



**HOUSING AUTHORITY**  
**OF THE CITY OF HOBOKEN**  
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## **TRANSFER POLICY**

### **12.1 INTRODUCTION**

The objectives of this transfer policy include the following:

- To address emergency situations
- To address a request for a reasonable accommodation
- To fully utilize available housing resources while avoiding overcrowding by ensuring that each family occupies the appropriate size unit
- To facilitate a relocation when required for modernization or other management purposes
- To facilitate relocation of families with inadequate housing accommodations
- To provide an incentive for families to assist in meeting the Authority's deconcentrating goal
- To eliminate vacancy loss and other expense due to unnecessary transfers This chapter
- describes HUD regulations and Authority policies related to transfers in four parts:

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

### **12.2 CATEGORIES OF TRANSFER**

#### **12.2.1 CATEGORY 1: EMERGENCY TRANSFER**

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 Authority.

In the case of a genuine emergency, it may be unlikely that the Authority will have the time or resources to immediately transfer a resident. Due to the immediate need to vacate the unit, placing the resident on a transfer waiting list would not be appropriate. Under such circumstances, if an appropriate unit is not immediately available, the Authority



should find alternate accommodations for the resident until the emergency passes, or a permanent solution, i.e., return to the unit or transfer to another unit, is possible.

*Emergency transfers* are necessary when conditions pose an immediate threat to life, health, or safety of a family or one of its members. Such situations may involve defects of the unit or the building in which the unit is located, the health condition of a family member, a hate crime, or a law enforcement matter particular to the neighborhood. 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 Authority must offer standard alternative accommodations, if available, where necessary repairs cannot be made within a reasonable time [24 CFR 966.4(h)].

The VAWA 2013 final rule requires the Authority to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, or stalking.

If the transfer is necessary because of maintenance conditions, and an appropriate unit is not immediately available, the Authority will provide temporary accommodations to the resident 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 Authority 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 resident.

If the emergency transfer is necessary to protect a victim of domestic violence, dating violence, sexual assault, or stalking, the Authority will follow procedures outlined in Exhibit 16-4.

#### 12.2.2 CATEGORY 2: IMMEDIATE ADMINISTRATIVE TRANSFERS

The types of transfers that may be required by the Authority, include, but are not limited to, transfers to make an accessible unit available for a disabled family or to enable or demolition, disposition, revitalization, or rehabilitation.

Transfers required by the Authority are mandatory for the resident.

When a family is initially given an accessible unit, but does not require the accessible features, the

Authority may require the family to agree to move to a non-accessible unit when it becomes available [24 CFR 8.27(b)]. The 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.

The 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 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.

If, as a result of a change in household composition, the size of a particular family exceeds the maximum number of persons appropriate for the unit assigned to that family set forth in Section 4.6.2 by three or more persons, the Authority may, in its sole discretion, designate that family as severely under-housed. In the event of such a determination by the Authority, the transfer of the family shall be processed as an Immediate Administrative Transfer. Any instance in which a family has been determined to be under-housed, but is not, is the sole discretion of the Authority, designated as severely under-housed, the transfer of the family shall be processed as a Regular Administrative Transfer, in accordance with Section 12.2.3.

#### 12.2.3 CATEGORY 3: REGULAR ADMINISTRATIVE TRANSFERS

The Authority may also transfer a family that was initially placed in a unit in which the family was over-housed to a unit of an appropriate size based on the Authority's occupancy standards, when the Authority determines there is a need for the transfer.

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

Any health-related transfer request that does not rise to the level of an emergency transfer, as determined by the Authority, will be considered at the sole discretion of the Authority.

#### 12.2.4 CATEGORY 4: INCENTIVE TRANSFERS

Transfer request will be encouraged and approved for families who live in a development where their income category (below or above 30% of area median income, adjusted for family size) predominates and wish to move to a development where their income category does not predominate.

Families approved for incentive transfers will be required to meet the following eligibility requirements:

- A. Have been residents for three years;
- B. For a minimum of one year, a least one adult family member s enrolled in an economic self-sufficiency program or is working at least thirty-five (35) hours per

week, the adult family member is 63 years of age or older or disabled or is the primary care to other with a disability;

C. Adult members who are required to perform community service have been current in these responsibilities since the inception of inception of the requirement or for one year, whichever is less;

D. The family is current in the payment of all charges owed to the Authority and has not paid late rent for at least one year prior to the date of the request;

E. The family passes a current housekeeping inspection and does not have a record of housekeeping problems during the last year;

F. The family has not materially violated the lease over the past two years by disturbing the peaceful enjoyment of their neighbors, by engaging in criminal or drug activity, or by threatening the health or safety of the resident or Authority staff;

G. Participate in a series of classes conducted by the Authority on basic home and yard care.

## **12.3 PROCESSING TRANSFER**

### **12.3.1 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.

### **12.3.2 TRANSFER LIST**

The 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 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. Immediate administrative transfers
3. Regular administrative transfers
4. Incentive transfers
5. Other PHA-required 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 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 PHA to meet the demolition or renovation schedule.

The Authority will strive to process transfers and waiting list admissions at a one to one ratio.

A family that is required to move because of family size will be advised by the 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 4.6.2 of this policy will only be required to transfer if it is necessary to comply with the approved exception.

An 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 Authority may not take action on the transfer until the conclusion of the grievance process.

## **12.4 SECURITY DEPOSITS**

When a family transfers from one unit to another, the Authority will transfer their security deposit to the new unit. The resident will be billed for any maintenance or others charges due for the “old” unit.

## **12.5 COSTS OF TRANSFER DUE TO EMERGENCY CONDITIONS OUTSIDE OF THE CONTROL OF THE RESIDENT**

The Authority will bear the reasonable costs of temporarily accommodating the resident and of long-term transfers, if any, due to emergency conditions outside of the control of the resident.

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

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

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

Should the Authority determine that the emergency conditions have been caused in whole or in part by the conduct of the resident, the Authority will not bear any costs related to temporary accommodations or long-term transfers.

## **12.6 HANDLING OF REQUESTS**

Residents requesting a transfer to another unit or development will be required to submit a written request for transfer. In order to request the emergency transfer under VAWA, the resident will be required to submit an emergency transfer request form (HUD-5383) (Exhibit 16-4 of this ACOP). The Authority may, on a case-by-case basis, waive this requirement and accept a verbal request in order to expedite the transfer process. If the Authority accepts an individual's statement, the Authority will document acceptance of the statement in the individual's file in accordance with 16.8.4 of this policy. Transfer requests under VAWA will be processed in accordance with the Authority's Emergency Transfer Plan (Exhibit 16-3). In case of a reasonable accommodation transfer, the Authority will encourage the resident to make the request in writing using reasonable accommodation request form. However, the 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.

The 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, such as documentation of domestic violence, dating violence, sexual assault, or stalking in accordance with section 16.8.4 of this policy.

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

## **12.7 SPLIT-FAMILY TRANSFERS**

Split-family transfers are not permitted. Separation of households will be processed as follows:

1. Resident-initiated separation of households: Families that decide to separate as a result of divorce or unwillingness to continue living together must identify the family member(s) who are willing to establish a new household. Such person(s) may submit an

application during open registration periods to be placed on the waiting list in accordance with Chapter 4 herein. Any family members remaining in the unit may be required to transfer to a smaller unit if the unit becomes under-occupied after a portion of the household transfers to a separate unit. When a family cannot agree on which family member(s) shall remain in the unit, the Authority will rely on other forms of documentation (i.e. divorce decree).

2. Authority-initiated separation of households: If the Authority determines that a household has grown, through the addition of children by birth, adoption, or court-awarded custody, beyond the maximum number of family members permitted in any available Authority unit, the Authority may require the separation of the household. Upon notice from the Authority, the family must identify the family member(s) who are willing to establish a new household. Such person(s) may submit an application to be placed on the waiting in accordance with Chapter 4 herein. Any family members remaining in the unit may be required to transfer to a smaller unit if the unit becomes under-occupied after a portion of the household transfers to a separate unit.

## **12.8 TRANSFER OFFER POLICY**

When the transfer is required by the Authority, the refusal of two offers without good cause will result in lease termination.

When the transfer has been requested by the resident, the refusal of two offers 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.

## **12.9 GOOD CAUSE FOR UNIT REFUSAL**

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

The family demonstrates to the Authority'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 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, risk assessments related to witness protection from a law enforcement agency, or documentation of domestic violence, dating violence, or stalking in accordance with section 16.8.4 of this policy. 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 Authority will require documentation of good cause for unit refusals.

#### **12.10 DECONCENTRATION**

The 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 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.

#### **12.11 REEXAMINATION POLICIES FOR TRANSFERS**

The reexamination date will be changed to the first of the month in which the transfer took place.

#### **12.12 REEXAMINATION POLICIES FOR TRANSFERS**

If the Authority has no suitable public housing units available to accommodate a transfer request, the Authority may, with the agreement of the resident, convert the resident to a participant in the Housing Choice Voucher Program.



