

# ACOP Development Guide



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## CHAPTER 4: TRANSFERS



This document is part of the Admissions and Continued Occupancy Policy (ACOP) Development Guide. The full ACOP Guide includes nine chapters on different topics addressed in a typical ACOP.

To see the full ACOP Guide go to:

<https://www.hudexchange.info/programs/public-housing/admissions-and-continued-occupancy-policy-toolkit/>

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## CHAPTER 4: TRANSFERS

### OVERVIEW

The purpose of this chapter is to provide PHAs with guidance to assist with drafting policies about public housing unit transfers. Housing Agencies will encounter situations in which families must move, or transfer from one unit to another. This chapter discusses the most common types of transfers and approaches to prioritizing transfers. HUD strongly encourages PHAs to establish policies in the ACOP that clearly state:

- The types of transfers recognized by the PHA.
- The priority among types of transfers.
- The types of transfers that take precedence over waiting list admissions.
- The types of transfers that are mandatory and those that are optional.
- The eligibility requirements for optional transfers.
- The costs associated with transfers and who bears the costs.
- The procedure for processing transfers.

PHAs are required to place families in a unit appropriate for the household's size and needs in accordance with HUD lease requirements and applicable occupancy standards (24 CFR § 966.4(c)(3)). Occupancy standards ensure that tenants are treated fairly and consistently and receive adequate housing space. One example of an occupancy standard is a limit of two persons per bedroom. However, there are several areas where PHAs have discretion to determine their own policies. When making transfers for any cause, PHAs must ensure that the unit to which a family is transferred is safe, decent, and sanitary and meets HUD's physical conditions standards.

When drafting transfer policies, PHAs must consider the distinction between **Mandatory** (non-Discretionary) and **Discretionary** policies.



#### **Mandatory Policies**

Mandatory policies must comply with HUD and other regulations and must be included in the ACOP. Mandatory policies are those prescribed in statute and regulation that must be part of the ACOP and for which PHAs have no flexibility.



#### **Discretionary Policies**

Discretionary policies are areas where the PHA has flexibility to define policies, typically within a given set of parameters. They may be unique to the PHA and based on industry best practices. These policies must still comply with Federal, State and local laws as well as HUD guidance.

## TOPICS COVERED IN THIS CHAPTER

The following are key components of a typical ACOP chapter on Transfers that are described in this chapter.

- 4.1. Transfer List and Priorities
- 4.2. Emergency Transfers
- 4.3. PHA-Initiated Transfers
- 4.4. Tenant-Initiated Transfers
- 4.5. Transfer Requests
- 4.6. Processing Requests
- 4.7. Unit Acceptance or Refusal
- 4.8. Transfer Costs

### Learn More About Transfers in the Public Housing Occupancy Guidebook

This chapter discusses the most common types of transfers, how to prioritize transfers and a PHA's administrative responsibilities.



**TRANSFERS**

## 4.1. TRANSFER LIST AND PRIORITIES



### ***Helpful Tips***

- ✓ In the ACOP, the PHA determines the priority level of each type of transfer. Remember that this same information also is included in the lease (24 CFR § 966.4 (e)(8)(i)), so families know their rights and responsibilities in the different scenarios.
- ✓ Many PHAs establish multiple categories for transfers to make priorities clear and manageable.
- ✓ So this is clear to staff and residents, as a best practice, PHAs should detail the different types of transfers by priority in a numbered list in the ACOP.
- ✓ The priority of transfer types should reflect the local needs and circumstances of the PHA and the population it serves.





## Mandatory Policies

- Emergency transfers due to physical hazards are of the highest priority because of their immediate nature. PHAs could potentially be in violation of their responsibilities under the lease for failure to correct such hazards. If alternative accommodations are available and the PHA cannot make the necessary repairs within a reasonable amount of time, PHAs are required to provide the family with alternative housing. 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 (24 CFR § 966.4(h)).
- When determining unit transfer priority, PHAs must follow HUD regulations. Based on 24 CFR § 966.4(h); 24 CFR § 970.21(a); 24 CFR § 966.4(c) (3); 24 CFR § 960.257(a)(4), tenants must comply with the following transfers:
  - Emergencies due to physical hazards.
  - Demolition, disposition, revitalization, and rehabilitation.
  - PHA-initiated occupancy standards transfers defined as mandatory in the ACOP (e.g., the family is under-housed or over-housed and there is a waiting list for that particular unit size).
  - Other PHA-initiated transfers defined as mandatory in the ACOP.
- PHAs must provide transfers or alternative housing to families when it is necessary to demolish, sell, or do major revitalization or rehabilitation work at a building or site (42 U.S.C. § 1437p(a)(4)(A)(iii); 24 CFR § 970.21(a)).



## Discretionary Policy Considerations

- PHAs have the discretion to establish clear guidelines for prioritizing transfers based on urgency and need, keeping in mind that emergency transfers are required.
- PHAs should establish a priority list that determines the types of transfers that take priority over applicants on housing waiting lists. HUD strongly encourages PHAs to include which transfers take priority over waiting list admissions in the ACOP.
- Generally, the types of transfers that take precedence over waiting list admission may include, but are not limited to:
  - Emergencies.
  - Reasonable accommodations.
  - Demolition, disposition, revitalization, and rehabilitation.
  - Incentive.
  - Occupancy standards transfers.
- PHAs must provide transfers or alternative housing to families when it is necessary to demolish, sell, or do major revitalization or rehabilitation work at a building or site (42 U.S.C. § 1437p(a)(4)(A)(iii); 24 CFR § 970.21(a)).

## *Sample ACOP Language*

### **TRANSFER LIST AND PRIORITIES**

The **USA HOUSING AGENCY** 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 family 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
  - a. Hazardous Maintenance Conditions
  - b. VAWA emergencies for tenants who are victims of domestic violence, dating violence, sexual assault or stalking
2. Mandatory PHA-Initiated Transfers
  - a. Occupancy Standards Transfers
  - b. Transfers to Make an Accessible Unit Available
  - c. Demolition, Disposition, Revitalizations, or Rehabilitation Transfers
3. High-Priority Tenant-Initiated Transfers
  - a. Reasonable Accommodation
  - b. Verified Threat
  - c. Alleviate Medical Problems
4. Regular-Priority Tenant-Initiated Transfers
  - a. Overcrowded
  - b. Employment Location
  - c. Optional
5. Optional PHA-Initiated Transfers
  - a. Incentive 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 **USA HOUSING AGENCY** 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 **USA HOUSING AGENCY** to meet the demolition, renovation, revitalization program, or RAD schedules. In the event the next available unit is greater in size than the family requires according to occupancy standards and no suitable family is on the transfer list, **USA HOUSING AGENCY** may transfer and temporarily over-house the family to maintain the demolition or renovation schedule. All mandatory transfers will take precedence over waiting list admissions.

## 4.2. EMERGENCY TRANSFERS



### Helpful Tips

- ✓ PHAs have discretion to establish internal policies and procedures that state guidelines for an emergency transfer when a unit must be evacuated due to health and safety hazard emergency.
- ✓ ACOP language should include specifics like building conditions, cause, and justifications for an emergency transfer. Examples that would make a building or unit uninhabitable and warrant an emergency transfer might include fire damage, gas leak, flooding, toxic contamination, and severe structural damage.
- ✓ A general best practice among PHAs is to have a standalone Emergency Transfer Plan in accordance with HUD guidance. Often the Emergency Transfer Plan is an exhibit or appendix to the ACOP or can be referenced in the ACOP and be a standalone policy document.



### Mandatory Policies

- For the PHA to remain compliant with its lease obligations, 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. Therefore, PHAs must establish an emergency transfer policy in the event there is damage to a family's unit or building, or the site poses an immediate hazard to the life, health, and/or safety threat and the PHA cannot make the necessary repairs within 24 hours. The PHA must offer standard alternative accommodations, if available, when necessary repairs cannot be made within a reasonable time (24 CFR § 966.4(h)).
- A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is eligible for an emergency transfer, as provided in HUD's regulations at 24 CFR § part 5, subpart L. PHAs are required to have a Violence Against Women Act (VAWA) Emergency Transfer Plan with guidelines for this type of emergency transfer and should reference the policy and guidelines in their ACOPs.



### Discretionary Policy Considerations

- When drafting policy language regarding emergency transfers due to health and safety concerns, it is a best practice to include a timeframe. For example, the PHA could say "within 24 hours or a reasonable amount of time" or could offer more detail, like "within 24 to 36 hours."
- In emergency situations when no other appropriate public housing units are available, it is common practice for PHAs to provide families with an HCV or cover the cost of hotel accommodations until repairs are made or a transfer to alternative housing is completed.

## Sample ACOP Language

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

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, serious water leaks, or to protect the family from imminent danger by criminal activity.
- A verified incident of domestic violence, dating violence, sexual assault, or stalking. In order to request an emergency transfer under VAWA, the resident is required to submit an emergency transfer request form (HUD-5383). The **USA HOUSING AGENCY** may, on a case-by-case basis, waive this requirement and accept a verbal request to expedite the transfer process. If **USA HOUSING AGENCY** accepts an individual's statement, staff will document acceptance of the statement in the individual's file. Transfer requests under VAWA will be processed in accordance with the VAWA Emergency Transfer Plan, which is included as an exhibit to this ACOP.

### Emergency Transfer Procedures

If the transfer is necessary because of maintenance conditions or other emergency conditions, and an appropriate unit is not immediately available, the **USA HOUSING AGENCY** 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 within 24 hours or a reasonable amount of time, the **USA HOUSING AGENCY** 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.

**USA HOUSING AGENCY** will immediately process requests for transfers due to domestic violence, dating violence, sexual assault, or stalking. The **USA HOUSING AGENCY** will allow a tenant to make an internal emergency transfer under VAWA when a safe unit is immediately available. The **USA HOUSING AGENCY** defines immediately available as a vacant unit, that is ready for move-in within a reasonable period of time, not to exceed 20 days. If an internal transfer to a safe unit is not immediately available, the **USA HOUSING AGENCY** will assist the resident in seeking an external emergency transfer either within or outside the PHA's programs. The **USA HOUSING AGENCY** has adopted an Emergency Transfer Plan, which is included as an exhibit to this ACOP.

## 4.3. PHA-INITIATED TRANSFERS



### Helpful Tips

- ✓ PHA-initiated transfers are transfers where the PHA asks a family to move to another unit. Some PHA-initiated transfers are mandatory for tenants, while others are not mandatory. PHAs should clearly define in the ACOP what transfer types are mandatory for tenants and which ones are optional.
- ✓ HUD encourages PHAs to include in the lease, either directly or by reference, the list of mandatory and optional transfers.



### Mandatory Policies

- PHAs are required to place families in a unit appropriate for the household's size and needs in accordance with applicable occupancy standards. When household composition changes and the household is now in an inappropriately sized unit, PHAs must transfer them to an appropriately sized unit (24 CFR § 966.4(c)(3) and 24 CFR § 960.257(a)(4)).
- Tenants must comply with the following types of transfers:
  - Emergencies due to physical hazards;
  - Demolition, disposition, revitalization, and rehabilitation;
  - PHA-initiated occupancy standards transfers defined as mandatory in the ACOP (e.g., the family is under-housed or over-housed and there is a waiting list for that particular unit size); and
  - Other PHA-initiated transfers defined as mandatory in the ACOP.



### Discretionary Policy Considerations

- When a family is initially given an accessible unit, but does not require the accessible features, the PHA may require that family to agree to move to a non-accessible unit when it becomes available. This is an important distinction to make. A PHA may not require someone to move because of their disability, but a PHA can require a family to move out of an accessible unit that they do not require, if it needs to be made available for a person with a reasonable accommodation.
- When setting up criteria for transfers due to occupancy standards, PHAs may establish criteria in the ACOP that indicates when a family is required to transfer to a more appropriately sized unit because of a change in family composition or set forth when the PHA will leave it up to the tenant to initiate a transfer request.
- PHAs have the option to allow very large families with two adult members to split into two separate households and transfer to two units. A PHA might offer a split family transfer if, for example, the family composition changed and now requires a seven-bedroom unit, but the PHA only has four-bedroom units available. A split family transfer is a type of occupancy standards transfer.
- PHAs have the discretion to include "Incentive Transfers" that offer families the option to relocate to newly constructed or rehabilitated units. Criteria and the process for such transfers must be clearly defined in the ACOP. In this example ACOP language, the PHA is incentivizing public housing residents to transfer to a mixed-income/mixed-finance community.



## ***Sample ACOP Language***

### **PHA-INITIATED TRANSFERS**

The **USA HOUSING AGENCY** may require that a family transfer to another unit. Several types of transfers are required by **USA HOUSING AGENCY** and considered a “mandatory” move. These circumstances include:

- to maintain occupancy standards based on family composition; or
- requiring a family to transfer to make an accessible unit available to disabled family; or
- if the **USA HOUSING AGENCY** is engaging in housing development/revitalization or rehabilitation activities that require families to relocate to an alternate **USA HOUSING AGENCY** unit.

The PHA-initiated incentive transfer is not mandatory.

Transfers required by the PHA are mandatory for the tenant.

### **Occupancy Standards Transfers**

The **USA HOUSING AGENCY** will transfer a family when the family size has changed, and the family is now too large (under-housed) or too small (over-housed) for the unit occupied.

- Under-housed: the number of household members exceeds the maximum number of persons allowed for the unit size in which the family resides. For example, a household may become under-housed for a unit when a new child or an adult joins the household.
- Over-housed: the family no longer qualifies for the bedroom size in which they are living based on the **USA HOUSING AGENCY**'s occupancy standards. For example, a household may be considered over-housed for a unit when an adult child leaves the household.

**USA HOUSING AGENCY** 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 agency's occupancy standards, when the **USA HOUSING AGENCY** determines there is a need for the transfer. The **USA HOUSING AGENCY** may also elect not to transfer an over-housed family in order to prevent vacancies.

**USA HOUSING AGENCY** will process split family transfers that meet the following criteria:

- The family must be overcrowded according to agency occupancy standards.
- The persons who would be the original and new family head of household must both be listed on the most recent lease; and
- The reason for the family split must be the addition of children through birth, adoption, or court awarded custody

Depending on family circumstances and unit availability, **USA HOUSING AGENCY** has discretion to transfer the household into two different units or transfer a portion of the household to a new unit while the other part of the household stays in the original unit. Such transfers will be made in a manner that minimizes the impact on vacant units.

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

When a non-accessible unit becomes available, the **USA HOUSING AGENCY** will transfer a family living in an accessible unit that does not require the accessible features, to an available unit without accessibility amenities. The **USA HOUSING AGENCY** will transfer the resident to the first available and appropriate unit in a development. The **USA HOUSING AGENCY** 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.

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

To enable **USA HOUSING AGENCY** to engage in major housing rehabilitation, development, demolition, or disposition activities to improve the housing stock in its portfolio, a tenant family may be required to relocate temporarily or permanently.

The **USA HOUSING AGENCY** 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 **USA HOUSING AGENCY**'s relocation plan may or may not require transferring affected families to other available public housing units.

### **Incentive Transfers**

The **USA HOUSING AGENCY** will offer lease-compliant residents the opportunity and incentive to make a voluntary transfer from a traditional public housing development to a mixed-income/mixed-finance community. Transfer opportunities will be offered to residents who are lease compliant and meet the site-specific screening criteria of the mixed income/mixed- finance community.

## 4.4. TENANT-INITIATED TRANSFERS



### Helpful Tips

- ✓ Families may also request a unit transfer for reasons beyond necessity. These requests might include transfers to be closer to relatives, certain neighborhoods, employment, or a child's school.
- ✓ HUD encourages PHAs to establish clear policies, procedures, and eligibility requirements and under what circumstances tenant-initiated transfer requests will be granted.
- ✓ Reasonable accommodation transfers are often tenant-initiated. It is important to remember that PHAs cannot not force a family to transfer to another unit because a member of the family has a disability (24 CFR § 100.65).



### Mandatory Policies

- PHAs are under no regulatory obligation to approve tenant-initiated transfer requests other than for reasonable accommodations (24 CFR § 100.65).
- PHAs must not establish such eligibility requirements for mandatory transfers involving emergency situations (24 CFR § 966.4(h)(3)), reasonable accommodations (24 CFR § 100.65), VAWA emergencies (24 CFR § 5.2005(e)(2)), and demolition, disposition, revitalization, or rehabilitation (24 CFR § 970.21(a)).



### Discretionary Policy Considerations

- PHAs have the discretion to establish policies that set guidelines for accepting and processing requests initiated by families to transfer from one unit to another. For example, some tenants may want to move to another unit in the same development for various reasons, including moving away from a particular neighbor.
- PHAs have the option to establish policies that clearly state guidelines for transferring families that have outgrown a unit size, or become "under-housed."
- PHAs may choose to include guidelines about tenant-initiated transfers that are not covered under the emergency transfer category. For example, these may include transfers that:
  - Alleviate a verified medical condition of a life-threatening nature;
  - Alleviate a threat assessed by a law enforcement professional; or
  - Protect members of the household from criminal activity at the property or in the neighborhood.

## Sample ACOP Language

### TENANT-INITIATED TRANSFERS

The **USA HOUSING AGENCY** is under no regulatory obligation to approve tenant-initiated transfer requests other than for reasonable accommodations.

However, the types of requests for transfers that the **USA HOUSING AGENCY** 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 **USA HOUSING AGENCY's** occupancy standards, and transfers to a location closer to employment. No other types of transfer requests will be considered by the **USA HOUSING AUTHORITY**. Transfer request types are described below.

The **USA HOUSING AGENCY** will consider the following as high priority transfer requests:

- **Reasonable Accommodation:** 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.
- **Verified Threat:** When there has been a verified threat of physical harm or criminal activity. Such circumstances may, at the **USA HOUSING AGENCY'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.
- **Alleviate Medical Problems:** When a transfer is needed to alleviate verified medical problems of a serious or life-threatening nature.

The **USA HOUSING AGENCY** will consider the following as regular priority transfer requests:

- **Overcrowded:** When a family requests a larger bedroom size unit even though the family does not meet the **USA HOUSING AGENCY's** definition of overcrowded, as long as the family meets the **USA HOUSING AGENCY's** occupancy standards for the requested size unit.
- **Employment Location:** 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.
- **Optional:** Transfers requested by the tenant are considered optional for the tenant.

### Eligibility for Transfer

Except where reasonable accommodation is being requested, the **USA HOUSING AGENCY** will only consider tenant-initiated 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. A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).



Exceptions to the requirements above may be made when it is to the **USA HOUSING AGENCY's** advantage to make the transfer. Exceptions may also be made when the **USA HOUSING AGENCY** 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, or stalking in accordance with the agency's Emergency Transfer Plan.

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.

## 4.5. TRANSFER REQUESTS



### **Helpful Tips**

- ✓ The ACOP should clearly outline the request submission process: to whom or where the request must be submitted, criteria for approval, required documentation, the approval process, the transfer implementation process.
- ✓ It is useful to suggest a timeframe for the how long the PHA may have to respond to a transfer request. A best practice is generally to set it at 10 business days.



### **Mandatory Policies**

- In this section of the ACOP, the PHA will define the process for tenants to request a transfer. As a reminder, tenants must comply with the following transfers (24 CFR § 966.4(h); 24 CFR § 970.21(a); 24 CFR § 966.4(c)(3); 24 CFR § 960.257(a)(4)):
  - Emergencies due to physical hazards;
  - Demolition, disposition, revitalization, and rehabilitation;
  - PHA-initiated occupancy standards transfers defined as mandatory in the ACOP (e.g., the family is under-housed or over-housed and there is a waiting list for that particular unit size); and
  - Other PHA-initiated transfers defined as mandatory in the ACOP



### **Discretionary Policy Considerations**

- PHAs have discretion to develop an internal policy and system for processing transfer requests both PHA-initiated and tenant-initiated transfers.
- Best practices generally dictate that residents need to request the transfer in writing. There are different requirements for reasonable accommodation transfer requests and VAWA related transfer requests. Generally, in both cases, PHAs need to have a policy for accepting requests in a non-written format.

### ***Sample ACOP Language***

#### **TRANSFER REQUESTS**

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 **USA HOUSING AGENCY** will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the **USA HOUSING AGENCY** 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 **USA HOUSING AGENCY** 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.

In order to request an emergency transfer under VAWA, the resident is required to submit an emergency transfer request form (HUD-5383). The **USA HOUSING AGENCY** may, on a case-by-case basis, waive this requirement and accept a verbal request to expedite the transfer process. If **USA HOUSING AGENCY** accepts a verbal request, staff will document acceptance of the request in the individual's file. Transfer requests under VAWA will be processed in accordance with the VAWA Emergency Transfer Plan, which is included as an exhibit to this ACOP.

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

Except where reasonable accommodation is being requested, the **USA HOUSING AGENCY** will only consider tenant-initiated transfer requests from residents that meet the following "good record" 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 no pattern of late payment.
- Have no housekeeping lease violations or history of damaging property. A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

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

## 4.6. PROCESSING REQUESTS



### Helpful Tips

- ✓ When considering policies for processing transfer requests, PHAs should take into consideration the size of the agency, types of properties the agency has, and developments the PHA has planned to ensure that transfers are correctly prioritized and uniformly processed across all properties.
- ✓ To accommodate transfers related to redevelopment efforts, large-scale projects that involve many transfers may be managed by designated relocation staff or a third-party contractor.
- ✓ PHAs' policies should make a clear distinction between single requests and large-scale transfers driven by redevelopment projects.
- ✓ Transfers classified with higher priority than admissions should be coordinated across the PHA's intake and occupancy functions.
- ✓ HUD strongly encourages PHAs to include which transfers take priority over waiting list admissions in the ACOP.



### Mandatory Policies

- The PHA must have specific policies in place to process transfer requests.
- PHAs must provide transfers or alternative housing to families when necessary to demolish, sell, or do major revitalization or rehabilitation work at a building or site (42 U.S.C. § 1437p(a)(4)(A)(iii); 24 CFR § 970.21(a)).



### Discretionary Policy Considerations

- PHAs have discretion to set the priority level that they will use when processing transfer requests. Many PHAs establish multiple categories for transfers to make priorities clear and manageable.
- Generally, the types of transfers that take precedence over waiting list admission may include, but are not limited to:
  - Emergencies;
  - Reasonable accommodations;
  - Demolition, disposition, revitalization, and rehabilitation;
  - Incentive; and
  - Occupancy standards transfers.
- It is a best practice for PHAs to have a separate process for addressing emergency transfer requests. For example, the PHA may keep a separate list for emergencies, or the policy may state that the family will be placed on the transfer list if it has been determined that the family requires a permanent transfer as a result of the emergency.



## ***Sample ACOP Language***

### **PROCESSING REQUESTS**

The **USA HOUSING AGENCY** 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
  - a. Hazardous Maintenance Conditions
  - b. VAWA emergencies for tenants who are victims of domestic violence, dating violence, sexual assault or stalking
2. Mandatory PHA-Initiated Transfers
  - a. Occupancy Standards Transfers
  - b. Transfers to Make an Accessible Unit Available
  - c. Demolition, Disposition, Revitalizations, or Rehabilitation Transfers
3. High-Priority Tenant-Initiated Transfers
  - a. Reasonable Accommodation
  - b. Verified Threat
  - c. Alleviate Medical Problems
4. Regular-Priority Tenant-Initiated Transfers
  - a. Overcrowded
  - b. Employment Location
  - c. Optional
5. Optional PHA-Initiated Transfers
  - a. Incentive 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 **USA HOUSING AGENCY** 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 family in crisis.

Demolition and renovation transfers will gain the highest priority as necessary to allow the **USA HOUSING AGENCY** to meet the demolition or renovation schedule.

Mandatory transfers will take precedence over waiting list admissions.

## 4.7. UNIT ACCEPTANCE OR REFUSAL



### **Helpful Tips**

- ✓ HUD recommends that the PHA describes the number of unit offers it will provide to a tenant during the transfer process. Best practices are to provide one or two unit offers, but this will depend on the PHA's inventory and local conditions.



### **Mandatory Policies**

- Tenants are entitled to reject transfer offers for “good cause” reasons. The reasons themselves should be listed in the ACOP (see the Public Housing Occupancy Guidebook chapter on Transfers).



### **Discretionary Policy Considerations**

- PHAs have broad discretion when establishing policies for transfer unit acceptance or refusal by tenants approved for administrative or tenant-initiated transfers.
- Good policies clearly address timelines for acceptance and refusals, the number of unit offers that can be refused, acceptable or “good causes” for refusals including documentation and if the refusal cause results in retention or removal from the transfer waiting list.

### ***Sample ACOP Language***

#### **UNIT ACCEPTANCE OR REFUSAL**

Tenants will receive one offer of a transfer, unless good cause is provided. Applicants must accept or refuse a unit offer within three business days of the date of the unit offer. Offers will be made in person or by telephone and will be confirmed by letter.

When the transfer is required by the **USA HOUSING AGENCY**, the refusal of that offer without good cause may result in lease termination.

When the transfer has been requested by the tenant, 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.

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

- The family demonstrates to the **USA HOUSING AGENCY'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 **USA HOUSING AGENCY'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. Reasons offered must be specific to the family. 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 tenant'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 **USA HOUSING AGENCY** will require documentation of good cause for unit refusals. In the case of a unit refusal for good cause, the tenant family will not be removed from the transfer list. A refusal for good cause will not adversely affect the family's position or placement on the transfer list. The family will remain at the top of the list until the family receives an offer for which they do not have good cause to refuse. The family has 3 business days from the date of the unit offer to submit documentation for a good cause unit refusal.

## 4.8. TRANSFER COSTS



### Helpful Tips

- ✓ PHAs have the discretion to establish guidelines to determine and distinguish responsibilities for moving costs incurred by the PHA and the family and define what costs are the responsibility of each party.



### Mandatory Policies

- Under certain circumstances, PHAs must pay the reasonable costs of transfers that are initiated by the PHA (24 CFR § 5.2005(e)(2)). These include:
  - Demolition, disposition, revitalization, or rehabilitation purposes;
  - Conditions that pose a physical hazard (i.e., building system failure, or other emergency conditions that cannot be repaired within 24 hours);
  - Reasonable accommodation for families with disabilities; and/or
  - Compliance with Occupancy Standards.



### Discretionary Policy Considerations

- The reasonable costs for PHA-initiated transfers may include not only the cost of packing, moving, and unloading, but also the cost of disconnecting and reconnecting any existing resident-paid utility services (e.g., electricity).
- Tenants are generally responsible for all costs associated with tenant-initiated transfers.



### ***Sample ACOP Language***

#### **COST OF TRANSFER**

The **USA HOUSING AGENCY** will bear the reasonable costs of (PHA-initiated) administrative transfers and emergency transfers.

For tenant-initiated transfers, the tenant will bear all costs associated with the transfer.

The reasonable costs of emergency and administrative transfers include the cost of packing, moving, and unloading. **USA HOUSING AGENCY** will also pay for the cost of disconnecting and reconnecting any existing resident-paid utility services (e.g., electricity).

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

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