

CHAPTER 12

TRANSFER POLICY

INTRODUCTION; The NBHA will permit a resident to transfer within his or her own development or between housing developments when it will help accomplish the affirmative housing goals of the NBHA. The transfer policy will be carried out in a manner that does not violate fair housing. Other transfer requests will be reviewed on a case-by-case basis.

A. General Statement:

As a general rule a resident is not eligible for transfer for a period of three (3) years.

A family may be eligible to transfer for valid and certifiable reasons:

- a. To address reasonable accommodation request
- b. To accommodate resident families that are determined to be over or under housed by virtue of their family size
- c. To move to an area providing more opportunity for economic self-sufficiency
- d. To address Violence Against Women Act request

The NBHA will always consider a request to transfer as a reasonable accommodation for a person with a disability. Families transferring to another unit must pay the security deposit, equal to the new current rent. Any prior security deposit will be applied to the new unit. Move-out charges will be posted to the new unit.

B. Transfer Delay or Denial:

Residents must complete a Request for Transfer in order to determine eligibility for a transfer and provide appropriate documentations to substantiate their request.

Families must be in good standing in order to be considered for a transfer.

Transfers may be denied if a family is:

- a. Delinquent in their rent or other charges or has 6 or more late charges in the last 12 months.
- b. In the process of reexamination to determine rent and eligibility; or
- c. Is in the process of eviction.
- d. Not in good standing with the NBHA due to lease violations within the last 6 months
- e. Interim or annual recertifications are not current.

- f. Cannot get utilities turned on in their name in the name of an adult household member.
- g. Not in good standing due to housekeeping violations and/or failed inspection.
- h. Less than 3 years in their current unit.

The NBHA will not grant a transfer request solely to accommodate neighbors who “cannot get along”.

After viewing a unit and a transfer offer is made by NBHA, the family receiving the offer will have one (1) day to accept or reject the offer.

Transfers will only be granted if the family is in compliance with their lease agreement and the rules and regulations pertaining to continued occupancy.

C. PRIORITY OF TRANSFERS:

The transfer waiting list will be maintained in rank order by date and time of approval according to the following:

Emergency: NBHA will authorize an emergency transfer for a participant family on a case by case basis in the following situations, if the family provides documentation and verification as required by NBHA policies and procedures: (a) An appropriate unit will be assigned as becomes available for a family whose unit has been damaged by fire, flood or other causes to such a degree that the unit is uninhabitable, provided the damage was not the result of an intentional act, carelessness or negligence on the part of the resident, or members of the household or visitors. If the damage is the result of carelessness or negligence of the resident, household member or guest, the expense of repairing such damage must be charged to the resident’s household and may be cause for eviction; (b) In accordance with the Authority’s Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking, an appropriate unit will be assigned as becomes available for a family for whom the NBHA has granted the protections of the Violence Against Women Act (VAWA).

Reasonable Accommodation Policy: NBHA will authorize a transfer, as necessary, for a family for whom the NBHA has granted a reasonable accommodation in accordance with NBHA policies and procedures.

Mandatory Transfers: Refusal of a mandatory transfer constitutes lease violation and will be considered grounds for eviction.

1. Under-housed – (Overcrowded): Executed when family’s name reaches top of mandatory transfer list and appropriate unit becomes available.

- Transfer will be within housing development unless size and type of unit required does not exist within that development.
- Transfers are initiated by NBHA and/or written family request.

2. **Over-housed:** Executed when family's name reaches top of the transfer list and appropriate unit becomes available.

- Transfer will be within the housing development unless the size and type of unit required does not exist within that development.

Transfers are initiated by the NBHA and/or written family request.

- All transfers will be reviewed and offered on a case-by-case basis.

Non-Mandatory Transfers: When a unit becomes available, and after the transfer list has been reviewed for families requiring a mandatory transfer based on occupancy standards, the transfer list will be reviewed for other families desiring a transfer.

Should the family refuse the unit, they will be removed from the transfer list, and the unit will be offered to a new admission from the waiting list. This process will continue with each vacancy until one family requesting a non-mandatory transfer has accepted the NBHA's offer of a transfer unit.

If the family has good cause for refusing the unit, the NBHA will not count that unit as an offer and will allow the family to remain on the transfer list until another unit is offered.

When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the housed from the transfer list and the family must wait one (1) year to re-apply for another transfer. A notice of refusal and removal from the transfer list will be sent in writing.

Transfers will only be granted if the family is in compliance with their lease agreement and the rules and regulations pertaining to continued occupancy.

Special Circumstances Transfer: The NBHA will authorize transfers under special circumstances, including, but not limited to the following:

- The resident's unit is being modernized or significantly remodeled.
- As a result of a hearing officer's decision, a transfer may be granted

The NBHA shall transfer non-physically challenged residents from a handicap accessible unit when an eligible physically challenged applicant comes to the top of the waiting list. The transferring family will be offered a unit of appropriate size for the family. Only one offer will be provided; if the family rejects the offer the NBHA may begin termination proceedings.

Exceptions:

Exceptions to the good record requirement may be made when it is to the NBHA's advantage to make the transfer. Exceptions may also be made when the NBHA determines that a transfer is necessary to protect the health or safety of a resident who is a victim of Domestic Violence, Dating Violence, or Stalking and who provided documentation of abuse in accordance with Section 16-VII.D of this ACOP.

The NBHA will place all families requiring a mandatory transfer due to occupancy standards on a transfer list.

- D. **Moving Costs:** The resident, except when the transfer is due to un-inhabitability through no fault of the resident, will pay all moving costs related to the transfer.

Moving costs includes, packing, moving, unloading as well as disconnecting and reconnecting any existing resident paid services, such as, but not limited to, telephone and cable/internet.

Non-Mandatory Transfer Costs:

Moving cost for non-mandatory transfers will be the responsibility of the household desiring a transfer to another unit.

REASONABLE ACCOMMODATION WAIT LIST: As required, the NBHA will maintain a separate wait list for reasonable accommodation requests that have been granted, but cannot be immediately implemented. The wait list will be organized by date of granting of reasonable accommodation.

If the family that is required to move refuses the offered unit, the NBHA will evaluate the reason for refusal and determine if it is one of good cause. If the NBHA determines that there is not a good cause, the NBHA will begin termination proceedings.

The NBHA will offer the family an opportunity for an informal conference before terminating the family lease. The family will have fifteen (15) business days from the issue date of the notice to request an informal conference

- E. **Security Deposits:** All security deposits will always be transferred from the former unit to the new unit. Families transferring to another unit must pay the security deposit, equal to the new current rent. Any prior security deposit will be applied to the new unit. Move-out charges will be posted to the new unit. The resident will be billed for any charges that occur as a result of the resident moving out of the apartment.

F. **Processing Transfers:** Transfers will be processed as follows:

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.

The Manager will inspect both apartments involved in the transfer, charging for any resident damages that are not considered to be normal wear and tear. This will appear as a move out/maintenance charge and will not be deducted from any security deposits.

The transferring family will be given no more than five (5) days from the date of the signed lease and acceptance of keys to complete the move to the new unit and return keys from the former unit.

Failure to return the keys from the previous unit as required within the five (5) day period, will result in the resident being referred for legal action and charged for both units until the keys are returned.

G. **Transfer Request Procedure:** Residents applying for a transfer will be required to complete a transfer request form stating the reason a transfer is being requested. The Executive Director or his/her designee will evaluate the request to determine if a transfer is justified. To aid in the decision, the Executive Director or his/her designee may request to meet with the resident, **or by requiring more information /documentation from the family, such as documentation of Domestic Violence, Dating Violence, or Stalking in accordance with Section Attachment I of this ACOP.** .

The Executive Director or his/her designee endorsement will be completed and the original "Request for Transfer" form will be maintained at the Admissions Office until the family is offered and accepts a unit. Residents will be notified in writing of the decision.

Mandatory transfers due to occupancy standards will be maintained in a manner that allows the NBHA to easily distinguish between those that are not mandatory.

The resident to be transferred will be informed of the security deposit procedures.

If the request is denied the family will be sent a letter stating the reason for denial and offering the family an opportunity for an informal conference in accordance with NBHA Grievance procedures.

All recommendations that have been approved by the Executive Director will be forwarded to the appropriate housing manager for implementation. All requests for reasonable accommodation that are approved will promptly be implemented or the process of implementation will be started as soon as possible.

H. **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 NBHA'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 NBHA'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, assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking 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 NBHA will require documentation of good cause for unit refusals.

I. **Rent Adjustments of Transferred Residents:** Residents who have had a change in income since the last reexamination will have their rent set at the applicable amount beginning with the first day of the new lease.

The NBHA will notify the resident of the rent change by use of the "Notice of Rent Adjustment Letter".

- J. **Re-Examination Date:** A complete income examination will be conducted prior to lease up. The family will have a new lease and a new re-examination date.

TRANSFER PROCEDURES

The Executive Director and/or designee shall over see the management and monitoring of processing of transfers in accordance with ACOP Chapter 12. The NBHA has set as a goal that a minimum of 6 transfers per year should be completed, if possible. The following procedures have been adopted in support of that goal.

1. When a unit becomes available, prior to assignment of the unit, a determination will be made as to whether the unit should be offered to an applicant or a person on one of the NBHA transfer lists.
 - a. The Property Managers will be made aware of the availability
 - b. *Priority of Transfers* will be reviewed and discussed by the Property Managers [refer to ACOP Chapter 12]
 - i. Emergency
 - ii. Reasonable Accommodation (ck separate wait list)
 - iii. Mandatory
 - Underhoused
 - Overhoused
 - c. All NBHA transfer lists will be reviewed to determine if a transfer is required and/or feasible for the available unit
 - d. If a transfer is not recommended, the relevant transfer list(s) will be updated with information regarding the review and/or disapproved transfer and the unit will be offered to an applicant.
2. Designee will develop a system in which to briefly detail the process for each unit that becomes available, to document the process and to ensure that the NBHA goals are being met.
3. Designee will ensure that the transfer lists are updated as required, to reference a change in a person's eligibility for a transfer (not in good standing as enumerated in ACOP Chapter 12) or to remove persons who are no longer with NBHA.