

Public Housing Transfer Policy

Knox County Housing Authority
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Transfer means the movement of a resident from one dwelling unit to another. 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. 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.

A. Non-Discrimination

1. The KCHA will not discriminate against any person at any stage of the transfer process because of race, color, religion, sex, age, creed, disability, familial status, or national origin. The KCHA will abide by the non-discrimination requirements of the following laws and Executive Orders. (24 CFR 960.203)
2. 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)
3. 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)
4. Executive Order 11063 on Equal Opportunity Housing. (29 CFR part 107)
5. 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)
6. 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)
7. Title II of the Americans with Disabilities Act (42 U.S.C. 12101-12213).

B. Types of Transfers

1. 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 the unit or building conditions pose an immediate threat to resident life, health or safety, as determined by KCHA. Any condition requiring an emergency work order may be defined as an emergency if repairs cannot be made within 25 hours. Emergency transfers within sites or between sites may be made to:
 - Permit repair of unit defects hazardous to life, health, or safety;
 - Alleviate verified medical problems of a life threatening nature or;

- 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.

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):

- Provide housing options to residents who are victims of hate crimes or extreme harassment;
- Alleviate verified medical problems of a serious nature;
- Permit modernization of units;
- Permit a family that requires a unit with accessible features to occupy such a unit.

These transfers shall take priority over new admissions.

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 medical 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:

- Correct occupancy standards (mandatory: over or under the KCHA's occupancy standards);
- Offer incentive transfers (voluntary) as described below.

These transfers will take priority over new admissions.

Category 2 transfers to correct occupancy standards 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.

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:

- Correct and avoid concentration of the most economically and socially deprived families;
- Correct occupancy standards (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);
- Address situations that are not criminal but interfere with the peaceful enjoyment of the unit or common areas such as neighbor disputes.

These transfers will not take priority over new admissions.

2. Whenever feasible, transfers will be made within a resident's area.

C. Processing Transfers

1. The Occupancy Division will administer a centralized transfer waiting list. Managers are responsible for submitting requests for transfers including necessary documentation, to the central transfer administrator.
2. The central transfer administrator will sort requests for transfer into categories.

Admissions will be made in the following order:

- First emergency transfers; then
- Category 1 Administrative Transfers; then
- Category 2 Administrative Transfers; and finally
- Applicants

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

3. 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.
4. 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.

Interviewers will record transfer recommendations in duplicate for each manager affected by the transfer.

5. 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.)

6. 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.
7. 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 seven new admissions.**

D. Good Record Requirements for Transfer

1. In general, and in all cases of resident-requested transfers, residents will be considered for transfers only if they:
 - 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.
2. Exceptions to the good records 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.

Absent a determination of exception the following policy applies 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.

E. Incentive Transfers

1. 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.
 - a. Incentive Transfers – The KCHA will occupy recently modernized and scattered site units through incentive transfers. No applicants shall be admitted directly to scattered site units. 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.

b. 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:

- Residency in a KCHA development for at least three (3) years;
 - No repayment agreement or unpaid balance at any time in the past two (2) years;
 - 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;
 - Good housekeeping record.
2. 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.
 3. No exceptions will be granted to the good record requirement for incentive transfers.

F. Cost of Transfers

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. 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.

G. Notice of Transfer

Resident families that are to be transferred will be given a thirty (30)-day notice, said time period to commence at the approximate time of delivery of the Notice of Transfer. The notices shall be: (1) hand-delivered, and (2) mailed, both prepaid first-class mail and certified mail.