

Chapter 7

UNIT TRANSFER POLICY

7-A. TRANSFER REQUESTS

The O/A is required to develop written unit transfer policies in the TSP that include transfer waiting lists, acceptable reasons for transfers, procedures for filling vacancies, and whether unit transfers take priority over applicants from the property waiting list.

The O/A's transfer policy must be reasonable, must ensure that families are not discriminated against based on race, color, religion, sex, national origin, age, familial status, and disability, and must be applied consistently.

O/A Policy

Residents requesting a transfer to another unit will be required to submit a written request for transfer.

In case of a reasonable accommodation transfer, the O/A will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the O/A will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted.

The O/A will respond by approving the transfer and putting the family on the transfer list, by denying the transfer, or by requiring more information or documentation from the family, such as documentation of domestic violence, dating violence, sexual assault, or stalking.

The O/A will respond within 10 business days of the submission of the family's request.

The resident will be housed in the next available appropriately sized vacant unit, when they reach the top of the transfer waiting list. The resident understands that this unit will become their permanent residence.

7-B. TYPES OF TRANSFERS

O/A Policy

The following are the only instances in which a transfer will be approved:

Emergency Transfers

Maintenance conditions in the resident's unit, building, or at the site that pose an immediate, verifiable threat to the health or safety of the resident or family members that cannot be repaired or abated within 24 hours. Unit is uninhabitable through no fault of the resident (i.e., fire, flood, tornado, etc.), and emergency transfers under VAWA.

Uninhabitable Unit

If there is no vacant unit available in the case of an uninhabitable unit, the resident will be directed to the Red Cross or other appropriate agencies for temporary housing, then rehoused in their original unit after all repair work has been completed.

If more than one resident is displaced due to a fire, flood, tornado, etc., households will be placed in appropriately sized vacant units in order of initial move-in date. If no vacant units are available, the same procedures will be followed as described above.

Violence Against Women Act (VAWA)

For a verified incident of domestic violence, dating violence, sexual assault, stalking, or human trafficking. For instances of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the threat may be established through documentation outlined in Chapter 8. In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383), although, the O/A may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If the O/A accepts an individual's statement, the O/A will document acceptance of the statement in the individual's file in accordance with Chapter 8 of this TSP.

The O/A will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, stalking, or human trafficking. The O/A will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The O/A defines *immediately available* as a vacant unit that is ready for move-in within a reasonable period of time, not to exceed **[insert number of days]**.

The O/A has adopted an emergency transfer plan, which is included as Exhibit 8-1 to this plan.

These transfers are mandatory.

O/A-Required Transfers

The types of transfers that may be required by the O/A include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, and transfers for demolition, disposition, revitalization, or rehabilitation.

Transfers required by the O/A are mandatory.

Transfers to Make an Accessible Unit Available

When a non-accessible unit becomes available, the O/A will transfer a family living in an accessible unit that does not require the accessible features to an available unit that is not accessible. The O/A may wait until a disabled resident requires the accessible unit before transferring the family that does not require the accessible features out of the accessible unit.

If a resident is required to transfer to make an accessible unit available, the resident has 30 days after they have been notified that an appropriately sized unit is available for them. If they do not move within that time frame, they are required to pay full market rent in their current unit.

Occupancy Standards Transfers

The O/A will transfer a family when the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

The O/A may also transfer a family who was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the O/A's occupancy standards when the O/A determines there is a need for the transfer.

Families that request and are granted an exception to the occupancy standards (for either a larger or smaller size unit) will only be required to transfer if it is necessary to comply with the approved exception.

If a resident is required to transfer due to a change in household composition, the resident has 30 days after they have been notified that an appropriately sized unit is available for them. If they do not move within that time frame, they are required to pay full market rent in their current unit.

Transfers for Medical Reasons

The O/A will transfer a family to alleviate verified medical problems.

Transfers for Demolition, Disposition, Revitalization, or Rehabilitation

For households temporarily displaced due to a project involving demolition, disposition, revitalization, or rehabilitation of their current unit, the O/A will comply with all requirements in the Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA).

RAD Requirements

For households displaced as a direct result of the O/A planning or implementing resident moves due to a conversion of a public housing project under RAD, the O/A will comply with all requirements in the RAD Civil Rights – Relocation Notice H 2016-17.

Transfers Requested by Residents

The types of requests for transfers from residents that the O/A will consider are limited to requests for transfers to alleviate verified medical problems of a serious or life-threatening nature, VAWA transfers, and reasonable accommodation, including the need for an accessible unit. No other transfer requests will be considered by the O/A.

Should a resident request a unit transfer as a reasonable accommodation, the O/A will pay the cost of the physical move for the resident as long as doing so does not place an undue financial and administrative burden upon the O/A.

7-C. TRANSFER LIST

O/A Policy

Emergency transfers will not automatically go on the transfer list. Instead emergency transfers will be handled immediately, on a case-by-case basis. If the emergency cannot be resolved by a temporary accommodation, and the resident requires a permanent transfer, the family will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions, VAWA)
2. High-priority transfers (verified medical condition, and reasonable accommodation)
3. Transfers to alleviate verified medical problems of a serious or life-threatening nature
4. Transfers to make accessible units available
5. Demolition, renovation, etc.
6. Occupancy standards
7. Other O/A-required transfers

Within each category, transfers will be processed in order of the date a family was placed on the transfer list, starting with the earliest date.

Transfers will take precedence over waiting list admissions. Existing residents approved to receive Section 8 assistance will also be given priority over external applicants when allocating available Section 8 assistance slots.