

# SECTION 16 - MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

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## OVERVIEW

HUD regulations permit families to move with continued assistance to another unit within the HHA's jurisdiction, or to a unit outside of the HHA's jurisdiction under portability procedures. The regulations also allow the Authority the discretion to develop policies, which define any limitations or restrictions on moves. This Section defines the procedures for moves, both within and outside of, the HHA's jurisdiction, and the policies for restriction and limitations on moves.

### A. Allowable Moves

A family may move to a new unit with continued assistance if:

The assisted lease for the old unit has terminated because the HHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).

The family has given proper notice of lease termination (and if the family has a right to terminate the lease on notice to owner).

The family is a victim of domestic violence, dating violence, or stalking, in order to protect the health or safety of an individual who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the assisted dwelling unit and has complied with all other obligations of the Section 8 Housing Voucher Program and this Section of the Administrative Plan on Portability.

### B. Restrictions on Moves

Families are permitted to move no more than once per calendar year. The HHA will deny permission to move if the family has moved or been issued a Voucher within the last twelve months.

The HHA will deny permission to move, if there is insufficient funding for continued assistance.

In accordance with 24 CFR 982.314(e)(1), the HHA may deny permission to move if the HHA does not have sufficient funding for an increase in assistance. The HHA has the authority to deny a family's request to move under the portability procedures to a unit in another jurisdiction that would require the HHA to pay a higher subsidy cost for the same family's assistance if the HHA determines it does not have sufficient funding available in the budget to accommodate the move and the receiving Authority will not absorb the family into its program.

The HHA may also deny permission to move if:

The family has violated a Family Obligation.

The family owes the HHA, or current landlord money.

The HHA may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control or as needed to make reasonable accommodation for a participant with a disability.

### **C. Procedures for Moves** ***Issuance of Voucher***

Subject to the restrictions on moves, if the family has not been recertified within the last 120 days, the HA will issue the voucher to move after conducting the recertification.

Families who are eligible to move will be issued a Voucher if the tenant has supplied the HHA with a copy of intent to move notice to the landlord or a signed mutual rescission from the landlord. If verification is pending, a Voucher may be issued to allow the family time to conduct their search for a new unit. The term of the Voucher will be in accordance with the HHA policy detailed in this plan. The issue date of the Voucher will be the earliest of either:

- 1) The cancellation date of the family's previous contract; or
- 2) The date the family moved out of their previous unit.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

### ***Notice Requirements***

Briefing sessions emphasize the family's responsibility to give the owner and the Authority proper written notice of any intent to move.

The family must give the owner 30 days written notice of intent to vacate specified in the lease and must give a copy to the HHA simultaneously.

If the tenant is under a lease, and must break the lease in order to move, the tenant and landlord must complete the HHA's Mutual Rescission form signed by the landlord and tenant. The tenant will be solely responsible for any penalties/fees the owner may charge in order to break the lease.

For units under a Certificate HAP contract effective before October 2, 1995, if the family vacates the unit without proper notice in writing to the owner, the family will be responsible for any vacancy loss paid by the HHA.

### **Time of Contract Change**

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

### **D. Outgoing Portability**

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the HHA's jurisdiction, anywhere in the United States, in the jurisdiction of a Housing Authority with a tenant-based program. When a family requests to move outside of the HHA's jurisdiction, the request must be in writing and specify the area to which the family wants to move.

The tenant must supply the name and mailing address of the receiving housing authority.

If there is no more than one housing authority in the area in which the family has selected a unit, the HHA will choose the receiving housing authority.

#### ***Restrictions on Portability Applicants***

If neither the head nor spouse had a domicile (legal residence) in the HHA's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher, unless the HHA approves such move. [Note: legal domicile is defined by local government].

For a portable family that was not already receiving assistance in the housing authority's tenant-based program, the housing authority must determine whether the family is eligible for admission under the receiving housing authority's program.

Upon initial issuance of a voucher the family must be income eligible under the receiving HHA income limits during the initial 12-month period after admission to the program.

## ***Participants***

After an applicant has leased-up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances.

When such request is to accommodate a person with disability (verification of the need for accommodation is required)

The receiving and initial HHA agrees to allow the move.

The family's move relates to an opportunity for education, job training or employment.

The HHA will not permit families to exercise portability:

If the family is in violation of a family obligation.

If the family owes money to the HHA or current landlord.

If the family has moved out of its assisted unit in violation of the lease.

### **E. Incoming Portability *Absorption or Administration***

The HHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portable Voucher by the HHA. The term of the voucher will not expire before the expiration date of any initial housing authority voucher. The family must submit a request for approval of tenancy for an eligible unit to the receiving housing authority during the term of the receiving housing authority (HHA) voucher. The receiving housing authority (HHA) may grant extensions in accordance with this Administrative Plan. However, if the Family decides not to lease-up in the HHA's jurisdiction, they must contact the initial housing authority to request an extension.

The HHA may absorb Vouchers if such absorption does not exceed 100% of households assisted.

When the HHA does not absorb the incoming voucher, it will administer the Initial housing authority Voucher and the receiving housing authority's policies will prevail.

For admission to the program a family must be income eligible and meet the HHA screening criteria in the area where the family initially leases a unit with assistance under the program.

The receiving housing authority (HHA) does not redetermine eligibility for a portable family that was already receiving assistance in the initial housing authority Section 8 tenant-based program.

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The HHA will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition that would change the voucher size, the HHA will change to the proper size based on its own Subsidy Standards.

### ***Income and Total Tenant Payment of Incoming Portables***

As the receiving authority, the HHA will conduct a recertification interview, but only verify the information provided if the documents are missing or are over 120 days old, whichever is applicable, or there has been a change in the family's circumstances, or where there are discrepancies in the documents.

If the HHA conducts a recertification of the family it will not cause a delay in the issuance of a voucher.

If this will be the family's first lease under the housing choice voucher program, the initial housing authority must also compare the family's income to the applicable income (typically the very low-income limit) for the community where the family wants to move and determine if the family will be able to lease up in that jurisdiction.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the HHA's jurisdiction, the HHA will refuse to enter into a contract on behalf of the family at \$0 assistance.

### ***Requests for Approval of Tenancy***

A briefing will be mandatory for all portability families.

When the family submits a RTA, it will be processed using the HHA's policies. If the family does not submit a request for tenancy approval or does not execute a lease, the initial housing authority will be notified within 180 days by the HHA.

If the family leases up successfully, the HHA will notify the initial housing authority within 30 days, and the billing process will commence.

The HHA will notify the initial housing authority if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the voucher.

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If the HHA denies assistance to the family, the HHA will notify the initial housing authority within 30 days and the family will be offered a review or hearing.

The HHA will notify the family of its responsibility to contact the initial housing authority if the family wishes to move outside the HHA's jurisdiction under continued portability.

### ***Regular Program Functions***

The HHA will perform all program functions applicable the tenant-based assistance program, such as:

Annual reexaminations of family income and composition;

Annual inspection of the unit; and

Interim Examinations when requested or deemed necessary by the HHA

### ***Terminations***

The HHA will notify the initial housing authority in writing of any termination of assistance within 30 days of the termination. If an informal hearing is required and requested by the family, the HHA, using the regular hearing procedures included in this plan will conduct the hearing. A copy of the hearing decision will be furnished to the initial housing authority.

The initial housing authority will be responsible for collecting amounts owed by the family for claims paid and for monitoring repayment. If the initial housing authority notifies the HHA that the family is in arrears or the family has refused to sign a payment agreement, the HHA will terminate assistance to the family.

### ***Required Documents***

As receiving housing authority (HHA) will require the documents listed on the HUD portability billing form from the initial housing authority.

### ***Billing Procedures***

As receiving housing authority, the HHA will bill the initial housing authority monthly for housing assistance payments. The billing cycle for other amounts, including administrative fees and special claims will be monthly unless requested otherwise by the initial housing authority.

The HHA will bill 100% of the housing assistance payment, 100% of special claims and 80% of the administrative fee (at the initial HHA's rate) for each "portability" voucher leased as of the first day of the month.

The HHA will notify the initial housing authority of changes in subsidy amounts and will expect the initial housing authority to notify the HHA of changes in the administrative fee amount to be billed.

In accordance with 24CFR 982.314(e)(1), the HHA may deny permission to move if the HHA does not have sufficient funding for an increase in assistance. The HHA has the authority to deny a family's request to move under the portability procedures to a unit in another jurisdiction that would require the HHA to pay a higher subsidy cost for the same family's assistance if the HHA determines it does not have sufficient funding available to the budget to accommodate the move and the receiving authority will not absorb the family into its program.

-7-

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**Traducción español en el Reverso**