

## **Exhibit 6-9 Transfer Policy**

The Residential Lease Agreement addresses transfers. Transfers are made without regard to race, color, religion, national origin, sex, familial status, or disability. Families must be provided the opportunity to transfer to an ADA-accessible unit or a unit with accessible features as a reasonable accommodation for a documented disability requiring such features.

Asset Supervisors will maintain an electronic waiting list of all requested transfers. See Transfer List Management. Transfers will occur based upon date and time on the Transfer List within each of respective transfer categories listed below.

The only time a transfer may occur from one AMP to another is within the Municipality of Anchorage. The transfer requires the approval of the receiving asset supervisor. Transfers between programs, i.e., Public Housing and Section 8 New, or communities are not allowed.

### **1. Transfer Categories**

Transfers may be requested by a family or may be required by AHFC. The number and types of transfers are listed below in descending order of priority. For example, an emergency transfer or relocation takes priority over reasonable accommodation transfer. The asset supervisor will sort transfers in the Transfer List by these categories and assign units in the following order:

1. Emergency
2. Relocation/Modernization
3. Reasonable Accommodations
4. Administrative
5. Family Requests

It is mandatory that AHFC staff adhere to transfer priorities and rankings on transfers involving emergencies, relocation/modernization, reasonable accommodation requests, and administrative reasons such as lead-based paint abatement and occupancy standards.

## **1.A Emergency**

An emergency transfer into a vacant unit will take priority over a new admission. The following are examples of emergency transfers.

1. The unit or building conditions pose an immediate threat to a family's life, health, or safety, and AHFC is unable to make repairs in less than 24 hours.

Examples of emergency conditions include: a gas leak, no heat or inadequate heat in the unit during the winter, no water, toxic contamination, lead-based paint abatement, or a serious water leak.

A temporary move to a hotel may be required if a vacant unit is not available. If necessary, the family may be required to move to another AMP. In that case, offer the same unit back to the family when (if) the unit is repaired. In either case, consult with the regional manager or Director of Housing Operations for guidance.

2. Family members must be protected from attack by the criminal element in a particular property or neighborhood.

Examples include a family member who witnesses a crime and may face reprisals or a family member who may be a victim of a hate crime or subject to extreme harassment. Documentation must be provided by a law enforcement agency that a move is necessary to protect members of the household from attack by the criminal element in a particular property or neighborhood.

3. Residents or family members who are victims of an act or acts of domestic violence, dating violence, sexual assault, or stalking against a member of the tenant's household. See Exhibit 1-7.

## **1.B Relocation/ Modernization**

All HUD-assisted programs and projects are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act. Relocation due to modernization or development is scheduled and managed in accordance with 24 CFR 42. In these instances, Central Office will advise staff in advance about the timelines and requirements that must be met to comply with the law.

## **1.C Reasonable Accommodations**

A transfer to provide a reasonable accommodation takes priority over new admissions from the waiting list. A transfer to match the needs of a person with disabilities to a unit with accessible features is considered a reasonable accommodation transfer.

Staff must:

- first establish that the person is indeed disabled, using the broader definition under the Americans with Disabilities Act; and
- acquire third-party verification, where necessary, that establishes that there is a nexus between that person's disability and the features of an accessible unit.

### **1.C.1. Vacant Unit Offer Order**

When an accessible unit becomes available, AHFC will offer the unit in the following order:

1. First, to a current person with disabilities who requests the accessibility features of the vacant unit who resides in a non-accessible unit within the same AMP. Moving costs are paid by AHFC.
2. Second, in Anchorage only, to a current person with disabilities living in a non-accessible unit within another Anchorage AMP, who requires the unit's accessible features. Moving costs are paid by AHFC.
3. Third, if there is no current family who requires the accessible features of the vacant unit, offer the unit to a qualified applicant from the respective waiting list who requires the features of the unit.
4. Fourth, if there is no qualified applicant who requires the features, offer the unit to the next qualified family on the waiting list. A person without disabilities may accept housing in an accessible unit provided the steps above were followed.

Staff must point out the lease provision requiring the family to move if an applicant/tenant who needs the accessible features is identified and that reasonable moving costs are paid by AHFC. Staff must give the family form PM603 Addition to Transfer List and check the box "You live in a unit with accessible features ...". See the Notice to Move section below.

### **1.C.2. Relocating a Tenant from an Accessible Unit**

If an accessible unit is required by a family and the family occupying the unit does not need the features, AHFC must relocate the non-disabled family to another unit. When this occurs, the asset supervisor must locate an appropriate vacant or soon-to-be vacant unit. In Anchorage, the first option is within the same AMP; if a vacancy is not available, then within another AMP, if available. See the procedures under the Notice to Move section below.

### **1.C.3. Documenting the Need for Accessible Features**

Once a family has been approved for a unit with accessible features, staff will document the need by completing the Accessible Unit or Features Certification, form RA837. The form documents the features required by the family as well as having the family certify to their need for the features.

Once the form is completed by the family, staff will complete the AHFC section of the form, give a copy to the family, log the unit request in the Reasonable Accommodation database, and file the original form on top of the Residential Lease Agreement.

## **1.D Administrative**

Before performing an administrative transfer, staff may consider the following factors.

- Number of current vacancies;
- Maintenance workload;
- The rate of recurrence of the available unit size; and
- The time that the family has spent on the transfer list.

### **1.D.1. Over/Under Housed Families**

Families that choose to be under or over-housed at the time of admission are not eligible for a transfer unless family size changes.

1. Send the Addition to Transfer List, form PM603, to the family when they report a change in composition or other circumstances that necessitates a move.
2. If an appropriate unit size is not available, the family may remain in their current unit. AHFC will not cause a family to be displaced unless other good cause exists.
3. See the Notice to Move section below for the appropriate notices to send.
4. Transfer the original security deposit to the new unit.

### **1.D.2. Family Splits**

Family splits are a special circumstance of a family being over- or under-housed. In order to qualify for a unit transfer, the reason for the family split must be the addition of children through birth, adoption, or court-awarded custody. The asset supervisor may determine whether the family splits into two “new” households in different units, or whether a portion of the “old” household is transferred to a “new” unit. The considerations are cost, family circumstances, and unit availability.

1. The respective head for each future household must be listed on the most recent lease and recertification.
2. Both heads must be legally capable of executing a lease.
3. Deny requests to a family who requests to split up because of different generations, divorce, or the addition of adult children and their families. In these circumstances, family members may apply for their own housing assistance.

## **1.E Family Requests**

Before performing a tenant-requested transfer, staff may consider the following factors.

- Number of current vacancies;
- Maintenance workload;
- The rate of recurrence of the available unit size; and

- The time that the family has spent on the transfer list; and
- Whether the family is in good standing (see Voluntary Transfers below).

Families can request a transfer using the Request to Transfer, form PM602. Tenants may request to transfer for one of following reasons: employment, child or day care, medical care, or educational opportunities.

## **2. Notice to Move**

Whenever a mandatory transfer becomes necessary, or a voluntary transfer is approved, the asset supervisor will send the Addition to Transfer List, form PM603. This form notifies the family that their name was added to the transfer list, gives the family a chance to grieve the decision, and tells the family that failure to move may result in termination.

A family may grieve a mandatory move if the transfer is a result of a change in the family size or other occupancy requirements. No such transfer shall occur until either the grievance request period expires or the grievance procedure is exhausted.

### **2.A Monitor Vacancies**

After the family has exhausted the grievance procedure and has been placed on the appropriate transfer list, staff will monitor available and pending vacancies. When a possible transfer unit appears, staff will send the Transfer Unit Pending (form PM616). This letter:

1. Notifies the family that a unit is pending that fits their needs.
2. Notifies the family if this is a mandatory move.
3. Tells the family that they will have five (5) calendar days to move once they receive the keys.
4. Tells the family that they are responsible for any damages or cleaning at the old unit.

### **2.B Appropriate Unit is Available**

When a unit is confirmed that it will be available for the transfer family, staff will:

1. Send the Unit Transfer Notice, form PM605, to the family. The notice:
  - a) Identifies whether the move is optional or mandatory;
  - b) Schedules a moving appointment to sign a new lease and take care of program obligations;
  - c) Tells the family that they have five calendar days to move once they receive the keys;

- d) Tells the family that the old unit will be subject to a move-out inspection. It also tells the family that they will be responsible for any cleaning or damages beyond normal wear and tear.
  - e) Advises the family that if they require more than five calendar days to move, they must request approval from AHFC in advance.
2. Staff will monitor both the actual vacancy date and the ready date to minimize vacancy time.

### **2.C The Moving Appointment**

When scheduling the moving appointment, it should be as close to the ready date as possible. At the conclusion of this appointment, the new lease should be signed by the family.

1. Staff may schedule the move-in inspection for the new unit to coincide with the conclusion of the moving appointment.
2. Staff may give the keys to the new unit to the family to begin the moving process if the unit is ready. If the appointment and inspection is in the afternoon, staff should not count that day as part of the five calendar days to move.
3. Staff should also schedule the move-out inspection for the old unit to ensure that the family knows the deadline to be out of the old unit.

### **2.D The Move-Out Inspection**

Conduct the move-out inspection of the old unit once the family returns the keys to AHFC. The family will bear the cost of any damages incurred to the old unit during their time of occupancy.

### **2.E Family Fails to Move**

If the family refuses to move or is not moved within the allotted time period, the family has violated a provision of the lease agreement. If the family cannot move within the time limit, the family may request a time extension not to exceed five (5) business days.

The asset supervisor may grant an extension for good cause such as: (1) The family does not have enough money to move, or (2) medical reasons. Failing that, the lease must be terminated in accordance with AHFC's policy.

### **3. Who Pays Moving Expenses**

AHFC will pay the moving expenses and basic utility hook-up fees for the following types of mandatory moves.

1. An emergency where responsibility for damage is not yet established. If the preponderance of evidence suggests that the damages are the responsibility of the family, the family bears the cost of the move.
2. Relocation/Modernization of the unit.
3. A disabled family who is already an AHFC tenant and who requires the features of an accessible unit. If the unit is occupied by a non-disabled family, AHFC must pay the moving expenses of that family as well.

AHFC will not pay for telephone or cable hook-up fees. The family may choose between having AHFC contract with a moving company to provide basic moving services or receive a flat rate not to exceed \$500 for moving expenses. The family is fully responsible for all costs associated with moving if: (1) the move is to comply with occupancy standards, or (2) a voluntary request, other than for a reasonable accommodation, is granted.

### **4. Approval of Voluntary Transfers**

In all cases of family-requested transfers, the family must be in good standing during the past 12 months. Good standing means:

1. Neither the family, guests, or visitors have engaged in criminal activities, illegal drug-related activities, or alcohol abuse that threatens the health, safety, or peaceful enjoyment of the premises by other residents or staff within the past six (6) months;
2. The family does not owe back rent or other charges or have a pattern of late payments;
3. The family meets reasonable housekeeping standards; and
4. The family can afford to get utilities turned on in an adult family member's name (applicable only to properties with tenant-paid utilities).

#### **4.A Family Grievance**

A family may grieve if AHFC fails to approve a family-requested transfer. Staff will notify a family of a denied transfer request by using the Denial of Transfer Request, form PM604. Follow the procedures under the Notice to Move section if a unit is identified for the tenant.

#### **4.B Family Fails to Move**

The family may refuse the first unit offered for good cause and remain on the transfer list with their current position. If the family refuses a second offer, remove the family from the transfer list.

Good cause reasons to refuse a unit include: (1) The unit is not within proximity to the schools, medical care, or employment as required by the family; (2) Insufficient money to move; or (3) Medical reasons.

### **5. Transfer Lists**

If staff has a transfer list, the list must conform to the requirements shown in the Administrative Desk Manual, Transfer List Maintenance. If staff does not have any transfer requests, a list does not need to be made. An entry on the transfer list may be a result of a reasonable accommodation. Staff must update the Reasonable Accommodation log with a note that the family is placed on the transfer list.

#### **Forms**

HUD-50066 Certification of Domestic Violence, Dating Violence, or Stalking

PM602 Request to Transfer

PM603 Addition to Transfer List

PM604 Denial of Transfer Request

PM605 Unit Transfer Notice

PM616 Transfer Unit Pending

PM634 Transfer List Master

RA837 Accessible Unit or Features Certification

#### **Administrative Desk Manual**

Transfer List Maintenance