

Chapter 12

TRANSFER POLICY

INTRODUCTION

This chapter explains the PHA's transfer policy, based on HUD regulations, HUD guidance, and PHA policy decisions.

This chapter describes HUD regulations and PHA policies related to transfers in four parts:

Part I: Emergency Transfers. This part describes emergency transfers, emergency transfer procedures, and payment of transfer costs.

Part II: PHA Required Transfers. This part describes types of transfers that may be required by the PHA, notice requirements, and payment of transfer costs.

Part III: Transfers Requested by Residents. This part describes types of transfers that may be requested by residents, eligibility requirements, security deposits, payment of transfer costs, and handling of transfer requests.

Part IV: Transfer Processing. This part describes creating a waiting list, prioritizing transfer requests, the unit offer policy, examples of good cause, deconcentration, transferring to another development and reexamination.

The PHA may require the tenant to move from the unit under some circumstances. There are also emergency circumstances under which alternate accommodations for the tenant must be provided, that may or may not require a transfer.

The tenant may also request a transfer, such as a request for a new unit as a reasonable accommodation.

The PHA must have specific policies in place to deal with acceptable transfer requests.

PART I: EMERGENCY TRANSFERS

12-I.A. OVERVIEW

HUD categorizes certain situations that require emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the PHA.

In the case of a genuine emergency, it may be unlikely that the PHA will have the time or resources to immediately transfer a tenant. Due to the immediate need to vacate the unit, placing the tenant on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the PHA should find alternate accommodations for the tenant until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

12-I.B. EMERGENCY TRANSFERS

If the dwelling unit is damaged to the extent that conditions are created which 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 [24 CFR 966.4(h)].

VAWA requires the PHA to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking.

SNRHA Policy

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 section 16-VII.D. To request the emergency transfer, the requestor must submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP), although, the PHA may waive this requirement in order to expedite the transfer process.

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. 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 outlined below.

12-I.C. EMERGENCY TRANSFER PROCEDURES

SNRHA Policy

Any condition that would produce an emergency work order would qualify a family for an emergency transfer if the repairs 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.

If the emergency transfer is necessary to protect a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will follow procedures outlined below.

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

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

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

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

12-I.D. EMERGENCY TRANSFER PLAN (VAWA)

SNRHA's Emergency Transfer Plan must allow tenants who are victims of domestic violence, dating violence, sexual assault, or stalking regardless of sex, gender identity or sexual orientation to make an internal emergency transfer under VAWA when a safe unit is immediately available. A victim determines whether the unit is safe. HUD encourages all PHA's to engage the victim in a conversation as to what they may consider safe or what factors the victim considers unsafe.

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L, is eligible for an emergency transfer, if: the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. In the case of sexual assault, the tenant reasonably believes there is a threat of imminent harm from further violence if the tenant remains within the same

dwelling unit that the tenant is currently occupying, or the sexual assault occurred on the premises during the 90-day period preceding the date of request for transfer (24 CFR 5.2005 (e)(2)).

1. A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan. If an applicant for, or tenant of, housing under a covered housing program represents to a SNRHA or owner or manager of the housing that the individual is entitled to protection under in 24 CFR § 5.2007 , but has not provided documentation, to provide documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1) of the occurrence of domestic violence, dating violence, sexual assault, or stalking within 14 business days. It is at the applicant or tenant’s discretion which one of the following forms of documentation to submit. SNRHA at its discretion, may extend the 14 business day deadline. The applicant or tenant may request an extension of time from SNRHA in writing if additional time is required to submit the requested documentation. If SNRHA refuses to provide an extension, it shall document its reason for doing so. SNRHA shall maintain this documentation in accordance with the VAWA confidentiality policy adopted pursuant to this Agreement.

1. Permissible Documentation as Enumerated in 24 CFR § 5.2007(B)(1) and 34 USC § 12491(C)

a. 24 CFR § 5.2007(b)(1).

n response to SNRHA’s written request you may submit, as documentation of the occurrence of domestic violence, dating violence, sexual assault, or stalking, any one of the following forms of documentation, where it is at your discretion which one of the following forms of documentation to submit:

(i) The certification form described in § 5.2005(a)(1)(ii); or

(ii) A document:

(A) Signed by an employee, agent, or volunteer of a victim service provider, an attorney, or medical professional, or a mental health professional (collectively, “professional”) from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse;

(B) Signed by the applicant or tenant; and

(C) That specifies, under penalty of perjury, that the professional believes in the occurrence of the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for

protection and remedies under this subpart, and that the incident meets the applicable definition of domestic violence, dating violence, sexual assault, or stalking under § 5.2003; or

(iii) A record of a Federal, State, tribal, territorial or local law enforcement agency, court, or administrative agency; or

(iv) At the discretion of a covered housing provider, a statement or other evidence provided by the applicant or tenant.

b. 34 USC § 12491(c)

In response to SNRHA's written request you may submit to SNRHA as documentation any form of documentation described in paragraph (3).

(3) Form of documentation

A form of documentation described in this paragraph is—

(A) a certification form approved by the appropriate agency that—

(i) states that an applicant or tenant is a victim of domestic violence, dating violence, sexual assault, or stalking;

(ii) states that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b); and

(iii) includes the name of the individual who committed the domestic violence, dating violence, sexual assault, or stalking, if the name is known and safe to provide;

(B) a document that—

(i) is signed by—

(I) an employee, agent, or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom an applicant or tenant has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects

of the abuse; and

(II) the applicant or tenant; and

(ii) states under penalty of perjury that the individual described in clause (i)(I) believes that the incident of domestic violence, dating violence, sexual assault, or stalking that is the ground for protection under subsection (b) meets the requirements under subsection (b);

(C) a record of a Federal, State, tribal, territorial, or local law enforcement agency, court, or administrative agency; or

(D) at the discretion of a public housing agency or owner or manager of housing assisted under a covered housing program, a statement or other evidence provided by an applicant or tenant.

Upon receipt of one of these forms of documentation, **SNRHA employees are prohibited from conducting further fact finding for the purpose of trying to verify the “validity” of an applicant, tenant, or participant’s victim status.** SNRHA may only request additional documentation if there is conflicting information (i.e. two or more members in the same household submit conflicting documentation regarding who is the perpetrator and who is the victim). SNRHA must provide the applicant or tenant with 30 days to provide additional documentation if such circumstances arise.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

Confidentiality

SNRHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives SNRHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. See Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about SNRHA’s responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.

Processing of Emergency Transfer Request

SNRHA shall respond to emergency transfer requests within one (1) business day of the resident or program participant request. If the resident or program participant did not provide documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1) of the occurrence of domestic violence, dating violence, sexual assault, or stalking at the time of the request, SNRHA will send out a written request within one (1) business day to the resident or program participant requiring the resident or program participant provide documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1) within 14 business days from SNRHA's written request. It is the resident or program participant's discretion which one of the forms of documentation to submit. SNRHA shall extend the 14-business day deadline by 10 business days, if requested by the resident or program participant.

Upon receipt of one of these forms of documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1), SNRHA employees are prohibited from conducting further fact finding for the purpose of trying to verify the validity of an applicant, tenant, or participant's victim status.

Management of the Department (Housing Programs Director, Director of Operations, Deputy Director of Operations, Director of Affordable Housing, Deputy Director of Affordable Housing) or SNRHA employee(s) designated by SNRHA shall make a determination regarding the VAWA emergency transfer request within one (1) business day of receipt of documentation enumerated in 34 USC § 12491(c) or 24 CFR § 5.2007(b)(1). SNRHA shall inform the tenant or program participant in writing of the current availability of units to which SNRHA can transfer them if they are seeking an internal emergency transfer. If SNRHA has no safe and available units, or the tenant or program participant is seeking an external transfer, SNRHA shall provide the tenant or participant a written list of housing providers in the community for which the SNRHA has partnered to serve victims of domestic violence, dating violence, sexual assault, and stalking.

Emergency Transfer Timing and Availability

While SNRHA will respond to emergency transfer requests as outlined above. SNRHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. SNRHA will, however, act as quickly as possible to move a resident or who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.

If a resident or program participant reasonably believes a proposed transfer would not be safe, the resident may request a transfer to a different unit. A resident does not waive their right to an emergency transfer if they decline an offered unit because they do not believe that it is safe, for any disability-related reason, or good cause. Examples of "good cause", which can include but are not limited to financial hardship; hardship related to obtaining transportation to work, school, medical appointments, and/or childcare; disruptions to a child's education; and any reason that may be a result of the tenant's status as a survivor of domestic violence, dating violence, sexual assault, or stalking. SNRHA will continue to fulfill its obligations to locate a safe unit for the resident or program participant pursuant to this Emergency Transfer Plan. There is no limitation on how many times a resident or program participant may request an VAWA emergency transfer, nor how many units a tenant may decline due to safety or disability-related reasons.

If a unit is available, the transferred resident or program participant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. SNRHA may be unable to transfer a resident or program participant to a particular unit if the resident or program participant has not or cannot establish eligibility for that unit.

If SNRHA has no safe and available units, for which a resident or program participant who needs an emergency is eligible, SNRHA will assist the resident or participant in identifying other housing providers who may have safe and available units to which the resident or participant could move by providing the resident or program participant with a written list of housing providers in the community for which SNRHA has partnered to serve victims of domestic violence, dating violence, sexual assault, and stalking.

-If applicable, SNRHA shall inform the resident or program participant in writing of any ability to give the resident or program participant priority on any waitlist.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrims.org/our-programs/stalking-resource-center>.

Below are local organizations offering assistance to victims of domestic violence, dating violence and sexual assault or stalking.

Safe Nest (Administrative Offices) (Provides Temporary assistance for domestic crisis.)
2915 W. Charleston Blvd.,
Las Vegas, NV 89102
(702) 877-0133

Hotlines:

Safe Nest (Domestic Violence Hotline)
(702) 646-4981

S.A.F.E. House Domestic Violence
(702) 564-3227 – Hotline

Rape Crisis Hot Line
1 (888) 366-1640

Clark County Child Abuse/Neglect Hotline
(702) 399-0081

Shelters:

Catholic Charities
1501 N. Las Vegas Blvd.
Las Vegas, NV 89101
(702) 382-0721

Rescue Mission
480 W. Bonanza
Las Vegas, NV 89106
(702) 382-1766

Shade Tree (Women, Children, & pets only)
1 W. Owens
North Las Vegas, NV 89030
(702) 385-0072

Notification: If approved, the family will be notified that:

A unit has been designated;

They must execute a new lease and move within three (3 days) of receipt of the notice.

PART II: PHA-REQUIRED TRANSFERS

12-II.A. OVERVIEW

HUD regulations regarding transfers are minimal, leaving it up to the PHA to develop reasonable transfer policies.

The PHA may require that a resident transfer to another unit under some circumstances. For example, the PHA may require a resident to transfer to make an accessible unit available to a disabled family. The PHA may also transfer a resident to maintain occupancy standards based on family composition. Finally, a PHA may transfer residents to demolish or renovate the unit.

A transfer that is required by the PHA is an adverse action and is subject to the notice requirements for adverse actions [24 CFR 966.4(e)(8)(i)].

12-II.B. TYPES OF PHA-REQUIRED TRANSFERS

SNRHA Policy

The types of transfers that may be required by the PHA, 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 as discussed in Part I of this chapter.

Transfers required by the PHA are mandatory for the tenant. The family will be given 3 days to vacate the unit after receipt of written notice. If reasonable extensions are requested the PHA will review and approve as necessary.

Transfers to Make an Accessible Unit Available

When a family is initially given an accessible unit, but does not require the accessible features, the PHA may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)].

SNRHA Policy

When a non-accessible unit becomes available, the PHA 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 PHA 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 PHA may require a resident to move when a reexamination indicates that there has been a change in family composition, and the family is either overcrowded or over-housed according to PHA policy [24 CFR 960.257(a)(4)]. On some occasions, the PHA may initially place a resident in an inappropriately sized unit at lease-up, where the family is over-housed, to prevent vacancies. The public housing lease must include the tenant's agreement to transfer to an appropriately sized unit based on family composition [24 CFR 966.4(c)(3)].

SNRHA Policy

The PHA 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. SNRHA will review family composition and determine this at time of annual reexamination.

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, according to the chart in Section 5-I.B.

Over-housed: the family no longer qualifies for the bedroom size in which they are living based on the PHA's occupancy standards as described in Section 5-I.B.

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

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.

One (1) transfer for every forty (40) offers from the waiting list will be used for over and under-housed families.

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 Section 5-I.C. will only be required to transfer if it is necessary to comply with the approved exception.

On Site Transfers for Over/Under Housed Families at Otto Merida and Vera Johnson A

Otto Merida and Vera Johnson A will maintain a separate, internal transfer waitlist for families who are determined to be over/under housed at time of annual recertification. Otto Merida will adhere to a 2:1 ratio for transfers and Vera Johnson A will adhere to a 4:1 ratio for transfers. Families who transfer due to being over/under housed must qualify for the transfer unit under the LITC income guidelines established at each site.

Demolition, Disposition, Revitalizations, or Rehabilitation, Including Rental Assistance Demonstration (RAD) Conversions Transfers

These transfers permit the PHA to demolish, sell or do major capital or rehabilitation work at a building site [PH Occ GB, page 148].

SNRHA Policy

The PHA 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 PHA's relocation plan may or may not require transferring affected families to other available public housing units or provide Tenant Protection Vouchers if available.

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.

12-II.C. ADVERSE ACTION [24 CFR 966.4(e)(8)(i)]

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.

12-II.D. COST OF TRANSFER

SNRHA Policy

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

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

PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW

HUD provides the PHA with discretion to consider transfer requests from tenants. The only requests that the PHA is required to consider are requests for reasonable accommodation. All other transfer requests are at the discretion of the PHA. To avoid administrative costs and burdens, this policy limits the types of requests that will be considered by the PHA.

Some transfers that are requested by tenants should be treated as higher priorities than others due to the more urgent need for the transfer.

12-III.B. TYPES OF RESIDENT-REQUESTED TRANSFERS

SNRHA Policy

The types of requests for transfers that the PHA 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 provided that the family qualifies for the unit according to the PHA's occupancy standards. No other transfer requests will be considered by the PHA.

The PHA 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 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.

When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the PHA'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.

The PHA 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 PHA's definition of overcrowded, as long as the family meets the PHA's occupancy standards for the requested size unit.

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

12-III.C. ELIGIBILITY FOR TRANSFER

Transferring residents do not have to meet the admission eligibility requirements pertaining to income or preference. However, the PHA may establish other standards for considering a transfer request [PH Occ GB, p. 150].

SNRHA Policy

Except where reasonable accommodation is being requested, the PHA 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 an adult family member that is a current lease-holder (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 PHA's advantage to make the transfer.

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 in accordance with section 16-VII.D of this ACOP. 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.

12-III.D. SECURITY DEPOSITS

SNRHA Policy

1. Families transferring to another development must have paid the security deposit in full at the sending development.
2. SNRHA will charge the families for any damages to the previous unit.
3. Security deposits will be refunded to the resident under the terms of the lease for the previous unit. The resident must deposit with SNRHA a security deposit on the new unit consistent with the security deposit policy in effect at the time of the transfer.
4. Refer to Leasing Chapter for additional details.
5. Move-out charges will be posted to the new unit. The office of the receiving development is responsible for collecting any maintenance charges due SNRHA.

12-III.E. COST OF TRANSFER

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].

SNRHA Policy

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.

12-III.F. HANDLING OF REQUESTS

SNRHA Policy

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

Transfer requests under VAWA will be processed in accordance with the PHA's Emergency Transfer Plan (Exhibit 16-3). In case of a reasonable accommodation transfer, the PHA will encourage 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 under Section 12-III.C., the manager will address the problem and, until resolved, the request for transfer 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.

PART IV: TRANSFER PROCESSING

12-IV.A. OVERVIEW

Generally, families who request a transfer should be placed on a transfer list and processed in a consistent and appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience inequitable treatment.

12-IV.B. TRANSFER LIST

SNRHA Policy

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 be placed on the transfer list. 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 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.

SNRHA Policy

Residents will receive one offer of a transfer.

When the transfer is required by the PHA, 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.

12-IV.C. GOOD CAUSE FOR UNIT REFUSAL

SNRHA Policy

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 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 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 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 PHA will require documentation of good cause for unit refusals.

12-IV.D. DECONCENTRATION

SNRHA Policy

If subject to deconcentration requirements, the PHA will consider its deconcentration goals when transfer units are offered. When feasible, families above the Established Income Range will be offered a unit in a development that is below the Established Income Range, and vice versa, to achieve the PHA's deconcentration goals. A deconcentration offer will be considered a "bonus" offer; that is, if a resident refuses a deconcentration offer, the resident will receive one additional transfer offer.

12-IV.E. REEXAMINATION POLICIES FOR TRANSFERS

SNRHA Policy

The reexamination date will remain the same as the original admission to program date.