

Part Seven: Transfers

I. Overview: Residents are allowed or required to transfer from one unit to another in the following circumstances:

Refer to:

1. If too many or too few people live in their present unit (*transfers to comply with Occupancy Standards*);
2. To accommodate a household member's disability or handicap (*reasonable accommodation transfers*);
3. To address other urgent needs (*emergency, displacement or special program transfers*); or
4. To allow a lease-compliant household currently residing in a family development unit to transfer to a single-family home or duplex which is not in a family development (*transfer to a scattered site home*).

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§966.4(c)(3)

II. General Policies Regarding All Transfers

A. Transfer Eligibility Requirements:

1. A resident must be in good standing (lease abiding) with the PHA for at least six (6) months to be eligible for a transfer. Residents must not be under a pending termination or an adverse action based on but not limited to such things as poor upkeep of unit or grounds, non-payment of rent or other charges, or chronic rent delinquency, i.e. no late payments in the last six months.

B. Transfer Requests: The Housing Director(s) for the hi-rise development is the initial contact for all types of transfers.

C. Offering Procedure:

1. The resident transferring shall be offered the unit of appropriate size for the household that has been held vacant the longest.
2. Because of the unique circumstances surrounding each transfer request to reasonably accommodate a person with a disability and each tenant-initiated transfer request, the resident will

receive only one offer of alternative housing. (See Sections III.C.6. and III.E.6.). In cases of transfers for other reasons, if the resident refuses the offered unit, the PHA will offer a second unit.

- a. The resident transferring shall be told at the time of the first offer that a second unit will be offered, but the resident will not be told the location of the second unit until the first is refused. The second unit may or may not be in the same development, depending on where the next longest vacancy exists.
- b. If the resident transferring is offered the second unit, the first unit is no longer available.
- c. If the resident transferring does not accept either of the two units offered, the transfer will be cancelled.

D. Unit Assignment: If any unit is turned down by residents approved for transfers three times or if it has not been accepted within 3 days of the date it is ready for rental, the unit will be assigned to an applicant from the waiting list.

E. New Lease: A new Dwelling Lease will be executed as a part of the transfer. However, the signing of a new Lease does not remove or eradicate prior or existing Lease violations from the prior dwelling and the PHA retains the right to terminate the new lease for violations of the Lease being terminated due to the transfer.

F. No Rent Reexamination for Transferring Residents:

§966.4(c)(1)(2)

1. The PHA will not reexamine income and redetermine rent for a transferring resident, although the amount of rent payable may change due to a change in the applicable utility allowance. The PHA will re-examine income within 12 months of the resident's last eligibility review.
 - a. The new lease is effective as of the day the transferring resident signs the lease and receives the keys to the new unit.
 - b. The rent start date for the new unit, using the new utility allowance, if any, is the first day of the month after the lease is executed.

G. Utility Payments and Allowances:

1. The transferring resident is not responsible for paying utilities

on more than one unit at a time. The resident is responsible for paying utilities at the old unit until the lease is signed for the new unit. After that the resident is responsible for paying utilities at the new unit.

2. If the utility allowance for the new unit is higher than the utility allowance for the old unit, the resident will receive a credit against the first month's rent for the new unit. The amount of the credit is the difference between the two units' monthly utility allowances, pro-rated for the number of days the resident is responsible for the utilities in the new unit, from the day of lease signing to the end of the month.

H. Three Days To Complete Transfer:

1. A transferring resident must turn in the keys for the old unit within 3 working days or 72 hours after receiving the new unit keys and signing the lease.
2. If the resident does not turn in the old unit keys within 3 days, the resident will be assessed a utility surcharge for the old unit at the rate of \$5.00 per day. The utility surcharge will be assessed for each day starting on the 4th day, not including the day the resident turns in the keys.

- I. Resident's Appeal Rights:** When the PHA requires a family to transfer; the resident may request an explanation of the specific grounds of the PHA determination. A resident who wishes to contest the PHA determination may request a hearing in accordance with the PHA's Grievance Procedure.

§966.4(c)(4)
§966.4(e)(8)(i)
(ii)(B)

III. Types of Transfers: There are seven types of transfers that are granted to residents of public housing:

A. Emergency Transfers:

1. The PHA initiates an emergency transfer.
2. An emergency transfer occurs in situations of extreme health and/or safety concerns which require permanent relocation of the family.
3. An emergency transfer must be approved by the Manager.

B. Displacement Transfers:

1. The PHA initiates a displacement transfer.
2. A displacement transfer occurs because of construction, renovation, or a need for alternative use of the unit on a temporary or permanent basis.
3. Displacement transfers are governed by the applicable regulations in the Uniform Relocation Act.

C. Reasonable Accommodations for Residents With Handicaps or Disabilities:

1. Either the resident or the PHA may initiate a special transfer to accommodate a resident with a handicap or disability. §966.7
2. A reasonable accommodation transfer occurs when it is determined that a resident with a handicap or disability is having difficulty in their current housing due to their handicap or disability and their living situation could be substantially improved by the move.
3. The need for the transfer and its relationship to a handicap or disability must be verified by a health care professional involved with the resident.
4. The transfer must be approved by the Rental Administrator or designee.
5. This may require the transfer of a non-handicapped family from a handicapped-accessible unit that is needed to accommodate a person with a handicap. (See Section III. F.3. of this Part. Also, see Appendix G.).
6. Because of the unique circumstances of each request for a reasonable accommodation, residents approved for a transfer on this basis will receive only one offer of alternative housing. Failure to accept the offered unit without good cause may result in the resident being removed from further consideration for a transfer.

D. Tenant-Initiated Transfers

1. A resident who is a tenant in good standing may request a transfer, after residing in his or her unit for at least 6 months and lease compliant and no late payments.
2. A tenant-initiated transfer may be approved only for the following reasons:
 - a. For family residents, to support current employment or education.
 - b. For hi-rise residents, to support current employment or education, or if the transfer is health related (for example, the transfer request is supported by written documentation from a licensed medical doctor/practitioner or other qualified health care professional verifying that a different unit or service is required by the resident.)
 - c. For hi-rise residents age 62 or older, to transfer to a public housing building or development that is designated as “elderly-only” or “seniors-only” housing.
 - d. For hi-rise or house tenants that are wishing to have a larger unit. The tenant must qualify for the size of unit they are requesting before they are placed on the waiting list if that size unit is not immediately available. Outside applicants will have preference to units prior to an already housed tenant unless the already housed tenant is over or under housed and must be transferred.
4. The PHA may approve a tenant-initiated transfer to permit one or more members of a household to move to a separate unit while other household members remain in the original unit. In the absence of one of the reasons stated immediately above, the household members who wish to move to another unit must make a new application for public housing. See Part I. Section II.F.
5. The tenant-initiated transfer must be approved by the Administrator. A decision to deny a tenant-initiated transfer request or a transfer as a reasonable accommodation may be appealed to Hearing Officer upon written request within 10 days following the Administrator’s decision.

6. Residents approved for a tenant-initiated transfer receive one offer of alternative housing. Failure to accept the offered unit without good cause will result in the resident being removed from consideration for the transfer. See Section IV.A. of this Part, “Transfer Waiting List - Priority for Offers.”

F. Transfers to Comply With Occupancy Standards:

1. The PHA must initiate an occupancy transfer following regular annual reexaminations if it is determined that families are in units that are either over or under the PHA’s Occupancy Standards. Families may request that an occupancy determination be made at any time if there are special circumstances warranting the request. §966.4(c)(3)
2. After the effective date of the ACO’s for each development or area, Housing Managers will determine which households are over or under occupancy guidelines. Families will be notified by letter that their unit has been determined to be too large or too small for the family size. Families will be placed on a transfer waiting list based on the date of the notification letter. The list will be maintained by bedroom size needed.
 - a. If the family is in a unit that is too large for the family size, the letter will inform the family that they must be transferred to a unit of the appropriate size.
 - i) The letter will inform the family that they must move when a unit of suitable size is available.
 - ii) Families will receive no less than a thirty-day notice that they will be required to move when a suitable unit is available.
 - iii) Failure to transfer will result in lease termination.
 - b. If the family is in a unit that is too small for the family size and exceeds the maximum occupancy limit established by the PHA in Part Four, Table 4.2., the same process as is listed in Section F., 2a.(i-iii) will be followed.
 - c. **Tenant-Initiated Occupancy Transfers:** If the number of family members does not exceed the maximum for their unit’s size (number of bedrooms) as listed in Part Four, Table 4.2, but the household’s composition makes the family eligible for a unit that is larger than their current unit, the family is eligible for transfer to a larger unit.
 - i) The family will be notified by letter that they are eligible

for transfer to a larger unit. The notice will explain that they are not required to transfer but may request a transfer.

- ii) The letter will request that the family indicate their choice in writing to the PHA.
 - iii) If the family wishes to transfer, they will be placed on the transfer waiting list on the date of the notification letter and offered a unit in accordance with occupancy transfer policy.
 - iv) The family will be offered this option in writing annually following the effective date of the reexamination. The decision of the family remains in effect for the year following the determination and may not be changed unless in the judgment of management, the family situation has changed.
- d. Between annual reexaminations families may request that their household size be reviewed for a possible occupancy transfer. If their household size permits or requires a transfer, they will be placed on the transfer waiting list. The date on which management determines the family qualifies for a transfer will be used for transfer list placement.
3. If a family does not have a member who has a disability or a handicap and has leased a unit that is handicapped accessible, that family will be required to transfer to a non-accessible unit if a family with a handicapped or disabled member is in need of the accessible unit.
- a. Families will receive no less than a thirty-day notice that they will be required to move when a suitable unit is available.
 - b. Failure to move will result in legal action to terminate the lease.
4. No person may be added to a resident family's lease unless that person meets the PHA's eligibility criteria for all tenants, including non-economic screening. The only exception is that no eligibility screening will be conducted before adding a child who is born to a family member listed on the lease during that family member's tenancy in public housing.
- a. No person may move into the unit without receiving prior PHA approval from the Housing Manager. (See Part One, Section V.) Adult members asking to be added must be

screened and determined eligible by the Rental Office. Minors must be screened and determined eligible by the Housing Manager.

- b. If the additional persons are found eligible and if the size and composition of the household would not exceed the PHA's Maximum Occupancy Standards for Admission, the new members may be added to the lease and live with the household.
 - c. If the additional persons are found eligible but the size or composition of the household would exceed the PHA Maximum Occupancy Standards, the additional persons to be added to the lease will **not** be permitted to live with the family in that unit. The family members currently identified on the lease may remain in the unit.
 - i) If the new members are being added to the lease because of adoption, birth, or transfer of legal custody, which event occurred during the resident's tenancy in public housing, the family will be added to the occupancy transfer list for the suitable unit size according to the date of approval.
 - ii) If the new members asking to be added to the lease are not joining the family due to adoption, birth, or transfer of legal custody occurring during the resident's tenancy in public housing, the family has the option of applying for public housing for the suitable size unit. They will not be added to the occupancy transfer list.
5. A resident who has been previously housed as a single non-elderly person may request occupancy transfer if he or she is living in an efficiency unit and changes status due to becoming disabled or turning age 62.
- a. When a single non-elderly resident's status has changed, either the resident or the PHA may initiate the transfer. The transfer requires the approval of the Rental Administrator or designee.
 - b. The PHA will offer only one unit to the resident, who must accept that unit unless the resident requests a different unit type or location for one of the reasons stated in Part 7, Section III.E. Tenant-Initiated Transfers, above. If the resident refuses the unit offered without such reasons, the resident may remain in their current unit but will not be considered for another occupancy transfer within that year from the date of refusing the unit offer.

6. A resident who has been previously housed as a single non-elderly person in an efficiency unit or a one-bedroom unit is eligible for an occupancy transfer to a two-bedroom unit if the resident gives birth to or adopts a child or obtains legal custody of a child. Either the resident or the PHA may initiate the transfer. The transfer requires the approval of the Housing Manager for the resident's current unit.
7. Families transferring for occupancy reasons will receive no less than a thirty-day notice that they will be required to move when a suitable unit is available.
 - a. The family's name will be placed on an occupancy transfer waiting list in each development based on the bedroom size needed, the date of notification of need to move and priorities assigned by the Housing Manager.
 - b. When a unit is available for an occupancy transfer, the family at the top of the waiting list in the management area where the unit is located will be offered the first available unit of appropriate size.
 - c. The family will be offered the same opportunity to see the unit as applicants for public housing in accordance with Part 4, Section II.
 - d. If the family accepts the unit, they will be given three days to move and vacate the current unit. See Part Seven, II.H., above.
 - e. The transferring resident is responsible for paying utilities at the old unit until the unit keys are turned in. After that the resident is responsible for paying utilities at the new unit. The resident is not responsible for paying utilities on more than one unit at a time.
 - f. If the unit offered is in the family's current development, the transferring family must accept the unit, unless they demonstrate that they need a different unit type or location for one of the reasons stated in Part 7 Sec. III.E. Tenant-Initiated Transfers.
 - g. If the family is offered an occupancy transfer outside of the development where they currently reside, they may reject one offer. However, they must accept the second offer, regardless of location, unless they have one of the reasons stated in Part 7, III.E. Tenant-Initiated Transfers, above. If the family

rejects the second offer for other reasons, the PHA may terminate their lease.

F. Transfers To Move From An Apartment To A Single Family Home:

1. A resident on the scattered site transfer waiting list will be offered a single choice of a vacant unit. If the resident refuses the unit that is offered their name will be removed from the transfer waiting list (subject to provisions on hardship refusals and reasonable accommodation for persons with disabilities).

IV. Transfer Waiting List

A. Priority for Offers: The following is the order or priority for all transfers:

1. Emergencies;
2. Displacements;
3. Special accommodations for residents with handicaps or disabilities;
4. Special programs;
5. Tenant-initiated transfers;
6. Occupancy within hi-rise and/or family developments.

B. Ratio to Occupancy Transfers and New Admissions Off The Waiting List:

1. In order to maximize occupancy, the PHA will adjust the number and timing of occupancy transfers and the number of new households admitted to public housing for each size of unit, considering the following factors:
 - a. The current and expected turnover of units, by size of unit;
 - b. The expected length of wait for applicants to be housed;

- c. The number of households on the Occupancy Transfer Waiting List;
 - d. The urgency of the occupancy transfers, considering the extent to which the household is larger or smaller than allowed by the Occupancy Standards for that size of unit;
 - e. The availability of families to have completed the scattered site training program; or
 - f. The need for other types of transfers.
2. The Administrator will review and revise the ratio of occupancy transfers to new admissions off the Waiting List at least twice a year.