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CHAPTER 13 PORTABILITY

13.1 CHAPTER OVERVIEW

An eligible family that has been issued a housing choice voucher may use that voucher to lease a unit anywhere in the United States where there is a housing agency operating a housing choice voucher program. This feature of the program is referred to as portability. This chapter describes eligible families and the procedures for moving from one jurisdiction to another using portability.

The PHA that issues the voucher to a portable family that wants to move to a different jurisdiction is referred to as the “initial” PHA. The PHA in the jurisdiction to which the family wishes to relocate is called the “receiving” PHA. This chapter describes the responsibilities of the initial PHA and the receiving PHA and the policies of the initial and receiving PHAs that apply to the family.

13.2 PROVIDING THE FAMILY INFORMATION ABOUT PORTABILITY

PHAs are required to inform families about portability. The oral presentation at each voucher briefing must include information about where a family may lease including information about portability. The briefing packet provided to families also must include information about portability opportunities and procedures.

PHAs are expected to describe the portability choices that may help families move to neighborhoods, including those in nearby jurisdictions, with lower poverty and minority concentrations and nearby job opportunities.

The PHA should use maps to illustrate areas where there are housing opportunities outside areas of poverty and minority concentration. These areas should include areas beyond the PHA’s jurisdiction when housing opportunities in other jurisdictions may provide good alternatives to impacted neighborhoods. The briefing packet should include a list of the PHAs in all of the neighboring jurisdictions with the name, address, and telephone of the portability contact person at each agency.

During the briefing, the PHA can communicate the possible advantages and some of the challenges of portability.

The PHA may want to emphasize the flexibility that portability provides for those who need to relocate with assistance to follow job opportunities in a new location, select the best school districts, or be near family members or child care providers. In this way, portability allows a family with housing subsidies the same choices available to others in the community.

However, families may also need to think about some of the possible difficulties they could encounter in moving to a new location. A family moving to a distant location, who has vacated

one unit before locating a new one, could find a tight housing market with few available units and end up with no assistance if the term of the portable voucher expires before the family locates a new home.

Families should also be aware that the portability procedures at the receiving PHA could be different from those at the initial PHA. It will be important to remind them that they need to seek information and pay close attention to portability requirements at both PHAs.

For participant families already leased with vouchers but wanting to move to a new unit, some PHAs hold monthly “moves” briefings and pay particular attention to portability procedures and the issues relevant to families moving out of the jurisdiction.

13.3 DETERMINING FAMILY ELIGIBILITY

Program Requirements for Families New to the Housing Voucher Program

A family that has not yet leased a unit under the housing choice voucher program is eligible for portability if the head of household or spouse was a resident of the PHA’s jurisdiction at the time the application for assistance was submitted. A “resident”, for the purpose of determining eligibility for portability, is a person who has a legal domicile in the jurisdiction.

VERIFYING RESIDENCY

The initial PHA will need documentation that the household was a resident at the time of application. A lease, school records, a voter registration or similar records are acceptable forms of documentation.

A non-resident family may be required to initially lease a unit with its housing choice voucher in the issuing PHA’s jurisdiction. However, the initial PHA has the authority but no obligation to allow a new voucher holder that was not living in its jurisdiction at the time of application to exercise portability. The initial PHA may decide to allow portability for a family new to its jurisdiction in certain instances, such as when the move would respond to a special family need but not allow such moves in other instances. It is important for the PHA to document the reasons for discretionary decisions to avoid any perception of discrimination.

A regular admissions family exercising portability when it uses its voucher for the first time must be within the application income limits for the jurisdiction in which the family initially leases a unit. If the family is issued a voucher under a special admission, the income limits dictating eligibility for the special admission voucher are applicable for the jurisdiction in which the family initially leases a unit.

Program Requirements for Participant Families

A participant family electing to move to another jurisdiction with its voucher is eligible to do so but only when the family is able to move out of its current program unit under the terms of the family’s lease. A family is not eligible for portability if the family has moved out of its assisted unit in violation of the lease.

When a participant family chooses to move using portability, the initial PHA should review the family's lease to determine the termination provisions and the length of notice required. The PHA should review a copy of the family's written notice to the owner of its intention to vacate. If the owner has agreed to an early lease termination, the PHA may require a written statement from the owner.

Income limits do not affect the eligibility of a participant family exercising portability; however, the family's TTP must be less than the payment standard at the receiving PHA for the family to lease within that PHA's jurisdiction.

13.4 Initial PHA Responsibilities

The initial PHA determines eligibility for the housing choice voucher program based on its admission policies. The family is expected to initiate the portability process by informing the initial PHA of its interest in moving to another jurisdiction (porting out).

After the family announces its interest in portability, the initial PHA must provide the family with information to help it contact the PHA in the jurisdiction where the family wishes to live. If this will be the family's first lease under the housing choice voucher program, the initial PHA must also compare the family's income to the applicable-income limit (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. Addresses and telephone numbers for PHAs around the country are available on HUD's web site: www.hud.gov. Income limits are available at www.huduser.org.

The initial PHA must: 1) contact the receiving PHA to alert that agency to expect the family; and 2) send the receiving PHA a completed form HUD-52665, Family Portability Information form. The portability information form has two parts: Part I is completed by the initial PHA and Part II by the receiving PHA. Copies of the family's voucher, the current form HUD-50058 and supporting income verifications must be attached to the portability form. The receiving PHA may request but not require additional information. The PHA may transmit these documents by facsimile machine. The PHA initiating the transmittal maintains copies of all documents.

Selecting the receiving PHA: When there is more than one PHA administering a housing choice voucher program within the jurisdiction where the portable families wants to move, the initial PHA has the authority to select the receiving PHA.

Providing more than the required information: when transmitting the form HUD-52665: Although not required, it may be helpful to the family, the receiving PHA, and the initial PHA to provide INS verification of citizenship and information from a criminal background check to the receiving PHA. Providing this information will require disclosure to the family. Some states limit what information from a criminal background check may be shared.

SELECTING THE RECEIVING HOUSING AUTHORITY

When there are two or more PHAs operating within the jurisdiction where the portable family wishes to lease, the initial PHA will want to select the PHA that will provide the best and speediest service to both the family and the initial PHA. Many PHAs are familiar with the operations at PHAs in neighboring jurisdictions and staff can make a selection easily. However, when a family moves further away, staff may have no information about the efficiency of an agency's portability procedures. To obtain useful information, staff may contact the local HUD field office or staff at other PHAs in the region.

The initial PHA may also want to know the policies relevant to absorbing or administering portable families at the possible receiving PHAs. If the initial PHA is concerned about its utilization rate, it may wish to select a receiving PHA that will bill the initial PHA. On the other hand, if the new jurisdiction is distant from the initial jurisdiction, or the PHA prefers to avoid billing procedures, a PHA that elects to absorb might be preferable.

Monitoring families searching in other communities: It is helpful to know the number and status of families searching in other communities who may eventually lease up. Exhibit 13-1, *Outgoing Portability* is a processing log for tracking families searching elsewhere. The log can be maintained manually or electronically. The suggested format includes information about procedures completed by both the initial and the receiving PHAs. The log provides the following:

- Participant name
- The initial PHA's housing voucher expiration date
- Receiving PHA's name, address, telephone, and fax numbers
- Date forms HUD-50058 and HUD-52665 were sent to the receiving PHA
- The date six months after the housing voucher issuance, when the receiving PHA must absorb the family if it has not billed for the family
- Date the form HUD-52665 is received informing the initial PHA that the family has leased a unit

POLICIES APPLICABLE UNDER PORTABILITY

Applicable Initial PHA Policies

- Applicant selection and admission policies

Applicable Receiving PHA Policies

- Income limit applicable to any family executing its first lease under the voucher program (typically the very low-income limit)
- Voucher payment standards
- Subsidy standards
- Extensions available for searchers
- Suspension of voucher term after submission of request for tenancy approval
- Policies and procedures related to annual and ongoing functions

- Indication whether the receiving PHA has decided to absorb or administer the family's subsidy
- The date—or a check mark—indicating that the family's portability effort has come to a conclusion. Receipt of the form HUD-52665, indicating that the family has leased and the billing has begun, or information that the receiving PHA will absorb the family, or expiration of the housing voucher term and any extensions without a lease would all result in a conclusion of the need to track the family's portability.

13.5 RECEIVING PHA RESPONSIBILITIES

When the family arrives at the receiving PHA's office, the receiving PHA issues the family a housing choice voucher to enable the family to search in its jurisdiction. The housing choice voucher the receiving PHA issues may not expire before the expiration date established by the initial PHA. For extensions to the housing choice voucher term and the processing of requests for tenancy approval, however, the receiving PHA's policies apply. In addition, the receiving PHA uses its own policies to determine the appropriate unit size for a family moving into its jurisdiction.

The receiving PHA must inform the initial PHA immediately whether it will absorb or administer the family's housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family's voucher.

The receiving PHA's payment standards are used when the portable family leases a unit. The family will need to be informed of the receiving PHA's policies and payment standards before it begins its search.

Decision to Absorb or Administer

The receiving PHA has the option to *administer* the subsidy for the initial PHA or to *absorb* the portable family into its own housing choice voucher program.

If the receiving PHA decides to administer the initial PHA's housing choice voucher assistance, the housing assistance for the portable family comes from the initial PHA's housing choice voucher allocation. The receiving PHA bills the initial PHA for the full housing assistance payment for the family's unit and for 80 percent of the ongoing administrative fee earned by the initial PHA for that unit.

MAKING THE DECISION TO ADMINISTER OR ABSORB

The receiving PHA has the authority to decide whether it will administer or absorb an incoming portable family. The PHA can vary its decision to respond to changing local situations.

The factors a receiving PHA may want to consider in making the decision to administer or absorb include:

- **Leasing rate.** If the receiving PHA has a low utilization rate, absorbing incoming portable families will increase the utilization rate. If the receiving PHA has a high utilization rate, it may prefer to use its own housing assistance funds to serve families on its waiting list.
- **The administrative cost of billing.** For the receiving PHA, absorbing is generally the most cost-effective approach.
- **Proximity of the initial PHA.** Some PHAs routinely bill for vouchers from nearby agencies with whom they have established relationships, but prefer to absorb families moving from locations where staff have not previously worked with the PHA.
- **Economy in numbers.** Some PHAs choose to absorb families from locations from which they receive few incoming portability families in order to reduce the number of PHAs they must bill.

If the receiving PHA decides to absorb the portable family, funds from the receiving PHA's consolidated ACC pay for the family's housing assistance. The initial PHA is free to reissue the voucher in cases where the receiving PHA has absorbed the family.

A PHA that decides to administer a housing voucher may change that decision and decide to absorb at any time in the future. Many agencies, having opted to administer housing vouchers during a time when leasing rates were high and local sentiment favored using housing assistance funds for families from the local waiting list, reversed those decisions when housing markets tightened, leasing rates slowed and PHAs faced low utilization rates and low SEMAP scores. It is not necessary to wait for a recertification or other anniversary date to absorb an administered voucher.

The receiving PHA must promptly inform the initial PHA whether it will bill the initial PHA for assistance on behalf of the portable family or will absorb the family into its own program.

COOPERATIVE AGREEMENTS

Sometimes, PHAs in abutting jurisdictions make cooperative portability agreements. In locations where movement is in both directions, these agreements may consist of semi-annual reviews of portability contracts that result in each PHA absorbing an equal number of HAP contracts. The remaining vouchers, which represent the imbalance in movement, will continue to be administered.

When a new voucher holder leases up under portability, the receiving PHA's decision whether to administer the subsidy or absorb the family will determine which PHA counts the family for income targeting purposes. If the receiving PHA bills the initial PHA, the family will be included in the initial PHA's income targeting calculations; if the receiving PHA absorbs, it will include the family in its admissions when calculating the percentage of extremely low-income families.

Monitoring Families Moving Into the PHA's Jurisdiction

Although not required, it is helpful to track each of the families currently conducting a housing search within the receiving PHA's jurisdiction. Exhibit 13-2, *Incoming Portability* is a processing log for families moving into the PHA's jurisdiction. Using a log allows the supervisor to establish accountability for ensuring that procedures are completed and the initial PHA notified before deadlines have passed. The log can be maintained manually or electronically. The log tracks the following information and activities:

- Participant name;
- Date housing voucher or extension expires;
- Date (or check) form HUD-50058 and form HUD-52665 received from initial PHA;
- Date Request for Tenancy Approval received;
- Date HAP executed;
- Name of initial PHA;
- Date six months after initial voucher was issued;
- Date form HUD-52665 or notice that family failed to lease sent to initial PHA; and
- Date that all tasks are complete.

Using a processing log in combination with monthly monitoring by the supervisor will provide staff with the information about what has been completed, what remains to be done, and where priority needs to be placed.

The Family's Search

The family's search for housing in the receiving PHA's jurisdiction is governed by the receiving PHA's policies. The receiving PHA issues a housing choice voucher of the size based on its own subsidy standards. Procedures relating to submitting the request for tenancy approval, obtaining an inspection and leasing a unit are all in accord with the receiving PHA's policies. The term of the housing choice voucher issued by the receiving PHA cannot expire before the date on the housing choice voucher issued by the initial PHA but may be later. The receiving PHA may also issue extensions based on its own policy and practices regardless of the initial PHA's policies.

The receiving PHA may require the family to participate in a briefing and cooperate in a reexamination of income but may not unduly delay the family's housing search. It would not be reasonable, for example, to require the family to wait for a monthly briefing that was not scheduled for another three weeks. The receiving PHA may delay leasing activities only to receive verification of information related to income eligibility.

If the family locates and leases a unit, the receiving PHA must complete form HUD-52665 and send it to the initial PHA with the form HUD-50058 within ten days. When the portable family has been searching while still under HAP contract in its initial jurisdiction it is especially important that this communication take place within the required ten days to be sure the current HAP with the initial PHA is terminated at the appropriate time.

Unless the family is absorbed by the receiving PHA, the receiving PHA will report the family's lease-up information to HUD's Multifamily Tenant Characteristic's System (MTCS) as a "port-in". The initial PHA will report the family to MTCS as a port-out. If the family has been absorbed, the initial PHA reports the family to MTCS as a move-out; the receiving PHA reports the family as a new admission.

It is always essential for the receiving PHA to notify the initial PHA at the earliest possible date of any activity related to the family's search. If the family's housing choice voucher expires without the family leasing a unit, the initial PHA needs to know. The example of a family still under lease in the initial jurisdiction is again a good case in point: the initial PHA needs the information if payments to the current landlord should be continued.

Occasionally, a family from one jurisdiction, searches in a second, and decides to try to move to a third jurisdiction. Shopping around from one jurisdiction to another presents no problem if paperwork flows properly. It is important that the family understands that the PHA that issued its first housing voucher will continue to be the initial PHA. It is also important that the initial PHA be informed of the family's decisions and activities. The receiving PHA may contact the initial PHA and, with permission, forward the original portability packet to a "new" receiving PHA; or the family may return to the initial PHA to be "forwarded" to a second receiving PHA. The receiving PHA should never forward the original portability packet without the initial PHA's permission.

Annual and On-Going Activities

After a family leases up in the receiving PHA's jurisdiction, the receiving PHA is responsible for conducting all interim and annual reexaminations for the family and all HQS inspections of the family's unit.

Under a billing arrangement, the initial PHA must be informed of all changes affecting the household subsidy. After each interim and annual reexamination, the receiving PHA must send the initial PHA a completed form HUD-52665 showing the new HAP amount and copies of the form HUD-50058 and related income verifications if the billing amount changes.

Either the initial PHA or the receiving PHA may determine that it is necessary to terminate the family's assistance, and either PHA may issue a termination notice and conduct the informal hearing. If the initial PHA has initiated termination in an instance where there is a significant distance between the two jurisdictions, the PHA is encouraged to offer to conduct the informal hearing by telephone conference.

If the receiving PHA has absorbed the family, the family is no longer considered a portable family. The initial PHA is no longer involved with the family's subsidy. There is no billing and no communication on other details of the family's occupancy.

Portability Billing

When a family leases up, the receiving PHA is responsible for completing Part II of form HUD 52665 and sending it back to the initial PHA within 10 days of HAP contract execution. A copy of the new form HUD 50058 and any related income verifications must be attached.

The receiving PHA must bill the initial PHA within six months of the date the initial PHA issued the housing voucher. If the receiving PHA fails to meet this deadline, the initial PHA is not obligated to honor the housing voucher and the receiving PHA must absorb the portable family.

The initial PHA is required to pay the receiving PHA within 30 days of the initial billing for housing assistance payments and fees and on a monthly basis thereafter or in accordance with a schedule developed between the initial and receiving PHAs. The initial bill from the receiving PHA to the initial PHA automatically establishes a request for regular payment in the future; the receiving PHA is not required to continue submitting billing forms.

When the receiving PHA administers the subsidy, the initial PHA retains 20 percent of the ongoing administrative fee for that housing choice voucher unless both PHAs reach a different agreement. The initial PHA may also be eligible for a preliminary fee if the portable voucher is part of a funding increment awarded during the first 12 months of the PHA's housing choice voucher program.

The receiving PHA bills the initial PHA for the full amount of the housing assistance payment and 80 percent (or other amount agreed to by both PHAs) of the ongoing administrative fee earned by the initial PHA. (The fee amount to be used when calculating the on-going administrative fee is the amount identified in column 2 of the annual fee notice published by HUD in the *Federal Register*.)

The receiving PHA may also bill the initial PHA for the \$75 hard-to-house fee when the family leased includes more than three minors or a person with disabilities.

Either PHA may contact the HUD state or area office for assistance in resolving portability disputes between PHAs, although efforts to reach mutual agreements without HUD's involvement are encouraged. Frequently, involvement of management or executive staff at both agencies and agreement to use logs and other monitoring tools internally is all that is required.

HUD may reduce administrative fees to an initial PHA if the PHA does not promptly reimburse the receiving PHA or may impose other sanctions against PHAs that are not in compliance with portability procedures.

ADMINISTRATIVE FEES

The receiving PHA receives:

- 100% of the HAP for the leased unit;
- 80% of the initial PHA's administrative fee for the unit, unless the unit is owned by the receiving PHA; and
- Hard-to-house fees where applicable.

13.6 RELATED SEMAP INDICATORS

SEMAP Indicator 7 measures the PHA's efforts to expand housing opportunities and specifically to help families move to units located outside areas of poverty or minority concentration. The indicator measures whether the PHA informs housing choice voucher holders at each briefing of the full range of areas where they may lease units both inside and outside of the PHA's jurisdiction.

The SEMAP certification form requires the PHA to report whether its briefing packet includes an explanation of portability and a list of PHAs in neighboring jurisdictions including the name of the portability contact at the PHA and the telephone number and address to help the family contact that agency.

In each briefing, PHAs are also expected to have prepared and used maps showing neighborhoods both inside and beyond the PHA's jurisdiction where there are housing opportunities outside areas of poverty and minority concentration.

EXHIBIT 13-1
OUTGOING PORTABILITY
PORTABILITY PROCESSING LOG

Participant Name	Date Voucher Expires	Receiving PHA Name, Address, Telephone, Fax	50058 & 52665 Sent	6 Month Deadline	Date 52665 Rec'd	Absorb/ Bill	Complete

EXHIBIT 13-2 INCOMING PORTABILITY PORTABILITY LEASING LOG

Participant Name	Date Voucher Expires	Date Extension Expires	50058 & 52665 Rec'd	Date RTA Rec'd	Date HAP Executed	Initial PHA	6 Month Deadline	56665/ Notice To Initial PHA	Complete