Chapter 8

TRANSFER POLICY

INTRODUCTION/GENERAL TRANSFER POLICY

1. Transfers will be made without regard to race, color, national origin, sex, religion, sexual orientation or familial status. Residents may be transferred to accommodate a disability.

2. Residents will not be transferred to a dwelling unit of equal size except to alleviate hardship of the resident or other undesirable conditions as determined by the Executive Director or designee.

3. Residents will receive one offer of a transfer. Refusal of that offer without good cause will result in lease termination for mandatory transfers or the removal of the household from the transfer list for voluntary transfers.

4. The HAKC will transfer (1) one resident for every (2) new applicants housed from the waiting list.

It is the policy of HAKC to permit a resident to transfer under certain conditions and to fulfill operational or regulatory requirements.

HAKC will consider a request to transfer as a reasonable accommodation for a person with a disability. Except in emergency situations, property management may deny transfers when the family is not in good standing with HAKC due to serious or repeated lease violations. Serious or repeated violations may include, but are not limited to non-payment of rent, poor housekeeping, and history of disturbances, failure to fulfill community service requirements, destruction of property or lease violations.

It is the policy of the HAKC not to grant a unit transfer simply to accommodate neighbors who “cannot get along.” Activities of the neighbors that impede the rights of others to the peaceful enjoyment of their unit will be treated as a lease violation and cause for termination of tenancy.

For purposes of this transfer policy the “sending development” refers to the unit the family is leaving and the “receiving development” refers to the unit to which the family is transferring.

A. TYPES OF TRANSFERS

The order in which families are transferred will be subject to the hierarchy by category set forth below.

Category 1: Emergency Transfers are mandatory when HAKC determines that conditions
pose an immediate threat to resident life, health or safety.

Emergency transfers may be made to:

- permit repair of unit defects hazardous to life, health, or safety;
- alleviate verified disability problems of a life-threatening nature; or
- Provide housing options to residents who are victims of domestic violence, dating violence, sexual assault, or stalking (VAWA 2013: See Emergency Transfer Policy for VAWA)

HAKC will authorize an emergency transfer for a participant family when the resident’s unit has been damaged by fire, flood, or other cause to such degree that the unit is not habitable, provided that the damage was not the result of an intentional or negligent act on the part of the resident, resident’s family, or guests of the resident.

These transfers will take priority over new admissions.

Category 2 Administrative transfers include mandatory transfers to:

- Alleviate verified medical problems of a serious (but not life-threatening) nature;
- Permit a family that requires a unit with accessible features to occupy such a unit.
- Remove residents who are witnesses to crimes and may face reprisals;
- Provide housing options to residents who are victims of hate crimes or extreme harassment; or
- Permit modernization, lead hazard reduction, permit lead hazard intervention or demolition of units;

These transfers will take priority over new admissions.

Requests for these transfers will be made to the HAKC with necessary documentation to substantiate the need for such transfers. Transfers may also be initiated by HAKC (e.g. moving a person with mobility problems to a unit with accessible features).

Category 3 Administrative transfers include mandatory transfers to correct serious occupancy standards problems.

These transfers may take priority over new admissions.
Category 3 transfers will only be made if the family size is so small that it includes fewer persons than the number of bedrooms, or so large that the household members over age 4 would equal more than two persons per bedroom.

If a family’s size is between the smallest and largest size permissible for the unit, the family may request a transfer, but it will be considered a Category 4 transfer.

Category 3 or 4 transfers to correct occupancy standards may be recommended by the property manager at time of annual re-examination or an interim redetermination.

When a head of a household, is housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 3 transfer until the child is four (4) years of age.

**Split-family transfers**

HAKC does not allow split family transfers. The member of the household who desires to establish their own household must apply for a unit and proceed through the admission process. (Refer to Chapter 2)

**Category 4 Administrative transfers** may be made to:

- Avoid concentration of the most economically and socially deprived families;
- Correct minor occupancy standards; or
- Address situations that interfere with peaceful enjoyment of the premises.

These transfers will not take priority over new admissions.

They will be processed at a rate that does not impose an administrative or maintenance burden on HAKC.

**Category 5, Incentive Transfers:**

**Incentive Transfers:** An “incentive transfer” is considered for a resident who meets the conditions set forth below. Incentive Transfers will be offered to residents without regard to their race, color, religion, sex, disability, familial status or protected class.

Incentive transfer to **NEWLY MODERNIZED UNITS, NEW CONSTRUCTION or SCATTERED SITES:**

- Depending on HAKC’s vacant unit status, modernized units will be filled with incentive transfers, new applicants, or a combination of both. HAKC reserves the right to fill modernization units in a
manner that has the least impact on vacant units.

- Prior to newly modernized units being completed, residents may be notified of the opportunity to request a transfer to the specified units. Property Managers may also recommend a resident for this incentive transfer.

- In order to be considered for an incentive transfer to a modernized/scattered site unit the following conditions must be met for the past two years:
  - Residency in a HAKC development.
  - Has the income profile as stated in the admission and occupancy preference criteria.
  - Resident does not owe back rent or other charges, or evidence a pattern of late payment;
  - No delinquent repayment agreement or delinquent charges.
  - No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violations in the applicant’s file. This includes criminal activity that threatens the health and safety of residents and staff;
  - Good housekeeping record, including no housekeeping lease violations.
  - Can get utilities turned on in the name of the head of household (applicable only to those select properties with tenant-paid utilities).
  - Compliance with community service.

- There will be no exceptions granted to these conditions.

B. TRANSFER WAITLIST MANAGEMENT

Transfers will be coordinated through Tenant Selection. A designated Tenant Selection staff person will communicate with Property Management, Eligibility and Maintenance, initiating the offer process and assuring all the necessary documentation is completed.

1. In certain circumstances, transfers will be considered first before referral from the waiting list. However, due consideration will be given to the number of vacant units prior to any transfer.

2. If for any reason the number of vacancies is significant to the extent that the transfers would place the Authority in a position of operational instability, restrictions such as a two to one (2:1) ratio of new move-ins from the waiting list to transfer from within will
be imposed to maintain financial stability of the program and operations (98% lease-up to be used as a guideline).

3. The nature of transfers will also be considered even under these restrictions, as it is recognized that certain life endangering conditions, as may be cause for transfer cannot be restricted by operational objectives.

4. Property Managers are responsible for submitting transfer requests including necessary documentation, to the Transfer List Coordinator. Transfers will be classified into their appropriate categories by HAKC. Admissions will be made in the following order:

- **Category 1**- Emergency Transfers (*immediate threat to resident life, health or safety*), then
- **Category 2**- Administrative Transfers, *(i.e. medical, reasonable accommodations, crime related or modernization)*, then
- **Category 3**- Administrative Transfers, *(i.e. serious occupancy std. problems)*, then
- **Category 4**- Administrative Transfers *(i.e. de-concentration, occupancy standards or peaceful enjoyment)*, then
- **Category 5** – Incentive Transfers

5. Within each category, transfer applications will be considered on a “first in first out basis” according to the date that it is considered by HAKC.

C. **TRANSFER REQUEST AND APPROVAL PROCEDURE**

Residents applying for a transfer will submit a Transfer Request Form to their Property Manager stating the reason a transfer is being requested. Forms are not to be submitted for possible future events such as birth of a child or may get a live-in aide. The Transfer Request Form will also be used to document requests initiated by the HAKC *(i.e.: to correct occupancy standard problem at reexaminations/interims).*

**ACCEPTING AN OFFER**

The resident will be notified either by phone or in writing to view an available unit. Residents on the transfer list will be notified no more than 30 days in advance of a unit being identified for their transfer. This advance notice allows the family time begin packing for their move. The family will be contacted by phone or in writing for an appointment to see a unit. After the resident views the unit, they will be given **24 hours to accept or decline the unit.**

The family will be given two full weeks after accepting the unit to move.

**REFUSING AN OFFER**

If a family is on the transfer list and refuses an offered unit, they will be removed from the transfer list unless HAKC determines that the refusal was made for good cause. If so, the family will be allowed to remain in their unit and will remain on the transfer list until another unit is
offered. All offers will be documented and reason for refusal will be documented. If the family refuses a second offer, their name will be removed from the Transfer Wait List.

If the family has been approved for a transfer under one of the mandatory transfer categories (Category 1, 2, or 3), only one unit will be offered the family unless there is good cause or a hardship situation as determined by the PHA. If the resident refuses the offered unit, for other than good cause, the lease may be terminated by the HAKC by giving a 30-day notice to the resident.

Good cause may be any of the following reasons:

- The new unit is more than 5 miles from the place of employment of at least one member of the family.
- The new unit is more than 5 miles from the school or job training program that at least one adult member of the family is attending.
- Travel to the doctor from the new unit would create a hardship for an elderly or disabled person.
- Or as determined by the Director of Housing Operations

Verification must be provided for good cause and the approval/disapproval by HAKC will be in writing. Residents refusing units for good cause will be given 24 hours to provide verification.

The inconvenience or undesirability of changing schools for any minor child will not be considered good cause.

D. PROCESSING IN AND OUT OF DEVELOPMENTS (If Applicable)

A transfer will require good coordination and communication between the receiving and sending developments. Both sending and receiving developments involved must have a definite agreement as to when the receiving development will “transfer” the resident. (Note: The receiving development is responsible for completing the “transfer process” in the computer).

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

- There will be no lapsed time between move-out and move-in. Effective dates must not overlap nor will both developments 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 developments at the same time.

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

Rent Adjustments
HAKC will notify the resident of the rent and/or security deposit change by use of a new Lease. The rent will be pro-rated as outlined in the Lease Agreement.

Reexamination Date

The date of the transfer does not change the reexamination date. The receiving 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. If the reexamination is in process, the receiving development will assume responsibility for completion.

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

E. GRIEVANCE RIGHTS

Families disagreeing with the HAKC transfer determination may grieve the decision. See Chapter 13, Complaints, Grievances and Appeals.

F. EXTRAORDINARY CIRCUMSTANCES

Placement on Section 8 Waiting List: Current residents of Public Housing who must be relocated from a unit, due to documented health and safety issues, as well as modernization activities, or other special circumstances as approved by the Executive Director, where no suitable unit is available within the next thirty (30) days within the HAKC inventory.Preference is given regardless of the status of the waiting list (open or closed). All applicants qualifying for this preference must be placed on the waiting list and their eligibility properly documented.

G. COST OF TRANSFERS

Residents shall bear the cost of transfers to correct occupancy standards, resident requested transfers, incentive transfers, and other voluntary transfers.

HAKC will bear the reasonable cost of transfers HAKC requests for demolition, disposition, rehabilitation, building system failures, or emergency conditions due to no fault of the tenant. HAKC will bear the reasonable cost of transfers needed as a reasonable accommodation for residents with disabilities. The reasonable cost of transfers includes not just the cost of packing, moving, and unloading, but also the cost of connecting and reconnecting any existing resident-paid services such as telephone and cable. [Public Housing Occupancy Guidebook Chapter 11.7; page 150]