

**Housing Authority of the City of Erie  
Public Housing Transfer Policy**

The Department of Housing & Urban Development (HUD) allows housing authorities to establish transfer policies in any manner that is reasonable and that does not conflict with any other HUD established occupancy regulations or affirmative housing goals. The housing authority should establish transfer policies that will be consistently applied.

The transferring of families is a very costly procedure, both to the housing authority and to the families. However, it is the policy of HACE to permit a resident to transfer within or between housing developments; when it is necessary to comply with occupancy standards; or when it will help accomplish the Affirmative Housing goals of HACE. The transfer policy will be carried out in a manner that does not violate fair housing.

In accordance with the Admissions & Occupancy Policy of the Housing Authority of the City of Erie (HACE), HACE shall maintain a transfer list to determine priority and precedence and indicate reason for the transfer. HACE will approve transfers for the following reasons:

- Priority 1: Imminent threat(s) as determined by HACE
- Priority 2: To permit modernization of the unit and/or building
- Priority 3: There is a verified need for a Reasonable Accommodation or a verified medical need for a different unit
- Priority 4: To correct any occupancy standards
- Priority 5: To avoid concentrations of the most economically and socially deprived families

**UNIT TRANSFER POLICIES**

HACE will accept requests for transfer based on the following:

1. There is a need for a unit transfer because of a change in household size and/or composition.
2. There is a need for a unit transfer based on the verified need for an accessible unit.
3. There is a verified need for a reasonable accommodation or a verified medical need for a different unit.
4. There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living.
5. The resident has requested and qualifies for a VAWA Emergency Transfer.

The HACE will not permit transfers to a scattered site unless it is deemed that the household is able to afford the utilities separate from the rent.

Existing residents must complete a Unit Transfer Request. The Unit Transfer Request must be completed and signed by the Head-of-Household (HOH) and all adult household members. All transfer requests will be reviewed by the Deputy Director who will notify the household in writing whether they have been determined eligible for a transfer. Those who are determined ineligible will be informed that they can reapply in 12 months.

Special consideration is given when the unit transfer is requested because:

- There is a verified need for a reasonable accommodation or a verified medical need for a different unit.
- There is a need for a unit transfer of a household that does not require the accessibility features of a unit in which they are living to accommodate a disabled resident/applicant on the waiting list.
- The resident has requested and qualifies for a VAWA emergency transfer.
- There is a change in household size that makes the current unit too large or too small for the family based on HACE's occupancy standards.

Except under specific circumstances, a household's eligibility for a unit transfer will be granted only if:

- The household has not given notice to move
- The household is not pending eviction or being evicted
- The household is current for all outstanding charges
- The household has not entered into a repayment agreement for failing to fully and accurately report income or household composition
- The household has no record of any lease violations in the last 12 months
- The household complies with lease provisions regarding decent safe and sanitary conditions of the current unit
- The household has been a resident in good standing with the housing authority for 12 months or more

Emergency transfers under the VAWA are exempt from the above requirements.

### **SECURITY DEPOSITS, PET DEPOSITS & UNIT TRANSFERS**

When a resident, transfers to a new unit with all other household members, HACE will transfer the existing security deposit and pet deposit (if applicable) to the new unit. The resident will receive a bill for fees or damages owed. This bill must be paid within 30 days unless an alternative payment plan has been made with the current Property Manager.

## **VAWA EMERGENCY TRANSFER**

In some cases, families that qualify for a VAWA Emergency Transfer receive preference over other transfers. Please contact property management staff for additional information.

## **OFFERING AN APARTMENT**

When a unit becomes available and eligibility is determined, available units will be offered using one or more of the following methods:

- In writing
- Over the phone
- By email

If HACE is unable to contact the head-of-household (HOH) within five (5) business days, the offer will be cancelled, and the apartment will be offered to the next person on the transfer list. The household will remain on the list and offered the next available unit. Only two attempts to reach the resident will be made before they will be removed from the transfer list.

## **OFFERING OF ACCESSIBLE UNITS**

Units that have been made accessible in accordance with the Universal Federal Accessibility Standards (UFAS) or the Americans with Disabilities Act (ADA) Guidelines will be offered to residents and applicants with disabled members first. In some cases, HACE may implement marketing efforts to ensure that disabled households occupy accessible units.

After move-in, if the members of the household who required the special features of the accessible unit no longer reside in the unit, and where the lease permits, HACE will require the remaining members of the household to move to a unit without accessibility features when such a unit of the appropriate size becomes available.

If there is no household on the waiting list that has requested an accessible unit, the unit will then be offered to the next household based on the selection order.

Before a resident or applicant can accept that accessible unit, all adult members of the household must sign an agreement that includes a requirement to move, at the household's expense, to the first available non-accessible unit that meets the household's occupancy requirements as described in this plan. The resident household will not be required to move if:

1. No unit that meets the household's occupancy requirements is available
2. There is no household on the waiting list requesting an accessible unit

In either of these cases above, the household will have a maximum of thirty (30) calendar days to complete the move. If the resident fails to move in thirty (30) calendar days, assistance will be terminated, and the household will be required to pay flat rent.

### **RIGHT TO REFUSAL**

Each household will be offered the opportunity to accept an offered apartment two (2) times. If a resident does not wish to accept an offered apartment, they have the right to refuse the offer.

Residents must notify HACE of their intent to refuse the unit offer by using one or more of the following methods:

- In writing (delivered by fax, mail or other means)
- By email
- Over the phone

**Note: If the refusal is made over the phone, contact must be made with a member of the management staff. Leaving a message is not adequate.**

The first time a resident refuses a unit, the unit will be offered to the next qualified household based on the selection order described in this policy. The resident will retain the same place on the waiting list. The second time a resident refuses an offered unit, the household will be removed from the transfer list.

Right to Refusal Policies will be modified in three cases:

1. If a disabled resident is at the top of the waiting list, they will be offered units as they become available regardless of whether they include accessible features. A disabled household has the right to refuse an unlimited number of non-accessible units or units that do not meet specific accessibility requirements.
2. If an applicant or resident household with no disabled members is at the top of the waiting list, and there are no disabled households on the waiting list, that household may be offered an accessible unit. A household with no disabled household members has the right to refuse an unlimited number of accessible units or units that do not meet their needs.
3. The resident qualifies and has been approved for a VAWA Emergency Transfer and the person who is a victim of a VAWA crime or the person who is affiliated with the person who is a victim of a VAWA crime does not consider the unit “safe”.

### **TIMEFRAME FOR TAKING POSSESSION OF A UNIT**

The household must agree to take possession of a unit in no more than thirty (30) calendar days unless HACE provides written exception to this policy.

If the household does not complete appropriate paperwork and does not take possession of the unit within thirty (30) days from accepting the offer, the applicant will be subsequently rejected and removed from the transfer list. (Extenuating circumstances related to verified medical situations will be considered).

Once the Resident has received the keys to the “new” unit, they will have 10 (ten) days to move from the “old” unit and turn in the keys to the Manager. If the keys are not returned within the 10 (ten) days, the locks will be changed, and the Resident will have to contact office to make arrangements to remove any remaining items. The Resident will be charged for the lock change and storage fees for each day the belongings are not removed. (See separate fee schedule for amount).

Resident is also responsible for any damages that may occur at either unit while they are in possession of the keys.

### **OVER/UNDER-HOUSED TRANSFERS**

Transfers of residents who require a smaller or larger unit will be made in ranking order by bedroom size required, number of household members and transfer application date. HACE will transfer over/under-housed families by offering every fifteenth vacant unit to an approved over or under housed family. HUD expects housing authorities to maintain a 98% occupancy rate. Therefore, HACE reserves the right to refuse transfers when the occupancy rate in a development is below 98%.

HACE does not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, its federally assisted programs and activities.

The person named below has been designated to coordinate compliance with the nondiscrimination requirements contained in the Department of Housing and Urban Development’s regulations implementing Section 504 (24 CFR, part 8 dated June 2, 1988).

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