Procedure for Public Housing and Project-based Voucher Transfers

**General**

1. This Transfer Procedure describes how residents are transferred from one unit to another, and when such moves take precedence over new admissions.
2. In the Public Housing Program tenants may be transferred within a property or to another public housing property with units of the correct size and type.
3. In the Project-based Voucher Program all transfers take place within a property. Tenants cannot be transferred from one property to another.
4. Emergency and certain Administrative Transfers[[1]](#footnote-1) are mandatory.
5. If residents refuse to accept a mandatory Emergency or Administrative transfer the manager shall terminate the lease.
6. Public Housing (PH) residents have the right to grieve mandatory transfers using the **Grievance Procedure**.

**Transfer Categories**

1. Emergency Transfers**:** Transfers required by PHA because the condition of a resident’s unit or building poses an immediate threat to life, health or safety as determined either by PHA or by a legal proceeding, and transfers required because of a threat to the life, health or safety that is not related to the condition of the unit or the building.
2. Emergency transfers are made: to permit repair of apartment defects hazardous to life, health, or safety; Examples include fire, flood, lack of water, alleviate serious code violations, or children’s elevated blood lead levels and other situations that represent an immediate threat to a resident’s life.
3. Emergency transfers are also made: to resolve verified problems of a life-threatening nature that are not related to building or unit conditions. Such conditions include verified disability problems of a life threatening nature, protection for members of the household from attack by the criminal element in a particular property or neighborhood[[2]](#footnote-2), removing residents from dangers of domestic violence (VAWA transfers) or hate crimes, and other situations that put a resident’s life in danger from something other than the condition of the unit or building.
4. Administrative Transfers: Transfers required by PHA for the following reasons, all of which take priority over new admissions
5. Priority 1 Voluntary administrative transfers to move residents with disabilities to accessible units or units with features that accommodate their disabilities better than those in their current apartments.
6. Priority 2 Administrative transfers include those due to modernization, demolition, disposition, victim assistance, and over and under housing. It is set up in 2 sub-priorities – A and B, as described below

	1. Sub-priority A: Transfers for modernization, rehabilitation or revitalization work that cannot be accomplished in an occupied unit.
	2. Sub-priority B:Mandatory transfers required for families who are seriously overcrowded or over-housed, considering the number of people in their families/households listed on their lease in accordance with the Occupancy Standards in the ACOP.
7. In summary, every bedroom must be occupied by at least one person and no more than two people, unless a bedroom is large enough to support occupancy by more than two persons or if a resident is verified to need an additional bedroom as a reasonable accommodation to a disability.
8. A resident is considered seriously overcrowded if there are more than two family members over the age of four years per bedroom.
9. A family is considered seriously over-housed if there are more bedrooms than family members.
10. This category of family would also include overcrowded families where more than two family members over age 4 are sharing a bedroom. Also included under this category would be over-housed families where two children of the same gender are not sharing a bedroom or where two persons living as spouses each have a bedroom (unrelated to any disability) but where there are not more bedrooms than family members.
11. The order in which transfers in this subcategory should be made is first by families that are the most over-housed (e.g. a single adult in a four-bedroom unit) and then the most overcrowded (expressed by number of persons per bedroom). The reason for taking those over-housed first is to free up units for overcrowded families.
12. Convenience Transfers: Voluntary transfers by lease compliant residents who have been in their current apartments for at least a year. These transfers are prioritized below new admissions and are made in the order in which qualifying residents request them when the PHA Executive Director authorizes transfers and there are vacant units available.

**Priority for Transfers and Admissions**

When making offers of vacant units, the PHA’s priority for transfers and admission is as follows

1. Emergency transfers
2. Administrative transfers in the following category order

	1. Priority 1: Reasonable accommodations for residents with disabilities
	2. Priority 2: Two sub-priorities below
3. Modernization transfers
4. Over-housing, then overcrowding
5. New Admissions from the waiting list
6. Convenience transfers

**Administering the Transfer Procedure**

1. PHA sets up and maintains the transfer waiting lists, administers the transfer procedure, and makes transfer offers
2. All transfers, including temporary transfers, require execution of a new Lease
.
3. Transfer requests can arise from

	1. Building or unit emergencies (emergency transfer)
	2. Personal emergencies (emergency transfer)
	3. Disability-related needs of residents, which may be triggered by a resident request; (administrative transfer)
	4. Unit or building modernization; (administrative transfer)
	5. Over-crowding or over-housing; (administrative transfer)
	6. Resident requests. (incentive or resident initiated transfer)

**Emergency Transfer**

1. PHA staff notifies the PHA Executive Director as soon as the need for the emergency transfer is known, with the following information
2. Name, current address and phone number (if any) of the resident that needs the transfer
3. Unit size needed for the resident
4. Description of damage to the unit
5. Estimated length of time needed to repair the unit
6. Notation about whether the damage to the unit was caused by the resident’s abuse or neglect
7. List of any vacant, ready apartments at the property on which unit offers have not yet been made that are within one bedroom size of the size unit the resident needs
8. The PHA makes emergency transfers due to building or unit conditions in 24 hours, so the physical move takes place immediately and the paperwork catches up afterwards.
9. If the damage to the unit from which the resident is transferring can be repaired in less than thirty days and the unit was the right size for the resident
10. PHA will offer any ready unit that is the right size, one bedroom size too small or one bedroom size too large as a temporary transfer
11. In PH if the property has no unit available for the transfer, PHA offers the resident a temporary transfer to an apartment within one bedroom size of the unit the resident needs in the nearest location possible
12. When the original unit is repaired, the resident returns to it.
13. This process requires two leases – one for the temporary unit and one for the return to the permanent unit.
14. In PBV, if the property has no unit available for transfer, PHA offers the resident a Housing Choice Voucher (if available) as a permanent relocation option.
15. If the damage to the original unit cannot be repaired in thirty days or less, the transfer is permanent (the resident does not be return to their original unit)
16. In PH and PBV if a ready unit of the right size is available at the property, the PHA will offer the unit.
17. In PH, if no unit the right size for the resident is available at the property, PHA offers the resident a unit of the correct size at another development
18. With a ready vacant unit that has not been offered
19. At a location selected by the resident
20. Note: Since this transfer must take place in 24 hours, there may not be much choice.
21. If no unit the right size for the resident is available anywhere (which may happen when an entire building experiences a failure and everyone living there must be relocated on an emergency basis), the resident may have to be housed in a motel until alternative housing is located.
22. In PBV, if the property has no unit available for transfer, PHA offers the resident a Housing Choice Voucher (if available) as a permanent relocation option.
23. If a resident refuses an offer of an emergency transfer due to building or unit conditions, the manager begins the paperwork to terminate the resident’s lease.
24. If a resident needs an emergency transfer for some reason other than building or unit conditions, the resident explains the urgency of the situation to the PHA.
25. Generally, these PH transfers will require the resident to move from one property to another.
26. PHA staff will locate the ready PH unit that has not already been offered and is closest in size and type to what the resident needs.
27. If the unit is the right size and type, the transfer is permanent.
28. If the unit is not the right size and type, the resident will receive another transfer to the first unit at a different development that is the right size and type.
29. In PBV, if the property has no unit available for transfer, PHA offers the resident a Housing Choice Voucher (if available) as a permanent relocation option.

**Non-Emergency Administrative Transfer Procedure**

1. For all Administrative Transfers, PHA staff or Leasing Agent (PBV) sends the PHA Executive Director
2. Transfer request form coded with the following information
3. Name, current address and phone number (if any) of the resident that needs the transfer
4. Type of transfer (See section 2)
5. Priority for transfer (See section 3)
6. Copy of the most recent accurate and timely reexamination form, listing all family and household members[[3]](#footnote-3)
7. List of any vacant, ready apartments at the property on which unit offers have not yet been made
8. List of attached verifications.
9. Verifications supporting the transfer request
10. If the transfer request package is incomplete, PHA returns it to the Manager with a note about missing items
11. If the transfer request package is complete, PHA places the transferring resident on the Transfer Waiting List in the appropriate category by date and time the complete transfer request package was received by the PHA
12. When the resident nears the top of the waiting list (within 30 days of a unit offer), PHA notifies them and makes a unit offer.
13. PHA staff arranges to show the unit.
14. If the resident accepts the unit offer, manager at new location executes lease. Resident does not owe a security deposit unless they have never paid one
15. If the resident refuses the unit offer
16. and the transfer is mandatory, PHA begins paperwork for lease termination
17. and the transfer is voluntary, no action needed
18. A PH resident has the right to grieve the unit offer using the **Grievance Procedure**
19. In either case, PHA removes the resident from the transfer list.
20. If the resident accepts the unit offer
21. A new lease is executed.
22. Resident moves into new unit.
23. PHA removes the resident from the transfer list.

**Qualifying for Transfers –Residents in Good Standing**

1. Transfer is not a substitute for lease enforcement and managers are not permitted to simply shift their problem residents to other properties.
2. Families that qualify for emergency transfers, (with unit or overall building condition that pose an immediate threat to their life, health or safety, or personal emergencies do not have to be lease compliant in order to be transferred.
3. Emergency transfer families in the process of having their leases terminated continue in lease termination, even if subject to an emergency transfer.
4. An emergency transfer does not stop the lease termination process because as long as a person is a PHA resident, PHA has an obligation to house them in an apartment that is not a threat to their life, health, or safety.
5. Managers do not sign new leases with families who are given emergency transfers while in the process of lease termination – instead, managers sign a lease addendum that makes clear that the unit is a temporary one and that, because of lease non-compliance, lease termination continues.
6. If the lease termination process is so lengthy that the family’s original unit is ready for re-occupancy, the family must move back to that unit.
7. Residents who are over-housed need not be lease compliant to be transferred, although the manager should enforce their leases
8. Residents who need reasonable accommodation transfers need not be lease compliant, although if their non-compliance is unrelated to their disability or the unsuitability of their original unit to their disability the manager should enforce their lease
9. Other families who transfer must be lease compliant. To be lease compliant a resident, the resident’s family and household are
10. Current on rent payments or on any repayment agreement;
11. In compliance with PHA’s lease with respect to history of criminal activity or disturbances that resulted in lease violations as documented by lease violation notices in the resident’s file;
12. Not permitting unauthorized occupants to live in the apartment without getting PHA’s permission to add them to the lease;
13. Good housekeepers, as evinced by the housekeeping inspection reports in the resident’s file; and
14. In compliance with PHA’s lease with respect to destruction, damage, defacing or removing any part of an apartment or development as documented by housekeeping inspection reports, or work order reports reflecting a pattern of damage to the apartment.
15. Residents that cannot pass the lease compliance test may be denied a transfer. PHA’s refusal to transfer is subject to the **Grievance Procedure** in Public Housing.

**Reasonable Accommodation Transfers**

1. All reasonable accommodation transfers of residents with disabilities are voluntary – the resident has the right to refuse the transfer after signing a certification that PHA offered the transfer as a reasonable accommodation to the resident’s disability.
2. Transfers of families with no members with disabilities out of accessible units (because either a resident or applicant family needs the accessible unit) are mandatory. PHA pays the cost of the transfer (because PHA placed the family in the accessible unit knowing they might well have to transfer).
3. When more than one resident with a family member who has a disability is waiting for a transfer to an accessible unit, the transfer will always be offered to the family with the greatest need for the transfer rather than the family that has been waiting longest for the transfer. For example, if a family is on the transfer list for a reasonable accommodation transfer because a family member needs only a roll-in shower rather than a fully accessible unit and another family applied later for a transfer, but needs a fully accessible unit because a family member uses a wheelchair, the second family would get the first available accessible unit. (**24 CFR 8.27)**

**PBV Right-sizing Transfers**

1. Right-sizing transfers are paid for by the family being transferred.
2. The PBV rules are strict and explicit with respect to assisting families in over-sized units. Former public housing residents who are over-housed at the time of the RAD transition to PBV will be required to transfer to units of the correct size as soon as such units become available.
3. The first families to be transferred will be those who are the most over-housed, for example a single person living in a four, three or two bedroom unit when they only qualify for a one-bedroom unit.
4. As smaller units become available, the first tenants to be transferred will be those with the greatest number of excess bedrooms.
5. Since the RAD properties have few one-bedroom units, some residents may have to wait a long time for a transfer to a right-sized unit. Another option for these families is to exercise their right to leave the PBV property after one year of occupancy and take a regular HCV voucher (if such vouchers are available). In the voucher program they would be allowed to lease a larger unit so long as the gross rent for the unit does not push their rent past the 40% of adjusted monthly income limit at lease-up.
6. When there are several families waiting to be down-sized as smaller units become available, the order in which they will be transferred will be based upon the last 4 digits of their social security number.
7. PHA will place all such families on the mandatory transfer list in the numerical order of the last 4 digits of their social security numbers and will offer them transfers to smaller units as the units become available.
8. A family who refuses a mandatory transfer and either HCV vouchers are not available or the family also refuses the HCV voucher are subject to lease termination and eviction.
9. As larger units become available, families who are over-crowded will be transferred to larger units to better accommodate their families.

**Notice Requirements for Transfers**

1. PHA/leasing agent gives maximum notice feasible, given conditions, for emergency transfers. In general, however, the threat to life, health or safety posed by unit or building conditions precludes much notice. In no event shall an Emergency Transfer take longer than 2 days.
2. PHA provides at least 30-day notice for administrative transfers, and convenience transfers.
3. PHA may provide less than 30-day notice for administrative transfers to move a resident in non-life-threatening situations such as documented threat by criminal elements, domestic violence or some medical condition that is not life threatening but may be exacerbated by the unit or location.

**Verification Requirements to Document Need for Transfer**

1. Emergency transfers
2. Inspection report documenting condition of apartment or building; or
3. Verification from a qualified medical practitioner of a life-threatening medical or disability condition that would be improved by a transfer to another unit; or
4. Threat assessment from the police department that documents the danger from the criminal element in the original apartment; or
5. Protective order issued against someone at the original location; or
6. Threat assessment from the police department or verification from a qualified medical practitioner that a family member is a victim of domestic violence. Note: The documentation must name the person committing the domestic violence and PHA may not move this individual to a new location; or
7. Threat assessment from the police department that documents the family’s experience of hate crimes in the original location; or
8. Other information, as appropriate, to document the life-threatening situation that warrants this category of transfer.
9. Administrative transfers in the following category order
10. Priority 1: Reasonable accommodations for residents with disabilities: Verification that the person making the request is a person with disabilities[[4]](#footnote-4) and verification from a qualified source that the requested accommodation transfer will enable the resident with disabilities to have equal access to PHA benefits.
11. Priority 2: Three sub-priorities below
12. Modernization transfers: Verification that the work to be done in the apartment or building requires relocation, and that it will take place in the coming four months
13. Problems of violence that are less than life-threatening: Threat assessments similar to those required above
14. Overcrowding, over-housing: For overcrowding, copy of the most recent lease with names, ages, sexes and relationship of all family and household members. For over-housing, same information.
15. Convenience transfers: Documentation that the person requesting the transfer has lived in his/her current apartment for at least one year, signed request for a transfer and is in good standing.

**Site Selection for PH Transferees**

1. Generally, PHA is unable to give families who must move under requirements applicable to Emergency a choice of site. They are transferred to the first unit available that is the correct size and type for the resident that meets housing quality standards.
2. PHA takea into consideration issues of personal safety that might arise when transferring a resident to a different building or development. To be considered by PHA, such issues must be documented by a threat assessment. If such safety issues exist, PHA will, to the extent possible, provide the resident with an alternative unit.
1. The Administrative Transfer that is not mandatory is the transfer of residents with disabilities. Such residents may refuse such a transfer without repercussions. [↑](#footnote-ref-1)
2. based on threat assessment by a law enforcement agency [↑](#footnote-ref-2)
3. This may be a right of return recertification. [↑](#footnote-ref-3)
4. Receipt of either Social Security or SSI disability income is sufficient verification, otherwise use Disability Verification Form. [↑](#footnote-ref-4)