



Accessible Unit Transfers

Property Manager Guide



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Overview

Purpose

This guide helps property managers handle accessible-unit transfers quickly and consistently, especially when a move is needed as a reasonable accommodation.

Big Picture

The key challenge is making timely, consistent decisions. A clear process for intake, priority, communication, documentation, and move coordination helps match accessible units to the households that need them most.

At a Glance

- Prioritize disability-related transfer requests.
- When an accessible unit opens, check current tenants first, then the waiting list.
- Keep current records of units, requests, decisions, and communications.
- Be ready to transfer nondisabled households out of accessible units when required.
- Use the later sections of this guide for detailed policy, procedures, and forms.

Receive and Route Transfer Requests Clearly

Tenants may need a transfer for disability-related reasons, such as step-free access, space for equipment, or accessible features. To respond well:

- Allow requests verbally or in writing.
- Train staff to recognize accommodation requests.
- Use a simple review and documentation process.

A consistent process helps staff respond promptly and fairly.

Prioritize Accessible Units in the Correct Order

When an accessible unit opens, follow a clear offering order:

- Check whether a current tenant needs the unit.
- Review the waiting list for an applicant who needs its features.
- Only then offer it more broadly.

This helps staff make consistent decisions quickly.

Track, Communicate, and Complete Transfers Consistently

Transfers work best when expectations are clear. Key practices include:

- Keeping an updated list of accessible units and occupants
- Tracking requests and priorities

- Giving clear timelines and written notice
- Coordinating moves to limit disruption

A transfer log or checklist can make the process easier to manage.

Plan Ahead for Nondisabled Households in Accessible Units

Sometimes an accessible unit is occupied by a household that does not need its features. Plan ahead by:

- Explaining at move-in that the unit may later be reassigned
- Identifying comparable units in advance
- Providing notice and support if a move becomes necessary

This helps preserve tenant relationships while keeping units available for those who need them.

How to Use This Document

Use this document in layers. Start with the at-a-glance guide for the overall workflow and decision sequence. Then use the model policies and procedures for detailed operational direction, the decision tree for real-time staff decision-making, and the lease addendum when an accessible unit is rented to a nondisabled household.

- **Model Policy & Procedures for Reasonable Accommodation Transfers** offers step-by-step guidance for handling disability-related transfer requests, including intake, documentation, decision-making, and coordination. It includes a model policy, detailed procedures, and a decision tree to support consistent application.
- **Model Policy & Procedures for Transfers of Nondisabled Tenants** provides practical guidance for managing situations where accessible units are occupied by nondisabled households. It outlines how to communicate expectations, offer comparable units, and complete transfers in a clear and organized way.

Together, these tools are designed to support a simple goal: creating transfer systems that are **clear, predictable, and easy to implement**, so accessible units are consistently matched with the people who will benefit from them most.

Please note:

This guide is provided for informational purposes only and does not constitute legal advice. Housing providers should consult legal counsel when implementing advertising practices.

Section 1:

Reasonable Accommodation Transfers

Policy: Unit Transfers as a Reasonable Accommodation

1. Purpose and Legal Authority

This policy outlines the procedures for processing unit transfers related to disability and ensuring the appropriate use of accessible units. It is grounded in the requirements of:

- 24 CFR § 100.204, which requires Housing providers to make reasonable accommodations in rules, policies, practices, or services when necessary to afford a disabled household equal opportunity to use and enjoy a dwelling.
- 24 CFR § 8.27, which governs the occupancy of accessible units and establishes mandatory transfer priorities for disabled tenants in housing that receives federal financial assistance.
- HUD Multifamily Occupancy Handbook, Chapter 7, which details procedures for unit transfers, including those required as disability accommodations in housing that receives federal financial assistance.
- HUD-DOJ Joint Statement about Reasonable Accommodation, which reiterates obligations under Section 504 and the Fair Housing Act regarding accessible units and nondiscrimination based on disability.

2. Policy on Transfers as a Reasonable Accommodation

A. Right to Request a Reasonable Accommodation Transfer

- Tenants with disabilities may request a unit transfer as a reasonable accommodation when a different unit is necessary for them to fully use or enjoy their housing. housing providers must evaluate and grant such transfers when the request is disability-related and reasonable under 24 CFR § 100.204.

B. Verification and Interactive Process

- If the disability-related need for the transfer is obvious, the housing provider must not request documentation.
- If the need is not obvious, the housing provider may request reliable third-party confirmation of the disability-related need (not the diagnosis).
- Housing providers must engage in an interactive process and provide a written response within a reasonable timeframe.

C. Priority of Reasonable Accommodation Transfers

- Transfers requested as a reasonable accommodation shall be treated as highest priority transfers, ahead of standard management transfers and ahead of new admissions. This is required by the Multifamily Handbook, which instructs housing providers to process disability transfers promptly and with priority.

D. No Fees for Reasonable Accommodation Transfers

- Housing providers may not charge extra fees, surcharges, or higher rents as a condition of approving a disability-related transfer. This reflects the nondiscrimination requirements of Section 504 and the Fair Housing Act.

E. Temporary Measures if No Unit Is Immediately Available

- If a disability-appropriate unit is not available, the tenant is placed on a priority transfer list, and interim modifications or accommodations should be provided where possible. This aligns with HUD Handbook procedures for unit transfers.

Procedures: Processing Reasonable Accommodation Transfer Requests

1. Purpose

- To establish the step-by-step procedures for responding to and processing disability-related unit transfer requests, ensuring compliance with the Fair Housing Act, Section 504, and HUD requirements.

2. Definitions

- **Reasonable Accommodation:** A change in rules, policies, practices, or services necessary for a person with a disability to have equal opportunity to use and enjoy their housing. (24 CFR § 100.204)
- **Accessible Unit:** A dwelling designed to include features usable by individuals with mobility, sensory, or other impairments. These include Type A units, required by Oregon building codes for projects with more than 20 units, and UFAS units, required when projects receive federal funding.

3. Intake Procedure for Reasonable Accommodation Transfer Requests

3.1 Receiving a Request

- A tenant may make a request verbally or in writing.
- Staff must document all verbal requests in the Reasonable Accommodation Log.
- Staff must provide the tenant with a Reasonable Accommodation Form within 3 business days.

3.2 Initial Assessment

- Determine whether the request is disability-related.
- If the need is obvious (e.g., wheelchair mobility and inaccessible features), do not request documentation.

- If the need is not obvious, request reliable third-party verification of the functional limitation necessitating the transfer. (HUD Handbook Ch. 7)

4. Interactive Process

4.1 Clarifying the Request

- Discuss with the tenant the nature of the disability-related need and the type of unit required (e.g., ground floor, roll-in shower, accessible layout).
- Document all conversations.

4.2 Determining Whether the Transfer Is Necessary

- Staff evaluate whether the transfer is necessary to ensure equal use and enjoyment of the dwelling.
- If additional information is needed, request it in writing within 5 business days.

5. Decision and Notification

5.1 Approvals

- If the request meets the reasonable accommodation criteria under 24 CFR § 100.204, approve the request.
- Provide the tenant with a written approval letter within 10 business days.

5.2 Denials

- If the request is not reasonable or not disability-related, provide a written denial including:
 - Specific reasons
 - Appeal instructions
 - Offer to discuss alternatives

6. Identifying and Offering Units

6.1 Checking Unit Availability

- Staff must check for available units that meet the disability-related need.
- If none are available, place the tenant on the priority transfer list.

6.2 Offering Units

- Staff must offer the earliest available accessible or otherwise appropriate unit.
- Tenants must receive at least one written offer.

7. Completing the Transfer

7.1 Transfer Timeline

- The transfer should occur as soon as the unit is ready for occupancy.
- Staff must provide reasonable move-in timelines based on the tenant's needs.

7.2 Fees

- No additional fees, rent increases (beyond program requirements), or transfer charges may be applied to reasonable accommodation transfers.

7.3 Lease Execution

- Staff prepare new lease documents and ensure accessibility features are functional before move-in.

8. Documentation

- Staff must maintain:
 - Request forms
 - Verification documentation (if applicable)
 - Interactive process notes
 - Approvals/denials
 - Unit availability records

Decision Tree: Reasonable Accommodation Transfer Requests

Use this decision tree when a tenant asks to move because of a disability-related need. It summarizes the sequence property managers should follow: confirm the request, determine whether verification is needed, assess necessity, identify an appropriate unit, apply transfer priority rules, and document each step.

1. Tenant Requests a Transfer as a Reasonable Accommodation

- Q1: Is the request related to a disability?
 - Yes → Proceed to Step 2.
 - No → Process as a regular transfer request under standard policies.

2. Is the Disability-Related Need Clear?

- Q2: Is there an obvious connection between the disability and the requested transfer?
Examples: tenant cannot use stairs; needs accessible features; needs space for a live-in aide or disability-related equipment.
 - Yes → Skip verification; go to Step 3.
 - No → Request reliable documentation of disability-related need from a medical provider, case manager, or third-party professional.

3. Determine Whether a Transfer Is Necessary and Reasonable

- Q3: Is transferring the tenant necessary to give them an equal opportunity to use and enjoy their home? (The "necessary and reasonable" standard aligns with 24 CFR § 100.204.)
 - Yes → A reasonable accommodation is required. Go to Step 4.

- No → Consider alternative accommodations; document reasons and engage in interactive dialogue.

4. Identify Appropriate Unit Availability

- Q4: Is there an accessible or otherwise appropriate unit currently available that meets the tenant's disability-related needs?
- Yes → Go to Step 5.
- No → Place the tenant on a priority transfer list and provide estimated timelines; consider temporary measures.

5. Apply Federal Transfer Priority Rules

- Q5a: Is there an accessible unit that is currently occupied by a nondisabled tenant who signed a lease addendum that allows them to be transferred?
- Q5b: Is there an accessible or otherwise appropriate unit currently available for a transfer of the nondisabled tenant?
 - Yes to both → Proceed to Step 6.
 - No →
 - Continue interim accommodations if feasible (e.g., moving closer parking spots, temporary modifications).
 - Communicate ongoing status to tenant.

6. Approve the Transfer as a Reasonable Accommodation

- Q6: Does the request meet all program and documentation requirements?
 - Yes →
 - Approve the accommodation and notify the tenant in writing.
 - Explain the timeline, the unit being offered, and any required steps.
 - Confirm that no additional fees may be charged for the accommodation itself.
 - No →
 - Consider alternative accommodations; document reasons and engage in interactive dialogue.

7. Implement the Transfer

- Q7: Can the transfer be completed promptly?
 - Yes →
 - Schedule move date.
 - Update lease terms.
 - Notify maintenance/turnover staff.
 - Record transfer in compliance files.

- No →
 - Continue interim accommodations if feasible (e.g., moving closer parking spots, temporary modifications).
 - Communicate ongoing status to tenant.

8. Document the Entire Interactive Process

Record the following:

- Date request was received and details of request
- Verification (if needed)
- Decisions made and reasons
- Unit availability steps
- Transfer completion

Section 2:

Transfers Involving Nondisabled Households in Accessible Units

Policy: Accessible Units Occupied by Nondisabled Households

This section gives property managers a practical framework for handling situations in which an accessible unit is occupied by a household that does not need its accessibility features.

1. Required Leasing and Transfer Sequence

- When an accessible unit becomes available:
 - First offer the accessible unit to any current tenant with a disability who needs the accessibility features and is occupying a non-accessible unit.
 - If none exists, offer the unit to an eligible disabled applicant on the waiting list needing the unit's features.

2. Leasing Accessible Units to Nondisabled Tenants

- If neither a current disabled tenant nor a disabled applicant on the waiting list is available, lease the accessible unit to a nondisabled household only after satisfying both priority steps above. Document these attempts.

3. Transfer Obligations for Nondisabled Tenants in Accessible Units

- A nondisabled tenant occupying an accessible unit may be required to agree to move to a non-accessible unit when one becomes available so that the accessible unit can be provided to a disabled household who needs it. This requirement must be included in the lease or lease addendum and communicated clearly at move-in.

4. Notice and Transfer Procedures for Nondisabled Households

- Issue written notice that an accessible unit is needed for a qualifying disabled tenant.
- A nondisabled household must be offered a comparable non-accessible unit in the same property or, where applicable, a comparable project under common control.
- The household must be given a reasonable timeframe to relocate (typically 30 days unless safety or program rules indicate otherwise).

5. Costs Associated with Transfers of Nondisabled Tenants

- Nondisabled tenants may be charged for transfer costs only if such costs are permitted under program rules and applied uniformly and nondiscriminatorily. Transfers triggered by reasonable accommodation cannot impose additional costs on disabled tenants.

6. Documentation and Recordkeeping

- Maintain detailed records of all:
 - Requests for reasonable accommodation transfers
 - Decisions made and supporting documentation
 - Efforts to locate disabled tenants/applicants prior to leasing an accessible unit to a nondisabled household
 - Transfer notices and dates

7. Policy Distribution and Staff Training

- Ensure that all leasing, compliance, and maintenance staff receive training on:
 - Fair Housing Act disability protections
 - Reasonable accommodation requirements (24 CFR § 100.204)
 - Accessible unit use rules (24 CFR § 8.27)
 - Transfer procedures (HUD Handbook Ch. 7)
- Training must be conducted at hiring and refreshed at least annually.

Policy: Accessible Units Occupied by Nondisabled Households

1. Purpose

- To ensure accessible units are available to tenants who need them.

2. Priority Procedures

- When an accessible unit becomes available—or when one is already occupied by a nondisabled tenant—staff must:
 - Offer the unit first to a current tenant with a disability who requires the unit's accessibility features.
 - If none exist, offer it second to a qualified disabled applicant on the waiting list.

3. Identifying Nondisabled Tenants in Accessible Units

- Staff must maintain an updated list of accessible units and note whether each is occupied by a disabled or nondisabled household.
- Quarterly reviews must be conducted to ensure compliance with maximizing use of accessible units.

4. Transfer Procedure for Nondisabled Tenants

4.1 Trigger for Transfer

- A transfer is requested when a disabled tenant or eligible disabled applicant needs the features of an accessible unit currently occupied by a nondisabled tenant.

4.2 Offering a Comparable Unit

- Identify and offer a comparable nonaccessible unit in:
 - The same project, or
 - A comparable property under common control

4.3 Notice to Nondisabled Tenant

- Provide a written 30-day transfer notice including:
 - Explanation of priority rules
 - The comparable nonaccessible unit being offered
 - Expected transfer timeline

4.4 Tenant Agreement Requirement

- A nondisabled household may be required to agree as part of their lease to move when a nonaccessible unit becomes available.

5. Completing Transfers of Nondisabled Tenants

5.1 Move Coordination

- Assist with scheduling and logistics.
- Provide reasonable notice unless immediate transfer is required for compliance.

5.2 Lease Execution

- Update lease documents to reflect unit type, rent amount, and household characteristics.

6. Documentation

- Staff must maintain:
 - Notices to nondisabled tenants
 - Documentation showing efforts to identify disabled tenants/applicants who need the accessible unit
 - Lease addenda requiring agreement to future moves
 - Transfer logs and written confirmations

7. Compliance Monitoring

- Compliance staff must review:
 - All accessible-unit occupancy quarterly
 - All transfer records semi-annually
 - Any complaints related to transfer requirements or failure to comply with disability rights laws

Section 3:

Lease Addendum for an Accessible Unit Rented to a Nondisabled Household

This addendum is attached to the Lease Agreement between [Name of Property] and [Resident], dated [Date].

Accessible units are intended to be available for residents who need their accessibility features. When no such resident is available, management may lease an accessible unit to another household on a temporary basis, subject to the conditions below.

[Resident] has been offered an accessible unit but does not need the unit's accessibility features. [Resident] agrees to move to a comparable non-accessible unit at the housing provider's request if the accessible unit is needed for a resident or applicant who requires those features. Comparable means a unit of similar size and bedroom count. The property will pay all moving expenses. Any required move will be requested in writing at least 30 days before the effective date of the transfer. By signing below, [Resident] agrees to the terms of this addendum.

For questions regarding the information contained in this guide, or for additional assistance, please contact Allen Hines, Housing Access Director at ahines@cvision.org or (971) 263-0048.

