**INTRODUCTION**

This chapter describes HUD regulations and PHA policies related to moves in two sections:

Part I: Moving with Continued Assistance. This part covers the general rules that apply to all moves by a family assisted under the PHA’s HCV program, whether the family moves to another unit within the PHA’s jurisdiction or to a unit outside the PHA’s jurisdiction under portability.

Part II: Portability. This part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into the PHA’s jurisdiction. This part also covers the special responsibilities that the PHA has under portability regulations and procedures.

The primary regulations governing moves are found at 24 CFR 982.354. The primary regulations governing portability are found at 24 CFR 982.353 and 982.355. Additional HUD requirements on portability are found in Notice PIH 2012-42.

**PART I: MOVING WITH CONTINUED ASSISTANCE**

**10-I.A. ALLOWABLE MOVES**

This section sets forth the six regulatory conditions that HUD has established for permissible moves with continued assistance in the housing choice voucher (HCV) program. These conditions apply to all moves by participant families, whether they occur within a PHA’s jurisdiction or outside it under portability.

**☑ Decision Point: If a family and owner mutually agree to terminate the lease for the family’s unit, will the PHA require the family to provide a copy of the termination agreement?**

Things to Consider

* HUD regulations permit a family receiving assistance under the HCV program to move with continued assistance if the family and the owner of the family’s unit mutually agree to terminate the lease for the unit. Since the regulations do not specifically require the family to provide the PHA with a copy of the agreement to terminate, the model plan requires the family to do so. This is consistent with the requirement that families provide the PHA with a copy of any owner eviction notice.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

If the family and the owner mutually agree to terminate the lease for the family’s unit, the family must give the PHA a copy of the termination agreement.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**☑ Decision Point: If a family claims that it must move to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, or stalking, will the PHA request documentation of the abuse?**

Things to Consider

* When a family requests permission to move with continued assistance based on a family member’s status as a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, a PHA has the authority, but is not required, to request documentation of the abuse [24 CFR 5.2007, Notice PIH 2012-42].
* HUD requirements and PHA policies on documentation of domestic violence, dating violence, sexual assault, stalking, or human trafficking are presented in section 16-IX.D of the model plan. The model policy here simply states that the PHA will request documentation in accordance with those requirements and policies.
* VAWA requires the PHA to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, stalking, or human trafficking. For HCV participants, emergency transfers may be accomplished by promptly issuing a voucher to the family.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

If a family requests permission to move with continued assistance or for an external transfer to another covered housing program operated by the PHA based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking, the PHA will request that the resident request the emergency transfer using form HUD-5383, and the PHA will request documentation in accordance with section 16-IX.D of this plan.

The PHA reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the PHA will document the waiver in the family’s file.

The PHA may choose to provide a voucher to facilitate an emergency transfer of the victim without first terminating the assistance of the perpetrator.

Before granting an emergency transfer, the PHA will ensure the victim is eligible to receive continued assistance based on the citizenship or immigration status of the victim.

The PHA has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan and discusses external transfers to other covered housing programs.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**10-I.B. FAMILY MOVES DUE TO UNIT DEFICIENCIES**

**Units in Abatement [24 CFR 982.404(d)(3)]**

During the period that assistance is abated, the family may terminate tenancy by notifying the owner and the PHA. If the family chooses to terminate tenancy, the HAP contract will automatically terminate on the effective date of tenancy termination or the date the family vacates the unit, whichever is earlier. The PHA must promptly issue the family its voucher to move.

**☑ Decision Point: How does the PHA define *promptly* when issuing a voucher in this situation?**

Things to Consider

* Option 1 of the model policy uses 10 business days, which is in line with other policies found elsewhere in the model. It also states that families will not be briefed under these circumstances. For ease of administration, the policies on the term, extension, and expiration of the voucher follow policies found elsewhere in the model.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

Upon receipt of a family’s written notification that it wishes to move, the PHA will issue a voucher within 10 business days of the PHA’s written approval to move. No briefing is required for these families. The PHA will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Termination of HAP Contract and Family Moves [24 CFR 982.404(e)]**

For HAP contracts executed or renewed on or after June 6, 2024, if an owner fails to make required repairs within 60 days (or a reasonable longer period established by the PHA) of the notice of abatement, the PHA must terminate the HAP contract. In this case, the PHA must issue the family its voucher at least 30 days prior to the termination of the HAP contract. The family must be provided at least 90 days following the termination of the HAP contract to lease a new unit, although the PHA may provide a longer period as the PHA determines is reasonably necessary.

**☑ Decision Point: How long will the initial term of the family’s voucher be in this situation?**

Things to Consider

* Option 1 of the model policy states the initial term of the voucher will be 120 days because this meets the requirement that the voucher be issues at least 30 days prior to the termination of the HAP contract and provide at least 90 days of search time following termination of the HAP contract. If the PHA wishes to insert a different period of time, the PHA may insert a longer search time, but may not include less search time since any period less than 120 days would not meet the requirements of the regulations. For ease of administration, the policies on extension and expiration of the voucher follow policies found elsewhere in the model.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will issue a family whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame a voucher no later than 30 days prior to the termination of the HAP contract. The initial term of the voucher will be 120 calendar days. No briefing is required for these families.

To continue under the tenant-based HCV program, the family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension. The PHA will follow the policies set forth in Chapter 5 on voucher extension and expiration.

🞎 *Option 2: Use another PHA-established policy giving the family a longer voucher term. Edit the model plan language or delete it and insert the PHA’s policy.*

**Offer of Public Housing [24 CFR 982.404(e)(2)]**

If the family is unable to lease a new unit within the term of the voucher. and the PHA owns or operates public housing, the PHA must offer, and if accepted, provide the family a selection preference for an appropriate-sized public housing unit that first becomes available for occupancy after the time period expires.

**☑ Decision Point: Does the PHA own public housing and, if so, what are the PHA’s policies on offering the family continued assistance in a public housing unit?**

Things to Consider

* Select Option 1 if the PHA operates public housing units.
* If the PHA does not operate a public housing program, but does have PBV units, the PHA may but is not required to adopt Option 2 to allow the family to move to a PBV unit. Since the move would be within the same program, the family’s eligibility would not be determined and the family would simply transfer to PBV assistance.
* If the PHA has no public housing units and either does not have PBV units or does not wish to offer the family continued assistance in a PBV unit, Option 3 should be selected.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA does operate a public housing program and will provide a preference for HCV families whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame, and who were unable to lease a new unit within the term of the voucher.

Thirty days prior to the expiration date of the voucher, the PHA will provide written notice to the family stating that the PHA does provide such a preference and providing an estimation of availability for the appropriate-sized public housing unit.

🞎 *Option 2: Delete the model plan language and substitute the language below if the PHA wishes to offer the family continued assistance in a PBV unit.*

The PHA does not operate any public housing units. However, the PHA does have a project-based voucher (PBV) program and will offer the family continued assistance in a suitable PBV unit. Thirty days prior to the expiration of the family’s voucher, the PHA will provide the family with written notice offering them an appropriately sized PBV unit. If the family accepts the unit offer, the PHA will process a transfer for the family.

🞎 *Option 3: Delete the model plan language and substitute the language below if the PHA does not have any public housing units.*

The PHA does not operate any public housing units.

🞎 *Option 4: Use another PHA-established. Edit the model plan language or delete it and insert the PHA’s policy.*

**Relocation Assistance [24 CFR 982.404(e)(3)]**

PHAs may assist families relocating due to the HAP contract being terminated as a result of the owner failing to make required repairs within the required time frame in finding a new unit, including using up to two months of the withheld and abated assistance payments for costs directly associated with relocating to a new unit, including security deposits, temporary housing costs, or other reasonable moving costs as determined by the PHA based on their locality.

**☑ Decision Point: Will the PHA offer relocation assistance?**

Things to Consider

* If the PHA uses withheld and abated payments to assist with relocation costs, the PHA must provide security deposit assistance to the family as necessary.
* If the family receives security deposit assistance from the PHA for the new unit, the PHA may require the family to remit the security deposit returned by the owner of the new unit as such time that the lease is terminated, up to the amount of security deposit provided by the PHA for that unit.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will assist families with disabilities with locating available accessible units in accordance with program requirements.

The PHA will use up to two months of withheld and abated payment to assist with any required security deposit at the new unit. Funds will not be used for any other relocation assistance.

If the family receives a refund of a security deposit for the new unit, the PHA will not require any amount to be remitted to the PHA.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**10-I.C. RESTRICTIONS ON MOVES**

**Denial of Moves**

***Insufficient Funding***

**☑ Decision Point: Under what conditions will the PHA deny a family permission to move on the grounds that the PHA lacks sufficient funding for continued assistance?**

Things to Consider

* HUD permits a PHA to deny a family permission to move if the PHA does not have sufficient funding for continued assistance [24 CFR 982.354(e)(1)]. HUD also permits a PHA to terminate a HAP contract for the same reason. In the regulation governing termination of a HAP contract, HUD states that the determination of insufficient funding must be made “in accordance with HUD requirements” [24 CFR 982.454]. Although HUD has not issued any binding guidance on this subject, HUD has shared its methodology for determining insufficient funding with industry groups. This methodology is the basis for the policy contained in Chapter 16 that is referenced in this policy.
* In Notice PIH 2016-09 HUD significantly restricts the ability of PHAs to deny permission to move both within and outside the PHA’s jurisdiction under portability due to insufficient funding. The notice states that a PHA may deny moves to a higher cost unit or area due to insufficient funding **only** if **all** of the following apply:
  + The move is to a higher cost unit (for moves within the PHA’s jurisdiction) or a higher cost area (for portability moves).
  + The receiving PHA is not absorbing the voucher (for portability moves).
  + The PHA would be unable to avoid termination of current participants during the calendar year in order to remain within its budgetary allocation for HAP (including any available HAP reserves).
* A *higher cost unit* for moves within the jurisdiction is defined as one in which a higher subsidy amount would be paid due to an increase in the gross rent. The PHA may not deny a move within its jurisdiction (even to a higher cost unit) if the family must move from their current unit.
* A *higher cost* *area* under portability is defined as an area in which the PHA would have to pay a higher subsidy due to another PHA’s higher payment standard or subsidy standards. The PHA may deny a move to a higher cost area even if the family must move from their current unit if the receiving PHA is not absorbing the family’s voucher.
* For both moves within the PHA’s jurisdiction and under portability, if the PHA approves a request to move and then subsequently experiences a funding shortfall, the PHA may only rescind the voucher if the family would be allowed to remain in the current unit. If the family cannot remain in the unit, the PHA may not rescind the voucher and the family must be allowed to lease a new unit.
* If the family must move from their unit (e.g. the unit failed inspection), requirements differ depending on whether the family is requesting to move within the jurisdiction or outside under portability:
  + The PHA must not deny the move due to insufficient funding if the family is requesting to move within the PHA’s jurisdiction.
  + The PHA may deny the move due to insufficient funding if the family is moving to a higher cost area under portability.
* The default policy states that the PHA will allow families to move in this situation if the move is within the PHA’s jurisdiction but will prohibit moves under portability to higher cost areas in this situation. If the PHA wishes to allow moves under portability in this situation as well, the model language must be amended.
* When a PHA determines that it is necessary to deny a move based on insufficient funding, it must provide written notice to the local HUD office supporting and documenting the lack of funds within 10 business days of its determination to deny the move. Notice PIH 2016-09 lists the exact documentation that this notification must include. In addition, to help with this, HUD has made a sample spreadsheet available at [www.hud.gov/offices/pih/programs/hcv](http://www.hud.gov/offices/pih/programs/hcv). The PHA may not include projected costs for vouchers that have been issued to families from the waiting list but not yet leased as part of this analysis.
* Before denying a move under portability to a higher cost area based on insufficient funding, an initial PHA must contact the receiving PHA to determine if the receiving PHA will absorb the family. In addition, the initial PHA must take into consideration any changes in the family’s income or composition that would result in a decreased subsidy amount. [Notice PIH 2016-09]
* Be aware that penalties for improper denials due to insufficient funding can include an administrative fee reduction of up to 10 percent for the two quarters following the quarter that HUD identified improper denials. They can also include additional remedial actions or sanctions.
* For the determination of insufficient funding for moves to higher cost units or areas, the model plan adopts the methodology described in Chapter 16.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will deny a family permission to move on grounds that the PHA does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the PHA; (b) the PHA can demonstrate that the move will, in fact, result in higher subsidy costs (c) the PHA can demonstrate, in accordance with the policies in Part VIII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs; and (d) for portability moves, the receiving PHA is not absorbing the voucher.

If the PHA does not have sufficient funding for continued assistance, but the family must move from their unit (e.g., the unit failed inspection), the family may move to a higher cost unit if the move is within the PHA’s jurisdiction. The PHA, however, will not allow the family to move under portability in this situation if the family wishes to move to a higher cost area.

For both moves within the PHA’s jurisdiction and outside under portability, the PHA will not deny a move due to insufficient funding if the PHA previously approved the move and subsequently experienced a funding shortfall if the family cannot remain in their current unit. The PHA will rescind the voucher in this situation if the family will be allowed to remain in their current unit.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How will the PHA address families who have requested a move and were denied due to lack of funding once the PHA has determined that funds are available for those moves?**

Things to Consider

* If the PHA denies a family’s request to move, it may not subsequently admit any additional families to its voucher program until the PHA has determined that sufficient funding exists to approve the move and has notified the family that the family may now exercise its move to the higher cost area.
* Notice PIH 2016-09 requires that PHAs establish policies regarding how moves denied due to insufficient funding will be addressed once the funds become available. These policies must include how the PHA will notify families with open requests when the funds become available and how long the family’s request will be open for consideration. The default policy provides for keeping such requests open indefinitely.
* In addition, the default policy establishes a list for families whose moves have been denied due to insufficient funding. This list takes precedence over the waiting list and uses the same notification procedures as those used for the waiting list.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will create a list of families whose moves have been denied due to insufficient funding. The PHA will keep the family’s request for portability open indefinitely, and when funds become available, the families on this list will take precedence over families on the waiting list. The PHA will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the waiting list (see section 4-III.D).

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**☑ Decision Point: How will the PHA inform the family of its policy regarding moves denied due to insufficient funding?**

Things to Consider

* As one of the policy requirements in Notice PIH 2016-09, PHAs must also state how families will be notified of the PHA’s policy regarding moves denied due to lack of funding.
* The notice suggests that this information could be contained in the PHA’s briefing packets or sent as a letter to the participant at the time the move is denied. The policy opts for sending a letter to the participant at the time the move is denied. This ensures that the information is provided when it is needed.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Grounds for Denial or Termination of Assistance***

**☑ Decision Point: Under what conditions, if any, will the PHA deny a family permission to move if the PHA has grounds for denying or terminating the family’s assistance?**

Things to Consider

* HUD gives the PHA the discretion to deny a family permission to move if the family’s action or failure to act constitutes grounds for terminating assistance [24 CFR 982.314(e)(2)]. Basically, this discretion allows the PHA to hold a family accountable for its action or failure to act without taking the more drastic step of denying or terminating the family’s assistance.
* The model plan language chooses not to exercise this discretion on a routine basis, but instead to deny or terminate assistance in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively, of this plan. Option 2 allows the PHA to choose the specific conditions under which it would consider denying a move as an alternative to denying or terminating assistance.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

If the PHA has grounds for denying or terminating a family’s assistance, the PHA will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances.

🞎 *Option 2: Delete the model plan language. Use the criteria below to select the policy options for denying a family permission to move if the family’s action or failure to act would be the same circumstances under which the PHA would deny assistance for an applicant or terminate assistance for a participant.*

In determining whether to deny permission to move, the PHA will consider the criteria under federal regulations at 24 CFR 982.552(c)(1) and applicable alternative requirements. These include:

The family has violated any family obligations under the program.

Any member of the family has been evicted from federally assisted housing in the last five years.

A PHA has ever terminated assistance under the program for any member of the family.

Any member of the family has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program (see also 24 CFR 982.553(a)(1)).

The family currently owes rent or other amounts to the PHA or to another PHA in connection with Section 8 or public housing assistance under the 1937 U.S. Housing Act.

The family has not reimbursed any PHA for amounts paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.

The family breaches an agreement with the PHA to pay amounts owed to a PHA or amounts paid to an owner by a PHA. (The PHA, at its discretion, may offer a family the opportunity to enter an agreement to pay amounts owed to a PHA or amounts paid to an owner by a PHA. The PHA may prescribe the terms of the agreement.)

The family has engaged in or threatened abusive or violent behavior toward PHA personnel.

A welfare-to-work (WTW) family fails, willfully and persistently, to fulfill its obligations under the welfare-to-work voucher program.

The family has been engaged in criminal activity or alcohol abuse as described in 24 CFR 982.553.

The PHA will also consider the same extenuating circumstances as would be considered when determining whether to deny or terminate assistance under 24 CFR 982.552(c)(2). These include:

The PHA may consider all relevant circumstances such as the seriousness of the case, the extent of participation or culpability of individual family members, mitigating circumstances related to the disability of a family member, and the effects of denial or termination of assistance on other family members who were not involved in the action or failure.

The PHA may impose, as a condition of continued assistance for other family members, a requirement that other family members who participated in or were culpable for the action or failure will not reside in the unit. The PHA may permit the other members of a participant family to continue receiving assistance.

In determining whether to deny a move for illegal use of drugs or alcohol abuse by a household member who is no longer engaged in such behavior, the PHA will consider whether such household member is participating in or has successfully completed a supervised drug or alcohol rehabilitation program or has otherwise been rehabilitated successfully (42 U.S.C. 13661). For this purpose, the PHA may require the applicant or tenant to submit evidence of the household member’s current participation in, or successful completion of, a supervised drug or alcohol rehabilitation program or evidence of otherwise having been rehabilitated successfully.

If the family includes a person with disabilities, the PHA’s decision concerning such action is subject to consideration of reasonable accommodation in accordance with 24 CFR 8.

The PHA’s admission and eviction actions must be consistent with fair housing and equal opportunity provisions of 24 CFR 5.105.

🞎 *Option 3: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Restrictions on Elective Moves [24 CFR 982.354(c)]**

**☑ Decision Point: Under what circumstances would the PHA wish to deny a family-initiated move during the initial lease term or more than once in any 12-month period?**

Things to Consider

* The PHA may adopt policies prohibiting family-initiated moves during the initial lease term or prohibiting a family from moving more than once during any 12-month period unless a move is necessary to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking. These policies may apply to moves within the PHA’s jurisdiction and moves outside it under portability. The model plan language adopts these permissive policies. However, the plan also allows for situations in which the PHA might need or wish to make exceptions.
* When a family has a legitimate need to move, the plan does **not** require owner approval to terminate the tenancy. The PHA should carefully consider the implications of approving a family move during the initial term if the owner does not agree to the move. In such a situation, the family could be in violation of the dwelling lease. In addition, the model plan language does **not** allow for an exception during the initial lease term simply because the family wants to move and the owner agrees. And, of course, the owner could not terminate tenancy during the initial lease term for “other good cause.” Essentially, the model plan language provides the latitude to permit exceptions for legitimate family needs but not simply for the convenience of either or both parties.
* In addition, the PHA may not establish a policy permitting moves only at reexamination [Notice PIH 2016-09].

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will deny a family permission to make an elective move during the family’s initial lease term. This policy applies to moves within the PHA’s jurisdiction or outside it under portability.

The PHA will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in the PHA’s jurisdiction.

The PHA will consider exceptions to this policy for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the PHA will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**10-I.D. MOVING PROCESS**

**Notification**

This section describes notification requirements when a family wishes to move to a new unit, inside or outside the PHA’s jurisdiction. **No policy decisions are required.**

**Approval**

**☑ Decision Point: How and when will the PHA approve a family request to move to a new unit with continued assistance?**

Things to Consider

* The policy in the model plan imposes a limit on the time the PHA is allowed to determine whether it will approve a family’s request to move. It also requires the PHA to notify the family in writing of its determination. Since these are not regulatory requirements, the PHA may prefer to adopt a different policy in this area or no policy at all. At a minimum, however, the PHA should have procedures in place that clarify when and how a family request to move with continued assistance will be approved.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

Upon receipt of a family’s notification that it wishes to move, the PHA will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. The PHA will notify the family in writing of its determination within 10 business days following receipt of the family’s notification.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Reexamination of Family Income and Composition**

**☑ Decision Point: Will the PHA conduct a full reexamination when a participant family requests to move to a new unit?**

Things to Consider

* The PHA must decide whether it will routinely conduct a new reexamination when a family moves to a new unit. The model plan language takes into consideration two factors:
* The PHA must be able to ensure that the new unit meets the affordability standard. The regulations require that the affordability determination be based on income verification information “received by the PHA no earlier than 60 days before the PHA issues a voucher to the family” [24 CFR 982.508]. Because of this constraint, the model plan language assumes that the PHA will routinely conduct a full reexamination when a family requests to move. If the PHA elects a different policy, that policy must be consistent with the one on voucher issuance that follows.
* The PHA has less control over moves into and out of its jurisdiction under portability than it does over moves within its jurisdiction. Therefore, the model plan elects to establish separate policies regarding reexaminations for portability moves. Those policies are located in sections 10-II.B and 10-II.C of Chapter 10.
* The decision the PHA makes here should be consistent with the general decisions on reexaminations that the PHA makes in Chapter 11.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

For families approved to move to a new unit within the PHA’s jurisdiction, the PHA will perform a new annual reexamination in accordance with the policies set forth in Chapter 11 of this plan.

For families moving into or families approved to move out of the PHA’s jurisdiction under portability, the PHA will follow the policies set forth in Part II of this chapter.

🞎 *Option 2: Delete the model plan language and substitute the language below.*

For families approved to move to a new unit within the PHA’s jurisdiction, the PHA will **not** perform a new annual reexamination.

For families moving into or families approved to move out of the PHA’s jurisdiction under portability, the PHA will follow the policies set forth in Part II of this chapter.

🞎 *Option 3: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Voucher Issuance and Briefing**

**☑ Decision Point: When and under what terms will the PHA issue a voucher to a participant family that wishes to move? Will the PHA require that the family attend a briefing? What will the PHA do if the family fails to lease up in the time allotted?**

Things to Consider

* When a family moves to a new unit, the PHA has decisions to make about the timing of voucher issuance as well as about voucher term and extensions. It must also decide whether or not a family must be briefed prior to voucher issuance and what happens if the family fails to locate a new unit within the time allotted. Acknowledging the added complexities associated with moves into and out of a PHA’s jurisdiction under portability, the model plan deals with these moves separately in Part II of this chapter.
* The model plan ties voucher issuance for a family moving to a new unit within its jurisdiction to the PHA’s written approval to move.
* The model plan assumes that a family moving within the PHA’s jurisdiction is sufficiently familiar with the lease-up process that it does not require a briefing. However, the PHA may want to offer a briefing as an option. In other respects, the model plan language is consistent with policies established in Chapter 5.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

For families approved to move to a new unit within the PHA’s jurisdiction, the PHA will issue a new voucher within 10 business days of the PHA’s written approval to move. No briefing is required for these families. The PHA will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees and the PHA approves. Otherwise, the family will lose its assistance.

For families moving into or families approved to move out of the PHA’s jurisdiction under portability, the PHA will follow the policies set forth in Part II of this chapter.

For families moving due an owner failing to make required repairs timely, resulting in the PHA terminating the HAP contract, the PHA will follow the policies set forth earlier in this section and in Chapter 8, Part II.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Housing Assistance Payments [24 CFR 982.311(d)]**

When a family moves out of an assisted unit, the PHA may not make any housing assistance payment to the owner for any month **after** the month the family moves out. **No policy decisions are required.**

**Zero HAP Families Who Wish to Move**

**☑ Decision Point: Will the PHA enter into a HAP contract for a unit in which no subsidy will be paid on behalf of a family who is zero HAP?**

Things to Consider

* If a family becomes zero HAP as a result of a reexamination, the family may continue as program participants for six months from the date of the reexamination effective date. During this period, the HAP contract remains in effect. If family circumstances change during this period, the PHA conducts an interim and reinstates assistance. After 180 calendar days since the last housing assistance payment to the owner, however, the HAP contract automatically terminates.
* A participant who is not receiving any subsidy, but whose HAP contract is still in force, may request a voucher to move to a different unit. The PHA must issue a voucher to move unless it has grounds to deny assistance under the program regulations.
* However, once the family finds a new unit, if the PHA determines no subsidy would be paid at the new unit, the PHA may refuse to enter into a HAP contract on behalf of the family.
* Since the purpose of the program is to assist low-income families obtain decent housing by paying a rent subsidy, if no subsidy is needed, Option 1 states that the PHA will not enter into a HAP contract. This policy is consistent with guidance received in a HUD letter dated December 3, 1997.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

If a zero HAP family requests to move to a new unit, the family may request a voucher to move. However, if no subsidy will be paid at the unit to which the family requests to move, the PHA will not enter into a HAP contract on behalf of the family for the new unit.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**PART II: PORTABILITY**

**10-II.A. OVERVIEW**

This brief section provides an overview of portability and explains that, under the portability procedures, the PHA sometimes wears the hat of initial PHA and sometimes wears the hat of receiving PHA. These two distinct roles require different policies and therefore are dealt with separately in two subsections.

**No policy decisions are required.**

**10-II.B. INITIAL PHA ROLE**

The provisions in this section apply when the PHA is acting as the initial PHA for a family moving out of the PHA’s jurisdiction into the jurisdiction of another PHA (the receiving PHA) under the portability procedures. The portable family may be a participant family that has been receiving voucher assistance in the PHA’s jurisdiction, or it may be a family that has been issued a voucher but has not yet been admitted to the program. The rules for participant families and applicant families differ in some ways; therefore, the policies adopted for these families in some cases need to be different.

**Allowable Moves under Portability**

Whereas the general rules on moves apply primarily to participant families, the rules on moves out of a PHA’s jurisdiction under portability apply both to participant families and applicant families that have been issued a voucher. The income eligibility rules for applicant and participant families differ.

***Applicant Families***

**☑ Decision Point: Under what conditions will the PHA deny portability to a resident applicant family?**

Things to Consider

* A family that has not yet leased a unit in the initial PHA’s jurisdiction under the voucher program generally has a right to move under the portability procedures if the head of household or spouse/cohead was a resident of the initial PHA’s jurisdiction at the time the initial application for assistance was submitted. However, the initial PHA has the authority to deny the family this right if the PHA determines that it does not have sufficient funding or that it has grounds for denying assistance to the family. The model plan follows the same criteria established in section 10-I.B for making these determinations.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

In determining whether or not to deny an applicant family permission to move under portability because the PHA lacks sufficient funding or has grounds for denying assistance to the family, the initial PHA will follow the policies established in section 10-I.B of this chapter. If the PHA does deny the move due to insufficient funding, the PHA will notify HUD in writing within 10 business days of the PHA’s determination to deny the move.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**☑ Decision Point: Will the PHA allow nonresident applicant families who have never lived in or leased a unit in the PHA’s jurisdiction to accept a PHA-issued voucher and immediately use that voucher to request portability assistance in another jurisdiction?**

Things to Consider

* The HUD regulations on portability make a distinction between resident and nonresident applicant families. A nonresident family is one whose head or spouse/cohead did not have a domicile (legal residence) in the initial PHA’s jurisdiction when the family first submitted an application for admission to the initial PHA’s voucher program [24 CFR 982.353(c)(1)]. Unlike resident families, nonresident families have no right to portability for the first 12 months after they are admitted to the program; however, the initial PHA has the discretion to allow portability during this period [24 CFR 982.353(c)(2)].
* The main reason that a PHA might wish to not allow nonresident applicant families to move during their first year in the program is to discourage “waiting list shopping.” In other words, an applicant who is a resident in another jurisdiction and has no intention of leasing in the initial PHA’s jurisdiction might apply for a voucher with the initial PHA because the initial PHA has a short waiting list. In this way, the applicant receives a voucher relatively quickly and is able to lease in a different location with no real connection to the initial PHA or the initial PHA’s community.
* A PHA with a relatively high leasing rate may be concerned about the extent to which the voucher assistance awarded to the PHA is actually used to assist families who live in the PHA’s community. Such a PHA may not wish to allow portability for nonresident applicant families. On the other hand, a PHA with a relatively low leasing rate, a small or nonexistent waiting list, and low demand may wish to allow portability for nonresident families if doing so increases the rate of voucher utilization for the PHA.
* The model plan language does **not** allow portability for nonresident families during the first 12 months after admission except for purposes of reasonable accommodation or reasons related to domestic violence, dating violence, stalking, or human trafficking.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the initial PHA’s jurisdiction at the time that the family’s initial application for assistance was submitted, the family must lease a unit within the initial PHA’s jurisdiction for at least 12 months before requesting portability.

The PHA will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, stalking, or human trafficking.

🞎 *Option 2: Delete the model plan language and substitute the language below.*

If neither the head of household nor the spouse/cohead of an applicant family had a domicile (legal residence) in the initial PHA’s jurisdiction at the time the family’s application for assistance was submitted, the family will be allowed to move to an area outside the PHA’s jurisdiction under portability [24 CFR 982.353(c)].

🞎 *Option 3: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Participant Families***

**☑ Decision Point: Will the PHA follow the same policies established in sections 10-I.A and 10-I.B for approving or disapproving moves by participant families under portability?**

Things to Consider

* HUD regulations make only one meaningful distinction between allowable moves by participant families within a PHA’s jurisdiction and allowable moves by these families outside the PHA’s jurisdiction under portability. The regulation at 24 CFR 982.353(b) specifically states that the PHA “must not provide . . . portable assistance for a participant if the family has moved out of its assisted unit in violation of the lease.” However, VAWA carves out an exception for families that move out of their units in violation of the lease in order to protect the health or safety of a family member who is or has been a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking. If such families have complied with all other HCV obligations, says 24 CFR 982.353(b), they may be allowed to move under portability.
* The model plan simply clarifies that the PHA will approve or disapprove moves by participant families under portability using the same criteria that it uses to approve or disapprove moves by families within its own jurisdiction. Those criteria allow exceptions for victims of abuse.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will determine whether a participant family may move out of the PHA’s jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. The PHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Determining Income Eligibility**

This section describes the income eligibility requirements for applicants and participants who wish to move to outside the PHA’s jurisdiction. **No policy decisions are required.**

**Reexamination of Family Income and Composition**

The PHA is not required to make any policy decisions on reexaminations for applicant families approved to move under the portability procedures. However, decisions in this area are required for participant families.

**☑ Decision Point: Will the PHA conduct a full reexamination of family income and composition for participant families porting out of its jurisdiction?**

Things to Consider

* In deciding whether to conduct a full reexamination of family income and composition for a participant family approved to move under the portability procedures, the main factor the PHA will need to consider is the family’s annual reexamination date.
* On the one hand, whether the receiving PHA intends to administer the family’s assistance or absorb the family into its own program, the initial PHA will be responsible for conducting the family’s annual reexamination—and reporting it in the Public and Indian Housing (PIH) Information Center (PIC) system—until the receiving PHA executes a HAP contract on behalf of the family. Therefore, the initial PHA cannot simply adopt a policy that it will not conduct reexaminations for families moving outside its jurisdiction under portability. It must take into consideration the amount of time likely to elapse before a family is leased up in the receiving PHA’s jurisdiction.
* On the other hand, since the family’s circumstances may change when the family moves and since the receiving PHA may wish to conduct its own reexamination, the initial PHA ordinarily will not want to go to the trouble of conducting a full reexamination for a portable family whose annual reexamination date will not be due until after the receiving PHA has executed a HAP contract on the family’s behalf.
* For these two reasons, the model plan language assumes that the PHA will conduct a full reexamination of a portable family’s income and composition only if the family’s reexamination date will fall on or before the initial billing deadline specified on form HUD-52665, Family Portability Information. The policy language under option 2 allows an additional 30 days of leeway. If the PHA is willing to accept a late billing from the receiving PHA, this option may be preferable.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

For a participant family approved to move out of its jurisdiction under portability, the PHA generally will conduct a reexamination of family income and composition only if the family’s annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

The PHA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

🞎 *Option 2: Delete the model plan language and substitute the language below.*

For a participant family moving out of its jurisdiction under portability, the PHA generally will conduct a reexamination of family income and composition only if the family’s annual reexamination must be completed before 30 days following the initial billing deadline specified on form HUD-52665, Family Portability Information.

The PHA will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

🞎 *Option 3: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Briefing**

As the model plan explains, no policy decisions are required on briefings for applicant families. However, the PHA may wish to adopt a policy on whether or not and to what extent participant families will be briefed before they port out of the PHA’s jurisdiction to another area.

**☑ Decision Point: Will the PHA brief participant families moving out of its jurisdiction under portability?**

Things to Consider

* If a participant did not qualify for portability when it was admitted to the voucher program, it may never have been briefed on portability. Even if the family was briefed, it may well have forgotten how the process works.
* If the PHA’s policies on voucher term, extensions, and expiration are different for portable families than for families planning to lease a unit within the PHA’s jurisdiction, the PHA must make these differences clear.
* If more than one PHA administers a voucher program in the area to which the family wishes to move, the family selects the receiving PHA. The initial PHA must provide the family with contact information for all receiving PHAs in the area and may provide additional details such as whether the receiving PHA administers an FSS program. The family may request that the initial PHA select the receiving PHA, in which case the PHA is not required to provide contact information for all receiving PHAs in the area.

🞎 *Option 1: Use the model plan language shown below. No changes to the model plan are needed plan are needed.*

No formal briefing will be required for a participant family wishing to move outside the PHA’s jurisdiction under portability. However, the PHA will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5).

The PHA will provide the name, address, and phone of the contact for the PHAs in the jurisdiction to which they wish to move. If there is more than one PHA with jurisdiction over the area to which the family wishes to move, the PHA will advise the family that the family selects the receiving PHA and notify the initial PHA of which receiving PHA was selected. The PHA will provide the family with contact information for all of the receiving PHAs that serve the area. The PHA will not provide any additional information about receiving PHAs in the area. The PHA will further inform the family that if the family prefers not to select the receiving PHA, the initial PHA will select the receiving PHA on behalf of the family. In this case, the PHA will not provide the family with information for all receiving PHAs in the area.

The PHA will advise the family that they will be under the receiving PHA’s policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Voucher Issuance and Term**

An applicant family does not need to be issued a new voucher to port to another jurisdiction. However, a participant family does.

**☑ Decision Point: When will the PHA issue a participant family a voucher to move under portability? What will the initial term of the voucher be?**

Things to Consider

* The model plan language ties voucher issuance for a participant family to the PHA’s written approval to move.
* The model plan establishes an initial term of 60 days for a portable voucher. This is consistent with the model plan policies related to voucher term in Chapter 5 and in section 10-I.C of this chapter.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

For participating families approved to move under portability, the PHA will issue a new voucher within 10 business days of the PHA’s written approval to move.

The initial term of the voucher will be 60 days.

However, if the move is due to the HAP contract being terminated due to an owner failing to make required repairs within the required time frame, the PHA will issue the family a voucher no later than 30 days prior to the termination of the HAP contract. The initial term of the voucher will be 120 calendar days.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Voucher Extensions and Expiration**

**☑ Decision Point: What policies will the PHA adopt on voucher extensions and expiration for portable families?**

Things to Consider

* When a family moves from one PHA’s jurisdiction to another’s under portability, both the initial PHA and the receiving PHA issue the family a voucher. This raises the question of which voucher, at any given time, is “the voucher of record.” Notice PIH 2016-09 states the following:

“If an incoming family ultimately decides not to lease in the jurisdiction of the receiving PHA, the receiving PHA must refer the family back to the initial PHA. The voucher of record for the family is once again the voucher originally issued by the initial PHA, and the initial PHA’s policies apply. Any extensions of the initial PHA’s voucher to allow the family additional search time to return to the initial PHA’s jurisdiction or to move to another jurisdiction are at the discretion of the initial PHA. The initial PHA must apply its own policies on moves for families that decide not to use their voucher to port to another jurisdiction.”

* This implies but does not explicitly state that the initial PHA may not extend the term of its voucher once the receiving PHA has issued a voucher unless the receiving PHA refers the family back to the initial PHA. Therefore, the model plan limits extensions of the initial PHA’s voucher term to circumstances under which it is clear that the initial PHA’s voucher is “the voucher of record.”
* The model plan language takes into consideration situations in which the receiving PHA might need to extend the term of the voucher it has issued to the family for purposes of reasonable accommodation. In such situations, the initial PHA simply agrees to accept a late billing from the receiving PHA.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The initial PHA will approve **no** extensions to a voucher issued to an applicant or participant family porting out of the PHA’s jurisdiction except under the following circumstances: (a) the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving PHA, (b) the family decides to return to the initial PHA’s jurisdiction and search for a unit there, or (c) the family decides to search for a unit in a third PHA’s jurisdiction. In such cases, the policies on voucher extensions set forth in Chapter 5, section 5-II.E, of this plan will apply, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Preapproval Contact with the Receiving PHA**

**☑ Decision Point: Which type of confirmed delivery method will the PHA use for preapproval contact with the receiving PHA?**

Things to Consider

* 24 CFR 982.355(c)(3) requires PHAs to contact the receiving PHA regarding whether it will administer or absorb the family’s voucher via email or “other confirmed delivery method.” As the notice states, HUD encourages PHAs to use email in order to expedite families’ requests.
* Although other “confirmed delivery methods” exist, the process should not be substantially delayed due to this requirement.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will use email, when possible, to contact the receiving PHA regarding whether the receiving PHA will administer or absorb the family’s voucher.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Initial Notification to the Receiving PHA**

**☑ Decision Point: How will the PHA contact a receiving PHA to alert the receiving PHA to expect an incoming portable family and what information will the PHA request on the family’s behalf?**

Things to Consider

* The portability regulations require the initial PHA to contact the receiving PHA on a portable family’s behalf. Given the time-sensitivity of family portability moves, the PHA should establish a policy on the methodology to be used when contacting the receiving PHA, to ensure that the receiving PHA is aware of the incoming family as soon as possible.
* The portability regulations also require the initial PHA to advise the family how to contact and request assistance from the receiving PHA. Notice PIH 2016-09 elaborates on this requirement, noting that “simply referring the family to HUD or a website for information on the receiving PHA’s address does not fulfill the responsibilities of the initial PHA under the program regulations.” The initial PHA must also advise the family how to contact and request assistance from the receiving PHA (e.g., the name and telephone number of the staff person responsible for working with incoming portability families and any procedures related to appointments for voucher issuance the receiving PHA has shared with the initial PHA). This elaboration is reflected in the model plan language.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

Because the portability process is time-sensitive, the PHA will notify the receiving PHA by phone or email to expect the family. The initial PHA will also ask the receiving PHA to provide any information the family may need upon arrival, including the name, telephone number, and email address of the staff person responsible for working with incoming portable families and procedures related to appointments for voucher issuance. The PHA will pass this information along to the family. The PHA will also ask for the name, address, telephone number, and email of the person responsible for processing the billing information.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Sending Documentation to the Receiving PHA**

**☑ Decision Point: When acting as the initial PHA for a family under portability, what optional information about the family will the PHA provide to the receiving PHA?**

Things to Consider

* When a family ports to another jurisdiction, the initial PHA is required to send the receiving PHA certain documents. The initial PHA has the discretion to send additional information, if available.
* Generally, the purpose of sending additional information would be to help facilitate the family’s move and ensure that the receiving PHA has all of the documentation it might need to process the move as quickly as possible. The initial PHA should decide, via policy, what additional information it will provide.
* One critical piece of information to share is whether any member of the family is receiving the earned income disallowance (EID). This benefit remains with the family member whether s/he continues to live in the initial PHA’s jurisdiction or moves to another PHA’s jurisdiction. As of this writing, there is no provision on form HUD-50058 and no method under the HUD automated system to track the EID benefit during the two 12-month exclusion periods or during the 24-month maximum eligibility period. Therefore, the HUD-50058 provided by the initial PHA would not necessarily show this information to the receiving PHA. The family has some obligation to report this information to the receiving PHA, but it may not understand the complexities of the EID or may not have maintained accurate records of time elapsed and time remaining. For this reason, the initial PHA may wish to provide EID tracking information to the receiving PHA, as specified in the model plan language.
* HUD requires PHAs to also provide the receiving PHA with a copy of current EIV data for participant families. Since the receiving PHA will not be able to review the EIV data until it has taken control of the family’s record in PIC, this practice can alert the receiving PHA to important information such as new employment and receipt of benefits. The initial PHA must have a signed and valid HUD-9886 on file before sending EIV information to the receiving PHA.
* Another key consideration is whether to provide information from a criminal background check. Some states limit the type of criminal background information that may be shared. The model plan language does **not** include criminal background information in the list of additional information to provide. You may wish to add this information to the list of additional information in your policies. If so, you should carefully consider the legal limitations and restrictions on the type and extent of information that may be provided, as well as your PHA’s liability in providing the information, controlling the confidentiality of the information, etc. The second option allows for the PHA to insert its own policy language.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

In addition to these documents, the PHA will provide the following information, if available, to the receiving PHA:

Social security numbers (SSNs)

Documentation of SSNs for all nonexempt household members whose SSNs have not been verified through the EIV system

Documentation of legal identity

Documentation of citizenship or eligible immigration status

Documentation of participation in the earned income disallowance (EID) benefit

Documentation of participation in a family self-sufficiency (FSS) program

If applicable, information related to the family’s health and medical care and disability assistance expense phased-in hardship exemption, including what stage the family is in and how many months remain in that phase-in stage

The PHA will notify the family in writing regarding any information provided to the receiving PHA [HCV GB, p. 13-3].

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Initial Billing Deadline [Notice PIH 2016-09]**

**☑ Decision Point: When acting as the initial PHA for a portable family, what action will the PHA take if it does not receive the initial billing from the receiving PHA by the deadline specified on form HUD-52665?**

Things to Consider

* The initial billing submission must be received by the initial PHA no later than 90 days following the expiration of the initial PHA’s voucher. In cases where suspension of the voucher delays the initial billing submission, the receiving PHA must notify the initial PHA of delayed billing before the billing deadline and document the delay is due to the suspension. In this case, the initial PHA must extend the billing deadline by 30 days.
* Notice PIH 2016-09 places the burden of monitoring the initial billing deadline for a portable family on the initial PHA. It states that the initial PHA is generally not required to honor late billing. If the initial PHA will accept a late billing submission, it is not required to take any action. However, if it does not intend to honor a late billing submission, it must inform the receiving PHA in writing. The notice does not specify a time frame for this contact, which is spelled out in the model plan language.
* The model plan language allows the PHA to consider internal factors, including funding status and the need for providing reasonable accommodation.
* A receiving PHA that failed to send the initial billing by the deadline is generally required to absorb the family into its own program. However, HUD may require the initial PHA to accept the late billing in certain cases such as when the receiving PHA does not have funds to support the voucher and the family would be terminated from the program. In such cases, HUD may subsequently transfer units and funding to the initial PHA.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The initial PHA’s decision as to whether to accept late billing will be based on internal PHA factors, including the initial PHA’s leasing or funding status. If the PHA has not received an initial billing notice from the receiving PHA within the billing deadline and does not intend to honor the late billing, it will contact the receiving PHA to inform them that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. In this case, the PHA will send the receiving PHA a written confirmation of its decision by mail.

Among other considerations as to whether to accept late billing will be if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2016-09]**

**☑ Decision Point: Should the PHA require a faster method of payment as long as it is acceptable to the receiving PHA?**

Things to Consider

* The deadline for payment to reach the receiving PHA is very tight. Therefore, the initial PHA may wish to establish a faster method of payment to ensure the deadline is met.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The initial PHA will utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies the initial PHA that direct deposit is not acceptable to them. If the initial PHA extends the term of the voucher, the receiving PHA’s voucher will expire 30 calendar days from the new expiration date of the initial PHA’s voucher.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Annual Updates of Form HUD-50058**

If the initial PHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving PHA. **No policy decisions are required.**

**Denial or Termination of Assistance [24 CFR 982.355(c)(17)]**

At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. (For PHA policies on denial and termination, see Chapters 3 and 12, respectively.)

**10-II.C. RECEIVING PHA ROLE**

The provisions in this section apply when the PHA is acting as the receiving PHA for a family moving into the PHA’s jurisdiction from the jurisdiction of another PHA (the initial PHA) under the portability procedures. The portable family may be a participant family that has been receiving voucher assistance in the initial PHA’s jurisdiction, or it may be a family that has been issued a voucher but has not yet been admitted to the program. The rules for participant families and applicant families differ in some ways; therefore, the policies adopted for these families in some cases necessarily are different.

**Responding to Initial PHA’s Request [24 CFR 982.355(c)]**

**☑ Decision Point: Which type of confirmed delivery method will the PHA use to respond to the initial PHA’s inquiry as to whether the family’s voucher will be billed or absorbed?**

Things to Consider

* As is the case for preapproval contact by the initial PHA, 24 CFR 982.355(c)(3) requires receiving PHAs to in turn respond to initial PHAs’ requests via email or “other confirmed delivery method.” For the response, HUD once again encourages PHAs to use email in order to expedite families’ requests.
* Remember, although other “confirmed delivery methods” exist, the process should not be substantially delayed due to this requirement.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will use email, when possible, to notify the initial PHA whether it will administer or absorb the family’s voucher.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Initial Contact with Family**

**No policy decisions are required.**

**Briefing**

**☑ Decision Point: Will the receiving PHA require an incoming portable family to attend a briefing?**

Things to Consider

* The portability regulations do not require the receiving PHA to brief an incoming portable family. However, as the *HCV Guidebook* notes, an incoming portable family “will need to be informed about the receiving PHA’s policies and payment standards before it begins its search” [HCV GB, p. 13-5].
* Notice PIH 2016-09 states unequivocally that “HUD expects the receiving PHA to process the family’s paperwork and issue the incoming family a voucher for its jurisdiction within two weeks of receiving the HUD-52665 and supporting documentation, provided the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA’s procedures.” For example, it is unacceptable for the receiving PHA to delay processing the family’s paperwork and issuing a voucher because it wishes the family to attend a group briefing that is not scheduled for three weeks.
* Since the family needs time to locate a unit, the receiving PHA could issue a voucher and provide a briefing packet to the family. The family could then elect to attend a more formal briefing later.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will not require the family to attend a briefing. The PHA will provide the family with a briefing packet (as described in Chapter 5) and, in an individual briefing, will orally inform the family about the PHA’s payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process. The PHA will suggest that the family attend a full briefing at a later date.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Income Eligibility and Reexamination**

**☑ Decision Point: Will the PHA conduct a full reexamination of family income and composition for families moving into its jurisdiction under portability?**

Things to Consider

* A family must be income eligible for admission to the voucher program, but once the family has been admitted, no income limits apply. Therefore, income eligibility is an issue under the portability procedures only for applicant families. The responsibility for determining whether a portable applicant family is income eligible for admission to the voucher program in the receiving PHA’s jurisdiction rests with the initial PHA. However, if the receiving PHA’s jurisdiction includes more than one income area, the receiving PHA will need to confirm that the family is income eligible in the area where the family leases a unit [24 CFR 982.201(b)(4), 24 CFR 982.353(d)(3)].
* The receiving PHA is permitted, but not required, to conduct a new reexamination of income and composition for any incoming portable family, but it may not delay issuing the family a voucher or otherwise delay approving a unit for the family unless the reexamination is necessary to determine income eligibility [24 CFR 982.355(c)(11)]. The PHA may take subsequent action against the family based on the results.
* When a family moves from one area to another, the family’s income may very well change. Therefore, the income information provided by the initial PHA may not be accurate. If the receiving PHA relies upon inaccurate information to determine the family’s total tenant payment (TTP), the receiving PHA may pay a higher or lower subsidy than required for the family.
* If the PHA elects to conduct a new reexamination for all incoming portable families, it is not prohibited from relying upon verifications provided by the initial PHA for income and expense information that has not changed. In such cases, however, the PHA should establish a standard on the timeliness of the verifications (e.g., they must be dated within the last 120 days).

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

For any family moving into its jurisdiction under portability, the PHA will conduct a new reexamination of family income and composition. However, the PHA will not delay issuing the family a voucher for this reason. Nor will the PHA delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and the PHA cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, the PHA will rely upon any verifications provided by the initial PHA to the extent that they (a) accurately reflect the family’s current circumstances and (b) were obtained within the last 120 days. Any new information may be verified by documents provided by the family and adjusted, if necessary, when third party verification is received.

🞎 *Option 2: Delete the model plan language and substitute the language below.*

The PHA will rely upon the income information provided by the initial PHA and will not conduct a new reexamination of income and composition for incoming portable families.

🞎 *Option 3: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Voucher Issuance**

In its policies on voucher issuance for incoming portable families, the receiving PHA has decisions to make in three areas: timing, term, and extensions.

***Timing of Voucher Issuance***

**☑ Decision Point: When will the receiving PHA issue an incoming portable family a voucher?**

Things to Consider

* Notice PIH 2016-09 says that HUD “expects” the receiving PHA to issue an incoming portable family a voucher “within two weeks of receiving the HUD-52665 and supporting documentation, provided the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA’s procedures.”

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

When a family ports into its jurisdiction, the PHA will issue the family a voucher based on the paperwork provided by the initial PHA unless the family’s paperwork from the initial PHA is incomplete, the family’s voucher from the initial PHA has expired or the family does not comply with the PHA’s procedures. The PHA will update the family’s information when verification has been completed.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Voucher Term***

**☑ Decision Point: When will the voucher that the receiving PHA issues to an incoming portable family expire?**

Things to Consider

* The term of the receiving PHA’s voucher may not expire before 30 days from the expiration date of the initial PHA’s voucher [24 CFR 982.355(c)(13)]. If the initial PHA extends the term of the voucher, the receiving PHA’s voucher may not expire before 30 days from the new expiration date of the initial PHA’s voucher. If the receiving PHA is able and willing to absorb the family, the expiration date is not critical. However, if the receiving PHA intends to administer the family’s assistance, then it must consider the initial billing deadline.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The receiving PHA’s voucher will expire 30 calendar days from the expiration date of the initial PHA’s voucher. If the initial PHA extends the term of the voucher, the receiving PHA’s voucher will expire 30 calendar days from the new expiration date of the initial PHA’s voucher.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Voucher Extensions [24 CFR 982.355(c)(14), Notice 2016-09]***

**☑ Decision Point: Will the receiving PHA allow any extensions to vouchers that it issues to incoming portable families?**

Things to Consider

* The receiving PHA’s policy on whether to extend vouchers issued to incoming portable families should be based on the same considerations as its decision on voucher term. The policy need not be the same as the PHA’s policy on voucher extensions in Chapter 5 as long as families are aware of the difference.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA generally will not extend the term of the voucher that it issues to an incoming portable family unless the PHA plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 5-II.E of this plan.

The PHA will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Voucher Suspensions [24 CFR 982.303, 24 CFR 982.355(c)(15)]***

Regulations now require PHAs to suspend the term of the voucher from the date the family submits a request for PHA approval of the tenancy until the date the PHA notifies the family in writing whether the request has been approved or denied.

**No policy decisions are required.**

**Notifying the Initial PHA**

This section describes the requirement for the receiving PHA to promptly notify the initial PHA when the family has leased an eligible unit under the program or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the receiving PHA’s voucher.

**No policy decisions are required.**

**Administering a Portable Family’s Voucher**

***Portability Billing [24 CFR 982.355(e)(3)]***

The receiving PHA bills the initial PHA the lesser of 80 percent of the initial PHA’s ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill (i.e., the receiving PHA may bill for the lesser of 80 percent of the initial PHA’s prorated ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee). For mid-month moves, if the effective date of the HAP is on a date other than the first of the month, the receiving PHA may not bill for administrative fees for that month.

If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.

**☑ Decision Point: How will the receiving PHA handle portability billing?**

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

Unless the PHA negotiates a different amount of reimbursement with the initial PHA, the PHA will bill the initial PHA the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Initial Billing Deadline***

**☑ Decision Point: How will the receiving PHA send initial billing information for a portable family to the initial PHA?**

Things to Consider

* If the receiving PHA intends to administer an incoming portable family’s assistance, it must send its initial billing information to the initial PHA in time to meet the deadline specified in Notice PIH 2016-09 and on form HUD-52665. Notice PIH 2016-09 allows the PHA to submit the billing information by email. The model plan language establishes a policy saying that the PHA will use one of these methods when necessary but, if it does, it will also send the information by regular mail.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will send its initial billing notice by email, if necessary, to meet the billing deadline but will also send the notice by regular mail.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Ongoing Notification Responsibilities [Notice PIH 2016-09, HUD-52665]***

Things to Consider

* If the receiving PHA is administering a portable family’s assistance, Notice PIH 2016-09 states that “the receiving PHA must send the initial PHA a copy of the updated form HUD-50058 at each annual reexamination for the duration of time the receiving PHA is billing the initial PHA on behalf of the family…regardless of whether there is a change in the billing amount. A copy of form HUD-50058 must also accompany the submission of a portability form (HUD-52665) reporting any changes in the billing amount.” The purpose of this notification is to serve as an annual “reconciliation” to assist both PHAs in fulfilling their accounting and record-keeping responsibilities.
* The receiving PHA must send the updated HUD-50058 to the initial PHA no later than 10 business days from the effective date of the reexamination.
* The model plan establishes a policy stating when and how the receiving PHA will fulfill this responsibility. HUD strongly encourages the receiving PHA to send this information as soon as the family’s reexamination is complete.

**☑ Decision Point: When and how will the receiving PHA send a portable family’s updated form HUD-50058 each year to the initial PHA?**

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

The PHA will send a copy of the updated HUD-50058 by regular mail no later than 10 business days after the effective date of the reexamination.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

***Late Payments [Notice PIH 2016-09]***

This section describes the consequences if the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month. **No policy decisions are required.**

***Overpayments [Notice PIH 2016-09]***

This section describes the responsibility of the receiving PHA to return the full amount of any overpayment (including the portion provided for administrative fees) to the initial PHA, in cases where they have received billing payments for billing arrangements no longer in effect.

**No policy decisions are required.**

***Denial or Termination of Assistance***

**☑ Decision Point: How will the receiving PHA handle denials or terminations of assistance for portable families, including informal reviews or hearings and notification to the initial PHA?**

Things to Consider

* The receiving PHA has the authority to deny or terminate assistance for a portable family at any time, in accordance with its own policies, should any of the regulatory criteria at 24 CFR 982.552 or 982.553 apply to the family. When a decision to deny or terminate assistance is made, the receiving PHA must conduct an informal review or hearing for the family.
* If the receiving PHA terminates the assistance of a portable family for which it has been billing the initial PHA, it is required to report the change in the billing amount to the initial PHA within 10 business days.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

If the PHA elects to deny or terminate assistance for a portable family, the PHA will notify the initial PHA within 10 business days after the informal review or hearing if the denial or termination is upheld. The PHA will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The informal review or hearing will be held in accordance with the policies in Chapter 16. The receiving PHA will furnish the initial PHA with a copy of the review or hearing decision.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**Absorbing a Portable Family [24 CFR 982.355(d)(1), Notice PIH 2016-09]**

**☑ Decision Point:**

If the PHA decides to absorb a portable family, when will it notify the initial PHA?

Things to Consider

* This section of the administrative plan explains when and under what conditions the receiving PHA may absorb a portable family into its own program. The model plan language simply establishes time frames for notifying the initial PHA.

🞎 *Option 1:* *Use the model plan language shown below. No changes to the model plan are needed.*

If the PHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the PHA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If the PHA decides to absorb a family after that, it will provide the initial PHA with 30 days’ advance notice, but no later than 10 business days following the effective date of the termination of the billing arrangement.

🞎 *Option 2: Use another PHA-established policy. Edit the model plan language or delete it and insert the PHA’s policy.*

**FINALIZING THE DOCUMENT**

Take a final look at the changes you have made in this chapter of the administrative plan.  
Have you:

(1) Added or subtracted any exhibits at the end of the chapter?  Yes  No.

(2) Added, subtracted or reordered any major sections (at the A, B, or C level?)  Yes  No

If you answered yes to either of these questions, you must adjust the chapter to match your changes.

**☑ Decision Point: Are any changes required to this chapter?**

No. No changes to the model plan are needed.

Yes. Edits only. Edit and insert PHA language as appropriate.

Yes. PHA changed the organization of the chapter. Adjust the chapter to reflect your changes **and** review the rest of the document to make sure that any references to section numbers are correct.

**☑ Decision Point: Are changes required in other chapters as a result of changes to this chapter?**

Check the “Things to Consider” under each decision point to identify if changes to the model plan policy will require changes to policies in other chapters of the plan.

No. Changes to other chapters are not necessary.

Yes. Changes to the following chapters are also required: