



# Housing Choice Voucher Family Moves with Continued Assistance, Family Briefings, and Voucher Suspension

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# Agenda

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# **OVERVIEW, RESOURCES, AND CONTACT INFORMATION**

# Overview:

- **August 20, 2015:** final portability rule “Public Housing and Section 8 Programs: Housing Choice Voucher Program: Streamlining the Portability Process” published.
- **August 28, 2015:** webcast training on the provisions of the final portability rule.
- The final rule:
  - Clarifies the portability process.
  - Enhances family mobility.
  - Reduces burden on families and PHAs by providing clarity to the process.

# Overview:

## **PIH Notice on Family Moves and Other Topics:**

- Updates previous guidance (PIH 2012-42) relating to family moves with continued assistance, including portability.
- Incorporates other related changes resulting from publication of the final portability rule (family briefing and suspension of the voucher term).

# Resources:

All resources related to the portability process can be found at the link below.

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/public\\_indian\\_housing/programs/hcv/portability](http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/portability).

# Contact Information:

- For fair housing and equal opportunity questions contact your local HUD fair housing office. You may find the directory for HUD's Office of Fair Housing and Equal Opportunity at the following address:  
[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/fheodir](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/fheodir).
- For all other questions: please note that the portability mailbox (portability@hud.gov) is no longer operational. Portability questions can be directed to the local [HUD PIH Field Office](#).



# **Fair Housing and Equal Opportunity Requirements**

**(Section 3)**

# Fair Housing and Equal Opportunity Requirements

- Fair Housing and Equal Opportunity Requirements Information: found in Section 3 of PIH notice on family moves.
- Including:
  - Reasonable accommodations
  - Limited English proficiency (LEP)
  - Effective communications with individuals with disabilities.

# Reasonable Accommodation

- If the family move is limited as a result of PHA policy, the PHA must provide the requested accommodation unless doing so would impose an undue financial and administrative burden to the PHA.
- **Example:** the PHA has a policy that allows only one move per year. A qualified family has requested a reasonable accommodation to move for a second time during a one-year period. The PHA will have to allow the move as a reasonable accommodation if allowing such a move would not impose an undue financial and administrative burden on the PHA.

# Reasonable Accommodation

***What if my agency has insufficient funds to allow a move?***

- The PHA must consider a request for a reasonable accommodation.
- But, the PHA may determine that allowing the move would pose an undue financial and administrative burden to the PHA if the individual circumstances of the case support that determination.
- And, the provisions of section 7 of the notice must be met.

# Reasonable Accommodation

- If the family move is limited by regulation:
  - The PHA must first assess whether the requested accommodation would impose an undue financial and administrative burden.
  - If this assessment confirms no undue burden, the PHA must request a waiver of the regulatory provision from HUD.

# Reasonable Accommodation

## **For example:**

- An *applicant* family is requesting to move as a reasonable accommodation. Using the receiving PHA's income limits makes them ineligible. But, using the initial PHA's income limits does not.
- In this case, if the PHA's assessment confirms no undue burden, then the PHA requests a waiver of the regulation that requires using the receiving PHA's income limits so that the initial PHA's income limits may be used instead.

# Limited English Proficiency (LEP)

- In communications and making written information available to families, PHAs must ensure that such information is available in appropriate languages to ensure access for persons with LEP.
- For further information about LEP requirements:
  - [http://www.lep.gov/guidance/HUD\\_guidance\\_Jan07.pdf](http://www.lep.gov/guidance/HUD_guidance_Jan07.pdf)
  - [Lep.gov](http://Lep.gov)

# Effective Communications

- PHAs must also ensure that communications and materials are provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities.
- This includes providing appropriate auxiliary aids and services necessary to ensure effective communication (including ensuring that information is provided in appropriate accessible formats as needed).
  - Examples of accessible formats include: Braille, audio, large type, assistive listening devices, and sign language interpreters.



# **Family Briefing**

## **(Section 4)**

# Family Briefing - How Portability Works

- The final portability rule requires an explanation of how portability works (including information on how portability may affect the family's assistance).
- This information must be provided:
  - To every family.
  - As part of the oral briefing and the briefing packet (as in previous regulation).

## Family Briefing - How Portability Works

- Initial PHAs must make the family aware that the receiving PHA's policies may be different and how that may impact the family's assistance.
- There is no requirement to research and provide families with specific receiving PHA policies, unless they must be provided as a reasonable accommodation.

## Family Briefing - How Portability Works

- Appendix B: provides a sample handout.
- PHAs may use this sample handout to meet this requirement or may choose to develop their own handout.

## Family Briefing -Advantages of Areas With Low Concentration of Low Income Families

- The final portability rule requires an explanation of the advantages of moving to areas with low concentrations of low income families.
- Be provided to all families.
- As part of both the oral briefing and the information packet.

## Family Briefing -Advantages of Areas With Low Concentration of Low Income Families

***Which materials can I use to provide this explanation?***

- Use research as a basis to help develop briefing materials on this area (see Section 4.b of the notice).

# Family Briefing -Advantages of Areas With Low Concentration of Low Income Families

## *How can I present this information?*

- Summarize the information in a way that is easy for families to understand.
- Consider providing comparative information.
  - For example, in a chart or table show school statistics (mobility rates, assessment proficiency rates, suspension rates, attendance rates, etc.) for schools in concentrated areas and non-concentrated areas. Explain the meaning of the statistics.

# Family Briefing -Advantages of Areas With Low Concentration of Low Income Families

## *How can I present this information?*

- You may use other information to supplement this explanation.
  - For example, you may want to use maps (such as the AFFH Data and Mapping tool; see link below) to provide a visual representation of the amenities offered by these areas (proficient schools, jobs, and transportation).

<https://www.hudexchange.info/resource/4867/affh-data-and-mapping-tool/>



# Family Briefing - List of Landlords or Other Resources

- The final portability rule retained the requirement to provide families with a list of landlords known to the PHA to help families find units.
- The rule added the ability to include other resources (such as newspapers, organizations, and online search tools) known to the PHA.
- Generally, this list may include only landlords, only resources, or both.

# Family Briefing - List of Landlords or Other Resources

- PHAs whose jurisdiction includes areas of poverty or minority concentration must ensure that the list covers areas outside of poverty or minority concentration.
- And, consistent with their obligations to affirmatively further fair housing, PHAs are expected to ensure that the list also covers areas outside of R/ECAPs, integrated areas, and areas providing access to opportunity.

# Family Briefing - List of Landlords or Other Resources

***What must I do to ensure that the list covers areas outside of poverty or minority concentration?***

- Conduct outreach to landlords within the PHA's jurisdiction with properties outside areas of minority or poverty concentration.
- Include resources that will assist voucher holders in finding units outside areas of minority or poverty concentration as part of the list.

# Family Briefing - List of Landlords or Other Resources

***Which resources should we use to ensure that voucher holders are assisted in finding units outside of poverty or minority concentration?***

- Section 4.e of the notice lists examples of resources. This list is not intended to be all inclusive. The examples are:
  - Information on how to use Zillow, Craigslist, and other search tools used by mainstream renters.
  - Mobility counseling resources.

## Family Briefing - List of Landlords or Other Resources

***How do I know if my jurisdiction includes areas of poverty or minority concentration?***

- Section 4.e of the notice includes tools that PHAs may use to determine whether their jurisdiction includes areas of poverty or minority concentration.

# Family Briefing - List of Landlords or Other Resources

These tools are:

- **HUD's Data and Mapping Tool:** provides maps and tables at the jurisdictional (CDBG, HOME, and ESG jurisdictions) and regional level. PHAs can select the CDBG jurisdiction(s) that best approximates the PHA's jurisdiction for the HCV program and produce maps that show where HCV participants are living and how that relates to poverty or minority concentration in the community, among other community characteristics and resources.
- **The Federal Financial Institutions Examination Council's (FFIEC) Geocoding/Mapping System:** provides information for specific addresses on MSA median family income, census tract median family income, tract percentage below the poverty line, among others.

# Family Briefing -Other

- Regulations require that any information that HUD makes available on how to select a unit is provided as part of the oral briefing and the briefing packet.
  - Currently only the HUD brochure “A good place to live” is available on this topic.
  - HUD will let PHAs know if and when additional information becomes available.
- The briefing packet must be revised to explain how voucher suspension works under current regulation.

# **Processing Family Moves**

**(Sections 6 and 7)**



# Denying Family Moves

## ***When must I deny the move?***

- When an *applicant* family who is not income eligible in the receiving PHA's jurisdiction is requesting to move under portability.

# Denying Family Moves

## *When must I deny the move?*

- When the family has moved out of the assisted unit in violation of the lease.
  - VAWA Exception: the family has complied with all other obligations of the voucher program and has moved out of the assisted dwelling unit in violation of the lease 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.

# Denying Family Moves

## ***When do I have discretion to deny the move?***

- When the family has not followed program regulations as specified in 24 CFR 982.552 and 24 CFR 982.553.
  - For example, you may deny the move if the family breaches an agreement with the PHA to pay amounts owed to the PHA, or
  - If the family violates any of its obligations under the program.

# Denying Family Moves

## *When do I have discretion to deny the move?*

- The request to move does not comply with the PHA's policies on the timing and frequency of moves in accordance with 24 CFR 982.354(c)(2).
  - For example, your agency has a policy that allows only one move during a one-year period and the family has already moved once during that year.
- Note that such policies must not restrict families from moving only at the time of their annual reexamination.

# Denying Family Moves

## ***When do I have discretion to deny the move?***

- The family is a non-resident applicant that is requesting to port.
- The PHA has insufficient funding for continued assistance in accordance with 24 CFR 982.354(e)(1).

# Denying Moves for Insufficient Funding

## *When can I deny the move for insufficient funding?*

Denial of a move for insufficient funding is allowed when all of the following situations apply:

- The move is to a higher cost unit (for moves within the PHA's jurisdiction) or to a higher cost area (for portability moves).
- The receiving PHA is **not** absorbing the voucher.
- The PHA would be unable to avoid HCV participant terminations during the calendar year to remain within its budgetary allocation (including HAP reserves).

# Denying Moves for Insufficient Funding

## *What is a higher cost unit?*

- A unit which requires a higher subsidy amount due to an increase in the gross rent for the new unit.

# Denying Moves for Insufficient Funding

## ***What is a higher cost area?***

- An area where the PHA would have to pay a higher subsidy amount due to higher payment standards or more generous subsidy standards of the receiving PHA.



# Denying Moves for Insufficient Funding

## *When must I not deny the move?*

- The receiving PHA is absorbing the voucher.
- The family is moving within your jurisdiction and the family must move from their current unit (for example, because the unit failed HQS or the landlord did not renew the lease).
  - This is not applicable to a portability move. You may deny the move for insufficient move if the move is to a higher cost area outside of your jurisdiction.

# Denying Moves for Insufficient Funding

***Can I rescind a voucher to move if I experience a funding shortfall after I approve the move?***

- Only if the family would be allowed to remain in its current unit.
- So, your agency will not be able to rescind the voucher if, for example, the family has already vacated the unit or the family has already notified the owner of their intent to vacate and the owner has re-let the unit to another family.
- Applies to all family moves.

## Denying Moves for Insufficient Funding

- Initial PHAs may not terminate a portability voucher under a billing arrangement with a receiving PHA for insufficient funding because the initial PHA is not a party to the HAP contract.
- Initial PHAs may not impose a cap on the amount of HAP they will pay for a family that has moved under portability.

## Denying Moves for Insufficient Funding

- If the PHA denies a family's request to move, it may not subsequently admit families from its waiting list to its HCV program until families with open requests to move (per PHA policy; as described in slide 48) are processed.

# Denying Moves for Insufficient Funding

- PHAs do not need prior HUD approval to deny a family move for insufficient funding.
- But, if HUD determines that the PHA lacks grounds to deny the move, the PHA must immediately inform any affected family and immediately process the family's request to move, regardless of PHA policies on this issue.

## Denying Moves for Insufficient Funding

- And, the PHA is required by regulation to provide written notification to the local PIH field office within 10 business days of the date on which the PHA determines it is necessary to deny family moves due to insufficient funding.
- Only one notification per calendar year is required.

# Denying Moves for Insufficient Funding

## ***The notification must include:***

- A financial analysis that demonstrates insufficient funds are projected to meet the current calendar year.
- A statement certifying the PHA has ceased issuing vouchers and will not admit families from their waiting list while the limitation on moves is in place.
- A copy of the PHA's policy stating how the PHA will address families who have been denied moves.

# Denying Moves for Insufficient Funding

- PHA must establish policies in its Administrative Plan that state how the PHA will address families whose request to move are denied due to insufficient funding once the PHA determines funds are available for those moves.
- At a minimum, the PHA policy must address:
  - How the PHA will inform families of the policy (e.g. information contained in briefing packets or in a letter to the tenant at the time the move is denied).
  - How long the family's request to move will be open for consideration.
  - How the PHA will notify families with open requests when funds become available.



# Denying Moves for Insufficient Funding

## *How do I determine if I have insufficient funds?*

- You may make reasonable estimates to factor in conditions such as pending rent increases that would affect the subsidy and the attrition rate for families leaving the program.
- But, you may not include projected costs for vouchers issued to families from the waiting list but not yet leased as part of this analysis.

# Denying Moves for Insufficient Funding

## *How do I determine if I have insufficient funds?*

- The notice provides a link to a two-year forecasting tool designed to assist PHAs in determining if sufficient funding is available to support a move. PHAs are not required to use this tool and may choose to use other tools of their own.

<http://www.hud.gov/offices/pih/programs/hcv>

# **INITIAL PHA PORTABILITY PROCESSING RESPONSIBILITIES**

**(Section 9)**

## HCV Eligibility for Applicant Families that are Requesting to Port

- Regulations specify that the initial PHA determines whether an *applicant* family who requests to port is eligible for participation in the HCV program. 24 CFR 982.355(c)(9).
- And, that the receiving PHA's income limits are used in determining income eligibility.

# HCV Eligibility for Applicant Families that are Porting

- Initial PHA policies applicable to determination of family eligibility are used for all other eligibility criteria.
- If the family meets all eligibility criteria but is not income eligible based on the receiving PHA's income limits, the family will not be able to move under portability.
- But, the family may lease a unit in the initial PHA's jurisdiction if the family is income eligible in the initial PHA's jurisdiction.

## HCV Eligibility for Applicant Families that are Requesting to Port

- This applies only to applicant families that are requesting to port upon selection from the waiting list.
- A family becomes an HCV participant on the effective date of the first HAP contract for the family.

# Selecting the Receiving PHA

- Regulations specify that the family selects the receiving PHA when there is more than one PHA that administers the HCV program where the family wishes to move. 24 CFR 982.355(b)
- And, regulations require that the initial PHA provide the family with the contact information for the receiving PHAs.
  - The initial PHA is not required to provide additional details about the receiving PHAs (e.g. does the PHA administer FSS or a homeownership program), except if they must be provided as a reasonable accommodation.

# Selecting the Receiving PHA

- Regulations allow the family to request that the initial PHA choose the receiving PHA if that is the family's preference.
- Initial PHAs may determine whether there is more than one receiving PHA in the area to which the family wishes to move by searching in the [PHA contact list](#) on HUD's website.
- If the initial PHA cannot ascertain whether there is more than one receiving PHA from this list, the initial PHA may contact a receiving PHA or the local PIH field office in the area to which the family wishes to move to gather more information.



# Contacting the Receiving PHA

- Regulations require the initial PHA to contact the receiving PHA prior to approving the family's request to move to determine if the receiving PHA will bill or absorb. 24 CFR 982.355(c)(3).
- The receiving PHA must respond to the initial PHA's request in writing.

# Advising the Family How to Contact the Receiving PHA

- Once the receiving PHA has been selected and the portability request approved the initial PHA advises the family how to contact and request assistance from the receiving PHA.
- Initial PHAs may fulfill this requirement by providing this information to families during the process of selecting the receiving PHA.

# Advising the Family How to Contact the Receiving PHA

- The initial PHA must provide enough detail so that the family can effectively contact the receiving PHA.
  - For example, the name and phone number for the portability staff at the receiving PHA.
- Simply referring the family to HUD or to a website for information on the receiving PHA is not enough.

# Notifying the Receiving PHA

- The initial PHA notifies the receiving PHA to expect the family.
- This notification requirement may be fulfilled during the initial contact with the receiving PHA to determine whether the voucher will be billed or absorbed, or as part of a separate communication with the receiving PHA.

# Providing the Portability Information

- The initial PHA must send the receiving PHA:
  - Form HUD-52665. The initial PHA completes and sends Part I of this form to the receiving PHA.
  - All related verification information.
  - A copy of the voucher signed by the participant and the PHA.
  - The most recent HUD Form-50058 (Family Report) for the family. See Section 7.h of the notice for more details.

# Providing the Portability Information

In the case of an applicant family, the initial PHA must provide

- The partially completed HUD-50058 for the applicant family, and
  - The initial PHA has not yet completed the HUD-50058 in its entirety because the family is not yet a new admission. Section 18 of the notice provides more information on PIC data entry and page 70 of the Form HUD-50058 Instructions Booklet provides information on the sections to be completed at the time of voucher issuance.
- Income information in a format similar to the Form HUD-50058 so that the information is easily available for use by the receiving PHA.

# **RECEIVING PHA PORTABILITY PROCESSING RESPONSIBILITIES**

**(Section 10)**

# Requirement to Administer Assistance

- A receiving PHA cannot refuse to assist a portability family or refer them to a neighboring PHA for assistance.
- Under certain circumstances, HUD may exempt a receiving PHA from the requirement to assist an incoming portability family.
- PHAs must not deny a portability move based on the number of days remaining on the voucher.



# Requirement to Administer Assistance

- The receiving PHA can only refuse to assist a portability family after receiving written approval from HUD.
- The PHA requests HUD approval by sending a written request to the local PIH field office director.
- The request must, at a minimum:
  - Address the circumstances that prevent the receiving PHA from processing incoming portability families, and
  - Include documentation supporting the request

# Requirement to Administer Assistance

- The local PIH field office may request additional information.
- They will render a decision in writing to the PHA within 30 days from receipt of the PHA's request.

# Denial or Termination of Assistance

- Receiving PHAs may rescreen families who have moved into their jurisdiction under portability by applying their own policies for denial or termination of assistance under HCV regulations at 24 CFR 982.552 or 24 CFR 982.553.
- **Example:** the receiving PHA may have a policy to terminate or deny HCV assistance if any member of the family has been evicted from federally-assisted housing in the last 5 years and they may choose to apply that policy to the ported family.

# Denial or Termination of Assistance

- Receiving PHAs may not delay issuing the family a voucher or otherwise delay approval of a unit until the rescreening processes are completed.
- But, receiving PHAs may take subsequent action such as refusing to assist a portability family by referring the family back to the initial PHA, or terminating the family's HCV participation based on the results of the rescreening.

# Denial or Termination of Assistance

- Receiving PHAs do not need prior HUD approval to refuse portability assistance in these cases because they are authorized under regulation to deny the move in accordance with their screening policies.
- If the receiving PHA refuses the portability move, the initial PHA may still assist the family either in its jurisdiction or by allowing the family to port to another receiving PHA's jurisdiction in accordance with the portability procedures.

# Denial or Termination of Assistance

- If the receiving PHA takes action against the family as described in the preceding slides, the receiving PHA is required to provide the ported family with the opportunity to request an informal hearing (if the family is a participant) or an informal review (if the family is an applicant) in accordance with 24 CFR 982.554 or 24 CFR 982.555.

# Deciding to Absorb

- If the receiving PHA notifies the initial PHA that it will absorb the voucher, it cannot reverse its decision at a later date without consent of the initial PHA.
- Absorption is the point at which a receiving PHA starts making assistance payments with funding under its consolidated ACC, rather than billing, the initial PHA.

# Deciding to Absorb

- A receiving PHA may decide to absorb at the beginning of the portability move or after the voucher has been under a billing arrangement.
- The receiving PHA may absorb the family into its own program provided it has funding available under its ACC to do so and such a decision will not result in over-leasing for the Calendar Year.



# Deciding to Absorb

- A PHA does not technically “absorb” a family into its program until the receiving PHA executes a HAP contract on behalf of the family in the receiving PHA’s jurisdiction.
- The notice reiterates that false processing of portability paperwork (sham portability moves) to address a PHA’s utilization or leasing problems is prohibited.

# Expired Initial PHA Voucher

***What happens if the initial PHA voucher has expired when the family arrives at the receiving PHA?***

The receiving PHA must contact the initial PHA to determine whether the initial PHA will extend the voucher.

***What happens if the voucher is extended?***

The receiving PHA processes the ported family and the receiving PHA's voucher expiration date and the initial billing deadline will be based on the initial PHA's extended deadline.

**For example**, the original voucher expiration was 10/30/2016, the initial PHA extended until 11/30/2016. The receiving PHA's voucher expiration will be 12/30/2016 and the billing deadline will be 2/28/2016.

# Voucher Issuance

- After receiving the form HUD-52665 and supporting documentation from the initial PHA, the receiving PHA promptly issues the family a voucher.
- HUD expects the receiving PHA to process the family's paperwork and issue the family a voucher within two weeks of receipt of the portability information provided all is in order.
- More information on the term of the receiving PHA's voucher is covered in the "Voucher Term" section below.

# Reexaminations

- Receiving PHAs may choose to conduct a new income reexamination for a participant family.
- The receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit until the reexamination is completed.
- But, the PHA may take subsequent action against the family based on the results (e.g., recalculating the HAP payment based on updated income information).

# Re-determining Income Eligibility

- For applicant families, the receiving PHA may delay issuing a voucher or otherwise delay approval of a unit only if it is necessary to re-determine income eligibility.
- For example, if the applicant family initially reported they had no earned income but they subsequently obtain new employment, the receiving PHA shall re-determine income eligibility for the applicant family to ensure the family is income eligible in the receiving PHA's jurisdiction.

# Family Decides Not to Lease

- If the family decides not to lease in the receiving PHA's jurisdiction, the receiving PHA must refer the family back to the initial PHA.
- The voucher of record is once again the initial PHA's voucher.

# Family Decides Not to Lease

- 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.
- Initial PHA policies apply, including initial PHA policies on family moves.

# Updating the Initial PHA

- The receiving PHA must promptly notify the initial PHA whether or not the family has leased a unit in the receiving PHA's jurisdiction.



# **Voucher Term**

**(Sections 5, 10f, and 10g)**

# Mandatory Suspension of the Voucher Term

- PHAs are required to suspend the term of the voucher.
- Applies to all families that are in the process of leasing a unit (not just families that are porting).

## Mandatory Suspension of the Voucher Term

- Suspension starts when the family submits the request for tenancy approval (RFTA).
- It ends when the PHA notifies the family in writing whether the RFTA has been approved or denied.

# Mandatory Suspension of the Voucher Term

- Suspension applies even if a family that submits a RFTA decides to cancel such request.
- In such cases, the suspension ends when the PHA learns of the cancellation.

## Mandatory Suspension of the Voucher Term

- Suspension applies to the initial and extended term of the voucher.
- Under portability procedures, this requirement applies to the receiving PHA only.

# Receiving PHA's Voucher

- The term of the receiving PHA's voucher cannot expire before 30 calendar days from the expiration date of the initial PHA's voucher.
  - The additional 30 days are required regardless of the term of the initial PHA's voucher.
- Receiving PHAs may extend the voucher beyond this additional 30 days.

## Receiving PHA's Voucher

- If the initial PHA extends its own voucher, the receiving PHA's voucher may not expire before 30 days from the new expiration date of the initial PHA's voucher.

# Receiving PHA's Voucher

Example:

	Initial PHA Voucher	Receiving PHA Voucher
Expiration Date	10/30/2016	11/29/2016
Extended Expiration Date	11/30/2016	12/30/2016



# Receiving PHA Voucher Extensions

- The receiving PHA must notify the initial PHA if it has granted any extensions to the term of the voucher.
- Extensions are only valid for the family's search in the receiving PHA's jurisdiction.
- In granting extensions, the receiving PHA should keep the billing deadline in mind.

# **Billing and Administration**

**(Sections 8, 9i, and 11-16)**

# Use of Email or Other Delivery Confirmation

- Regulations require the use of email or other delivery confirmation methods for communications between the initial and receiving PHA.
- HUD supports email as the preferred method of communication.
- Section 8 of the family moves notice provides more information on requirements for transmittal of Personally Identifiable Information (PII) via email.

# Ongoing Receiving PHA Responsibilities

- The receiving PHA must send the initial PHA a copy of the updated Form HUD-50058 at each reexamination for the duration of time the receiving PHA is billing the initial PHA on behalf of the family.
- This requirement applies regardless of whether there is a change in the billing amount.
- But, a copy of Form HUD-50058 must also accompany the submission of a portability form (HUD-52665) reporting any changes in the billing amount.

# Ongoing Receiving PHA Responsibilities

- The updated form HUD-50058 must be sent to the initial PHA no later than 10 business days following the effective date of the reexamination. **Receiving PHA's are strongly encouraged to send the updated form as soon as the family's reexamination is complete.**
- The frequency of this notification will be based on how frequently the receiving PHA conducts reexaminations for voucher families, including those that have ported into their jurisdiction.

# Ongoing Receiving PHA Responsibilities

- If the receiving PHA fails to send the updated form 50058 on time, the initial PHA must continue paying the receiving PHA based on the last Form HUD-50058 received, unless instructed otherwise by HUD.
- See Section 11.c for remedies for late submission of this information.

## Family Decides to Port Again

- The receiving PHA does not issue a voucher to a family under a billing arrangement that decides to move under portability to another jurisdiction.
- Instead, the receiving PHA notifies the initial PHA of the family's request.

# Special Purpose Vouchers (SPVs)

- Form HUD-50058 – SPV Codes:
  - The initial PHA must submit those codes.
  - The receiving PHA must maintain those codes as long as it is billing for the ported voucher.



# Special Purpose Vouchers (SPVs)

- If HUD has established alternative program requirements for SPVs, initial and receiving PHAs must administer SPVs in accordance with such requirements.
- Currently, only the HUD-VASH program has alternative portability requirements.
- While no other special purpose voucher program has alternative portability requirements, HUD has made available portability information for the Family Unification Program on its website.

# Special Purpose Vouchers (SPVs)

- And, there are specific portability provisions that apply to the Family Self-Sufficiency program and the HCV Homeownership program, which can be found in regulations at 24 CFR 984.306 and 24 CFR 982.636, respectively. Additional guidance on FSS portability provisions is found in PIH Notice 2016-08.
- Sections 9.i and 11.a provide links to where the information mentioned above can be found.

# Administrative Fee

- The administrative fee structure changed with the release of the final portability rule.
- Now the initial PHA reimburses the receiving PHA for the lesser of:
  - 80% of the initial PHA's ongoing administrative fee, or
  - 100% of the receiving PHA's ongoing administrative fee.

# Administrative Fee

- The initial PHA's column B administrative fee rate (as indicated in previous guidance) and the receiving PHA's column B administrative fee rate are used in determining the administrative fee amount owed for a ported voucher.
- Line 10 of the portability form indicates the initial PHA's administrative fee rate (including proration).
- Line 11 indicates 80% of that rate (line 10\*0.8).

# Administrative Fee

- When determining the administrative fee amount, proration due to insufficient administrative fee funding will be applied to both the initial and receiving PHA's administrative fee rate.
- See Section 12 for information on where to find the PHA's administrative fee rates and proration factor.

# Administrative Fee

- The administrative fee amounts may be used for the entire calendar year to avoid the need for PHAs to re-calculate their portability fees each quarter, unless otherwise instructed by HUD.
- Initial and receiving PHAs continue to have discretion to negotiate and agree to a different administrative fee amount.

# Administrative Fee

## Example:

PHA A (initial PHA)	Column B Rate x Proration x 0.8 *admin fee proration in this example is 79%
	$\$ 60.59 \times 0.79 \times 0.8 = \$38.29$
PHA B (receiving PHA)	Column B Rate x Proration x 1 *admin fee proration in this example is 79%
	$\$ 42.05 \times 0.79 \times 1 = \$33.21$
<b>Billed Administrative Fee = \$33.21</b> *under previous rule requirements the billed administrative fee would have been \$38.29	

# Administrative Fee

- Changes to the administrative fee amount as a result of publication of the final portability rule apply to all vouchers under a billing arrangement.



# Billing

- Section 13 of the notice provides a table that summarizes portability billing deadlines by submission type (e.g. initial billing, initial payment, etc.) and cross-references the relevant sections of this notice.
- Detailed guidance on the billing process is found in Sections 14-16.

# Billing

- The initial PHA sends a copy of the portability form (HUD-52665) to the receiving PHA with the portability package for the family.
- The initial PHA completes Part I of the form, which indicates (among other information):
  - The date of the initial billing deadline.
  - The initial PHA's administrative fee (used by the receiving PHA to determine the billed administrative fee amount).

# Billing

- If the receiving PHA will bill the initial PHA, the receiving PHA:
  - Completes and sends Part II of the Form HUD-52665.
  - Attaches a copy of the new Form HUD-50058.

## Billing - Initial Billing Deadline

- The initial billing submission must be received by the initial PHA no later than 90 days following the expiration date of the initial PHA's voucher.

# Billing - Initial Billing Deadline

Example:

Initial PHA Voucher Expiration	Initial Billing Deadline
10/30/2016	1/28/2016 <small>*90 calendar days from 10/30/2016</small>

## Billing - Initial Billing Deadline

***What if the mandatory suspension of the term of the voucher delays the initial billing submission?***

The receiving PHA must:

- Notify the initial PHA of the delayed billing before the billing deadline.
- Document that the delay is due to the suspension of the voucher term.

# Billing - Initial Billing Deadline

***What happens with the billing deadline if the receiving PHA complies with the steps in the preceding slide?***

- The initial PHA must extend the billing deadline by 30 days.
- If the initial PHA has not received the portability form within the new 30-day deadline, the initial billing is late.

# Billing - Late Billings

## ***What happens if the initial billing is late?***

- The initial PHA determines whether it will accept the late bill.
- If the initial PHA determines it will not accept it, it must inform the receiving PHA of this decision in writing.
- The receiving PHA will generally have to absorb the family if the initial PHA decides not to accept the late bill.



# Billing - Late Billings

## ***What happens if the initial billing is late?***

- HUD may require the initial PHA to accept the late billing in certain cases.
  - For example, when the receiving PHA does not have the funds to support the voucher and the family would be terminated if the initial PHA refused to accept the late billing.

## Billing - Payment

- The initial PHA must pay the initial billing amount within 30 calendar days of receipt of Form HUD-52665.
- Subsequently, the initial PHA pays **no later than the fifth business day of each month** for each month that the billing arrangement is in effect.

## Billing - Payment

- Initial PHAs may not terminate or delay making payments under existing billing arrangements as a result of over-leasing or funding shortfalls in the initial PHA's program.
- See Section 15.b for remedies for late payments of portability billing amounts.

# Billing - Mid-Month Moves

***Can I bill for HAP and administrative fees for families that lease mid-month?***

- You may bill for the prorated HAP amount for that month.
- You may also bill for the full HAP paid to the previous landlord, if you have a policy of paying full HAP to the previous landlord on the move-out month.
- But, you may not bill for administrative fees until the following month.

# Billing - Changes in the Billing Amount

## *What must I do if the billing amount changes?*

- You must send a new Form HUD-52665 to report a change in the billing amount along with form HUD-50058.
- You must notify the initial PHA of changes in the billing amount no later than 10 business days following the effective date of the change.
  - But you should notify the initial PHA of billing changes at the same time that you notify the owner and the family in order to provide the initial PHA with advance notice of the change.

# Billing - Changes in the Billing Amount

***What if I don't receive notification of the change within 10 business days from the effective date of the change?***

- You are not responsible for paying any increase in the monthly billing amount incurred prior to the notification.
- If the change resulted in a decrease in the monthly billing amount, you will offset future monthly payments until the difference is reconciled.

# Billing - Changes in the Billing Amount

## *Example 1:*

- The HAP increased effective July 1, 2016.
- The initial PHA did not receive the revised HUD-52665 and HUD-50058 until October 9, 2016.
- The initial PHA pays the increased HAP starting in November, 2016.

# Billing - Changes in the Billing Amount

***Example 2:*** the HAP decreased effective October 1, 2016.

<b>Original HAP:</b>	\$850
<b>New HAP:</b>	\$800
<b>Difference Between Original and New HAP:</b>	(\$50)
<b>Date Initial PHA Notified:</b>	January 10, 2017
<b>Number of Months Initial PHA Paid the Higher Payment:</b>	4
<b>Offset Amount:</b>	\$200 (4 months x \$50 per month)



# Billing - Terminating a Billing Arrangement

## ***When does a billing arrangement terminate?***

- When the receiving PHA absorbs the family into its program.
- When the HAP contract is terminated for any reason.

# Billing - Terminating a Billing Arrangement

***What must I do if a billing arrangement is terminating?***

- The receiving PHA sends an updated form HUD-52665 to the initial PHA no later than 10 business days following the effective date of the termination of the billing arrangement.

# Billing - Terminating a Billing Arrangement

- If the receiving PHA receives payments for billing arrangements no longer in effect, the receiving PHA is responsible for returning the full amount of the overpayment (including HAP and administrative fees) to the initial PHA.

# Billing - Terminating a Billing Arrangement

- Section 16.c provides more information on remedies for continuation of payments for billing arrangements no longer in effect.
- Retroactive absorptions are not allowed with some exceptions discussed in Section 16.b.

# **Other**

**(Sections 17 and 19)**

## Moving to Work (MTW)

- Requirements of the portability rule are applicable to MTW agencies, unless there are approved activities in their MTW plan to the contrary.
- After having moved under portability, the family is subject to the receiving PHA's policies (including MTW policies of the receiving PHA, if applicable).

# Project-Based Vouchers (PBVs)

- In accordance with 24 CFR 983.2(b)(2), provisions on portability do not apply to the PBV program.
- A family porting into a receiving PHA's jurisdiction may only receive a tenant-based voucher or homeownership assistance.
- In order for a tenant-based voucher holder to be housed in a PBV unit, the family would have to apply to the receiving PHA's PBV program and give up their tenant-based voucher prior to being housed in the PBV unit.

# **PIC REPORTING**

## **(Section 18)**



# PIC Reporting

- The types of HUD-50058/PIC portability submissions are:

Responsible PHA	Event	Type of 50058 Submission
Initial PHA	Applicant family ports	Voucher Issuance (action code 10)
Initial PHA	Participant family ports	Move-out (action code 5); regardless of billing or absorption
Receiving PHA	Family ports	Voucher Issuance (action code 10); before entering the following codes, as applicable.
Receiving PHA	Applicant family ports	New Admission (action code 1)
Receiving PHA	Participant family ports	Move-in (action code 4); regardless of billing or absorption

# PIC Reporting

- Reporting of changes in the family's income or composition after a portability move-out is the responsibility of the receiving PHA.
- Section 18 provides more information on completing and reporting the HUD-50058 information through PIC for portability families.

# **Portability Form (HUD-52665)**

# Portability Form

- The portability form has been changed to incorporate new regulatory requirements and to add clarity to the form.
- The changes are listed in the slides below for reference.

# Portability Form

## Changes to Part I:

- Line 9 has been changed to allow for 90 days instead of 60.
- Line 10 has been changed to include the initial PHA's administrative fee rate and instructions.
- Attachments: (b) has been amended to add the word "applicant" when explaining that the most recent HUD-50058 is the latest form completed for either an applicant, a new admission, an annual reexamination, or an interim redetermination.
- The Certification Statement has been amended to incorporate the additional 30 days to the term of the receiving PHA voucher.
- Under the contact information section, a line has been added to include the email for the initial PHA's contact.

# Part I

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Required by law, failure to provide any of the information may result in delay or rejection of a family port.

**Part I Initial PHA Information and Certification**

Instructions: This portion of the form is to be completed by the initial PHA for a family that is moving out of the initial PHA's jurisdiction under the portability procedures.

1. Head of Household Name			2. Head of Household Social Security Number	
3. Voucher Number (if applicable)	4. Bedroom Size	5. Issuance Date (mm/dd/yyyy)	6. Expiration Date (mm/dd/yyyy)	7. Date of Last Income Examination (mm/dd/yyyy)

8. Annual income if new admission (not currently a voucher participant) \$ \_\_\_\_\_

9. Date by which initial billing must be received (90 days following the expiration date of the initial PHA voucher) (mm/dd/yyyy) \_\_\_\_\_

10. Initial PHA administrative fee rate \$ \_\_\_\_\_  
(Note: include proration, if applicable. For example, if the proration factor for the year is 79% and your column B rate is \$60, enter \$47.4)

11. 80% of initial PHA ongoing administrative fee (line 10 x 0.8) \$ \_\_\_\_\_

12. Receiving PHA to which family has been referred: \_\_\_\_\_

**Attachments:**

- A copy of the voucher issued by the initial PHA.
- The most recent form HUD-50058 and copies of all related verification information for the current form HUD-50058. (Note: This is the latest form HUD-50058 completed for either an applicant, a new admission, an annual reexamination, or an interim redetermination. It is not the form HUD-50058 that the initial PHA completes to report the portability move-out.)

**Certification Statement:**

The family \_\_\_\_\_ is a current program participant or \_\_\_\_\_ is not a current program participant but is income-eligible in the receiving PHA's jurisdiction (see line 8 above), and the voucher was issued in accordance with the program regulations. Please issue the family a receiving PHA voucher that does not expire before 30 days from the expiration date indicated in Item 6 (the expiration date on the initial PHA's voucher) for the appropriate bedroom size (based on the receiving PHA's policies). I certify that the information contained on Part I of this form and the attached documents provided by my agency are true and correct. My agency will promptly reimburse amounts paid on behalf of the above family within 30 calendar days of receipt of Part II of this form and thereafter ensure that subsequent billing payments are received by your agency no later than the fifth working day of each month. Failure to comply with these payment due dates may result in the transfer of the family's voucher in accordance with program rules and regulations.

Name of Certifying PHA Official \_\_\_\_\_ Type Full Name and Address of Initial PHA below

Signature \_\_\_\_\_

Initial PHA Contact Name \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

# Portability Form

## Changes to Part II.A:

- Line 5 has been added to include the receiving PHA's administrative fee rate and instructions.
- Under the contact information section, a line has been added to include the email for the receiving PHA's contact.

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Part II-A Receiving PHA Information and Certification  
Instructions: The receiving PHA must always complete Part II-A.

1. Head of Household Name	2. Head of Household Social Security Number
3. Voucher Bedroom Size (per receiving PHA's policies)	4. HAP Contract Number (if applicable)

5. Receiving PHA administrative fee rate \$  
(Note: include proration, if applicable. For example, if the proration factor for the year is 79% and your column B rate is \$60, enter \$47.4)

**Certification Statement:**  
I certify that the information contained on Part II of this form and, if applicable, the attached form HUD-50058, is true and correct and that my agency will promptly remit any overpayment to your agency.

Name of Certifying PHA Official \_\_\_\_\_ Type full Name and Address of Receiving PHA below

Signature \_\_\_\_\_

Receiving PHA Contact Name \_\_\_\_\_

Phone Number \_\_\_\_\_ Email \_\_\_\_\_

Form Submission Date (mm/dd/yyyy) \_\_\_\_\_

**Part II-B Family Status, Initial HAP Contract Execution and Billing Changes After HAP Contract Execution**  
Instructions: For initial billings, Part II-B must be completed by the receiving PHA and received by the initial PHA within 90 days following the expiration date of the initial PHA's voucher. For changes in the family status or the billing amount, Part II-B must be completed and sent within 10 working days from the effective date of the change. **The receiving PHA does not submit the billing form each month unless the monthly amount due changes or both PHAs agree to a different billing schedule that requires a more frequent billing submittal.**

**Check all statements below that apply:**

- The above family has failed to submit a request for tenancy approval for an eligible unit within the allotted time period. You may therefore reissue your voucher to another family and, if applicable, modify any records concerning local preference usage and income targeting requirements. **STOP. Do not complete remainder of form.**
- We have executed a HAP contract on behalf of the family and are absorbing the family into our own program effective (mm/dd/yyyy). You may reissue your voucher to another family. **STOP. Do not complete remainder of form.**
- We executed a HAP contract on (mm/dd/yyyy) with an effective date of (mm/dd/yyyy) and are

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# Portability Form

## Changes to Part II.B:

- Clarifications have been added to the instructions to this part.
- Line 3 has been amended to add the date of execution and the effective date of the HAP contract, and the effective date of family's next annual reexamination.
- Line 5 under the previous form has been split into items 5 and 6.

# Part II.B

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3. We executed a HAP contract on \_\_\_\_\_ (mm/dd/yyyy) with an effective date of \_\_\_\_\_ (mm/dd/yyyy) and are billing your agency. The effective date of the family's annual reexamination will be \_\_\_\_\_ (mm/dd/yyyy). A copy of the new form HUD-50058 is attached to this form. No other documentation is required. (Note: Receiving PHAs are required to complete and submit a form HUD-50058 for families moving into their jurisdiction under portability. The receiving PHA may elect to conduct a special recertification of the family to conform the dates of the unit inspection and recertification, but is not required to do so by HUD in order to complete the form HUD-50058 for a portability move-in.) Complete line 10 below.

4. The HAP amount has changed effective \_\_\_\_\_ (mm/dd/yyyy) for the family because of: (Check all applicable items. Complete line 10 below).

annual recertification

interim/special recertification

change in payment standard

the family moved to another unit in the receiving PHA jurisdiction.

other: (specify)

Comments continued on separate page Yes No

This form may be reproduced on local office copiers 2 of 4 form HUD-52665 (04/2018)

5. The HAP payments have been abated effective \_\_\_\_\_ (mm/dd/yyyy). Please suspend the HAP to owner portion from your payment effective \_\_\_\_\_ (mm/dd/yyyy) until further notice. STOP. Do not complete remainder of form.

6. The HAP payments that were abated beginning \_\_\_\_\_ (mm/dd/yyyy) have resumed effective \_\_\_\_\_ (mm/dd/yyyy). Please resume payment of HAP effective \_\_\_\_\_ (mm/dd/yyyy). (Note: do not complete remainder of form unless line 4 above also apply. In such cases, complete line 10 below.)

# Portability Form

## Changes to Part II.B:

- Line 7 and 8 have been amended to add a STOP at the end of each item.
- Line 9 (formerly line 8) has been amended to add a note for clarification and to add a STOP at the end of that item.
- Line 10.b has been amended to reflect new billing rules.
- Comments have been added to the end of the form.

# Part II.B

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7. We will no longer bill your agency because we are terminating the family's participation in the program or the family is voluntarily leaving the program.

Billing arrangement termination effective date: \_\_\_\_\_ (mm/dd/yyyy).

Reason for termination: (specify)

**STOP. Do not complete remainder of form.**

8. We are absorbing the family into our program and terminating the billing arrangement effective: \_\_\_\_\_ (mm/dd/yyyy).

**STOP. Do not complete remainder of form.**

9. The HAP contract has been terminated effective \_\_\_\_\_ (mm/dd/yyyy) and no new HAP contract has yet been executed on behalf of the family.

The family:

will not be remaining in our jurisdiction and has been referred to your agency.

intends to remain in our jurisdiction. The family's voucher expires \_\_\_\_\_ (mm/dd/yyyy). (Note: submit this form again once you know the outcome of the family's search).

**STOP. Do not complete remainder of form.**

10. Billing Information

**Regular Billing Amount:**

a. Monthly HAP amount due (line 12s or 12af of form HUD-50058) \_\_\_\_\_

b. Ongoing admin fee (1) lesser of: Part I, line 10 or Part II, line 5, or (2) amount otherwise agreed upon] \_\_\_\_\_

c. Total regular monthly billing amount (sum of lines a and b) \_\_\_\_\_

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