer.

Intimidated victims, intimidated witnesses, and victims of a traumatic incident must submit third-party documentation to show they are eligible for emergency transfer. There are different documentation requirements for each of these types of transfers. Please see "What forms have to be completed to apply for an emergency transfer?" on the next page.

Residents who are eligible for emergency transfers as a VAWA victim, an intimidated witness, an intimidated victim, or a victim of a traumatic incident will have more flexibility in deciding where to transfer. Residents can choose to be on a NYCHA-wide waiting list, or they can select a particular borough. In addition, residents can exclude up to two zip codes in locations where they would not feel safe.

Who is eligible for VAWA protection?

VAWA protections cover victims of domestic violence, dating violence, sexual assault, or stalking who are tenants and assisted families, as defined under applicable program regulations. VAWA protections also cover applicants when they are applying for admission to a covered housing program.

VAWA protections are not limited to women. Victims of domestic violence, dating violence, sexual assault, or stalking are eligible for protections without regard to sex, gender identity, or sexual orientation.

Who is ineligible for VAWA?

Guests, unassisted members, and live-in aides of the family are ineligible for VAWA protections that are available only to tenants and participants.

What rights do victims have under VAWA?

A housing authority cannot deny admission to a person, or terminate a person from public housing, just because he or she is a VAWA victim. In addition, housing authority must have an emergency transfer process in place for VAWA victims. VAWA also allows, but does not require, a housing authority to bifurcate a lease to terminate the rights of the abuser, while protecting the victim and other innocent household members.



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What is an emergency transfer?

Emergency transfer allows a tenant to relocate from their present development to another unit in accordance with NYCHA's emergency transfer plan.

Tenants (lessee, co-lessees) can apply for an emergency transfer if they believe they, or other individuals covered under the definitions below, qualify as victim under one of the emergency transfer categories. Furthermore, an authorized household member can also apply for a VAWA transfer. There are four Emergency Transfer Categories:

- Victim under the Violence Against Women Act (VAWA Victim): victim of domestic violence, dating violence, sexual assault or stalking
- Intimidated Victim (IV)
- Intimidated Witness (IW)
- Victim of Traumatic Incident (VTI)

How and where can a tenant apply for an emergency transfer?

A tenant can apply for an emergency transfer through NYCHA's Self-Service Portal or can visit his/her local Property Management Office. The Self-Service Portal can be found on NYCHA's website (www.nyc.gov/NYCHA).

What forms have to be completed to apply for an emergency transfer?

- VAWA victim must complete: Emergency Transfer Request for VAWA Victims, NYCHA Form 040.923, which can be accessed through NYCHA's website under the Resident Section (<http://www1.nyc.gov/site/nycha/residents/resources.page>) or at the local Property Manager's Office.
- Intimidated Victim: Tenant must work with Safe Horizon to complete and submit the emergency transfer application, NYCHA Form 040.920. Safe Horizon must submit an advocacy letter in support of the emergency transfer. An order of protection or police report must also be submitted, documenting a criminal offense of physical violence or threat of violence against the victim (tenant or household member). Tenant can visit the local Property Manager's Office or visit the on-line self-service portal to obtain forms.
- Intimidated Witness: Tenant must be referred by the U.S. Attorney's Office, DA's Office, Corporation Counsel (for minors) or NYPD. NYCHA Form 040.921 must be submitted. In addition, the referring agency must submit an advocacy letter stating that the tenant or household member is cooperating in the arrest or prosecution of the perpetrator, that there has been an arrest or an anticipated arrest, and that as a result of the cooperation the family faces a threat. Tenant can visit the local Property Manager's Office or visit the on-line self-service portal to obtain forms.
- Victim of Traumatic Incident: Tenant must submit three items: (1) a transfer request form, NYCHA Form 040.922; (2) NYCHA Form 088.165, completed by the tenant and by a psychologist, psychiatrist, or licensed clinical social worker, explaining the traumatic incident and its effects, and why a transfer is needed; and (3) a police report showing the tenant or an authorized household member was the victim of a violent felony at the development no more than six months before the date the emergency transfer request was submitted. Forms can be obtained at the Property Manager's Office or on-line in the self-service portal.

How can a tenant check on the status of their emergency transfer request?

A tenant can check the status of the request online, via the Self Service Portal—any time 24 hours a day, 7 days a week. The tenants will also receive a letter advising of whether the emergency transfer request was approved or disapproved. If the request is approved, NYCHA will notify the tenant once he/she is selected for an apartment.



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Can a tenant appeal if NYCHA denies their request for an emergency transfer?

Yes, a tenant can appeal. If the transfer request has been disapproved and the tenant would like to challenge the determination, the tenant may request a hearing at the development's Property Management Office within 14 days of the date of the denial.

If a tenant's emergency transfer request is approved, how long will the tenant have to wait to receive an apartment offer?

Even if NYCHA finds the tenant is eligible for an emergency transfer, it is not a guarantee that the tenant will be transferred. NYCHA will act as quickly as possible to transfer eligible tenants; however, NYCHA's ability to transfer an eligible tenant to a new apartment depends on the availability of a unit based on the tenant's family composition and transfer preferences, the tenant's transfer priority, the size of NYCHA's waiting list, turnover rate, and the availability of vacant apartments. NYCHA's Emergency Transfer Program is not intended to be a witness protection program and NYCHA cannot guarantee the safety or security of individuals and families who choose to apply and/or who are transferred under this program. Pending the review and/or processing of the tenant's emergency transfer request, tenants should be urged to take reasonable precautions to be safe. If you have questions regarding NYCHA's Emergency Transfer process, please call the Emergency Transfer Hotline: 212-306-8833.

Where can a tenant move if he/she is eligible for an emergency transfer?

A tenant can choose to be placed on a NYCHA-wide waiting list that includes developments in all five boroughs. Alternatively, a tenant can choose to be placed on the waiting list for a single borough. Up to two zip codes can be excluded by the tenant if she/he does not feel safe transferring to those areas. A tenant does not have to exclude any zip codes, including the zip code where they currently live, if tenant feels they can safely transfer to an apartment in their current zip code.

How many apartment offers will an eligible tenant receive?

To facilitate safe transfers, an eligible tenant will be given two apartment offers. If the tenant applied for an emergency transfer as a VAWA victim and receives and rejects two offers because they believe the proposed transfers would not be safe, and they want to be offered a third apartment, they must submit a signed statement, either online through the Self-Service Portal or in person at the Property Management Office explaining why the offers were not safe. If the tenant applied for an emergency transfer as an intimidated victim, the tenant or Safe Horizon must submit the statement. If tenant applied for an emergency transfer as an intimidated witness, the tenant or the Referring Agency must submit the statement. If tenant applied for an emergency transfer as a victim of traumatic incident, the advocate and/or mental health provider must submit the statement. NYCHA will evaluate the submissions and will determine whether tenant qualifies for a third offer.

What if I need to leave my apartment for safety reasons?

There may be circumstances, for safety reasons, that you need to leave your apartment and find temporary residence elsewhere, while waiting for a transfer. To maintain your legal residency, do not hand in your keys or sign a Vacate Notice at this time but advise NYCHA that you have temporarily relocated and if there are any family members who continue to reside in the apartment. If you are a victim of domestic violence and provide documentary proof that you have vacated your apartment for safety reasons, NYCHA will not pursue a non-payment of rent proceeding or an administrative termination-of-tenancy proceeding based on unpaid rent for the period between: (1) the date you have both been approved for a domestic violence transfer and submitted documentary proof verifying you vacated the apartment for safety reasons, and (2) when you are selected for a new NYCHA apartment. Domestic violence victims may provide documentary proof by sending it to VAWATempRelo@nycha.nyc.gov. NYCHA will not nullify the domestic violence transfer request based on any legal action taken against any remaining members of the household in your original apartment.



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How will the tenant be notified if selected for an apartment?

NYCHA will send a letter to the tenant's current address, unless the tenant lists a preferred alternate address on the emergency transfer form. Tenant can also check status on the Self-Service Portal. NYCHA will also send an apartment notification email to the referring agency if the tenant applied for transfer as an intimidated victim or intimidated witness.

Where can tenant get more information about VAWA and emergency transfers?

You can find more information in NYCHA's Emergency Transfer Policy, which is posted on the NYCHA website. Tenants will also receive more information about VAWA with their annual review packet.