

Public Housing Program Transfer Policy

Knox County Housing Authority
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Article I. Purpose/Scope of the Policy

Section 1.01 Transfer means the movement of a resident from one dwelling unit to another.

Section 1.02 The KCHA may require a resident to move, permit a resident to move, or physically help a resident to move, depending on the circumstances in each particular case.

Section 1.03 This policy is incorporated into the Admissions and Continued Occupancy policy by reference. The Knox County Housing Authority (herein referred to as KCHA) policies and procedures for transferring residents from one dwelling unit to another are as follows.

Article II. Non-Discrimination

Section 2.01 The KCHA will not discriminate against any person at any stage of the transfer process because of race, color, religion, sex, sexual orientation, gender identity, marital status, age, creed, disability, familial status, national origin. The KCHA will abide by the non-discrimination requirements of the following laws and Executive Orders. (24 CFR 960.203):

Section 2.02 U.S. Housing Act of 1937;

Section 2.03 Title VI of the Civil Rights Act of 1964 (42 U.S.C. 200d), which prohibits discrimination based on race, color, or national origin in programs receiving Federal financial assistance. (24 CFR part 1);

Section 2.04 The Fair Housing Act of 1988 (42 U.S.C. 3601-3619), also prohibits discrimination in housing practices based on disability in residential real estate-related transactions. (24 CFR parts 100, 108, 109, & 110);

Section 2.05 Executive Order 11063 on Equal Opportunity Housing. (29 CFR part 107);

Section 2.06 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), which prohibits discrimination based on disability in programs receiving Federal financial assistance. (24 CFR part 8);

Section 2.07 The Age Discrimination Act of 1975 (42 U.S.C. 6101-6107), which prohibits discrimination based on age in programs receiving Federal financial assistance. (25 CFR part 146);

Section 2.08 Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213);

Section 2.09 HUD's Final Rule on Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (77 FR 5662); and

Section 2.10 Illinois Human Rights Act (775 ILCS 5).

Article III. Types/Categories of Transfers

Section 3.01 This policy sets forth several categories of transfers. Priority for transfer and the order in which families are transferred shall be subject to the hierarchy by category set forth below.

- (a) Emergency transfers are mandatory when an immediate threat to resident life, health or safety exists, as determined by KCHA. Emergency transfers will be made to:
 - (i) Permit repair of unit defects hazardous to life, health, or safety;
 - (ii) Alleviate verified medical problems of a life threatening nature or;
 - (iii) Protect members of the household from attack by the criminal elements in a particular property or neighborhood, based on threat assessment by a law enforcement agency; and
 - (iv) Facilitate protections deemed necessary under the provisions of the Violence Against Women Reauthorization Act of 2013.
 - (v) These transfers shall take priority over new admissions.
- (b) Category 1- Administrative Transfers include mandatory transfers to remove to safety residents who are witnesses to crimes and may face reprisals (as documented by a law enforcement agency):
 - (i) Provide housing options to residents who are victims of hate crimes or extreme harassment;
 - (ii) Alleviate verified medical problems of a serious nature;
 - (iii) Permit modernization of units;
 - (iv) Permit a family that requires a unit with accessible features to occupy such a unit.
 - (v) These transfers shall take priority over new admissions.
 - (vi) Requests for medical transfers will be made to the manager. The resident shall provide the manager with the necessary documentation to substantiate the need for a medial transfer. The KCHA may also offer medical transfers (e.g., moving a person with mobility problems to a unit with accessible features).
- (c) Category 2- Administrative Transfers. Transfers within sites or between sites may be made to:
 - (i) Correct occupancy standards (mandatory: over or under the KCHA's occupancy standards);
 - (ii) Offer incentive transfers (voluntary) as described below.
 - (iii) These transfers will take priority over new admissions.
 - (iv) Category 2 transfers to correct occupancy standers will only be made if the family size is smaller than the KCHA's minimum-number-of-persons-per-unit standard for the unit the family is occupying. These transfers are mandatory.
 - (v) If a family's size is between the minimum and maximum occupying limits for the unit, the family may request a transfer, but it shall be considered a Category 3 transfer.
- (d) Category 3- Administrative Transfers. Mandatory transfers within sites or between sites may be made to:
 - (i) Correct and avoid concentration of the most economically and socially deprived families;

- (ii) Voluntary if the family is between the minimum and maximum occupancy standards but the family request a transfer (e.g. to permit older children of opposite sexes to have separate bedrooms);
- (iii) Address situations that are not criminal but interfere with the peaceful enjoyment of the unit or common areas such as neighbor disputes.
- (iv) These transfers will not take priority over new admissions.

Section 3.02 Incentive Transfers

- (a) Incentive transfers are offered to residents without regard to their race, color, national origin, religion, sex, disability, or familial status, who have good rental histories and want to move to units other than those they currently occupy.
 - (i) Incentive Transfers – The KCHA will occupy recently modernized units through incentive transfers. No applicants shall be admitted directly to such units without first exhausting all available transfer options. Depending on the KCHA's vacant unit status, modernized units will be filled with incentive transfers, new applications, or a combination of both. The KCHA reserves the right to fill modernization units in a manner that has the least impact on vacant units.
 - (ii) Resident requests for incentive transfers should be made to the Housing Manager. Managers may also recommend a resident for an incentive transfer. In order for a resident to be considered for an incentive transfer the following conditions must be met:
 - 1) Residency in a KCHA development for at least three (3) years;
 - 2) No repayment agreement or unpaid balance at any time in the past two (2) years;
 - 3) No history of disturbances that resulted in lease violations or violence toward staff or neighbors as indicated by notices of lease violation in the applicant's file;
 - 4) Good housekeeping record.
- (b) Incentive Transfers are Category 2 administrative transfers. Scattered site incentive transfers will take precedence over new admissions and modernization incentive transfers may take precedence over new admissions.
- (c) No exceptions will be granted to the good record requirement for incentive transfers.

Article IV. Processing Transfers

Section 4.01 Property Management will administer a transfer waiting list. Managers are responsible for maintaining the transfer waiting list, including necessary documentation, for the property.

Section 4.02 Transfer requests will be prioritized into the following categories:

- (a) Emergency Transfers
- (b) Category 1 Administrative Transfers
- (c) Category 2 Administrative Transfers
- (d) New Admissions
- (e) Category 3 Administrative Transfers

Section 4.03 Within each category transfer applicants will be sorted by the date the completed file (including any verification needed) is received from the manager.

Section 4.04 Emergency transfers evoking the protections of the Violence Against Women Reauthorization Act of 2013 shall be processed in the following manner:

- (a) A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking, as provided in HUD's regulations at 24 CFR part 5, subpart L is eligible for an emergency transfer, if
 - (i) The tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit; or
 - (ii) The tenant is a victim of sexual assault, the tenant may also be eligible to transfer if the sexual assault occurred on the premises within the 90-calendar-day period preceding a request for an emergency transfer.
- (b) A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this section.
- (c) To request an emergency transfer, the tenant shall notify their property or program manager and submit a written request for a transfer to the property management office. The tenant's written request for an emergency transfer should include either:
 - (i) A statement expressing that the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant were to remain in the same dwelling unit assisted under the program; OR
 - (ii) A statement that the tenant was a sexual assault victim and that the sexual assault occurred on the premises during the 90-calendar-day period preceding the tenant's request for an emergency transfer.
- (d) KCHA cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. KCHA will, however, act as quickly as possible to move a tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking to another unit, subject to availability and safety of a unit.
- (e) Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.
- (f) If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit.

- (g) KCHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.
- (h) If KCHA has no safe and available units for which a tenant who needs an emergency is eligible, KCHA will assist the tenant in identifying other housing programs or providers who may have safe and available units to which the tenant could move.
- (i) KCHA will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives KCHA written permission to release the information on a time limited basis, or disclosure of the information is required by law or required for use in an eviction proceeding or hearing regarding termination of assistance from the covered program.

Section 4.05 Category 2 transfers to correct occupancy standards may be recommended at the time of reexamination or interim redetermination. This is the only method used to determine over/under-housed status.

Section 4.06 Residents in a Category 2 over/under housed status will be advised in their thirty (30) day "Notice of Results of Reexamination" that a transfer is recommended and that the family has been placed on the transfer list.

- (a) Interviewers will record transfer recommendations in duplicate for each manager affected by the transfer.

Section 4.07 When a head of a household, originally housed in a bedroom by him/herself, has or adopts a child, the family will not be approved for a Category 2 transfer until the child is two (2) years of age. Exceptions: spouse or partner returns to the unit, marriage takes place, or the family decides to remain in the unit and the unit is large enough (using the maximum-person-per-unit standard) to accommodate the number of persons now in the household. (Other than for births that occur during tenancy, KCHA's prior approval of additions to the household is required.)

Section 4.08 Split-family transfers to resolve under-housing may be processed as Category 2 administrative transfers. Families that split into two "new" households will be transferred to two different units or a portion of the "old" household may be transferred to a single unit depending on family circumstance and unit availability. Options for split-family transfers will be considered in order to minimize the impact on vacant units.

Section 4.09 Category 3 transfers will only be processed after all other transfers have been accomplished. Transfers in Category 3 will be housed along with applicants for admission at a ratio of one transfer for every (7) seven new admissions.

Section 4.10 Site Selection for Transfers:

- (a) Whenever feasible, transfers will be made within a resident's area.

- (b) Generally, families who must move under requirements applicable to Emergency or Administrative shall not have a choice of site. Rather, they shall be transferred to the first unit available that is the correct size and type for the family and meets housing quality standards.
- (c) KCHA will take into consideration issues of personal safety that might arise when transferring a family to a different building or development. To be considered by HAP, such issues must be documented by a threat assessment. If such safety issues exist, HAP will, to the extent possible, provide the family with an alternative unit.

Section 4.11 Every family transferred will execute a new lease for the unit, to which they are transferred, unless the family is in the process of lease termination.

- (a) For families under lease termination, documentation shall be placed in the file stating the reason for the transfer.
- (b) Upon resolution of the lease proceedings, if the family remains a leaseholder, the lease for the unit shall be executed.

Section 4.12 When transferring between units, families must be fully moved into the new unit and completely vacated from the previous unit within 48 hours. Extensions due to extenuating circumstances will be considered on a case by case basis.

Section 4.13 Cost of Transfers

- (a) The KCHA will pay the reasonable cost of transfers initiated by the KCHA due to demolition, disposition, revitalization, or rehabilitation; transfers required because of building system failure or other emergency condition the KCHA is unable to repair in a timely manner; and transfers required as a reasonable accommodation for residents with disabilities.
- (b) Resident will bear the cost for transfers due to change in family composition, moving to a non-accessible unit (when accessibility features are not required by the family,) however, where there is a hardship the manager may recommend that families be reimbursed their out-of-pocket expenses.

Section 4.14 Notice of Transfer

- (a) Emergency Transfers: When feasible, given conditions, KCHA shall provide the maximum amount of notice, up to 30 days. In general, however, the threat to life, health or safety posed by unit or building conditions precludes much notice.
- (b) Administrative Transfers: Generally these transfers require 30-day notice to residents. Exceptions to the 30 day notice requirement shall be granted for administrative transfers to move a family in a non-life threatening situations such as documented threat by criminal elements, domestic violence or some medical condition that is not life threatening but may be exacerbated by the unit or location.
- (c) Incentive transfers require a 30 day-notice unless waived by the Resident.
- (d) The notices shall be:
 - (i) Hand-delivered, and
 - (ii) Mailed, both prepaid first-class mail and certified mail.

Article V. Qualifying for Transfers

Section 5.01 In general, and in all cases of resident-requested transfers, residents will be considered for transfers only if they are lease compliant. This includes, but is not limited to, the following:

- (a) Have not engaged in criminal activity that threatens the health and safety of residents and staff;
- (b) Do not owe back rent or other charges, or evidence a pattern of late payments; and
- (c) Meet reasonable housekeeping standards and have no housekeeping lease violations.

Section 5.02 Exceptions to the lease compliance requirements will be made for emergency transfers and to provide accessible housing or when it is to the KCHA's advantage (e.g. a single person is living alone in a 3-bedroom unit and does not want to move) to move forward with the transfer. The determination to make an exception to the good record requirement will be made by the central transfer administrator with recommendation by the Manager.

Section 5.03 Absent a determination of exception, the following standard shall apply to transfers:

- (a) If back rent is owed the resident will not be transferred until a payment plan is established or, if prior payment plans have failed, back rent is paid in-full.
- (b) A resident with housekeeping standards violations will not be transferred until he/she passes a follow-up housekeeping inspections.