

Chapter 8 Part 1 TRANSFERS

The Shelton Housing Authority recognizes that there are situations in which families must move, or transfer, from one unit to another, or from one property to another.

The following types of transfers are allowed within the scope of Shelton Housing Authority's operation:

1. Demolition, Disposition, Revitalization or Rehabilitation including Rental Assistance Demonstration (RAD) conversions
2. Emergency due to Physical Hazards
3. Emergency due to Other Causes
4. Reasonable Accommodation
5. Occupancy Standards
6. Split Family Transfers
7. Household Composition Changes
8. Incentive
9. Tenant Initiated
10. Transfers under the VAWA

1. Demolition, Disposition, Revitalization or Rehabilitation including RAD conversions

The Shelton Housing Authority 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.

The Shelton Housing Authority may also choose to revitalize or rehabilitate distressed public housing through the use of Capital Funds or other redevelopment funding sources such as the RAD. RAD is another preservation tool that allows Housing Authorities to improve or modernize public housing. Through RAD, a Housing Authority may apply to convert all or a portion of its public housing stock to long-term project-based Section 8 contracts. In some instances, the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. §§ 4601-4655) (URA), will require the Housing Authority to provide resources to relocate displaced families. These resources may include comparable housing, payment of actual and reasonable relocation expenses, and counseling

RAD-converted Developments

The Housing Authority may provide families with tenant-based assistance such as assistance under the Housing Choice Voucher (HCV) Program; transfer families to a project-based housing unit, or transfer families to other public housing units. The transfer or alternative housing arrangement must be comparable housing that meets housing quality standards (be decent, safe, and sanitary); be located in an area that is generally not less desirable than the location of the displaced persons; and include similar accommodations for persons with disabilities displaced from a unit with reasonable accommodations.

Section 18 Demolition/Disposition

If residents are relocated due to a demolition and/or disposition, the Shelton Housing Authority must follow relocation requirements at 24 CFR § 970.21, and not the relocation requirements at 49 CFR part 24, which implements the URA, as amended. However, if subsequent acquisition, rehabilitation, or demolition carried out with HUD funds or carried out with other HUD-funded activities causes residents to relocate, the URA may apply to those relocations. Additionally, if Community Development Block Grant (CDBG) or HOME Investment Partnerships Program funds are used in the demolition or with conversion of lower-income dwelling units to a use other than lower-income dwelling units, the project may be subject to section 104(d) of the Housing and Community Development Act of 1974, including relocation assistance and one-for-one replacement provisions under 24 CFR part 42 subpart C.

Section 22 Voluntary Conversions

To the extent that tenants are displaced as a direct result of demolition, acquisition, or rehabilitation of real property that receives federal financial assistance through the conversion of public housing as described in the *Streamlined Voluntary Conversions of Last Remaining Projects of Small Public Housing Agencies* notice (Notice PIH-2019-05), the requirements of the URA, and its implementing regulations at 49 CFR part 24 apply.

2. Emergency due to Physical Hazards

In certain cases, Housing Authorities must provide an emergency transfer when there is damage to a family's unit or building, or the site poses an immediate hazard to the life, health, or safety of an occupant. If alternative accommodations are available and the Housing Authority cannot make the necessary repairs within a reasonable amount of time, Housing Authorities 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.

Examples of such unit or building conditions may include but are not limited to:

- * Fire damage
- * Gas leaks
- * Lack of water or heat in the building during the winter
- * Toxic contamination
- * Serious Water Leaks
- * Damages incurred to roofs or other structural elements due to a Natural Disaster
- * Lead Hazard reduction/remediation

When a Housing Authority conducts lead hazard reduction activities in a unit, it must protect families and their belongings, which can sometimes mean transferring families temporarily. The Housing Authority must prevent families from entering the worksite until after hazard reduction work has been completed and clearance, if required, has been achieved. In some cases, families may have to be temporarily relocated to a suitable unit that is free of lead-based paint hazards before and during the hazard reduction activities. Families are obligated to comply with these types of transfers.

In order for the Housing Authority 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. In emergency situations when no other appropriate public housing units are available, it is common practice for Housing Authorities 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.

3. Emergency due to Other Causes

A Housing Authority may allow for a transfer to:

- * 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.

4. Reasonable Accommodation

Shelton Housing Authority may authorize reasonable accommodation transfers when a family member requires an accessible unit due to a disability. This kind of transfer may be requested for a variety of reasons, including, but not limited to:

- * The family's need for a ground floor unit because of mobility issues; or
- * The family's need for a unit with certain physical features that are not available in the current unit, and which cannot be retrofitted without undue financial and administrative burden to the Shelton Housing Authority.

Reasonable accommodation transfers are often tenant-initiated. Shelton Housing Authority will not force a family to transfer to another unit because a member of the family has a disability.

5. Occupancy Standards

Occupancy standards relate to the appropriate size and type of unit based on household composition. Shelton Housing Authority must ensure that the size and type of unit in which the household is living is appropriate for the household's size and needs. When household composition changes, Shelton Housing Authority must put the respective household on the transfer list and move them when a unit becomes available, if they are not in an appropriately sized unit.

If a household reports, or the Shelton Housing Authority becomes aware of a change in household composition, then Shelton Housing Authority will determine whether the unit is still appropriately sized. For example:

- * A household may be considered over-housed for a unit when an adult child leaves the household; or
- * A household may become under-housed for a unit when a new child or an adult joins the household.

All public housing leases must include a clause wherein the tenant agrees to transfer to an appropriate size unit based on household composition, upon appropriate notice by the Shelton Housing Authority that such a unit is available.

6. Split Family Transfers

Shelton Housing Authority has the option to allow very large families with two adult members to split into two separate households and transfer to two units. Shelton Housing Authority might offer a split family transfer if, for example, the family composition changed and now requires a seven-bedroom unit, but Shelton Housing Authority only has four-bedroom units available. A split family transfer is a type of occupancy standards transfer.

EXAMPLES OF AN ALLOWABLE SPLIT FAMILY TRANSFER:

The persons who would be the original and new family head of household (HOH) must both be listed on the most recent lease. (This prohibits individuals from extending their “visits” to the family to obtain a unit);

* The family must be overcrowded according to the Shelton Housing Authority’s occupancy standards; and

* The reason for the family split must be the addition of children through birth, adoption, or court-awarded custody.

7. Household Composition Changes

Families are required to request Shelton Housing Authority approval before adding any family member as an occupant of the unit, other than those entering the family by birth, adoption, or court-awarded custody. Failure on the part of the family to comply with the household composition provisions is a violation of the lease terms, for which Shelton Housing Authority may terminate the lease.

New additions to the family must be evaluated to allow the addition of a new member, other than by birth are:

The new member must:

Pass the Shelton Housing Authority screening criteria

Contributes to family reunification (e.g., the return of an incarcerated parent)

Makes transfer to a larger sized unit necessary and if a unit is available

Satisfies a tenant’s request for a reasonable accommodation request

8. Incentive

The Shelton Housing Authority does not have an incentive program at this time.

9. Tenant Initiated

The Shelton Housing Authority will consider requests for transfers that are not out of necessity, such as moving to another section of the property to be closer to family members, other neighborhoods, employment, or a child’s school. These transfers will be processed on an individual basis and are subject to availability in the desired location.

10. Transfers under the Violence Against Women Act (VAWA)

In accordance with VAWA, tenants who are victims of domestic violence, dating violence, sexual assault, or stalking can request an emergency transfer from the tenant’s current unit to

another unit. HUD requires Shelton Housing Authority to adopt an Emergency Transfer Plan (ETP), based on HUD's model ETP (form HUD-5381) and incorporates strict confidentiality measures.

The Shelton Housing Authority's ETP must allow tenants to make an internal emergency transfer under VAWA when a safe unit is immediately available; a victim determines whether the unit is safe. The plan must also describe policies for assisting tenants when a safe unit is not immediately available. Those policies must ensure that requests for internal emergency transfers under VAWA receive, at a minimum, any applicable additional priority that housing providers may already provide to other types of emergency transfer requests. The ETP also must describe reasonable efforts the Shelton Housing Authority will take to assist a tenant who wishes to make an external emergency transfer when a safe unit is not immediately available.

Shelton Housing Authority may request in writing that the victim provide documentation of an occurrence of domestic violence, dating violence, sexual assault, or stalking in accordance with the regulation at 24 CFR § 5.2007. However, no other documentation may be required to qualify the tenant for an emergency transfer.

VAWA does not impact a Housing Authority to establish and define other transfer policies; it only requires that specific policies be established for transfers under VAWA. Please see Notice PIH 2017-08 for additional detailed guidance on VAWA emergency transfer requirements.

PRIORITIES AMONG TYPES OF TRANSFERS:

The following types of transfers will occur in order of priority:

1. Emergency due to physical hazards
2. Emergency due to other causes
3. Demolition, disposition, revitalization, or rehabilitation
4. Reasonable accommodation
5. VAWA emergency transfer
6. Occupancy standards
7. Split family
8. Tenant-initiated
9. Incentive

When Transfers Take Precedence Over Waiting List Admissions

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

Mandatory and Optional Transfers

Tenants must comply with the following transfers:

- * Emergencies due to physical hazards
- * Demolition, disposition, revitalization, and rehabilitation

- * Shelton Housing Authority-initiated occupancy standard 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 Shelton Housing Authority-initiated transfers defined as mandatory

However, tenants may choose to request and/or accept transfers for other circumstances including, but not limited to:

- *Reasonable accommodations
- *Emergencies due to other causes
- *Incentive (if an option at your Housing Authority).
- *Occupancy standards (non-mandatory)
- *VAWA emergencies
- * A split family
- * Tenant initiated requests

ELIGIBILITY FOR TRANSFERS

Shelton Housing Authority has established the following eligibility criteria for optional transfers:

- *Tenants/household members have not engaged in criminal activity threatening the health and safety of residents and staff
- * Tenant does not owe any back rent or other charges, or does not have a pattern of late payments
- * Tenant does not have any outstanding housekeeping lease violations or history of damaging property and
- * Tenant has the ability to get utilities turned on in the name of the head of household (applicable only to properties with tenant-paid utilities).

COSTS OF TRANSFERS

The Shelton Housing Authority will bear the costs of the following transfers:

- *Initiated by the Shelton Housing Authority for demolition, disposition, revitalization, or rehabilitation purposes
- *Required due to conditions that pose a physical hazard (i.e., building system failure, or other emergency conditions that cannot be repaired within 24 hours) and/or
- * Required as a reasonable accommodation for families with disabilities

Tenants typically bear the costs associated with occupancy standards transfers.

- A. The Shelton Housing Authority will maintain a list of families (by number of bedrooms) that need to be transferred.
- B. The family name shall be placed on this list on the day the Shelton Housing Authority becomes aware of family composition change or other circumstances requiring a change.
- C. Families that are over housed will be given priority over families that are under housed.
- D. Families needing special consideration because of a disability will be accommodated before under and over housed families, whenever possible.

- E. Highest priority: Emergency and certain administrative transfers will take priority over new admissions as follows:
 - 1. If the condition of the unit poses an immediate threat to the resident's life, health, or safety, as determined by the Shelton Housing Authority. Examples are:
 - a. defects hazardous to health or safety need to be repaired
 - b. verified medical problems of a life-threatening nature need to be alleviated
 - c. threat assessment by a law enforcement agency that a family member is in danger of attack by criminal element or subject to hate crimes in a particular property or neighborhood
 - 2. unit is slated for modernization
 - 3. individuals needing an available unit that is accessible or adapted for use by handicapped or disabled
- F. Residents will be transferred to a dwelling unit of equal size, either within a location or site or between locations or sites only to alleviate hardships as determined by the Shelton Housing Authority.
- G. The Shelton Housing Authority will not require a family residing in a unit too large for its needs to transfer into a smaller unit unless the Waiting List reflects a need for the occupied unit.
- H. Residents will receive one offer of a transfer. Refusal of that offer without good cause may result in Lease termination. The "good cause" standard that is applicable to new admissions will also apply to transfers.
- I. The cost of transfers to correct occupancy standards will be the responsibility of the family; all others will be the responsibility of the Shelton Housing Authority.