

Pittsfield Housing Authority

STATE TRANSFER POLICY

TENANT REQUESTED – PHA REQUIRED – EMERGENCY

TENANT REQUESTED TRANSFERS:

- **REASONABLE ACCOMMODATION:** The PHA will consider tenant-requested transfers 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 a mobility impairment or a transfer to a unit with accessible features. The PHA will pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.
- **PHYSICAL HARM OR CRIMINAL ACTIVITY:** When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the PHA's discretion, include report 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.
- **OVER /UNDER HOUSED TRANSFER:** A tenant may request a transfer if the family size has changed and the family is now too large (overcrowded) or too small (over-housed) for the unit occupied.

ELIGIBILITY FOR TENANT REQUESTED TRANSFER:

Except where reasonable accommodation is being requested, the PHA will only consider transfer requests from residents that meet the following requirements:

- There have been no serious violations of the lease within the preceding two (2) years.
- Tenant is current in rent, charges and fees owed to PHA
- Tenant is not subject to eviction proceedings or to the terms of agreement for judgment in a prior eviction proceeding.
- 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 will also be made when the PHA 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. Tenants who are not in good standing may still request an emergency transfer under VAWA.
- If a family requested to be placed on the waiting list for a unit size smaller than designated by the occupancy guidelines, the family will not be eligible to transfer to a larger size unit for a period of two years from the date of admission, unless they have a change in family size or composition, or it is needed as a reasonable accommodation.

COST OF TENANT REQUESTED TRANSFER:

The resident will bear all the costs of transfer they request. However, the PHA will bear the transfer costs when the transfer is done as a reasonable accommodation.

HANDLING OF TENANT REQUESTED TRANSFER REQUESTS:

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

Emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383)

Transfer requests under VAWA will be processed in accordance with the PHA's Emergency Transfer Plan

In case of a reasonable accommodation transfer, the PHA will request the resident to make the request in writing using a reasonable accommodation request form. However, the PHA 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 PHA 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.

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

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

TRANSFER LIST:

The PHA 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 (for over-housed or under-housed)
6. Other PHA-required transfers
7. Other resident-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 executive director, the PHA 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 PHA to meet the demolition or renovation schedule.

TRANSFER OFFER POLICY:

Residents will receive one offer of a transfer. Unit offers must be accepted or rejected within 7 days of the offer,

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 PHA'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. Reasons offered must be specific to the family. refusals due to location alone do not qualify for this good cause exemption.
- 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 PHA will require documentation of good cause for unit refusals.

PHA-REQUIRED TRANSFERS

- **MODERNIZATION WORK:** In the event modernization work is to be undertaken involving the leased premises, PHA shall give written notice about the work and offer to transfer Tenant's household to another unit of appropriate unit size upon availability
 - Upon notice of availability of such a unit, Tenant shall have thirty (30) days within which to sign a lease for and to move to the other unit. Following expiration of thirty (30) days from the notice of availability, Tenant shall vacate the leased premises.
- (D) Other Reasons for Transfer
 - PHA may approve an application for transfer pursuant to applicable state regulations or authorization of EOHLC.
- **OVERHOUSED:** Transfer a resident who is **overhoused** based on family composition. The PHA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is over-housed.
 - The PHA will offer to lease a smaller unit to the tenant who then shall have thirty (30) days within which to sign a new lease and move to the unit of appropriate size

- In the event the Tenant Household has been determined to be over housed and the tenant has failed or refused to transfer to a unit of appropriate size offered by the PHA following any such failure or refusal to transfer, **the tenants monthly rent shall be 150% of the rent which would otherwise have been charged to the tenant.**

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.

The PHA 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 PHA that a transfer is necessary and that the family has been placed on the transfer list.

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

A transfer that is required by the PHA is an adverse action and is subject to the notice requirements for adverse actions

EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created that are hazardous to life, health, or safety of the occupants, the PHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time

The following are considered emergency circumstances 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
 - 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 PHA will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, stalking, or human trafficking. The PHA will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The PHA 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 PHA will assist the resident in seeking an external emergency transfer either within or outside the PHA's programs.

The PHA has adopted an emergency transfer plan, which is available on request..

EMERGENCY TRANSFER PROCEDURES

Any condition that would produce an emergency work order would qualify a family for an emergency transfer if the repairs (temporary or permanent) cannot be made within 24 hours.

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the PHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. The family is entitled to alternative accommodations even if the tenant, household member, guest, or other covered person is responsible for the damage that caused the hazard or if a family is in the process of being evicted.

If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the PHA will transfer the resident to the first available and appropriate unit after the temporary relocation.

Emergency transfers that arise due to maintenance conditions are mandatory for the tenant.

COSTS OF EMERGENCY TRANSFER

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

ADVERSE ACTION

A PHA required transfer is an adverse action. As an adverse action, the transfer is subject to the requirements regarding notices of adverse actions. If the family requests a grievance hearing within the required timeframe, the PHA may not take action on the transfer until the conclusion of the grievance process.