Chapter 12

TRANSFER POLICY

INTRODUCTION

This chapter describes HUD regulations and DMMHA 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: DMMHA Required Transfers. This part describes types of transfers that may be required by the DMMHA, 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.
PART I: EMERGENCY TRANSFERS

12-I.A. EMERGENCY TRANSFERS

1. 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 DMMHA must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)]. 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 tenant or family members that cannot be repaired or abated within 24 hours are considered emergency circumstances warranting an immediate transfer of the tenant or family.

2. The Violence Against Women Reauthorization Act of 2013 final rule (PIH-2017-08 (HA)) requires the DMMHA to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, or stalking. The DMMHA has adopted an emergency transfer plan, which is included as Exhibit 12-1 to this plan. (Form HUD-5381.) A verified incident of domestic violence, dating violence, sexual assault, or stalking, which may be established through documentation outlined in section 16-VII.D, or by any proof accepted by the DMMHA, is considered an emergency circumstance warranting an immediate transfer of the tenant or family.

12-I.B. EMERGENCY TRANSFER PROCEDURES

1. If the transfer is necessary because of maintenance conditions, and the repairs can be completed within a reasonable amount of time, the DMMHA will provide temporary accommodations to the tenant by arranging for temporary lodging at a hotel or similar location. If the conditions cannot be repaired, or the condition cannot be repaired in a reasonable amount of time, the DMMHA will transfer the resident to the first available appropriate unit. A transfer to the first available unit may occur after temporary lodging. Emergency transfers that arise due to maintenance conditions are mandatory for the tenant.

2. Transfer requests under VAWA will be processed in accordance with the DMMHA’s Emergency Transfer Plan (Exhibit 12-1).

In order to request an emergency transfer under VAWA, the tenant must submit an emergency transfer request form (HUD-5383) to the DMMHA. The DMMHA may, on a case-by-case basis, waive this requirement if deemed necessary in order to expedite the transfer process. If the DMMHA accepts an individual’s statement, the DMMHA will document acceptance of the statement in the individual’s file in accordance with 16-VII.D of this Plan. In case of a reasonable accommodation transfer, the DMMHA will encourage the resident to make the request in writing using a reasonable accommodation request form. However, the DMMHA 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 DMMHA will immediately process requests for emergency transfers due to domestic violence, dating violence, sexual assault, or stalking. The DMMHA will allow a tenant to make an internal emergency transfer under VAWA to another unit assisted under the same program, where the tenant would not be categorized as a new applicant, when a safe unit is immediately available. The DMMHA defines “immediately available” as a vacant unit that is ready for move-
in within a reasonable period of time, not to exceed 90 days. If an internal transfer to a safe unit is not immediately available, the DMMHA will assist the resident in seeking an external emergency transfer to another unit or form of assistance, where the tenant would be categorized as a new applicant, either within or outside the DMMHA’s programs. Tenants will be referred to DMMHA’s Section 8 Program Supervisor for assistance with Section 8 Program applications.

Tenants may seek internal and external emergency transfers concurrently if an internal safe unit is not immediately available.

12-I.C. COSTS OF TRANSFER

The DMMHA will bear the reasonable costs of temporarily accommodating the tenant and of transfers, if any, due to emergency conditions, excluding emergency transfers under VAWA.

The reasonable cost of transfers includes the cost of packing, moving, and unloading as well as re-connection fees of tenant supplied services, such as telephone and cable. DMMHA will hire an outside moving company to complete the packing, moving and unloading.

The reasonable cost of temporary lodging includes the cost of the accommodations (i.e. hotel) as well as reimbursement for up to ten (10) local telephone calls made per day and meal reimbursement based on the City of Des Moines meal reimbursement policy.
PART II: PHA REQUIRED TRANSFERS

12-II.A. OVERVIEW

The types of transfers that may be required by the DMMHA, 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 DMMHA are mandatory for the tenant.

12-II.B. TYPES OF PHA REQUIRED TRANSFERS

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)].

If there is a disabled resident or applicant that requires the accessible unit and there is a non-accessible unit available, the DMMHA will transfer a family living in an accessible unit that does not require the accessible features to a non-accessible unit.

The family being asked to transfer out of the accessible unit may prove their need of the accessible unit and not be required to transfer.

Occupancy Standards Transfers

The DMMHA 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 DMMHA policy [24 CFR 960.257(a)(4)].

The DMMHA may 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 DMMHA’s occupancy standards as described in Section 5-I.B.

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

Demolition, Disposition, Revitalizations, or Rehabilitation Transfers

These transfers permit the DMMHA to demolish, sell or do major capital or rehabilitation work at a building site.
The DMMHA 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 DMMHA’s relocation plan may or may not require transferring affected families to other available public housing units.

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 DMMHA 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 TRANSFERS

The DMMHA will bear the reasonable costs of transfers that the DMMHA requires, except that residents will be required to bear the cost of occupancy standards transfers or transfers to make an accessible unit available.

The reasonable costs of transfers include the cost of packing, moving, and unloading as well as re-connection fees of tenant supplied services, such as telephone and cable. DMMHA will hire an outside moving company to complete the packing, moving and unloading.
PART III: TRANSFERS REQUESTED BY TENANTS

12-III.A. OVERVIEW

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

12-III.B. TYPES OF RESIDENT REQUESTED TRANSFERS

The types of requests for transfers that the DMMHA 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 requests, or transfers to a different unit size as long as the family qualifies for the unit according to the DMMHA’s occupancy standards and if the family composition has changed. No other transfer requests will be considered by the DMMHA.

When there has been a verified threat of physical harm or criminal activity; such circumstances may, at the DMMHA’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. 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

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

12-III.C. ELIGIBILITY FOR TRANSFER

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

- Have not engaged in criminal activity that threatens the health and safety or residents and staff
- Owe no back rent or other charges, or have a pattern of late payment
- Have no housekeeping or other lease violations or history of damaging property
- Can get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities)

A resident with housekeeping standards violations will not be transferred until the resident passes a follow-up housekeeping inspection.

Exceptions to the good record requirement will be made when it is to the DMMHA’s advantage to make the transfer. Exceptions will also be made when the DMMHA 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 and who provides documentation of abuse in accordance with section 16-VI. B of this ACO. Tenants who
are not in good standing may still request an emergency transfer under VAWA.

The tenant must be in compliance with the lease and community service requirement at the time of the transfer request as well as at the time of the move.

The tenant will be allowed to transfer only once in a twelve-month period unless there is an approved reasonable accommodation request.

12-III.D. SECURITY DEPOSITS

When a family transfers from one unit to another the family will be required to pay a new security deposit for the new unit prior to receiving possession of the unit. Security deposits from the previous unit will be handled in accordance with State law. Damages to prior unit will be the responsibility of the tenant.

12-III.E. COST OF TRANSFER

The resident will bear all of the costs of transfer s/he requests. However, the DMMHA will bear the transfer costs when the transfer is done as a reasonable accommodation.

12-III.F. HANDLING OF REQUESTS

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

The DMMHA 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 requirements under Section 12-III.C., DMMHA will address the problem and, until resolved, the request for transfer will be denied. If a transfer was previously approved but prior to the move the family no longer meets the requirements, DMMHA may delay the transfer until the family comes into compliance.

If the DMMHA denies the request for transfer, the family will be informed of its grievance rights, per chapter 14.
PART IV: TRANSFER PROCESSING

12-IV.A. TRANSFER LIST

The DMMHA will maintain a centralized transfer list to ensure that transfers are processed in the correct order.

Transfers will be completed based on date the request was received by DMMHA and the availability of the requested unit types.

Transfers will take precedence over waiting list admissions.

12-IV.B. TRANSFER OFFER POLICY

Residents will receive one offer of a transfer.

When the transfer is required by the DMMHA, 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. In such cases, the family must wait six months to reapply for another transfer.

12-IV.C. GOOD CAUSE FOR UNIT REFUSAL

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 DMMHA’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 or live-in aide necessary to the care of the principal household member.

- The unit is inappropriate for the resident’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 DMMHA will require documentation of good cause for unit refusals.
12-IV.D. REEXAMINATION POLICIES FOR TRANSFERS

The family’s income and household composition will be updated and the reexamination date will be changed to the first of the month in which the transfer took place.