

Massena Housing Authority
Massena, New York

TRANSFERS AND TRANSFER WAITING LIST

Adopted by PHA Board of Commissioners

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APPENDIX L: TRANSFERS AND TRANSFER WAITING LIST

Transfer means the movement of the family from one unit to another. Depending on the circumstances in each particular case, the PHA may require a family to move, permit a family to move, or physically help a family to move. This policy is incorporated into the Admissions and Continued Occupancy policy by reference. The Massena Housing Authority (hereinafter referred to as PHA) policies and procedures for transferring families from one unit to another are as follows.

A. Nondiscrimination

The PHA will not discriminate against any person during the determination for or during any stage of the transfer process.

B. Types of Transfers

This policy sets forth several categories of transfers. Priority for transfer and the order in which families are transferred shall be subject to the hierarchy by category set forth below.

1. Emergency Transfers Due to Physical Hazards:

a. This type of transfer shall take priority over new admissions.

b. Emergency transfers are mandatory when the unit or building conditions pose an immediate threat to resident life, health, or safety, as determined by PHA. Examples include but are not limited to:

- 1) Fire damage
- 2) A gas leak
- 3) No heat in the building during the winter
- 4) No water
- 5) Serious water leaks
- 6) Toxic contamination
- 7) Storm and wind damage
- 8) Any condition requiring an emergency work order, as defined under PHAS, would qualify the family for an emergency transfer if the PHA were unable to make repairs in less than 24 hours.

c. Alternative Accommodations

- 1) In emergency situations when no other appropriate public housing units are available, the PHA may cover the cost of hotel accommodations until repairs are made or until a transfer of the family to alternative housing is complete.

2) If alternative accommodations are available and the PHA cannot make the necessary repairs within a reasonable amount of time, the PHA is required to provide the family with alternative housing.

3) The family is entitled to alternative accommodations even if the tenant, household member(s), guest, or other person(s) is responsible for the damage that caused the hazard or if a family is in the process of being evicted.

2. Transfers under VAWA

This type of transfer shall take priority over new admissions and all other transfers except emergency transfers due to physical hazards.

a. Tenants who are survivors of domestic violence, dating violence, sexual assault or stalking (collectively VAWA violence/abuse) can request an internal or external emergency transfer from their current unit to a safe unit as determined by the tenant.

b. In addition to the transfers under VAWA, the PHA has adopted a VAWA Emergency Transfer Plan (ETP).

1) The PHA's ETP allows tenants to make an internal emergency transfer under VAWA when a safe unit is immediately available.

2) The ETP also describes policies for assisting tenants when a safe unit is not immediately available.

3) The ETP policies ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that the PHA may already provide to other types of emergency transfer requests.

4) The ETP also describes reasonable efforts the PHA will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available.

c. The PHA may request in writing that the survivor provide documentation of the occurrence of VAWA violence/abuse. However, no other documentation may be required to qualify the tenant for an emergency transfer

3. Emergency Transfers Due to Other Causes

a. This type of transfer shall take priority over new admissions.

b. The PHA may allow an emergency transfer to be made due to, but not limited to the following causes:

1) Removing residents who are witnesses to crimes and may face reprisals.

2) To provide options for residents who are victims of hate crimes.

3) Permit repair of unit defects hazardous to life, health, or safety, including lead hazard reduction work (above a specified scale and duration that disturbs lead-based paint or controls lead-based paint hazards).

4) Alleviate verified medical problems of a serious, but not life-threatening nature.

5) To protect members of the household who are survivors of domestic violence, dating violence, sexual assault, or stalking.

6) Protect members of the household from attack by the criminal element in a particular property or neighborhood, based on threat assessment by a law enforcement agency.

4. Court Ordered

a. This type of transfer shall take priority over new admissions.

b. The PHA will transfer families within and between developments in compliance with federal, state, and local court orders with respect to nondiscrimination laws and Executive Orders.

5. HUD Ordered

a. This type of transfer shall take priority over new admissions.

b. The PHA will transfer families within and between developments in compliance with HUD orders with respect to nondiscrimination laws and Executive Orders.

6. Demolition, Disposition, Revitalization, or Rehabilitation Transfers

a. This type of transfer shall take priority over new admissions.

b. The PHA will provide transfers or alternative housing to families when necessary to demolish, sell, or choose to do major revitalization or rehabilitation to distressed public housing units, building or sites.

7. Capital Fund Program

a. This type of transfer shall take priority over new admissions.

b. The PHA will transfer families within developments and between developments as may be necessary to complete the program.

1) The PHA is required to transfer a family only once during the modernization program, one-way to another unit of appropriate size, in accordance with the PHA's occupancy standards.

2) The family does not have an automatic right to return to the unit from which they were transferred.

8. Reasonable Accommodations Transfer:

- a. This type of transfer shall take priority over new admissions.
- b. The PHA may authorize a resident's request for a transfer to a different or accessible unit as a reasonable accommodation for a family member with disabilities. The resident may request this transfer for a variety of reasons, including but not limited to:

1) The family's need for a unit with certain physical (accessible) features that are not available in the current unit, and which cannot be retrofitted without undue financial and administrative burden to the PHA.

2) The need for an additional sleeping room for a live-in aide.

3) The need to be closer to medical facilities.

4) The PHA will not force a family that includes a family member with disabilities to transfer to another unit with physical (accessible) features.

9. Occupancy Standards Transfers

- a. This type of transfer shall take priority over new admissions.
- b. Occupancy standards relate to the appropriate size and type of unit based on the household composition.
- c. The PHA will ensure that the size and type of unit in which the household is living is appropriate for the household's size and needs.
- d. If the PHA becomes aware of, or when the family reports changes in the household composition, the PHA will make a determination whether the unit is still the appropriate size or type.

1) If the PHA determines the household is not living in an appropriately sized or type of unit, the PHA will provide the family with a written notice and place the family on the transfer list and move the household when an appropriately sized or type of unit becomes available.

2) As per the lease, if the PHA determines that the size or type of the unit is no longer appropriate to household's needs, the family agrees to transfer and accept a new lease for a different unit appropriately sized or type upon written notice from the PHA.

- e. The PHA will comply with all state or local laws regarding occupancy standards and will consider the waiting list demand for unit sizes.

10.Split Family Transfers

- a.This type of transfer shall take priority over new admissions.
- b.The PHA has the option to allow large families with two (2) adult members to split into two (2) separate households and transfer to two (2) different units.
- c.The PHA may offer a family a split transfer if the family's household composition changes and the family now require a larger unit than available in any PHA unit size.
- d.Requirements for a family to qualify for a split family transfer include:
 - 1)The persons who would be the original and new family head of household must both be listed on the most recent lease;
 - 2)The family must be overcrowded in accordance with the PHA's occupancy standards; and
 - 3)The reason for the split family transfer is the addition of children through birth, adoption, or court-awarded custody.
- e.Split family transfers are considered a type of occupancy standards transfer.

11. Resident-Initiated Transfers

- a. This type of transfer will not take priority over new admissions.
- b. This type of transfer occurs when the family requests a unit transfer for their own convenience (e.g., better access to community services, proximity to school or employment, to be closer to relative, certain neighborhood, etc.).
- c. The family must submit a written request, with the reason, for a transfer to a different unit.
- d. The PHA will determine whether the request will be approved and will notify the family within thirty (30) days if the family was approved for the transfer.
 - 1) If approved, the PHA will place the family's name on the transfer waiting list.
 - 2) The PHA will provide the family with additional information as to when, where, and how the family will be transferred.

C. Mandatory and Optional Transfers

- 1. The family must comply with the following mandatory transfers:
 - a. Emergency Transfers Due to Physical Hazards
 - b. Emergency Transfers Due to Other Causes
 - c. Court Ordered Transfers
 - d. HUD Ordered Transfers
 - e. Demolition/Disposition/Revitalization/Rehabilitation
 - f. Capital Funds Program Transfers
 - g. Occupancy Standards Transfers
- 2. The family may choose to request and/or accept the following optional transfers:
 - a. Reasonable Accommodation Transfers
 - b. VAWA Emergency Transfers

c.Split Family Transfers

d.Resident Initiated Transfers

3.Families who dispute mandatory transfers may utilize their option to request a grievance to resolve such disputes.

D.Transfer Priorities

The PHA has prioritized the transfers according to the standards in the lease. The PHA has placed transfers into three (3) categories to make the priorities clear and manageable.

1.Category 1 Administrative Transfers:

These transfers will take priority over new admissions.

a.Emergency Transfers Due to Physical Hazards

b.VAWA Emergency Transfers

c.Emergency Transfers Due to Other Causes

d.Court Ordered Transfers

e.HUD Ordered Transfers

f.Demolition/Disposition/Revitalization/Rehabilitation

g.Capital Funds Program Transfers

2.Category 2 Administrative Transfers:

These transfers will take priority over new admissions.

a. Reasonable Accommodation Transfers

b. Occupancy Standards Transfers

c. Split Family Transfers

3.Category 3 Administrative Transfers:

These transfers will not take priority over new admissions.

a. Resident Initiated Transfers

b. May be made to avoid concentration of the most economically and socially deprived families, correct occupancy standard, or address situations that interfere with peaceful enjoyment of the premises.

E. Eligibility for Transfers

The PHA is permitted to establish eligibility requirements for optional and resident-requested transfers. The transfer eligibility requirements are not applicable for mandatory transfers involving emergency situations, reasonable accommodations, VAWA emergencies, and demolition, disposition, revitalization, or rehabilitation.

1. The PHA has established the following eligibility requirements for optional and resident-requested transfers:

a. The tenant and household member(s) must not have engaged in criminal activity that threatens the health and safety of residents and staff;

b. The family does not owe back rent or other charges, or does not have a pattern of late payments;

1) If back rent or other charges are owed, the PHA will not approve a transfer until either the balance is paid in full, or a payment plan is established; or

2) If the family has breached a prior payment plan and owes back rent or other charges, the back rent or other charges must be paid in full prior to the PHA's approval of the transfer.

c. The family must meet reasonable housekeeping standards and have no housekeeping lease violations;

The PHA will not approve a transfer for a family with housekeeping standards violations until the family passes a follow-up housekeeping standards inspection and establishes a pattern of meeting PHA housekeeping standards.

d. The family does not have a history of damaging property; and

e. The family has the ability to get the utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

2. The PHA may make exceptions to the transfer eligibility requirements for emergency transfers or when it is to the PHA's advantage to make the transfer.

3. The exception to the transfer eligibility requirements will be made by the Executive Director

4. The PHA will make the final determination to whether to approve or deny a family's optional transfer request.

F.Processing Transfers

The PHA will establish and maintain a centralized transfer waiting list. Property Managers are responsible for submitting requests for transfers including necessary documentation, to the central transfer administrator.

- 1.The central transfer administrator will sort requests for transfer into the appropriate categories. Transfers will be made in the following order:
 - a. Category 1 Administrative Transfers:
 - 1) Emergency Transfers Due to Physical Hazards
 - 2) VAWA Emergency Transfers
 - 3) Emergency Transfers Due to Other Causes
 - 4) Court Ordered Transfers
 - 5) HUD Ordered Transfers
 - 6) Demolition/Disposition/Revitalization/Rehabilitation
 - 7) Capital Funds Program Transfers
 - b. Category 2 Administrative Transfers:
 - 1) Reasonable Accommodation Transfers
 - 2) Occupancy Standards Transfers
 - 3) Split Family Transfers
 - c. Category 3 Administrative Transfers:
 - 1) Resident Initiated Transfers
2. Within each category, transfer applications will be sorted by the date the completed file (including any verification needed) is received from the manager.
3. Category 2 transfers to correct occupancy standards may be recommended at the time of reexamination or interim redetermination. This is the only method used to determine over/under-housed status.
4. Residents in a Category 2 over/under housed status will be advised in their 30 day "Notice of Result of Reexamination" that a transfer is recommended, and that the family has been placed on the transfer list.
5. Interviewers will record transfer recommendations in duplicate for each manager affected by the transfer.

6. When the head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 2 transfer until the child is two (2) years of age.
 - a. Exceptions: spouse or partner returns to the unit, marriage takes place, or the family decides to remain in the unit, and the unit is large enough (using the maximum-persons-per-unit standard) to accommodate the number of persons now in the household.
 - b. Other than for births, adoption, or court-awarded custody of a child that occur during tenancy, PHA's prior approval of additions to the household is required.
7. Category 3 transfers will only be processed after all other transfers have been processed.

G. Cost of Transfers

1. The PHA will pay the reasonable cost of transfers that are:
 - a. Initiated by the PHA due to demolition, disposition, revitalization, or rehabilitation;
 - b. Required because of building system failure, conditions that pose a physical hazard, or other emergency condition the PHA is unable to repair in a timely manner;
 - c. Required as a reasonable accommodation for residents with disabilities; and
 - d. All other transfers required by the PHA.
 - e. The payments of such costs are subject to the availability of funds for such purposes.
2. The family will bear the cost of transfers due to:
 - a. Occupancy transfers for change in family composition;
 - b. Moving to a non-accessible unit (when accessibility features are not required by the family);
 - c. All resident-initiated transfers.
3. Where there is a hardship, the Property Manager may recommend that families be reimbursed for their out-of-pocket expenses. Such recommendation does not guarantee reimbursement.
4. Reasonable cost for transfers may include:
 - a. Cost of packing, moving and unloading; and
 - b. Cost of disconnecting and reconnecting any existing resident-paid utility services (i.e., telephone and cable television).

H. Notice of Transfer

Families that are to be transferred will be given a thirty (30) day notice, with said time period to commence at the approximate time of delivery of the Notice of Transfer. The notices shall be:

1. Hand-delivered, and
2. Mailed, both prepaid first-class mail and certified mail.