

# TRANSFER POLICY

## Tenant Placement

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### PURPOSE

Sometimes tenants want to move to a different unit within London and Middlesex Housing Corporation (LMHC). This may be because of lifestyle changes, changes in their household, the need to access a service, or for other reasons. LMHC recognizes this need, and has developed this *Transfer Policy* outlining the criteria for transferring from one unit, community or building to another within LMHC's portfolio.

This *Transfer Policy* supports LMHC's commitment to quality service, and meets legislative requirements as set out in the *Housing Services Act, 2011 (HSA) Regulation 339/01, Section 11* and *Regulation 298/01, Sections 32 and 33*, is pursuant to *Housing Division Notice (HDN) 2002-07* and *2002-34*, and respects the needs of social housing applicants on the wait list for entry into social housing.

### SCOPE

The *Transfer Policy* applies to rent-geared-to- income (RGI) tenant households that wish to move from one LMHC unit to another LMHC unit.

The *Transfer Policy* does not apply to tenants wishing to move to a unit outside of those owned by LMHC (such as into the co-op and/or nonprofit sector). Tenants wishing to move to properties outside of LMHC must apply through Housing Access Centre (HAC). The exception to this would be for Rent Supplement tenants who are already considered to be serviced by LMHC.

### POLICY STATEMENT

LMHC's transfer policy respects legislative, tenant, and community needs through the application of a policy framework that enables the unique needs of tenants to be met within legislative guidelines. LMHC is committed to facilitating transfers in an efficient and equitable manner.

Tenants seeking a transfer must meet basic eligibility requirements established in the HSA and by LMHC. While LMHC commits to working with tenants to ensure that the tenants' needs, the needs of the community, and the corporation's legislative obligations are met, there may be occasions where LMHC will refuse a request for a transfer, or limit the number of transfers for a household. Where this happens, the tenant will receive a copy of the decision, and the reason for it, in writing.

LMHC also recognizes that some transfer requests require priority over others due to time sensitivity related to circumstances. Recognizing this requirement, transfers will be administered in chronological order based on date of approval of the request for transfer, and in order of priority status as outlined below.

### DEFINITIONS

#### Basic Criteria

The following criteria *must be met* before an internal transfer can be considered. The tenant must:

- Continue to remain eligible for subsidized housing according to the *Housing Services Act (HSA)* and LMHC policy.
- Continue to have the ability to live independently with/without supports.

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- Have a continued, satisfactory tenancy history with LMHC.
  - Have maintained a good rental payment history and have no current rental arrears.
  - Have no outstanding maintenance or service charges.
  - Have no serious unresolved complaints from other tenants or staff on record.
- Agree to a unit inspection at the time of offer, and such inspection reveals no signs of willful damage, pest infestation, or neglect of the unit.

### **Ability to live independently includes:**

- Ability to carry out day-to-day activities such as meal preparation, dressing and personal hygiene, shopping, maintaining a clean unit, maintaining reasonable quiet within a complex/building.
- Ability to understand obligations of lease, and pay rent on time.

Any support services required must be arranged by the tenant prior to approval of the transfer.

### **Priorities of Transfers**

As per the Service Manager's *HDN 2002-7* and *2002-34*, housing providers can establish their own internal transfer policies, and have the option to deal with internal transfers before any other placements. LMHC sets certain types of transfer requests as a priority. Transfer requests that meet the definition for a priority are processed in the order they are received, before non-priority requests. Once priority status has been established, all transfers will be processed in chronological order. Chronology will be based on the date of approval of the request for transfer, or as set out below:

The priority order is as follows:

- 1. Special Priority**
- 2. Over-housed**
- 3. Temporary Relocation**
- 4. Urgent Medical / Urgent Social**
- 5. Under-housed / Bachelor Upgrade**
- 6. Chronological / Non-priority Requests**

Some transfer requests are processed automatically by placement staff, or at the direction of a manager. These include Over-housed or Under-housed tenants, Temporary Relocation and Chronological / Non-priority Requests. All other requests for transfers including Special Priority, Urgent Medical and Urgent Social, must be approved by LMHC's Internal Transfer Committee. Requests are to be submitted to the committee via the chair.

Prior to review by the Internal Transfer Committee, all requests for transfers under Special Priority must be reviewed by the Community Relations Worker (CRW). To expedite the request the CRW will ensure that the tenant understands the process, and assists the tenant in documenting the request and gathering other documents in support of their request for an immediate transfer. Documents could include police reports, letters from doctor, social worker, psychiatrist, and other forms/documents acceptable to LMHC. All other requests for transfers may have the support of a CRW upon request.

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## Special Priority

A household with a member who has been a victim of abuse in the home may apply for an immediate transfer. Households approved under this definition are first on the transfer list as per the *HSA*.

Abuse (as defined in the *HSA*) includes:

- a. An incident of physical or sexual violence against an individual,
- b. An incident of intentional destruction or of intentional injury to an individual's property, or
- c. Words, actions or gestures that threaten an individual or his or her property.

The member of the household making the request on these grounds must be currently living with the abuser, or not have been apart from the abuser for more than six months. Once approved by the Committee, the transfer will occur as soon as a suitable unit becomes available.

## Over-housed

A household living in a unit that has more bedrooms than required for its household members as per the occupancy standards is considered over-housed. The *Housing Services Act* requires over-housed households to move to the appropriate size of unit for the size of their household.

Furthermore, once LMHC becomes aware of a household in an over-housed situation, LMHC is required by law to notify the household that they have been placed on the transfer wait list as a priority transfer. At the direction of the Tenant Administration Manager, placement staff will work with the household to facilitate relocation as soon as a suitable unit becomes available.

## Temporary Relocation

A household that experiences an occurrence, such as fire or severe damage or demolition, that prevents them from living in the unit, or that makes the unit uninhabitable, may need to be transferred temporarily. Relocation would be accommodated through the transfer policy as a priority. At the direction of management, placement staff will work with the household to facilitate relocation as soon as a suitable unit is available.

## Urgent Medical

A household may be considered for a medical priority transfer if a member of the household has a medical condition that has been documented by a licensed health care professional stating that:

- a. The current accommodation is detrimental to the medical condition, and
- b. A different unit would materially contribute to stabilizing or improving the health of the household member, including a need for accessible accommodation, and/or
- c. The need for specific support services requires a move to a different unit, building or community in order to be accommodated. This includes life-sustaining medical equipment that cannot be stored in the current size of unit, and for which there is no alternate storage provided by LMHC.

## Urgent Social / Safety at Risk

A household may apply for a Safety at Risk priority transfer if they are considered to be in jeopardy where:

- a. They have been a victim of criminal activity, including criminal harassment, and where the physical and/or emotional experience which they feel in conjunction with this crime is likely to continue due to the location of their home in the community, or

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- b. They have witnessed a crime where there is a requirement to be a witness in a public proceeding, and the potential for future contact with the accused in the community where their residence is located is likely, or where the criminal has knowledge of and access to their unit, and
- c. Anonymity on the part of the member(s) of the household is being sought.

### **Under-housed / Bachelor Upgrade**

A household living in a unit that does not have enough bedrooms for its household members as per the occupancy standards is considered Under-housed.

Priority status will be granted to:

- a. Households needing an additional bedroom(s), or
- b. Households for whom a condition of child/family reunification is dependent upon the household obtaining additional bedroom(s).
- c. Bachelor Upgrade transfers, which are available for tenants in good standing following a two-year tenancy.

### **Chronological / Non-priority Requests**

LMHC recognizes that there are tenants who wish to move to another LMHC unit, building or community for reasons other than those identified as “priority.” This may include a change in employment and the need to live closer to work, a change in family circumstances, or the desire to live closer to other family, friends or services in the community.

While tenants may apply for a transfer for any reason, these will be considered non-priority transfers. Non-priority transfers will be processed in chronological order based on the date of approval of the request for transfer, *after* any priority transfers that may be on the same transfer wait list for a given unit.

Chronological / Non-priority transfers are available for tenants following a two-year tenancy, provided they meet the basic transfer criteria outlined earlier in this document.

### **APPLICATION OF POLICY**

LMHC has designed a process where Tenant Placement staff will determine which requests for transfer will be considered, and the priority (if any) that they will be assigned. Generally speaking, all requests for transfers that meet the basic criteria will be placed on LMHC’s internal transfer wait list. Tenants will be allowed three offers for a transfer. All requests for Special Priority or Urgent Transfer will be reviewed by the Internal Transfer Committee that approves the request, conditional upon a satisfactory unit inspection.

### **Transfer Committee**

A Transfer Committee has been established to assist with the facilitation of all requests for an immediate internal transfer based on priority status. The Transfer Committee will meet monthly on every third Wednesday, or sooner if the need arises. This committee is made up of five staff members, with a director being the chair, and two managers and two service-delivery staff members making up the balance of the committee. The committee must have at least a chair plus two others to meet quorum. If a CRW and/or manager on the committee is involved with the transfer request, then they will abstain from voting. CRWs and managers can attend a committee meeting to advocate for/against the transfer request.

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## Transfer Process

- Tenant Placement (TP) receives a *Transfer Request Form*.
- TP staff reviews the request to determine preliminary eligibility based on LMHC basic criteria (see above).
- All requests for Special Priority or Urgent Transfers will be reviewed by the Transfer Committee for conditional approval.
- All Over-housed, Under-housed and Non-priority Requests for transfers will be conditionally approved by TP staff and placed on internal waiting list.
- Requests resulting from a need to temporarily relocate will be processed by TP staff as an immediate transfer, with the approval of the CEO or his or her designate.
- All approval for transfers is conditional, dependant upon a satisfactory unit inspection.
- All requests for transfers are responded to by TP advising tenant of their eligibility for a transfer, their status on the wait list, and notification that a unit inspection will be required at the time of offer to finalize the approval.

## Appeals

- Tenants have the right to appeal the denial of a transfer and/or the priority given to their request.
- Tenants must submit their appeal in writing to the chair of the Transfer Committee.
- The *Tenant Complaint Policy* is to be followed in processing all tenant appeals.

## ACCOUNTABILITY

LMHC will monitor application of the policy in terms of volume and costs on a quarterly basis, and reserves the right to limit the number of transfers.

## LEGISLATION

- *Housing Services Act, 2011 (HSA)*
- *HDN 2002-7*
- *HDN 2005-85 (Occupancy Standards)*

## RELATED DOCUMENTS

- *LMHC Transfer Procedure*
- *LMHC Human Rights, Harassment and Fair Access Policy*
- *LMHC Accessibility Policy*
- *LMHC Tenant Complaint Process*

## POLICY REVIEW

This policy will be reviewed within 18 months following implementation

## DOCUMENT CONTROL

Approved: November 2010

Revised: January 2012 (*Housing Services Act*)