

LORAIN METROPOLITAN HOUSING AUTHORITY

TRANSFER POLICY

Revised July 2017

Lorain Metropolitan Housing Authority (LMHA) will maintain a centralized transfer list to ensure that transfers are processed consistently and in the appropriate order. No transfers will take place in the months of May or June, other than for Reasonable Accommodations, emergencies, or if deemed to be in the best interest of the Housing Authority.

No transfers will be granted during the first two (2) years of the lease/housing other than for emergencies, Reasonable Accommodations, or for Emergency VAWA Transfers.

Except in the cases of Reasonable Accommodations or Emergency VAWA Transfers, residents will receive one (1) offer of a transfer. Refusal of a transfer unit offer without good cause may result in removal from the transfer waiting list. In the case of mandatory transfers, refusal without good cause may result in lease termination.

LMHA shall bear the costs of Reasonable Accommodations transfers and for transfers initiated by LMHA. Residents shall be responsible for the costs of occupancy-related transfers and resident-initiated transfers.

The Grievance Procedure is applicable to involuntary transfers.

Transfers shall be prioritized as follows:

1. Emergency Transfers

Emergency transfers are mandatory when LMHA determines that conditions pose an immediate threat to resident life, health, or safety. Emergency transfers may be made for reasons such as, but not limited to, permitting repair of hazardous unit defects, alleviating verified disability problems of a life threatening nature, protecting household members from threat of physical harm or criminal activity, or Emergency VAWA Transfers.

A tenant who is a victim of domestic violence, dating violence, sexual assault, or stalking is eligible for an emergency transfer if the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If 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. Refer to the Emergency VAWA Transfer Plan for complete details.

Emergency transfers shall take priority over new admissions and all other transfers. If, however, the only suitable unit available is an accessible unit designated to fulfill a request for a reasonable accommodation, then the reasonable accommodation shall have precedence.

2. Reasonable Accommodation Transfers

The LMHA Reasonable Accommodations Review Committee may approve a transfer as a reasonable accommodation for a person with a disability, provided that there is a nexus between the disability and the accommodation as verified in accordance with LMHA's Reasonable Accommodations Manual.

Reasonable Accommodation transfers shall take priority over new admissions.

3. Violence Against Women Act (VAWA) Transfers

Transfers for the victims of domestic violence (VAWA) shall take priority over new admissions.

4. Under-housed Families

The Project Manager may approve/require a transfer to correct over-occupancy of a PHA unit. Transfers granted to remedy over-occupancy shall be within the same development. To minimize vacancies/transfers, new born infants [up to the age of two (2)] may share a bedroom with the parent before a transfer is required by the PHA.

These transfers shall take priority over new admissions and will be processed at no more than one (1) transfer, per bedroom size, per development, per month.

5. Over-housed Families

The Project Manager may approve/require a transfer to correct under-occupancy of a PHA unit. Transfers granted to remedy under-occupancy shall be within the same development.

These transfers *will not* take priority over new admissions and will be processed at no more than one (1) transfer, per bedroom size, per development, per month.

LMHA may elect, at its discretion, to not transfer over-housed families in order to prevent vacancies.

6. Resident-Requested Transfers

The Executive Director may approve a transfer to accommodate the employment or educational activities of a household. The household shall demonstrate that the family member has been so employed for a period of one hundred eighty (180) days prior to the request for transfer, or that they are enrolled in the educational institution.

These transfers *will not* take priority over new admissions and will be processed at no more than one (1) transfer, per bedroom size, per development, per month.

The Executive Director may require or approve a transfer within LMHA owned and/or managed properties, where in the opinion of the Executive Director, such transfer is reasonable or necessary to correct, remedy, or alleviate any condition or circumstance that, in opinion of the Executive Director, is adverse to the interest or purposes of LMHA and/or its operations.

LMHA reserves the right to require a transfer when a family is initially given an accessible unit, or the family's unit is rehabilitated to provide accessible features, but the family does not require or no longer requires the accessible features. When a unit with accessibility features becomes vacant, LMHA shall make its best effort to ensure that a family requiring these features is assigned to the unit. If there are no families requiring said features on the transfer waiting list, a new admission shall be offered the unit.

For Resident-Requested transfers, the following eligibility requirements apply (which do not apply to Reasonable Accommodations or Emergency VAWA transfers):

1. Residents must pass a house inspection prior to transferring.
2. If required to perform community service, the resident must be up to date in the required hours.
3. If applicable, residents must be up-to-date in rental payments and maintenance charges, must be able to transfer utility service, be in good standing based upon rental history and not have a documented history of disturbances. The resident must not be under termination of lease. This does not apply to reasonable accommodations requests or emergency VAWA transfers.

LMHA reserves the right to waive any of the eligibility requirements if deemed in the best interest of the Housing Authority.

“Good cause” is defined as:

1. Inaccessibility to source of employment, education, job training, children's day care, education program for children with disabilities, a change in school districts, or inaccessibility to resources that provide support to an individual's physical or mental health and well being. Additionally, a good cause exception would also be granted if acceptance of the unit offer would require a household member to quit a job, drop out of an educational institution, take a child out of daycare, remove a child from an educational program for children with disabilities or cause a child to change school districts.
2. The family demonstrates to LMHA's satisfaction that the acceptance of the unit offer will place a family member's life, health, or safety in jeopardy. The family must offer specific and compelling documentation such as restraining orders, other court orders or documents from a law enforcement agency or other local, state or, mental health agencies. Reasons must be specific to the family.
3. A health professional verifies temporary hospitalization or recovery from illness of the principal household member, other household members or live-in aide necessary to the care of the principal household member.

Refusals due to location alone do not qualify for the good cause exemption.

Reasonable Accommodations may also be considered as a good cause for rejecting a unit offer for transfer, but are reviewed for approval by the Reasonable Accommodations Review Committee.

LMHA will not grant a transfer request solely to accommodate neighbors who cannot get along.

LORAIN METROPOLITAN HOUSING AUTHORITY

EMERGENCY VAWA TRANSFER PLAN

Emergency Transfer Plan for Victims of Domestic Violence, Dating Violence, Sexual Assault, or Stalking

June 2017

Lorain Metropolitan Housing Authority (LMHA) is concerned about the safety of its tenants, and such concern extends to tenants who are victims of domestic violence, dating violence, sexual assault, or stalking. In accordance with the Violence Against Women Act (VAWA),¹ LMHA allows tenants who are victims of domestic violence, dating violence, sexual assault, or stalking to request an emergency transfer from the tenant's current unit to another unit. The ability to request a transfer is available regardless of sex, gender identity, or sexual orientation.² The ability of Lorain Metropolitan Housing Authority to honor such request for tenants currently receiving assistance, however, may depend upon a preliminary determination that the tenant is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, and on whether LMHA has another dwelling unit that is available and is safe to offer the tenant for temporary or more permanent occupancy.

This plan identifies tenants who are eligible for an emergency transfer, the documentation needed to request an emergency transfer, confidentiality protections, how an emergency transfer may occur, and guidance to tenants on safety and security. This plan is based on a model emergency transfer plan (OMB Approval No. 2577-0286) published by the U.S. Department of Housing and Urban Development (HUD), the Federal agency that oversees that the Lorain Metropolitan Housing Authority is in compliance with VAWA.

Eligibility for Emergency Transfers

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 the tenant reasonably believes that there is a threat of imminent harm from further violence if the tenant remains within the same unit. If 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.

A tenant requesting an emergency transfer must expressly request the transfer in accordance with the procedures described in this plan.

Tenants who are not in good standing may still request an emergency transfer if they meet the eligibility requirements in this section.

¹ Despite the name of this law, VAWA protection is available to all victims of domestic violence, dating violence, sexual assault, and stalking, regardless of sex, gender identity, or sexual orientation.

² Housing providers cannot discriminate on the basis of any protected characteristic, including race, color, national origin, religion, sex, familial status, disability, or age. HUD-assisted and HUD-insured housing must be made available to all otherwise eligible individuals regardless of actual or perceived sexual orientation, gender identity, or marital status.

Emergency Transfer Request Documentation

To request an emergency transfer, the tenant shall notify the LMHA's management office and submit a written request for a transfer. LMHA will provide reasonable accommodations to this policy for individuals with disabilities. The tenant's written request for an emergency transfer should include either:

1. 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 LMHA's program; OR
2. 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.

Confidentiality

Lorain Metropolitan Housing Authority will keep confidential any information that the tenant submits in requesting an emergency transfer, and information about the emergency transfer, unless the tenant gives LMHA 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. This includes keeping confidential the new location of the dwelling unit of the tenant, if one is provided, from the person(s) that committed an act(s) of domestic violence, dating violence, sexual assault, or stalking against the tenant. (See the Notice of Occupancy Rights under the Violence Against Women Act For All Tenants for more information about LMHA's responsibility to maintain the confidentiality of information related to incidents of domestic violence, dating violence, sexual assault, or stalking.)

Emergency Transfer Timing and Availability

Lorain Metropolitan Housing Authority cannot guarantee that a transfer request will be approved or how long it will take to process a transfer request. LMHA 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. If a tenant reasonably believes a proposed transfer would not be safe, the tenant may request a transfer to a different unit. If a unit is available, the transferred tenant must agree to abide by the terms and conditions that govern occupancy in the unit to which the tenant has been transferred. LMHA may be unable to transfer a tenant to a particular unit if the tenant has not or cannot establish eligibility for that unit.

If LMHA has no safe and available units for which a tenant who needs an emergency is eligible, LMHA will assist the tenant in identifying other housing providers who may have safe and available units to which the tenant could move. At the tenant's request, LMHA will also assist tenants in contacting the local organizations offering assistance to victims of domestic violence, dating violence, sexual assault, or stalking that are listed at the end of this plan.

Safety and Security of Tenants

Pending processing of the transfer and the actual transfer, if it is approved and occurs, the tenant is urged to take all reasonable precautions to be safe.

Tenants who are or have been victims of domestic violence are encouraged to contact the National Domestic Violence Hotline at 1-800-799-7233, or a local domestic violence shelter, for assistance in creating a safety plan. For persons with hearing impairments, that hotline can be accessed by calling 1-800-787-3224 (TTY).

Tenants who have been victims of sexual assault may call the Rape, Abuse & Incest National Network's National Sexual Assault Hotline at 800-656-HOPE, or visit the online hotline at <https://ohl.rainn.org/online/>.

Tenants who are or have been victims of stalking seeking help may visit the National Center for Victims of Crime's Stalking Resource Center at <https://www.victimsofcrime.org/our-programs/stalking-resource-center>.

The following local organizations offer assistance to victims of domestic violence, dating violence, sexual assault, or stalking:

El Centro de Servicios Sociales Inc.
2800 Pearl Avenue
Lorain, Ohio 44055
440.277.8235

Genesis House (Lorain County Safe Harbor)
PO Box 718
Lorain, OH 44052
24-hour Hotline: 440.244.1853; 440.323.3400

Pathways Counseling & Growth Center
312 Third Street
Elyria, OH 44035
440.323.5707

Lorain County Board of Mental Health
1173 North Ridge Road, East
Lorain, OH 44055
440.233.2020
24/7 Emergency/Crisis Hotline: 800.888.6161

Nord Center
6140 South Broadway
Lorain, OH 44053
24/7 Emergency/Crisis Hotline: 800.888.6161
Sexual Assault Services Hotline: 440.204.4359

Far West Center/Westlake
29133 Health Campus Drive
Westlake, OH 44145
440.835.6212

Far West Center/Amherst
554 N. Leavitt Road
Amherst, Ohio 44001
440.988.4900