



Transfer Policy

EMERGENCY TRANSFERS -The following are considered emergency circumstance warranting an immediate transfer of the tenant or family:

Maintenance conditions in the resident's unit, building or at the site that pose an immediate, verifiable threat to the life, health, or safety of the resident or family members that cannot be repaired or abated within 24 hours. Examples of such unit or building conditions would include: a gas leak, no heat in the building during the winter, no water, toxic contamination, and serious water leaks.

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 the ACOP (Admissions and Continued Occupancy Policy).

In order to request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383), although, the MHA may waive this requirement in order to expedite the transfer process.

The MHA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, stalking, or human trafficking. The MHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The MHA defines *immediately available* as a vacant unit, that is ready for move-in within a reasonable period of time, not to exceed 30 days. If an internal transfer to a safe unit is not immediately available, the MHA will assist the resident in seeking an external emergency transfer either within or outside the MHA's programs.

The MHA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.

The MHA will bear the reasonable costs of temporarily accommodating the tenant and of long-term transfers, if any, due to emergency conditions.

The reasonable cost of transfers includes the cost of packing, moving, and unloading.

The MHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the MHA will collect information from companies in the community that provide these services.

The MHA will reimburse the family for eligible out-of-pocket moving expenses up to the MHA's established moving allowance.

TYPES OF PHA REQUIRED TRANSFERS The types of transfers that may be required by the MHA, include, but are not limited to, transfers to make an accessible unit available for a disabled family, transfers to comply with occupancy standards, transfers for demolition, disposition, revitalization, or rehabilitation, and emergency transfers.

Transfers required by the MHA are mandatory for the tenant. The family will be given 15 days to vacate the unit after receipt of written notice.

Transfers to Make an Accessible Unit Available. When a non-accessible unit becomes available, the MHA 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 MHA 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.

Occupancy Standards Transfers. The MHA 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. For purposes of the transfer policy, overcrowded and over-housed are defined as follows:

Overcrowded: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides

Over-housed: the family no longer qualifies for the bedroom size in which they are living based on the MHA's occupancy standards.

The MHA 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 MHA's occupancy standards, when the MHA determines there is a need for the transfer.

The MHA may elect not to transfer an over-housed family in order to prevent vacancies.

A family that is required to move because of family size will be advised by the MHA that a transfer is necessary, and that the family has been placed on the transfer list.

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

Demolition, Disposition, Revitalizations, or Rehabilitation, Including Rental Assistance

Demonstration (RAD) Conversions Transfers. The MHA will relocate a family when the unit or site in which the family lives is undergoing major rehabilitation that requires the unit to be vacant, or the unit is being disposed of or demolished. The MHA's relocation plan may or may not require transferring affected families to other available public housing units.

If the relocation plan calls for transferring public housing families to other public housing units, affected families will be placed on the transfer list.

In cases of revitalization or rehabilitation, the family may be offered a temporary relocation if allowed under Relocation Act provisions, and may be allowed to return to their unit, depending on contractual and legal obligations, once revitalization or rehabilitation is complete.

The MHA will bear the reasonable costs of transfers that the MHA requires, except that residents will be required to bear the cost of occupancy standards transfers.

The reasonable costs of transfers include the cost of packing, moving, and unloading.

The MHA will establish a moving allowance based on the typical costs in the community of packing, moving, and unloading. To establish typical costs, the MHA will collect information from companies in the community that provide these services.

The MHA will reimburse the family for eligible out-of-pocket moving expenses up to the MHA's established moving allowance.

TYPES OF RESIDENT REQUESTED TRANSFERS. The types of requests for transfers that the MHA will consider are limited to requests for transfers to alleviate a serious or life-threatening medical

condition, transfers due to a threat of physical harm or criminal activity, reasonable accommodation, transfers to a different unit size as long as the family qualifies for the unit according to the MHA's occupancy standards, and transfers to a location closer to employment. No other transfer requests will be considered by the MHA.

The MHA will consider the following as high priority transfer requests:

When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature. When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the MHA's discretion, include an assessment by law enforcement indicating that a family member is the actual or potential victim of a criminal attack, retaliation for testimony, or a hate crime.

When a family requests a transfer as a reasonable accommodation. Examples of a reasonable accommodation transfer include, but are not limited to, a transfer to a first-floor unit for a person with mobility impairment, or a transfer to a unit with accessible features.

The MHA will consider the following as regular priority transfer requests:

When a family requests a larger bedroom size unit even though the family does not meet the MHA's definition of overcrowded, as long as the family meets the MHA's occupancy standards for the requested size unit.

When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation, and public transportation is not adequate.

Transfers requested by the tenant are considered optional for the tenant.

ELIGIBILITY FOR TRANSFER. Except where reasonable accommodation is being requested, the MHA will only consider transfer requests from residents that meet the following requirements:

Have not engaged in criminal activity that threatens the health and safety of residents and staff.

Owe no back rent or other charges, or have a pattern of late payment.

Have no housekeeping lease violations or history of damaging property.

Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities) .

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the MHA's advantage to make the transfer.

Exceptions will also be made when the MHA determines that a transfer is necessary to protect the health or safety of a resident who is a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, and who provides documentation of abuse in accordance with the ACOP. Tenants who are not in good standing may still request an emergency transfer under VAWA.

The PHA must pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability [Notice PIH 2010-26].

The resident will bear all of the costs of transfer s/he requests. However, the MHA will bear the transfer costs when the transfer is done as a reasonable accommodation.

HANDLING OF REQUESTS. Residents requesting a transfer to another unit or development will be required to submit a written request for transfer.

In order to request the emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383). The MHA may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If the MHA accepts an individual's statement, the MHA will document acceptance of the statement in the individual's file in accordance with the ACOP. Transfer requests under VAWA will be processed in accordance with the MHA's Emergency Transfer Plan. In case of a reasonable accommodation transfer, the MHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the MHA 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 MHA 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, stalking, or human trafficking in accordance with the ACOP.

If the family does not meet the "good record" requirements, the manager will address the problem and, until resolved, the request for transfer will be denied.

The MHA will respond within ten (10) business days of the submission of the family's request. If the MHA denies the request for transfer, the family will be informed of its grievance rights.

TRANSFER LIST. The MHA will maintain a centralized transfer list to ensure that transfers are processed in the correct order and that procedures are uniform across all properties.

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, threat of harm or criminal activity, and reasonable accommodation)
3. Transfers to make accessible units available
4. Demolition, renovation, etc.
5. Occupancy standards
6. Other MHA-required transfers
7. Other tenant-requested 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.

With the approval of the President/CEO, the MHA may, on a case-by-case basis, transfer a family without regard to its placement on the transfer list in order to address the immediate need of a family in crisis.

Demolition and renovation transfers will gain the highest priority as necessary to allow the MHA to meet the demolition or renovation schedule.

Transfers will take precedence over waiting list admissions.

TRANSFER OFFER POLICY.

Residents will receive one offer of a transfer.

When the transfer is required by the MHA, the refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, the refusal of that offer without good cause will result in the removal of the family from the transfer list. In such cases, the family must wait six months to reapply for another transfer.

GOOD CAUSE FOR UNIT REFUSAL. Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

The family demonstrates to the MHA's satisfaction that accepting the unit offer will require an adult household member to quit a job, drop out of an educational institution or job training program, or take a child out of day care or an educational program for children with disabilities.

The family demonstrates to the MHA's satisfaction that accepting the offer will place a family member's life, health, or safety in jeopardy. The family should offer specific and compelling documentation such as restraining orders, other court orders, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, stalking, or human trafficking in accordance with section 16-VII.D of this ACOP. Reasons offered must be specific to the family. Refusals due to location alone do not qualify for this good cause exemption.

A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members (as listed on final application) or live-in aide necessary to the care of the principal household member.

The unit is inappropriate for the applicant's disabilities, or the family does not need the accessible features in the unit offered and does not want to be subject to a 30-day notice to move.

The unit has lead-based paint and the family includes children under the age of six.

The MHA will require documentation of good cause for unit refusals.

If good cause is verified, the refusal of the offer shall not require that the applicant be dropped to the bottom of the waiting list or otherwise affect the family's position on the waiting list.

Resident Signature

Date

MHA Representative

Date