

## Northeast Georgia Housing Authority

### TRANSFER POLICY

#### INTRODUCTION

This transfer policy is based on HUD regulations, HUD guidance, and NORTHEAST GEORGIA HOUSING AUTHORITY policy decisions.

This chapter describes HUD regulations and NORTHEAST GEORGIA HOUSING AUTHORITY 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: NORTHEAST GEORGIA HOUSING AUTHORITY Required Transfers. This part describes types of transfers that may be required by the NORTHEAST GEORGIA HOUSING AUTHORITY, 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 NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY must have specific policies in place to deal with acceptable transfer requests.

#### PART I: EMERGENCY TRANSFERS

##### 12-I.A. OVERVIEW

HUD categorizes certain actions as emergency transfers [PH Occ GB, p. 147]. The emergency transfer differs from a typical transfer in that it requires immediate action by the NORTHEAST GEORGIA HOUSING AUTHORITY.

In the case of a genuine emergency, it may be unlikely that the NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY 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 reached.

#### **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 NORTHEAST GEORGIA HOUSING AUTHORITY must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The following is considered an 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.

#### **12-I.C. EMERGENCY TRANSFER PROCEDURES**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the NORTHEAST GEORGIA HOUSING AUTHORITY will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions that required the transfer cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the NORTHEAST GEORGIA HOUSING AUTHORITY will transfer the resident to the first available and appropriate unit after the temporary relocation.

If legal eviction action was pending against the resident at the time the unit became uninhabitable, the NORTHEAST GEORGIA HOUSING AUTHORITY will continue the legal action and will be responsible for providing accommodations to the resident only until the conclusion of the resident's due process.

Emergency transfers are mandatory for the tenant.

#### **12-I.D. COSTS OF TRANSFER**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The NORTHEAST GEORGIA HOUSING AUTHORITY will bear the reasonable costs of temporarily accommodating the tenant and of long term transfers, if any, due to emergency conditions, unless it is determined that the resident family was responsible for the damage to the unit that made the transfer necessary. In the event of a fire or other damage, a report from the fire department or other third party will be considered as sufficient evidence establishing fault

If it is determined that the damage is resident-caused, the resident will be responsible for repaying the housing authority for any and all damages to the unit, and will not receive reimbursement of any kind for costs of the transfer.

The reasonable cost of transfers shall not exceed a reasonable moving allowance as established under the Uniform Relocation Assistance and Real Property Acquisition Policies, Act, Residential Moving Expense and Dislocation Allowance Payment Schedule, as updated and published from time to time in the Federal Register.

## **PART II: NORTHEAST GEORGIA HOUSING AUTHORITY REQUIRED TRANSFERS**

### **12-II.A. OVERVIEW**

HUD regulations regarding transfers are minimal, leaving it up to the NORTHEAST GEORGIA HOUSING AUTHORITY to develop reasonable transfer policies.

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

A transfer that is required by the NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY REQUIRED TRANSFERS**

#### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The types of transfers that may be required by the NORTHEAST GEORGIA HOUSING AUTHORITY, 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 NORTHEAST GEORGIA HOUSING AUTHORITY are mandatory for the tenant.

#### **Transfers to Make an Accessible Unit Available**

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

#### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

When a non-accessible unit becomes available, the NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY policy [24 CFR 960.257(a)(4)]. On some occasions, the NORTHEAST GEORGIA HOUSING AUTHORITY 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 at the resident's expense based on family composition [24 CFR 966.4(c)(3)].

### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The NORTHEAST GEORGIA HOUSING AUTHORITY 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.

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 NORTHEAST GEORGIA HOUSING AUTHORITY's occupancy standards as described in Section 5-I.B.

The NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY's occupancy standards, when the NORTHEAST GEORGIA HOUSING AUTHORITY determines there is a need for the transfer.

The NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY that a transfer is necessary and that the family has been placed on the transfer list.

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.

## **Demolition, Disposition, Revitalizations, or Rehabilitation Transfers**

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

### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST

GEORGIA HOUSING AUTHORITY's relocation plan may or may not require transferring affected families to other available public housing units.

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 NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY may not take action on the transfer until the conclusion of the grievance process.

#### **12-II.D. COST OF TRANSFER**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The NORTHEAST GEORGIA HOUSING AUTHORITY will bear the reasonable costs of transfers that the NORTHEAST GEORGIA HOUSING AUTHORITY requires, with the exception of those transfers to correct occupancy standards. Residents will be required to bear the cost of occupancy standards transfers.

The reasonable cost of transfers shall not exceed a reasonable moving allowance as established under the Uniform Relocation Assistance and Real Property Acquisition Policies, Act, Residential Moving Expense and Dislocation Allowance Payment Schedule, as updated and published from time to time in the Federal Register.

### **PART III: TRANSFERS REQUESTED BY TENANTS**

#### **12-III.A. OVERVIEW**

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

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**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The types of requests for transfers that the NORTHEAST GEORGIA HOUSING AUTHORITY 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 as long as the family qualifies for the unit according to the NORTHEAST GEORGIA HOUSING AUTHORITY's occupancy standards, and transfers to a location closer to employment. No other transfer requests will be considered by the NORTHEAST GEORGIA HOUSING AUTHORITY.

The NORTHEAST GEORGIA HOUSING AUTHORITY 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 there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the NORTHEAST GEORGIA HOUSING AUTHORITY'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, a hate crime, or domestic violence, dating violence, sexual assault, or stalking.

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

The NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY's definition of overcrowded, as long as the family meets the NORTHEAST GEORGIA HOUSING AUTHORITY's occupancy standards for the requested size unit

When the head of household or spouse is employed 25 miles or more from the public housing unit, has no reliable transportation, and public transportation is not adequate

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 NORTHEAST GEORGIA HOUSING AUTHORITY may establish other standards for considering a transfer request [PH Occ GB, p. 150].

#### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

Except where reasonable accommodation is being requested, the NORTHEAST GEORGIA HOUSING AUTHORITY 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  
Is in compliance with the community service requirements in their current unit  
Owe no back utility charges or have a pattern of late payments to utility providers  
and can get utilities turned on in the name of the head of household

A resident with housekeeping standards violations will not be transferred until the conclusion of the 'housekeeping probation period' established for the resident, and the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement may be made when it is to the NORTHEAST GEORGIA HOUSING AUTHORITY's advantage to make the transfer.

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**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

When a family transfers from one unit to another, the NORTHEAST GEORGIA HOUSING AUTHORITY will transfer their security deposit to the new unit. If the security deposit for the new unit is greater than that of the old unit, the difference will be collected from the tenant at the time of the transfer. Conversely, if the security deposit is less, the difference will be refunded to the tenant. The tenant will be billed for any maintenance or other charges due for the "old" unit.

#### **12-III.E. COST OF TRANSFER**

The NORTHEAST GEORGIA HOUSING AUTHORITY 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 2006-13].

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The resident will bear all of the costs of transfer s/he requests. However, in cases of documented hardship, the NORTHEAST GEORGIA HOUSING AUTHORITY will consider assuming the transfer costs when the transfer is done as a reasonable accommodation.

#### **12-III.F. HANDLING OF REQUESTS**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

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

In case of a reasonable accommodation transfer, the NORTHEAST GEORGIA

HOUSING AUTHORITY will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the NORTHEAST GEORGIA HOUSING AUTHORITY will consider the transfer request any time the resident indicates that an accommodation is needed whether or not a formal written request is submitted, providing third party verification of the need for the transfer has been given to the NORTHEAST GEORGIA HOUSING AUTHORITY.

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

## **PART IV: TRANSFER PROCESSING**

### **12-IV.A. OVERVIEW**

Generally, transfers should be placed on a transfer list and handled in the appropriate order. The transfer process must be clearly auditable to ensure that residents do not experience disparate treatment.

### **12-IV.B. TRANSFER LIST**

#### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The NORTHEAST GEORGIA HOUSING AUTHORITY 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 will not be finally resolved by a temporary accommodation, and the resident requires a permanent transfer, that transfer will be placed at the top of the transfer list.

Transfers will be processed in the following order:

1. Emergency transfers (hazardous maintenance conditions)
2. High-priority transfers (1)verified medical condition, (2)threat of harm or criminal activity, and (3)reasonable accommodation)
3. Transfers to make accessible units available
4. Demolition, renovation, etc.
5. Occupancy standards
6. Other NORTHEAST GEORGIA HOUSING AUTHORITY-required transfers



#### 7. Other tenant-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 NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY to meet the demolition or renovation schedule.

Transfers will take precedence over waiting list admissions, with the exception of tenant-requested transfers for non-emergency reasons. These will be housed along with applicants for admission at a ratio of one transfer for every four admissions.

#### 12-IV.C. TRANSFER OFFER POLICY

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

Residents will receive one offer of a transfer.

When the transfer is required by the NORTHEAST GEORGIA HOUSING AUTHORITY, refusal of that offer without good cause will result in lease termination.

When the transfer has been requested by the resident, refusal of that offer without good cause will result in the removal of the household from the transfer list and the family must wait six months to reapply for another transfer.

#### 12-IV.D. GOOD CAUSE FOR UNIT REFUSAL

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

Examples of good cause for refusal of a unit offer include, but are not limited to, the following:

Inaccessibility to source of employment, education, or job training, children's day care, or an educational program for children with disabilities, so that accepting the unit offer would require the 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 NORTHEAST GEORGIA HOUSING AUTHORITY'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, or risk assessments related to witness protection from a law enforcement agency. 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 NORTHEAST GEORGIA HOUSING AUTHORITY will require documentation of good cause for unit refusals.

#### **12-IV.E. DECONCENTRATION**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

If subject to deconcentration requirements, the NORTHEAST GEORGIA HOUSING AUTHORITY 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 NORTHEAST GEORGIA HOUSING AUTHORITY'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.F. REEXAMINATION POLICIES FOR TRANSFERS**

##### NORTHEAST GEORGIA HOUSING AUTHORITY Policy

The reexamination date will remain the same as the initial move-in date for the resident.