

Chapter 8

TRANSFER POLICY

INTRODUCTION

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.

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

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

- Closer to a required medical treatment center;
- In areas providing more opportunity for economic self-sufficiency;
- To move from an upstairs to a downstairs units for medical or accessibility reasons; or
- Administrative purposes.

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

Families transferring to another development must have paid the security deposit in full at the losing development. Any move-out charges will be posted to the new unit.

The PHA will charge the families for any damages to the previous unit that exceeds that unit's security deposit.

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

- Delinquent in its rent;
- In the process of reexamination to determine rent and eligibility;
- About to be asked to move for reasons other than non-payment of rent; or
- Not in good standing with the PHA due to rental history or a history of disturbances.

Rank Order of Transfer List

Tenant transfers take precedence over new admissions.

The Transfer Wait list will be maintained in rank order by:

- Medical hardship
- Date of approval
- Emergency
- Unit too large or small
- Administrative reason determined by the PHA
- Employment and education opportunities

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 refuses 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 consider the living area for occupancy standards so that the family may avoid losing their assistance.

The PHA will offer the family an opportunity for an informal conference before terminating the family's lease. The family will have fourteen (14) days from the issue date of the Notice to Terminate to request an informal conference.

The Housing manager has the authority to suspend the mandatory transfer should the resident request such time as to provide sufficient information to the PHA to support the family's position.

Non-Mandatory Transfers

When a unit becomes available, and after the transfer list has been reviewed for families requiring a mandatory transfer based on occupancy standards, the transfer list will be reviewed for other families desiring a transfer.

If there is a participant family waiting for transfer to an available and appropriately sized unit, the participant family will be offered the unit.

If the family has good cause for refusing the unit, the PHA will not count that unit as an offer and will allow the family to remain on the transfer list until another unit is offered.

Good cause may be any of the following reasons:

- Travel to the doctor from the new unit would create a hardship for an elderly or disabled person.
- The inconvenience or undesirability of changing schools for any minor child will not be considered good cause.

Emergency Transfers

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 on the part of the resident or a member of the resident's household.
- The resident's unit has been damaged by fire, flood or other causes to such a degree that the unit is not habitable, provided that, although the damage was a result of carelessness or negligence of the resident or a member of the resident's household, the resident has, in writing, accepted the responsibility for such damage and has agreed to make restitution to the PHA for the expense of repairing such damage.

Special Circumstance Transfers

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

- The resident's unit is being modernized, renovated, rehabilitated, or significantly remodeled (collectively "Rehabilitation"). In such cases, the resident may be offered temporary relocation. The resident will be allowed to return to the same unit or location once Rehabilitation is complete if consistent with a relocation plan that has been reviewed and approved by the Compliance Office and the Office of the Executive Director, and subject to 24 C.F.R. §968.108. If the PHA cannot return the temporarily relocated tenant to the same unit or location, then the PHA must offer and pay for "permanent relocation assistance."
- The PHA has a need, at the discretion of the Area Manager to transfer the resident family to another unit and the resident voluntarily agrees to such transfer.

Moving Costs

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

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 tenant requested the move.

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.

A transfer between developments will not be considered a move-out.

B. TRANSFERS BETWEEN NON-ELDERLY DEVELOPMENTS

A transfer between non-elderly developments is generally based on an immediate need.

For this reason, the manager will advise the resident of the locations where a suitable vacancy would be most apt to occur.

The family will be advised that the transfer will be given priority if the family accepts an apartment in a development which would have a positive effect on the PHA's Affirmative Occupancy goals.

C. TRANSFERS FROM NON-ELDERLY TO ELDERLY DEVELOPMENTS

Transfers will be based on needs such as proper bedroom size and availability of social services within the community, which meet the family's needs.

Priority will be given to elderly families living in upstairs units needing to transfer for medical reasons to downstairs units.

A family will be given priority if it accepts an apartment in a development, which will assist the PHA in reaching the PHA's Affirmative Housing goals.

The PHA will consider all requests from elderly participants living in non-elderly projects who wish to transfer into an elderly project, provided there are no non-elderly family members to be considered.

The PHA will not approve a transfer request from an elderly member who wishes to move out of the non-elderly unit, which they occupy with non-elderly family, and into an elderly complex.

Such elderly family members will be encouraged to complete a new application for admission and the application will be treated in the same manner as other applicants desiring public housing assistance.

D. TRANSFERS BETWEEN ELDERLY DEVELOPMENTS

Only in unusual cases will a family be transferred from one elderly development to another elderly development or to another unit with the same elderly development. An exception is made in the case of a person occupying an upstairs apartment for which it is a medical hardship to continue to climb stairs.

E. TRANSFERS WITHIN THE DEVELOPMENT

The PHA does not allow residents to transfer from one unit to another within the same development, unless it is needed as a reasonable request as an accommodation for a family with a member with a disability.

Requests from residents asking permission to transfer to an apartment in another area of the development or to another apartment in the same high-rise and which are not built on any special need will be denied. This policy of not transferring is not to be confused with the provision of the lease, which requires the resident, at the request of management, to move to an appropriate size unit.

F. TRANSFERS DURING INITIAL OCCUPANCY

Transfers from other developments will not be considered during the initial occupancy of any new development, except where the transfer would assist the PHA in reaching the PHA's Affirmative Housing goals.

After the initial occupancy period has been attained, transfers are to be considered in accordance with other transfers.

G. TRANSFER REQUEST PROCEDURE

Residents desiring transfer to another unit or development will be required to sign a Request for Transfer which is prepared in duplicate.

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

Residents applying for a transfer will be interviewed by the housing manager to determine the reason for the request and to determine whether a transfer is justified.

If the interview reveals that there is a problem at the family's present site, the manager will address the problem and once solved to the manager's satisfaction, the request for transfer will be cancelled.

The housing manager's endorsement will be completed and the original of the Request for Transfer form will be transmitted to PMMB for consideration

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.

The gaining development may request the resident's file for review, prior to making a decision on the requested transfer. A second copy of the Request for Transfer will be filed in the resident's folder.

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.

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

H. PROCESSING IN AND OUT OF DEVELOPMENTS

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's records will show a continuous residence in public housing in one development or the other, but not in both projects 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. (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 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 move-in on the Project Daily Report.

The transferred resident, between public housing projects, does not have to meet the admission eligibility requirements pertaining to income or preference.

I. RENT ADJUSTMENTS OF TRANSFERRED RESIDENTS

Residents who have had a change in income since the last reexamination will have their rent set at the applicable amount beginning with the first day of the new lease.

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.

J. REEXAMINATION DATE

The date of the transfer does not change the reexamination date. The gaining development should be certain that the annual review is properly scheduled to give the staff time to re-determine rent in order to meet the established reexamination date.

An interim examination, verifying income only, will be conducted at the time of lease up and the family will have a new reexamination date.

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 attempt to lease up a family without possession of the family's file.

To reduce vacancy time, the losing development may fax the required information to the gaining office, if requested, while the family's file is routed to the gaining development.