

TRANSFER POLICY

INTRODUCTION

HUD allows PHAs to establish transfer policies in any manner that is reasonable and that does not conflict with any other HUD established occupancy regulations or affirmative housing goals. The PHA should establish transfer policies that will be consistently applied. Nothing in this Model policy is intended to be the absolute procedure PHAs must use.

The transferring of families is a very costly procedure, both to the PHA and to the families. However, it is the policy of the PHA to permit a resident to transfer within or between housing developments; when it is necessary to comply with occupancy standards; or when it will help accomplish the Affirmative Housing goals of the PHA. The transfer policy will be carried out in a manner that does not violate fair housing.

For purposes of this transfer policy, the “losing development” refers to the unit from which the family is moving and the “gaining development” refers to the unit to which the family is transferring.

A. GENERAL STATEMENT

It is the policy of the PHA to require or permit resident transfers, within and/or between PHA public housing developments for the following reasons:

1. To abate dangerous and/or substandard living conditions
2. To abate emergency life-threatening living conditions caused by third-party criminal activity;
3. To accommodate verified physical conditions caused by long term illness and/or disability; and
4. To accommodate resident families that are determined to be over- or under-housed by virtue of their family size.

A family may be requested and may be approved to transfer for valid and certifiable reasons, such as, enabling the family to:

Move from an upstairs to a downstairs unit for medical or accessibility reasons; or

The PHA will always consider a request to transfer as a reasonable accommodation for a person with a disability.

B. ELIGIBILITY FOR TRANSFER

In order to be determined eligible to receive a transfer, residents must submit the requested documentation to the PHA, to substantiate their request, and must be in good standing with the PHA.

Families transferring to another development must have paid the security deposit in full at the losing development.

It will be up to the gaining development to collect the charges. The PHA will charge the families for any damages to the previous unit that exceed that unit's security deposit.

Except in emergency situations, transfers will be avoided when the family is:

1. Delinquent in its rent or charges;
2. About to be asked to move for reasons other than non-payment of rent.
3. Not in good standing with the PHA due to rental history or a history of disturbances.
4. The PHA will not grant a transfer request solely to accommodate neighbors who "cannot get along."

C. PRIORITY OF TRANSFERS

The Transfer Waiting list will be maintained in rank order according to the following priorities:

Emergency

Transfer will be within the housing development unless emergency transfer cannot be accomplished in this manner.

Emergency transfers are initiated by the PHA and/or written family request.

Medical hardship and accessibility

Transfer will be within the housing development unless appropriate unit is not available to meet the family's needs within the development.

Medical hardship and accessibility transfers are initiated by the PHA and/or written family request.

Underhoused (Overcrowded)

Executed when family's name reaches the top of transfer list and authorized unit available.

Transfer will be within the housing development unless size and type of unit required does not exist within that development's inventory.

Transfers are initiated by the PHA and/or written family request.

Overhoused

Executed when family's name reaches the top of transfer list and authorized unit available.

Transfer will be within the housing development unless size and type of unit required does not exist within that development's inventory.

Transfers are initiated by the PHA and/or written family request.

D. EMERGENCY TRANSFER

The PHA will authorize an emergency transfer for a participant family if one of the following conditions occurs:

The resident's unit has been damaged by fire, flood, or other causes to such a degree that the unit is not habitable, provided the damage was not the result of an intentional act, carelessness / or negligence on the part of the resident or a member of the resident's household.

E. SPECIAL CIRCUMSTANCES TRANSFER

The PHA will authorize transfers under special circumstances for a participant family if one of the following conditions occurs:

1. The resident's unit is being modernized or significantly remodeled.
In such cases, the family may only be offered temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit once rehabilitation is complete.
2. Transfers due to threat of violence shall have priority over other transfers except for emergency transfers.
3. The PHA has a need, at the discretion of the Executive Director's, to transfer the resident family to another unit and the resident voluntarily agrees to such a transfer.

F. MANDATORY TRANSFERS

If there is a required change in the size of unit needed, it will be necessary for the resident to move to a unit of an appropriate size and a new lease will be executed.

If an appropriate unit is not available, the resident will be placed on a transfer list and moved to such unit when it does become available.

The PHA will place all families requiring a mandatory transfer due to occupancy standards on a transfer list, which will be reviewed for need-based transfers before any unit is offered to a family on the waiting list.

The family will be offered the next appropriately sized unit that becomes available after other such families already on the transfer list who are in need of the same size unit.

If a family that is required to move refused the offered unit, the PHA will evaluate the reason for the refusal and determine if it is one of good cause. If the PHA determines that there is no good cause, the PHA will begin lease termination proceedings.

The PHA will offer the family an opportunity for an informal conference before terminating the family's lease. The family will have 7 working days from the issue date of the Notice to Terminate to request an informal conference.

G. MOVING COSTS

The resident, except when the transfer is due to uninhabitability, through no fault of the resident, or when the transfer is due to the need of the PHA, will pay all moving costs related to the transfer.

H. SECURITY DEPOSITS

The family will be required to pay a new deposit and upon acceptance of a unit will be informed of the manner in which it is to be paid.

If a new deposit will create a financial hardship for the family the PHA will enter into a payment agreement with the family. Any unused portion of the deposit from the family's current unit will be applied to the balance on the new security deposit and the family will be required to fulfill the remaining portion of the payment agreement until the security deposit on the new unit has been paid in full.

The PHA will require a new security deposit of all families.

Security deposits will always be transferred from the losing development to the gaining development minus any damage or cleaning charges applicable to the losing unit.

The resident will be billed for any charges that occur as a result of the resident moving out of the apartment. The office of the gaining development is responsible for collecting any maintenance charges due the PHA.

I. PROCESSING TRANSFERS

Transfers will be processed as follows.

There will be no lapsed time between move-out and move-in. Effective dates must not overlap nor will both projects carry the resident on their books at the same time.

The resident will be informed that once the family has leased up and been issued the keys, the family will be charged rent on both units until the keys from the old unit are turned in [with the exception of one day at the rental rate of the old unit. Note: this is in case a change in income has occurred since the last reexamination.])

Both losing and gaining developments involved must have a definite agreement as to when the losing development will move the resident out and the gaining development will move the resident in.

Losing Developments

Transfers to other developments will be processed in the same manner as move-outs. The name of the transferred resident and the name of the development s/he transferred to, with other required information, will be reported as a transfer move-out on the Project Daily Report.

Gaining Developments

Transfers from other developments will be processed in the same manner as move-ins, including a new lease and applicable security deposit. The name of the transferred resident and the name of the development s/he transferred from, with other required information, will be reported as a transfer move-in on the Project Daily Report.

J. TRANSFER REQUEST PROCEDURE

Resident requesting transfer to another unit or development will be required to submit a written request for the transfer, **unless a reasonable accommodation is requested.**

Residents applying for a transfer will have to complete a transfer request form stating the reason a transfer is being requested. The Occupational Specialist will evaluate the request to determine if a transfer is justified.

The approved request for transfer form will be kept in a file arranged in chronological order or on the computer by bedroom size.

Mandatory transfers due to occupancy standards will be maintained on the transfer list in a manner that allows the PHA to easily distinguish between those that are not mandatory.

If the request is approved, the family will be sent a letter stating that their name has been placed on the transfer list for the bedroom size desired.

The resident will be informed of the security deposit procedures.

If the request is denied the family will be sent a letter stating the reason for the denial, and offering the family an opportunity for an informal conference if they disagree with the decision.

NOTE: A transfer will require good coordination and communication between the gaining and losing developments.

K. RENT ADJUSTMENTS OF TRANSFERRED RESIDENTS

A resident will pay the same rent at the gaining development as s/he paid at the losing development during the month of the transfer. If warranted, the resident's rent will be adjusted by the gaining development to be effective the first of the month following the month of the transfer.

The PHA will notify the resident of the rent change by use of the Notice of Rent Adjustment Letter.

L. REEXAMINATION DATE

The date of the transfer does not change the reexamination date.

Annual reexamination dates are determined by Account Numbers and do not change for any reason.

The losing development will send the family's file to the gaining development once they have been notified that the family has accepted the unit and before the family is leased up. The gaining development will not lease up a family without possession of the family's file.