



**U.S. Department of Housing and Urban Development Public and Indian Housing**

**Special Attention of:**  
Directors of HUD Regional and Field  
Offices of Public Housing; PIH Program Center  
Coordinators; Public Housing Agencies (PHAs)  
Administering Housing Choice Voucher Programs

**Notice PIH 2016 – 09 (HA)**  
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Cross References:

HUD PIH Notices: 2015-6; 2012-42;  
2012-4; 2011-65; 2011-3; 2008-43;  
2007-5; 2004-12

**Subject: Housing Choice Voucher (HCV) Family Moves with Continued Assistance,  
Family Briefing, and Voucher Term’s Suspension.**

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1. **Purpose.** This notice updates previous guidance relating to family moves with continued assistance and incorporates other related changes resulting from publication of the rule “Housing Choice Voucher Program: Streamlining the Portability Process” (hereafter portability rule) (80 FR 50564, published in the Federal Register on August 20, 2015). On September 2, 2015, a technical correction to the portability rule was published in the Federal Register. The technical correction (80 FR 52619) incorporates two provisions that were addressed in the preamble but were inadvertently omitted from the regulatory text. The two provisions include the requirement to provide as part of both the oral briefing and the information packet: (1) an explanation of the advantages of areas with low concentrations of low income families and (2) any information on selecting a unit that HUD makes available. You may find a side-by-side comparison of previous and new regulatory requirements here: <http://portal.hud.gov/hudportal/documents/huddoc?id=Comparportrulechanges.pdf>.

Specifically, this notice provides guidance on PHA administrative responsibilities related to family moves with continued assistance both inside and outside the PHA’s jurisdiction. Additionally, this notice provides guidance on family briefings (24 CFR § 982.301) and suspension of the voucher term (24 CFR § 982.303).

PHAs are reminded that documentation demonstrating compliance with the requirements of this notice and regulation must be kept on file. HUD may request this documentation at any time.

2. **Background.** One of the key features of the HCV program is the mobility of the assistance. Regulations at 24 CFR § 982.353 provide that HCV participants may choose a unit that meets program requirements anywhere in the United States, provided that a PHA administering the tenant-based program has jurisdiction over the area in which the unit is located. Moves with continued assistance can occur both inside and outside of the PHA’s jurisdiction. The term “portability” refers to the process of leasing a dwelling unit<sup>1</sup> with tenant-

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<sup>1</sup> The term portability also refers to cases where families participating in the voucher homeownership option purchase units outside of the initial PHA’s jurisdiction. See §982.636.

based HCV assistance outside of the jurisdiction of the PHA that initially issues the family its voucher (the initial PHA). The PHA that receives the family that has ported from the initial PHA's jurisdiction is called the receiving PHA. When a family moves under portability, the receiving PHA may choose to absorb the family into its own program or bill the initial PHA.

Program regulations covering moves with continued tenant-based assistance, where a family may move, and the responsibilities of the initial PHA and the receiving PHA are found at 24 CFR §§ 982.353 through 982.355. The following sections provide detailed guidance on the portability process and present changes made in regulation as a result of publication of the final portability rule. Regulatory changes on suspension of the term of the voucher and family briefings are also presented below.

**3. Fair Housing and Equal Opportunity Requirements.** PHAs must administer their HCV program in compliance with all applicable fair housing and other civil rights requirements, including the authorities cited at 24 CFR § 5.105(a). This includes, but is not limited to, the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, titles II or III of the Americans with Disabilities Act, and HUD's Equal Access Rule. The PHA must also affirmatively further fair housing in accordance with its certification pursuant to 24 CFR § 903.7(o). If the PHA has completed an Assessment of Fair Housing conducted in accordance with the requirements of the Affirmatively Furthering Fair Housing rule at 24 CFR §§ 5.150-5.180, the PHA must certify that it will affirmatively further fair housing in accordance with 2015 revisions to 24 CFR 903.7(o) made by the AFFH final rule at 80 FR 42272-42371 (July 16, 2015). Under the July 16, 2015 revision, the PHA's certification that it will affirmatively further fair housing requires that it will (1) take meaningful actions to further the goals identified in its AFH, (2) that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and (3) that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR 903.7(o)(3). If the PHA has not yet completed an Assessment of Fair Housing, the PHA must affirmatively further fair housing in accordance with its certification pursuant to 24 CFR 903.7(o) as implemented prior to July 16, 2015. *See* 24 CFR 5.151, 5.160(a)(3). Under this version of 24 CFR 903.7(o) that existed before July 16, 2015, a PHA must certify that it will affirmatively further fair housing by (1) examining

its programs or proposed programs, (2) identifying any impediments to fair housing choice within those programs, (3) addresses those impediments in a reasonable fashion in view of the resources available, (4) works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement, and (5) maintains records reflecting these analyses and actions, with some limited exceptions found in 24 CFR 903.2(b)(2). Affirmatively furthering fair housing under either scenario includes helping families use their vouchers to move from segregated to integrated areas, from racially or ethnically concentrated areas of poverty (R/ECAPs), and from areas with disparities in access to opportunity within its jurisdiction and through portability moves outside of the jurisdiction. See 24 CFR 982.53 for the equal opportunity requirements for the HCV program.

Questions relating to fair housing and equal opportunity requirements should be addressed to your local HUD fair housing office. You may find HUD's Office of Fair Housing and Equal Opportunity directory at the following address:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/theodir](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/theodir).

**a. Reasonable Accommodations.** Notwithstanding any other provision of this notice, PHAs must consider requests for reasonable accommodations that are necessary for a qualified individual with a disability to benefit from the program (in accordance with the Fair Housing Act, Section 504 of the Rehabilitation Act, title II of the Americans with Disabilities Act and HUD's implementing regulations at 24 CFR 100.204, 24 CFR 8.33, and 28 CFR 35.130). An individual with a disability can request a reasonable accommodation to any rules, policies, practices or services at any time. This may arise, for example, when a request to move is due to a disability of a family member. This provision applies even if a family might otherwise be restricted from moving (e.g., under a "one move per year" policy or because of insufficient funding). The reasonable accommodation determination is made on a case-by-case basis.

In cases where the limitation on portability is a discretionary policy of the PHA, the PHA must grant the accommodation unless doing so would impose an undue financial and administrative burden to the PHA. In cases where the limitation on portability is compelled 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.

In cases where a PHA determines it has insufficient funding to allow a move (provided that all of the requirements of section 7 of this notice are met) the PHA must consider a request for a reasonable accommodation, but may, where the individual facts warrant, determine that allowing the move would pose an undue financial and administrative burden to the PHA. Such determination is subject to review by the local HUD office, as well as by the HUD Office of Fair Housing and Equal Opportunity in the event a complaint is filed alleging a failure to grant a reasonable accommodation.

With respect to voucher extensions of time, both receiving and initial PHAs should consider that individuals with disabilities and families that include a member with a disability may require additional time to locate a suitable unit. Such households may also request an extension of time as a reasonable accommodation. Reasonable accommodation requests could also be made in the following areas: requesting that specific receiving PHA policies are provided to the family under the explanation of how portability works, requesting additional details about a receiving PHA when selecting the receiving PHA, and requesting a larger unit size.

**b. Limited English Proficiency (LEP) and Effective Communication with Individuals with Disabilities.** In communications and making written information available to families (including Appendix B below), PHAs must ensure that such information is available in appropriate languages to ensure access for persons with LEP. See HUD's LEP guidance at [http://www.lep.gov/guidance/HUD\\_guidance\\_Jan07.pdf](http://www.lep.gov/guidance/HUD_guidance_Jan07.pdf). For further information regarding LEP requirements, see [www.lep.gov](http://www.lep.gov).

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 consistent with Section 504 of the Rehabilitation Act, the Americans with Disabilities Act, and their implementing regulations. PHAs must provide appropriate auxiliary aids and services necessary to ensure effective communication, which includes ensuring that information is provided in

appropriate accessible formats as needed, *e.g.*, Braille, audio, large type, assistive listening devices, and sign language interpreters. See Section 504 requirements regarding effective communication requirements for persons with disabilities in 24 CFR 8.6 and ADA Title II requirements at 28 CFR Part 35, Subpart D. In addition, for more information regarding effective communication requirements under the ADA, which are similar to the requirements under Section 504, see the U.S. Department of Justice's Effective Communication guidance at <http://www.ada.gov/effective-comm.htm>.

**4. Family Briefing.** When a family is first selected to participate in the HCV program, regulations require that the PHA give the family an oral briefing and an information packet, which include information on a specific set of subjects listed in regulation. The following paragraphs focus only on changes to the required contents of family briefings resulting from publication of the final portability rule. The full list of required oral briefing subjects can be found at 24 CFR § 982.301(a), and the full list of required briefing packet subjects at 24 CFR § 982.301(b). PHAs must make any necessary revisions to their current materials and to the delivery of the oral briefing to comply with the changes described below.

**a. How Portability Works.** Regulations require that an explanation of how portability works is provided as part of both the oral briefing and the briefing packet to all families, not just to those families who are eligible to move under portability. Also, PHAs must explain to families who elect to move under portability how differences in the receiving PHA policies may affect the family's assistance through screening criteria, subsidy standards, payment standards and any other elements of the portability process which may affect the family's assistance. For example, the receiving PHA might have more stringent policies related to screening for criminal backgrounds which may impact the family's assistance.

PHAs are generally not required to research and provide families with specific receiving PHA policies. Instead, the requirement is for initial PHAs to make the family aware that the receiving PHA's policies may be different and how that may impact the family's assistance.



See Appendix B for a sample “how portability works” handout. This is meant to serve as a tool that may be used by PHAs in meeting this requirement. PHAs are not required to use Appendix B.

**b. Advantages of Moving to Areas with Low Concentrations of Low Income Families.**

HCV regulations now require that an explanation of the advantages of moving to an area that does not have a high concentration of low income families be provided to all families, not just to families currently living in high-poverty census tracts. This explanation is to be provided as part of the oral briefing and the information packet. PHAs no longer need to identify whether a family lives in a high-poverty census. For purposes of this section, PHAs may follow HUD’s definition of Concentrated Areas of Poverty under the AFFH Tables and Mapping Tool (see section 4.e below for the definition).

PHAs may use research that shows positive outcomes on voucher families who move to low-poverty areas, to prepare materials and in delivering information on the advantages of moving to areas with low concentration of low income families. For example, research has shown that moving to areas of low-poverty concentration has strong positive physical and mental health effects. Research has also shown that those families who lived in low-poverty neighborhoods for a longer period had an increased likelihood of finding employment and having higher incomes, and their children also had higher scores in school and were more likely to enroll in college.

The following research papers/reports include some of the resources available to PHAs:

- (1) *“The Impacts of Neighborhoods on Intergenerational Mobility: Childhood Exposure Effects and County-Level Estimates”* (Raj Chetty and Nathaniel Hendren, 2015) and *“The Effects of Exposure to Better Neighborhoods on Children: New Evidence from the Moving to Opportunity Experiment”* (Raj Chetty, Nathaniel Hendren, and Lawrence Katz, 2015): these studies show how neighborhoods affect upward mobility of low-income children and find that every year of exposure to a better environment improves a child’s chances of success. <http://www.equality-of-opportunity.org/index.php/executive-summaries>.
- (2) *“Benefits of Living in High-Opportunity Neighborhoods”* (Urban Institute, 2012): this brief analyzes and discusses findings from HUD’s Moving to Opportunity (MTO)

demonstration. <http://www.urban.org/research/publication/benefits-living-high-opportunity-neighborhoods>.

(3) *HUD's MTO demonstration*: tested the long-term benefits of helping poor families move from severely distressed housing projects to low-poverty neighborhoods.

[http://www.huduser.org/publications/pdf/MTOFHD\\_fullreport\\_v2.pdf](http://www.huduser.org/publications/pdf/MTOFHD_fullreport_v2.pdf).

**c. Information on Selecting a Unit.** 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. Besides the HUD brochure “A Good Place to Live” there is currently no other HUD provided information on this topic. HUD will notify PHAs if such information is made available in the future.

**d. Voucher Term.** In previous regulation, the PHA was required to explain (as part of the briefing packet) the term of the voucher, and the PHA’s policies on extension or suspension of the voucher term. The PHA is still required to include information in the briefing packet about the term of the voucher, extensions, and voucher suspension. However, the information on voucher suspension must no longer be presented as a PHA policy because current regulation mandates voucher suspension. Instead, the briefing packet must be revised to explain how voucher suspension works under current regulation.

**e. List of Landlords or Other Resources.** Regulations require that a list of landlords known to the PHA who may be willing to lease a unit to the family, or other resources known to the PHA that may assist a family in locating a unit, is provided to families as part of the briefing packet. Generally, this list may include only resources, or only landlords, or both.

PHAs whose jurisdiction includes areas of poverty or minority concentration must ensure that the list covers areas outside of poverty or minority concentration. To meet this requirement, PHAs must do the following:

- (1) Conduct outreach to landlords within the PHA’s jurisdiction with properties outside areas of minority or poverty concentration, so as to develop relationships with such landlords,

market the advantages of participating in the HCV program (e.g., the PHA guarantees a portion of the rent), and increase their interest in participating in the program.

- (2) Include resources that will assist voucher holders in finding units outside areas of minority or poverty concentration, as part of the list. A list of resources is below.

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. PHAs may conduct the activities described above in taking steps to ensure that the list covers these areas.

*Data/Mapping Tools:* PHAs have two options for determining whether an area is a poverty or minority concentrated area:

- (1) 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, R/ECAPs, the location of other assisted housing, segregated and integrated areas, and access to proficient schools, jobs, and transportation. The maps show the census tracts boundaries within a given jurisdiction and highlights those census tracts within a jurisdiction or region that are R/ECAPs. PHAs may overlay neighborhood maps of their jurisdictions to see how the tract boundaries overlap with neighborhoods in the community. HUD's AFFH Data and Mapping Tool and User Guide can be found on HUD's website at the following address: <https://www.hudexchange.info/resource/4867/affh-data-and-mapping-tool/>.
- (2) The Federal Financial Institutions Examination Council's (FFIEC) Geocoding/Mapping System (<https://geomap.ffiec.gov/FFIECGeocMap/GeocodeMap1.aspx>) provides information for specific addresses on MSA median family income, census tract median family income, tract percentage below the poverty line, tract minority population, tract minority percentage, and related topics.

*Definition of R/ECAPs:* HUD's AFFH Data and Mapping Tool defines R/ECAPs as<sup>2</sup>:

- (1) Tracts with a non-white population of 50% or more (20% or more for non-metro areas), and
- (2) Tracts with a poverty rate of more than 40% or at least 3 times the average tract poverty rate for the metropolitan/micropolitan area, whichever is lower.

*Resources:* Resources that may assist voucher holders in finding units outside areas of minority or poverty concentration include, but are not limited to:

- (1) Information on how to use Zillow, Craigslist, and other search tools used by mainstream renters.
- (2) Mobility counseling resources, either managed by the PHA or by another organization such as a HUD-assisted housing counseling agency. A list of HUD approved housing counseling agencies, searchable by whether they provide mobility and relocation counseling, can be found at <http://www.hud.gov/offices/hsg/sfh/hcc/hcs.cfm?weblistaction=summary>.

These same resources may also be used to assist voucher holders in finding units outside R/ECAPs, segregated areas, and areas with disparities in access to opportunity.

Questions about which areas the list must cover to meet fair housing requirements should be addressed to your local HUD fair housing office. You may find HUD's Office of Fair Housing and Equal Opportunity directory at the following address:

[http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/fair\\_housing\\_equal\\_opp/theodir](http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/theodir).

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<sup>2</sup> More information can be found at the following address:

[https://www.huduser.gov/portal/sites/default/files/docs/AFFH\\_Data\\_Documentation\\_12\\_31\\_2015.docx](https://www.huduser.gov/portal/sites/default/files/docs/AFFH_Data_Documentation_12_31_2015.docx).

**5. Suspension of the Term of the Voucher.** During the initial or extended term of the voucher, the family is required to submit a Request for Tenancy Approval (Form HUD-52517). The term of the voucher is suspended starting when the Request for Tenancy Approval is submitted to the PHA until the PHA notifies the family in writing whether the assisted tenancy has been approved or denied. This provision applies to all families who are leasing a unit (not just to families under portability). Suspension applies even if a family that submits a Request for Tenancy Approval decides to cancel such request. In such cases, the suspension ends when the PHA learns of the cancellation. Under portability procedures, the requirement to suspend the term of the voucher applies to the receiving PHA only. See section 14.b below for more information on the impact of suspension on the initial billing deadline.

**6. Denying Family Requests to Move.** This section outlines the process for denying a family's request to move, including when the PHA may deny a family's request to move, when the PHA must deny the family's request to move, and Violence Against Women Act (VAWA) requirements. See section 7 below for additional details on denying families' request to move due to insufficient funding.

**a. Mandatory Denial of a Family Request to Move.** PHAs must deny the move for applicants who are not income eligible in the receiving PHA's jurisdiction. Moves must also be denied for families that have moved out of their assisted unit in violation of the lease. See Section 6.c below for exceptions under VAWA.

**b. Discretionary Denial of a Family Request to Move.** PHAs may deny a family's request to move under the following program regulations:

- (1) The family's action or failure to act as described in 24 CFR § 982.552 or 982.553.
- (2) 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). These policies include prohibiting any move by the family within the initial lease term and prohibiting more than one move by the family during any one-year period. A PHA must not establish a

policy that restricts families from moving only at the time of their annual reexamination. These policies must be consistent with applicable civil rights laws and regulations. See section 3 above.

- (3) The PHA has insufficient funding for continued assistance in accordance with 24 CFR § 982.354(e)(1). See section 7 below for more information.
- (4) The family is a non-resident applicant and is requesting to port. Nonresident applicants have no right to move under portability for 12 months from the time the family is admitted to the HCV program. See 24 CFR § 982.353(c) for the definition of non-resident applicant and other provisions. Initial PHAs may allow the move before the end of this 12 month period.

**c. Violence Against Women Act (VAWA).** As previously noted in HUD Notice PIH 2007-5, the Violence Against Women and Justice Department Reauthorization Act 2005 (VAWA 2005) amended section 8(r) of the U.S. Housing Act to provide an exception to the prohibition against a family moving in violation of the lease. VAWA 2005 provides that the family may receive a voucher and move in violation of the lease if the family has complied with all other obligations of the voucher program and has moved out of the assisted dwelling unit 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. The final rule, HUD Programs, VAWA Conforming Amendments, was published in the *Federal Register* on October 27, 2010. The Violence Against Women Reauthorization Act of 2013 (VAWA 2013) expanded protections to victims of sexual assault. More information on these expanded protections can be found in the “VAWA 2013: Overview of Applicability to HUD Programs” Federal Register Notice, 78 FR 47717, August 6, 2013.

If the circumstances described above exist, the PHA may allow a family to move if the only basis for the denial is that the family is violating the lease agreement. The PHA may request that the family (victim) document or provide written evidence to demonstrate that the violence occurred.

The family has the option of either submitting the HUD-approved certification form (Form HUD-50066<sup>3</sup>) OR third-party documentation, such as:

- (1) A record of a Federal, State, tribal, territorial, or local law enforcement agency (e.g. police), court, or administrative agency; or
- (2) Documentation signed by the victim and signed by an employee, agent or volunteer of a victim service provider, an attorney, a medical professional, or a mental health professional from whom the victim has sought assistance relating to domestic violence, dating violence, sexual assault, or stalking, or the effects of abuse, in which the professional attests under penalty of perjury (28 U.S.C. 1746) that he or she believes that the incident of domestic violence, dating violence, sexual assault, or stalking is grounds for protection under 24 CFR part 5, subpart L.

7. **Denying Family Requests to Move - Insufficient Funding.** This section outlines when PHAs may deny moves due to insufficient funding, and describes the steps PHAs must take to deny moves for this reason, including notifying the local PIH field office, establishing policies that address denial of family moves due to insufficient funding, and consequences for improper denial of requests to move due to insufficient funding. This section also provides guidance for how PHAs determine and document the determination of insufficient funding.

If a PHA approves a family's request to move and then subsequently experiences a funding shortfall, the PHA may only rescind the voucher if the family would be allowed to remain in its current unit. If the family cannot remain in the unit (e.g. family has already vacated the unit or family has already notified the owner of their intent to vacate and the owner has re-let the unit to another family) the PHA must not rescind the voucher. The family must be allowed to lease a new unit. This requirement applies to moves within the PHA's jurisdiction and to portability moves.

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<sup>3</sup> Note that Form HUD-50066 is subject to change as a result of publication of the VAWA 2013 Final Rule.

An initial PHA 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.

**a. When a PHA May Deny a Move Due to Insufficient Funding.** A PHA may only deny a request to move due to insufficient funding if all of the following applies:

- (1) The move is to a higher cost unit (for moves within the PHA's jurisdiction) or to a higher cost area (for portability moves). See definitions below.
- (2) The receiving PHA is **not** absorbing the voucher (applicable only to portability moves).
- (3) The PHA would be unable to avoid termination of current participants during the calendar year in order to remain within its budgetary allocation (including any available HAP reserves) for housing assistance payments.

*Higher cost unit:* is defined as a unit which requires a higher subsidy amount due to an increase in the gross rent for the new unit. A PHA **may not** deny requests to move due to insufficient funding if the subsidy for the new unit is equal to or less than the current subsidy being paid for the family.

*Higher cost area:* is defined as 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 (e.g. the receiving PHA issues a 3-bedroom voucher to a family that received a 2-bedroom voucher from the initial PHA). A PHA **may not** deny requests to move due to insufficient funding if the area the family has selected is not a higher cost area.

A PHA may not deny a family request to move under portability if the receiving PHA has confirmed that they will absorb the family into their program. In such cases, the initial PHA has no grounds to deny the portability move under 24 CFR § 982.354(e)(1).

The PHA **must not** deny the move for families moving within the PHA's jurisdiction (even if the new unit is a higher cost unit) if the family must move from their current unit (e.g. the unit failed



HQS, the owner failed to renew the lease, etc.). If the family is moving under portability, the PHA may deny the move under these circumstances if the family is moving to a higher cost area under portability and the receiving PHA is not absorbing the family into their program.

A PHA may not deny a family's request to move due to insufficient funding because it wishes to admit additional families from its waiting list into its voucher program, regardless of whether it has unit months available to do so. 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 (based on PHA policy) are processed. See section 7.d below for more information on PHA policies addressing denial of family moves for insufficient funding.

**b. Notifying the Local PIH Field Office.** 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 and it must include the following:

- (1) A financial analysis that demonstrates insufficient funds are projected to meet the current calendar year projection of expenses. See section 7.c below for more information.
- (2) 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.
- (3) A copy of the PHA's policy stating how the PHA will address families who have been denied moves. The requirements of the policy are described in section 7.d below.

PHAs do not need prior HUD approval to deny a family move for insufficient funding, subject to section 7.e below.

**c. Determining Whether There Is Sufficient Funding.** In projecting whether there is sufficient funding available for the remainder of the calendar year, PHAs 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. PHAs **may not** include projected costs for vouchers issued to families from the waiting list but not yet leased as part of this analysis. Vouchers issued to those on the waiting list cannot be considered an expense for purposes of

determining whether to deny a move due to insufficient funding until such time that HAP contracts are executed and the PHA is legally obligated to make HAP payments. The initial PHA may consider any reported changes in the family's income or composition that may result in a decreased subsidy amount.

A two-year forecasting tool is available on HUD's website at the following address: <http://www.hud.gov/offices/pih/programs/hcv>. This tool is designed to assist PHAs in determining if sufficient funding is available to support a move and is helpful in demonstrating the PHA's determination that sufficient funding is not available. PHAs are not required to use this tool and may choose to use other tools of their own.

**d. PHA Policies Addressing Denial of Family Moves For Insufficient Funding.** The 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:

- (1) How the PHA will inform families of the PHA's local policy regarding moves denied due to insufficient funding (e.g. information contained in briefing packets or in a letter to the tenant at the time the move is denied).
- (2) How long the family's request to move will be open for consideration.
- (3) How the PHA will notify families with open requests when funds become available (which should be no later than January 1<sup>st</sup> of the following calendar year).

**e. Improper Denial of Requests to Move.** If HUD determines that the PHA lacks grounds to deny moves due to insufficient funding, the PHA must immediately inform any affected family and immediately process the family's request to move, regardless of PHA policies as described in section 7.d above. HUD may impose sanctions on PHAs that improperly deny a family's request to move due to insufficient funding. Such sanctions may include a reduction of the PHA's administrative fee of up to 10 percent for the two quarters following the quarter that HUD identified the improper denial. The reduction would be applied to the PHA's prorated administrative fee (assuming that a pro-ration factor applies to the PHA administrative fees

during this period). HUD will consider the circumstances of the particular case in making this determination. Should HUD determine to apply such sanction, the PIH field office with jurisdiction over the PHA will inform the PHA by letter and will send a copy to HUD's HCV FMC and HCV FMD to implement the administrative fee reduction. The general policy described in the preceding paragraph in no way restricts HUD from exercising additional remedial actions or imposing sanctions for PHAs that have improperly denied families' request to move due to insufficient funding.

**8. Portability – Use of Email or Other Delivery Confirmation Method.** 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. This requirement applies to all communications between receiving and initial PHAs referenced in this notice. PHAs are encouraged to establish a generic portability email, and controls for the management of such mailbox, to avoid misplacement of portability emails due to staffing changes at the PHA.

An initial PHA must have a signed and valid HUD-9886 "Authorization for the Release of Information Privacy Act" on file before transmission of income verification information obtained through the Enterprise Income Verification (EIV) system. See PIH Notice 2012-4 "Effective Use of the EIV System" for more information. Also see PIH Notice 2015-6 "Privacy Protection Guidance for Third Parties" for information on requirements for transmittal of Personally Identifiable Information (PII) via email.

**9. Portability - Initial PHA Processing Responsibilities.** This section outlines the responsibilities of initial PHAs in processing a portability move. More information about the billing process, including initial and receiving PHA's responsibilities, is found in sections 11-14 of this notice.

**a. Determining HCV Program Eligibility of Applicant Families that are Requesting to Port.** The initial PHA determines if the family is eligible for participation in the HCV program,

including whether the family is income eligible in the area to which the family wishes to move. The initial PHA determines HCV program eligibility **only** if the family is an applicant family (the family is not currently an HCV program participant).<sup>4</sup> If the family meets all HCV eligibility criteria but is not income eligible in the area to which the family wishes to move, the PHA must inform the applicant family they may not move to that area with continued HCV assistance. But the family may lease a unit in the initial PHA's jurisdiction if the family is HCV eligible (including income eligible) in the initial PHA's jurisdiction.

The receiving PHA's income limits are used in determining income eligibility. Initial PHA policies applicable to determination of family eligibility are used for all other eligibility criteria. See 24 CFR § 982.201 for more information on eligibility criteria for the HCV program.

**b. Determining Eligibility to Move.** Once a family informs the initial PHA of their desire to move under portability and where they want to move to, the initial PHA determines the family's eligibility to move. A family's eligibility to move is determined in accordance with 24 CFR § 982.353 and 24 CFR § 982.354. See sections 15 and 16 below for more information on denying family moves.

**c. Selecting the Receiving PHA.** If more than one PHA administers a voucher program in the area to which the family is moving, the family selects the receiving PHA. The initial PHA must provide the family with the contact information for all of the receiving PHAs that serve the area. The initial PHA may, but is not required to, provide more details about the receiving PHAs (such as whether the receiving PHA administers an FSS or a homeownership program).

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<sup>4</sup> The family becomes an HCV participant on the effective date of the first HAP contract executed by the PHA for the family. 24 CFR 982.4.

If the family requests it, the initial PHA must select the receiving PHA. If the initial PHA is selecting the receiving PHA per the family's request, the initial PHA is not required to provide the contact information for all receiving PHAs in the area.

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 at the following address:

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

If the initial PHA is unable to 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.

**d. Contacting the Receiving PHA.** Once the receiving PHA is selected, regulations require that the initial PHA contact the receiving PHA to determine whether the receiving PHA will bill or absorb the family's voucher. It is the responsibility of the initial PHA, not the family, to contact the receiving PHA to determine whether the receiving PHA will bill or absorb. This information may be critical in determining whether the initial PHA approves or denies the portability request. See sections 15 and 16 below for more information on denying family moves.

**e. Voucher Issuance.** Once the portability request is approved, the initial PHA issues the family a voucher, if it has not already done so.

**f. Advising the Family How to Contact the Receiving PHA.** Once the receiving PHA has been selected and the portability request approved, the initial PHA also advises the family how to contact and request assistance from the receiving PHA. The initial PHA may do so by providing the family with the name, telephone number, and email of the receiving PHA's staff responsible for working with incoming portability families and any procedures related to appointments for voucher issuance the receiving PHA has shared with the initial PHA. Simply referring the family to HUD or to a website for information on the receiving PHA does not fulfill the responsibilities

of the initial PHA under the program regulations. Initial PHAs may fulfill this requirement by providing this information to families during the process of selecting the receiving PHA as described in Section 9.c above.

**g. Notifying the Receiving PHA.** Per regulation, the initial PHA promptly notifies the receiving PHA to expect the family by contacting the receiving PHA on the family's behalf. Initial PHAs may fulfill this requirement during their 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.

**h. Providing the Portability Information.** The initial PHA must send the receiving PHA the documents listed below. Initial PHAs are encouraged to provide this information when contacting the receiving PHA to notify them that the family is approved to port to the receiving PHA jurisdiction. See Section 8 above for more information on requirements for transmittal of PII.

- (1) Form HUD-52665. The initial PHA completes and sends Part I of this form to the receiving PHA.
- (2) The most recent HUD Form-50058 (Family Report) for the family. Note that in the case of an applicant family, the initial PHA has not yet completed the HUD-50058 in its entirety because the family is not yet a new admission. See section 18 below for more information on PIC data entry and page 70 of the Form HUD-50058 Instructions Booklet for sections to be completed at the time of voucher issuance. The initial PHA must provide the partially completed HUD-50058 for the applicant family to the receiving PHA. And, income information in a format similar to the Form HUD-50058 so that the information is easily available for use by the receiving PHA.
- (3) All related verification information.
- (4) A copy of the voucher signed by the participant and the PHA.

**i. Special Purpose Vouchers.** The initial PHA must submit any special purpose voucher codes (i.e., HUD-VASH, NED, FUPF/FUPY, NHT) on line 2n of the Form 50058. Initial PHAs

are required to administer special purpose vouchers in accordance with any HUD-established alternative program requirement, including any portability alternative requirement.

Currently, only the HUD-VASH program has alternative portability requirements, which may be found in Section G of the Federal Register (FR) Notice “*Section 8 Housing Choice Vouchers: Revised Implementation of the HUD-VA Supportive Housing Program.*” This FR notice can be found at the following address: <http://www.gpo.gov/fdsys/pkg/FR-2012-03-23/pdf/2012-7081.pdf>. While no other special purpose voucher program has alternative portability requirements, portability information for the Family Unification Program (FUP) program can be found in the FUP FAQs at the following address:

[http://portal.hud.gov/hudportal/documents/huddoc?id=fupfaqs\\_dec2012.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=fupfaqs_dec2012.pdf). And, there are specific portability provisions that apply to the Family Self-Sufficiency (FSS) 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.

**10. Portability - Receiving PHA Processing Responsibilities.** This section outlines the responsibilities of receiving PHAs in processing a portability move. More information about the billing process, including initial and receiving PHA’s responsibilities, is found in sections 11-14 of this notice. Also, see section 11 for more information about the receiving PHA’s responsibilities after a portability family has leased a unit in its jurisdiction.

**a. Requirement to Administer Assistance.** The receiving PHA cannot refuse to assist an incoming family or direct them to a neighboring PHA for assistance. This includes having a policy of denying an incoming portability family if there is not a set number of days left on the initial PHA’s voucher. Receiving PHAs may not have such a policy.

Under certain circumstances, HUD may exempt a receiving PHA from the requirement to assist an incoming portability family. The receiving PHA can only refuse to assist a portability family after receiving written approval from HUD. The receiving PHA initiates requests to deny

administration of portability vouchers by sending a written request to the Director of the local PIH field office. The request must, at a minimum, address the circumstances that prevent the receiving PHA from processing incoming portability families, including any documentation supporting the request. The local HUD office, at its discretion, may request additional information deemed necessary to process the request. The local PIH field office Director will render a decision in writing to the PHA within 30 days from receipt of the PHA's request. Such requests are meant only for extreme circumstances, such as when the receiving PHA is in a presidentially declared-disaster area. Also, see the exception discussed in section 10.b below.

**b. 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. For 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. The receiving PHA may refuse to assist a portability family by referring the family back to the initial PHA, or terminate the family's HCV participation, on any of the grounds in 24 CFR § 982.552 or 24 CFR § 982.553. The receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit until the rescreening processes are completed. However, receiving PHAs may take subsequent action against the family (as explained in the preceding sentence) based on the results of the rescreening.

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. This is because the regulatory meaning of both denial of assistance (applicants) and termination of assistance (participants) specifically includes refusing to process or provide assistance under the portability procedures. If the receiving PHA refuses the portability move, the initial PHA is not precluded from assisting the family either in the initial PHA jurisdiction or by allowing the family to port to another receiving PHA's jurisdiction in accordance with the portability procedures.



PHAs must ensure that any admissions or occupancy requirements they impose comply with applicable civil rights requirements contained in the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, and the Americans with Disabilities Act of 1990, and the other equal opportunity provisions listed in 24 CFR § 5.105. In using admissions or occupancy requirements that relate to the use of criminal background, PHAs must also ensure that such requirements are consistent with Notice PIH 2015-19 (Nov. 2, 2015), *Guidance for Public Housing Agencies (PHAs) and Owners of Federally-Assisted Housing on Excluding the Use of Arrest Records in Housing Decisions*, at <http://portal.hud.gov/hudportal/documents/huddoc?id=PIH2015-19.pdf>.

If the receiving PHA takes action against the family as described in the preceding paragraphs, 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 982.555. The participant/applicant status of the family is identified by the initial PHA under the Certification Statement under Part I of form HUD 52665.

**c. Responding to the Initial PHA.** Once the initial PHA contacts the receiving PHA to inquire whether the receiving PHA will bill or absorb, the receiving PHA must respond by email or other confirmed delivery method to the initial PHA's inquiry. **If the receiving PHA notifies the initial PHA that they will absorb the voucher, the receiving PHA cannot reverse its decision at a later date without the initial PHA's consent.** This prevents placing a financial hardship on the initial PHA and putting a family that has already terminated the lease, vacated their assisted unit, and moved to the new jurisdiction at risk of losing their assistance.

**d. Expired Initial PHA Voucher.** If the initial PHA's voucher has already expired when the family arrives at the receiving PHA, regulations require the receiving PHA to contact the initial PHA to determine whether it will extend the voucher term. If the initial PHA extends the voucher, the receiving PHA processes the ported family and the receiving PHA's voucher expiration date will be based on the initial PHA's extended deadline (see section 10.f below for an example of this policy). An informal hearing is not required when a voucher has expired without the family leasing

a unit. This is because regulations at 24 CFR 982.555(b) do not require an informal hearing for a PHA determination not to approve an extension of a voucher term. In determining whether to grant an extension of the voucher term, PHAs must follow their own policies as addressed in their HCV administrative plan.

**e. Determining the Unit Size.** The receiving PHA is required by regulation to determine the family unit size for the family, and base its determination on its own subsidy standards.

**f. Voucher Issuance.** After receiving the form HUD-52665 and supporting documentation from the initial PHA, the receiving PHA must promptly issue a voucher to the family for its search in the receiving PHA's jurisdiction. HUD expects the receiving PHA to process the family's paperwork and issue the family a voucher within two weeks of receiving the HUD-52665 and supporting documentation provided the information is in order, the family has contacted the receiving PHA, and the family complies with the receiving PHA's procedures.

The term of the receiving PHA's voucher may not expire before 30 calendar days from the expiration date of the initial PHA's voucher. For example, if the initial PHA's voucher expires 10/30/2016, the receiving PHA's voucher may not expire before 11/29/2016.

If the initial PHA extends the term of the voucher as explained in section 10.d above, the receiving PHA's voucher may not expire before 30 days from the new expiration date of the initial PHA's voucher. For example, if in the example in the preceding paragraph the initial PHA extends the voucher until 11/30/2016 the receiving PHA voucher may not expire before 12/30/2016. Receiving PHAs may extend the voucher beyond this additional 30 days (see section 10.g below on voucher extensions).

The receiving PHA may delay issuance of the voucher or approval of the unit if the family refuses to comply with the receiving PHA's procedures. In any case where the receiving PHA is refusing to process or provide assistance under the portability procedures, the family must be

given the opportunity for an informal review or hearing in accordance with 24 CFR § 982.554 or 982.555.

**g. Voucher Extensions.** The receiving PHA may subsequently extend its own voucher's term. Any extensions of search time provided by the receiving PHA are only valid for the family's search in the receiving PHA's jurisdiction. **The receiving PHA is required by regulation to inform the initial PHA of any extensions of the voucher term.**

When extending the voucher, receiving PHAs should consider the billing deadline (see section 14.b below for billing deadline information). The receiving PHA must ensure that any voucher expiration date leaves sufficient time to process a Request for Tenancy Approval, execute the HAP contract, and cover the anticipated delivery time (if the PHA is not submitting the billing information by fax or email) of the initial billing. If the initial billing is not received by the initial PHA by the deadline date, the receiving PHA will have to absorb the voucher unless the initial PHA accepts the late billing.

**h. Reexaminations.** Receiving PHAs may choose to conduct a new income reexamination for a participant family. In such cases, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit until those processes are completed. However, the PHA may take subsequent action against the family based on the results (e.g., recalculating the HAP payment based on updated income information).

In the case of an applicant family, 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. As a reminder, the receiving PHA does not re-determine income eligibility for a portable family that was already receiving voucher assistance.

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

**j. Notifying the Initial PHA.** Regulations require the receiving PHA to promptly notify the initial PHA if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher.

**k. Absorption of the Ported Voucher.** 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.

Although a receiving PHA notifies the initial PHA of its intent to absorb an incoming family early in the portability process, 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. False processing of portability paperwork (sham portability moves) to address a PHA's utilization or leasing problems is prohibited. If the family does not move to a different unit and is not placed under a HAP contract in the receiving PHA's jurisdiction, the receiving PHA cannot absorb the family.

The receiving PHA may also absorb a family for which it was billing by terminating the billing arrangement with the initial PHA. In such cases, the receiving PHA must send form HUD-52665 to the initial PHA. The receiving PHA selects option 8 under Part II-B of such form. See section 16 below for more information.

**11. Portability - Receiving PHA Ongoing Responsibilities.** This section outlines the ongoing responsibilities of receiving PHAs once a ported family leases a unit in the receiving PHA's jurisdiction.

**a. Special Purpose Vouchers.** The receiving PHA must maintain any special purpose voucher codes (i.e., VASH, NED, FUPF/FUPY, NHT) on line 2n of the Form 50058 as long as it is billing for the family. Receiving PHAs are required to administer special purpose vouchers in accordance with any HUD-established alternative program requirement, including any portability alternative requirement.

Currently, only the HUD-VASH program has alternative portability requirements, which may be found in Section G of the Federal Register (FR) Notice "*Section 8 Housing Choice Vouchers: Revised Implementation of the HUD-VA Supportive Housing Program.*" This FR notice can be found at the following address: <http://www.gpo.gov/fdsys/pkg/FR-2012-03-23/pdf/2012-7081.pdf>. While no other special purpose voucher program has alternative portability requirements, portability information for the Family Unification Program (FUP) program can be found in the FUP FAQs at the following address:

[http://portal.hud.gov/hudportal/documents/huddoc?id=fupfaqs\\_dec2012.pdf](http://portal.hud.gov/hudportal/documents/huddoc?id=fupfaqs_dec2012.pdf). And, there are specific portability provisions that apply to the Family Self-Sufficiency (FSS) 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.

**b. Updated Form HUD-50058.** 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. Receiving PHAs send the updated HUD-50058 regardless of whether there is a change in the billing amount. A copy of Form HUD-50058 must also accompany the submission of a portability form (HUD-52665) reporting any changes in the billing amount. See Section 14.e for more information.

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. This notification serves as a "reconciliation" to assist both PHAs in fulfilling their accounting and record-keeping responsibilities. 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.

**c. Failure to Send the Updated Form HUD-50058.** 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. Initial PHAs should make a first attempt at resolving any late submissions of the updated form 50058 with the receiving PHA. Should such attempts fail to result in a resolution, initial PHAs may seek assistance from their local PIH field office. If assistance from the local PIH field office also fails to result in a resolution, the initial PHA may seek absorption of the vouchers in question by following the steps below. PHAs are reminded to document all communications between agencies and to retain a record of all transactions between PHAs.

- (1) The initial PHA may request absorption of the vouchers in question by memorandum to their local PIH field office Director. A copy of the initial notification and any subsequent correspondence between the PHAs on the matter must be attached to the memorandum. A copy of the memorandum must be sent to the receiving PHA.
- (2) The local PIH field office will notify the local PIH field office with jurisdiction over the receiving PHA within 15 business days of receiving the initial PHA's memorandum.
- (3) The local PIH field office with jurisdiction over the receiving PHA will provide the receiving PHA with 15 business days to respond and provide any supporting documentation if the receiving PHA is contesting the initial PHA's request.
- (4) The initial PHA's local PIH field office will send a letter to the initial and receiving PHA within 15 business days from the date the receiving PHA's response was due indicating whether the initial PHA's request was approved. A copy of the letter must be sent to the

receiving PHA's local PIH field office. Both PIH field offices will work together in making a final determination. If the two PIH field offices cannot agree on a decision, they should contact their respective regional director(s) for resolution.

- (5) If the vouchers are to be absorbed by the receiving PHA, the billing arrangement on behalf of the family or families in question ceases at the end of the month on the date of the local PIH field office letter. For example, if the local PIH field office letter is dated June 15, the billing arrangement ends June 30. **The initial PHA continues to be responsible for any outstanding payments due to the receiving PHA.**

HUD may in certain instances require the initial PHA to honor a late submission of the reexamination documents (such as where 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). In such a case HUD may take action to address the receiving PHA's failure to submit the notification in a timely manner, which may include reducing the receiving PHA's administrative fee.

**d. Family Decides to Port to Another Jurisdiction.** 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. The initial PHA is responsible for issuing the family a voucher and following the procedures outlined in section 9 above. Good communication between all three PHAs is crucial in these cases.

**12. Portability – Administrative Fees.** With the release of the HCV administrative fee study, the formula for determining administrative fee amounts owed under portability may change. Until such time as a change in the administrative fee formula is implemented through rulemaking, the requirements of this notice continue to apply.

The administrative fee structure changed with the release of the final portability rule. Revised regulations at 24 CFR § 982.355(e)(3) now provide that 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 for each program unit under HAP contract on the

first day of the month for which the receiving PHA is billing the initial PHA. The example below illustrates how administrative fees are now calculated. **Initial and receiving PHAs continue to have discretion to negotiate and agree to a different administrative fee amount.**

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. HUD publishes the administrative fee rates every year. The posted administrative fees are found at [www.hud.gov/offices/pih/programs/hcv](http://www.hud.gov/offices/pih/programs/hcv).

Proration due to insufficient administrative fee funding will apply to the administrative fee amount for which the receiving PHA may bill the initial PHA. That is, when determining the administrative fee amount, proration will be applied to both the initial and receiving PHA’s administrative fee rate. Information on administrative fee proration for portability billing purposes will be provided in the administrative fee rate guidance published by HUD every year in the following webpage:

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

The administrative fee amounts may be used for the entire calendar year to avoid the need for PHAs to re-calculate their portable fees each quarter, unless otherwise instructed by HUD.

*Example:* administrative fee proration for the year is 79%. The initial PHA’s column B administrative fee rate is \$60.59 per voucher. The receiving PHA’s column B administrative fee rate is \$42.05 per voucher. The receiving PHA bills the initial PHA for \$33.21 [the lesser of: (1) \$38.29 ( $\$60.59 \times 0.79 \times 0.8$ ) or (2) \$33.21 ( $\$42.05 \times 0.79$ )]. See the table below for a visual representation of this example.

<b>PHA A (initial PHA)</b>	<b>Column B Rate x Proration x 0.8</b> *admin fee proration in this example is 79%
	\$ 60.59 x 0.79 x 0.8 = \$38.29



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

On September 16, 2015, HUD sent a letter to PHAs providing initial guidance in response to several issues raised after publication of the final portability rule. A follow-up email was sent on October 15, 2015. All of the provisions of the letter and email have been incorporated into this notice. As it relates to changes in the billed administrative fee amount resulting from publication of the final portability rule, the letter instructed receiving PHAs to send an updated form HUD-52665 to the initial PHA no later than October 30, 2015. The follow-up email clarified that the effective date of the change would be no earlier than October 1, 2015. If the initial PHA wished to start sending the new lesser amount at a date after October 1, 2015, it could do so. Changes to the administrative fee amount as a result of publication of the final portability rule apply to all vouchers under a billing arrangement. HUD may take action in cases where the receiving PHA failed to send the Form HUD-52665 by October 30, 2015, including but not limited to, instructing initial PHAs to offset future monthly payments until the overpayment is reconciled.

**13. Portability - Summary of Portability Billing Deadlines:** The following table summarizes portability billing deadlines by submission type and cross-references the relevant sections of this notice.

**Table: Portability Billing Deadlines**

<b>Submission Type:</b>	<b>Deadline:</b>	<b>Section of this Notice:</b>
Initial Billing	90 days from the expiration date of the initial PHA's voucher.  *30 additional days if delayed billing is due to suspension of the voucher's term.	section 14.b
Initial Payment	30 days from receipt of initial billing.	section 15.a
Subsequent Payments	5 <sup>th</sup> business day of the month.	section 15.a
Change in the Billing Amount	10 business days from effective date of the change.	section 14.e

Submission Type:	Deadline:	Section of this Notice:
Termination of Billing Arrangement	10 business days from effective date of termination.	section 16

**14. Portability – Billing the Initial PHA.** Regulations at 24 CFR § 982.355(e) provide that the receiving PHA may bill the initial PHA for housing assistance payments (HAP) and administrative fees to fund the assistance for a portable family. This section outlines the process of billing the initial PHA, including completing form HUD-52665, deadlines for initial billings submitted by receiving PHAs, late initial billings, and changes to the billing amount.

In many cases billing difficulties result from miscommunication between agencies. HUD encourages PHAs to work cooperatively to resolve billing difficulties, so that any potential hardship on participants or unnecessary administrative burden is avoided.

**a. Form HUD-52665.** The initial PHA must enter the date by which the initial billing must be received by the initial PHA on Part I, line 9 of the form. The receiving PHA must complete and send Part II of Form HUD-52665 with sufficient time so that it is received by the initial PHA on or before the initial billing deadline. See section 14.b below for information on the initial billing deadline.

If the receiving PHA will bill the initial PHA, the receiving PHA must: (1) complete and send Part II of the Form HUD-52665 and (2) attach a copy of the new Form HUD-50058. See section 8 above for more information on communications between PHAs, including requirements for transmittal of Personally Identifiable Information via email. Note that Part II-B of form HUD-52665 has several options and more than one of those options may be applicable to each receiving PHA submission of the form. As it relates to the initial portability billing submission, both options 3 and 10 under Part II-B must be completed.

**b. 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. For

example, if the initial PHA's voucher expires 10/30/2016, the initial billing deadline is 01/28/2017.

In cases where suspension of the term of the voucher will delay the initial billing submission, the receiving PHA must notify the initial PHA of the delayed billing before the billing deadline and document that the delay is due to the suspension of the voucher term. If the receiving PHA meets these requirements, 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.

**c. Late Initial Billings.** The initial PHA is generally not required to honor initial billings that are not received by the initial billing deadline. If the initial PHA has not received a billing notice by the deadline and determines that it will not accept a late billing, the initial PHA must inform the receiving PHA of this decision in writing. If the initial PHA still subsequently receives a late billing notice on behalf of the family, it returns the late Form HUD-52665 to the receiving PHA. **A receiving PHA that failed to send the initial billing by the billing deadline is generally required to absorb the family into its own program unless the initial PHA is willing to accept the late submission.**

HUD may require the initial PHA to accept the late billing in certain cases (such as where 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). In such cases, HUD may subsequently transfer units and funding from the receiving PHA to the initial PHA when it is feasible. The initial PHA may contact HUD to report the receiving PHA's failure to submit the bill in accordance with these procedures. HUD may take action to address the receiving PHA's failure to submit the bill on time, including reducing the receiving PHA's administrative fee.

**d. Mid-month Moves.** If the effective date of the HAP is on a date other than the first of the month, the receiving PHA cannot bill for administrative fees for that month. This is because administrative fees are earned for each program unit under HAP contract on the first day of the month. Receiving PHAs may bill for the pro-rated HAP amount to the new landlord for a partial

month. Receiving PHAs may also bill for the full HAP paid to the previous landlord, if the receiving PHA has a policy of paying full HAP to the previous landlord on the move-out month. This is because ported vouchers are administered in accordance with receiving PHA policies.

*Example:* The family leases a unit and the HAP is effective on 10/13/16. The receiving PHA cannot bill for administrative fees for the month of October. The receiving PHA starts billing for administrative fees in November and may bill for the pro-rated HAP amount for October.

**e. Changes in the Billing Amount.** The receiving PHA must send a new Form HUD-52665 to report a change in the billing amount along with form HUD-50058. As it relates to changes in the HAP amount, both options 4 and 10 under Part II-B of form HUD-52665 must be completed.

Receiving PHAs must notify the initial PHA of changes in the billing amount no later than 10 business days following the effective date of the change. HUD strongly encourages receiving PHAs to notify the initial PHA of billing changes at the same time that it notifies the owner and the family in order to provide the initial PHA with advance notice of the change.

**If the receiving PHA fails to send the Form HUD-52665 and Form HUD-50058 within 10 business days following the effective date of the HAP change, the initial PHA is 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, the initial PHA will offset future monthly payments until the difference is reconciled.** The examples below illustrate this policy.

*Example of an Increase:* The HAP amount increased effective 10/1/2016. The initial PHA did not receive the revised HUD-52665 and HUD-50058 until 12/9/2016. The initial PHA is not responsible for payment of any increase in the billing amount prior to the payment for 01/2017.

*Example of a Decrease:* The HAP amount decreased by \$50 effective 10/1/2016. The initial PHA did not receive the revised HUD-52665 and HUD-50058 until 1/10/2017. The initial PHA paid an additional \$200 (\$50 for October, November, December and January) and would offset this amount in future payments.

**15. Portability – Billing Payments.** This section outlines the billing payment process, including deadlines for billing payments made by the initial PHA and transfer of units and funding as a result of late payments. In many cases billing difficulties simply result from miscommunication between agencies. HUD encourages PHAs to work cooperatively to resolve billing difficulties, so that any potential hardship on participants or unnecessary administrative burden is avoided.

**a. Initial and Subsequent Billing Payments.** The initial PHA must pay the initial billing amount within 30 calendar days of receipt of Form HUD-52665. Subsequently, the initial PHA must pay **no later than the fifth business day of each month** for each month that the billing arrangement is in effect. The payment must be provided in a form and manner that the receiving PHA is able to accept.

**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. PHAs may only terminate HAP contracts to which they are a party to address insufficient funding in accordance with 24 CFR § 982.454.**

**b. Transfer of Units and Funding as a Result of Late Payments.** Program regulations at 24 CFR § 982.355(f)(1) provide that HUD may transfer funds for assistance to portable families to the receiving PHA from funds available under the initial PHA's ACC. Upon request from the receiving PHA, HUD may exercise this authority in cases where the initial PHA fails to comply with the initial and subsequent monthly billing payment due dates described in section 15.a above. Notwithstanding the transfer policies described below, failure to comply with HUD's financial procedures, including the billing and payment deadlines outlined above, may also result in the reduction of administrative fees.

The steps below outline the process for requesting the transfer of baseline units and funding from the initial to the receiving PHA. The PIH field office with jurisdiction over the receiving PHA is the lead HUD office in resolving any dispute over the timeliness of the billing payments. After examining the documentation submitted by the PHAs the lead field office determines if the billing payments were late.

Receiving PHAs should make a first attempt at resolving any late billing payments with the initial PHA. Should such attempts fail to result in a resolution, receiving PHAs may seek assistance from their local PIH field office. If assistance from the local PIH field office also fails to result in a resolution, the receiving PHA may seek transfer of the units and funding in question by following the steps below. PHAs are reminded to document all communications between agencies and to retain a record of all transactions between PHAs.

- (1) The receiving PHA may request by memorandum to the Director of the local PIH field office with jurisdiction over the receiving PHA (the lead PIH field office) that HUD transfer the unit or units and funding in question. A copy of all correspondence between the PHAs on the matter must be attached.
- (2) The lead PIH field office will notify the initial PHA of the request within 15 business days of receipt of the receiving PHA's request. This notice will include the amount of time the initial PHA has to respond (as described in step 3 below). A copy of this notification will be sent to the PIH field office director in the PIH field office with jurisdiction over the initial PHA.
- (3) The initial PHA must respond to the lead PIH field office's notice within 15 business days. If the initial PHA is contesting whether the billing payments were late, it must provide supporting documentation in their response.
- (4) The lead PIH field office will render a decision no later than 15 business days following the deadline by which the initial PHA had to respond to the lead PIH field office's memorandum.
- (5) If the lead PIH field office determines that the payments in question were late, it will send a memorandum to the Housing Choice Voucher Financial Management Division indicating the number of units to be permanently transferred from the initial PHA to the receiving PHA.

The number will correspond with the number of families for which billing payments were late. A copy of this memorandum will be sent to the PIH field office with jurisdiction over the initial PHA and to both PHAs.

(6) After receipt of the lead PIH field office's memorandum, HUD will reduce the baseline number of units and budget authority from the initial PHA's ACC and increase the baseline number of units and budget authority on the receiving PHA's ACC. HUD will use the revised baseline numbers to readjust the funding.

(7) The billing arrangement on behalf of the family or families in question ceases with the transfer of the unit or units. **The initial PHA continues to be responsible for any outstanding payments due to the receiving PHA.**

**16. Portability - Terminating a Billing Arrangement.** This section outlines the process of terminating a billing arrangement with the initial PHA. A billing arrangement is terminated when the receiving PHA absorbs the family into its program after having billed the initial PHA or when the HAP contract is terminated for any reason.

**a. Notifying the Initial PHA.** The receiving PHA **must** send 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. As it relates to terminating a billing arrangement, Part II-B options 7, 8, or 9 of form HUD-52665 may be applicable.

**b. Retroactive Absorption.** Retroactive absorptions are not allowed. However, receiving PHAs have 10 business days from the effective date of the absorption to send an updated form HUD-52665 to the initial PHA. This may result in absorptions that are retroactive but for no more than 10 business days.

There is one exception to the limitation on retroactive absorptions. If an initial PHA requests that the receiving PHA absorb ported vouchers as a way of avoiding terminations of assistance due to a funding shortfall, the receiving PHA may retroactively absorb families for which the receiving PHA was previously billing. In these cases, the receiving PHA reimburses the initial

PHA for payments back to the effective date of the absorption but only for the current calendar year. This cost saving strategy is consistent with PIH Notice 2011-28, Cost-Savings Measures in the Housing Choice Voucher (HCV) Program.

**c. Receipt of Payments for Billing Arrangements No Longer in Effect.** In all cases where 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.

If billing payments have continued for billing arrangements no longer in effect, HUD may take the following actions:

- (1) Direct the receiving PHA not to utilize their administrative fee reserve account in accordance with 24 CFR § 982.155(b)(3).
- (2) Reduce the receiving PHA's administrative fees by up to 10 percent of the monthly billing amount (HAP and Administrative Fee) in question for each month the payments continued after the billing arrangement was terminated. The reduction would be applied to the PHA's prorated administrative fee (assuming that a pro-ration factor applies to the PHA administrative fees during this period). HUD will consider the circumstances of the particular case in making this determination. For example, if the receiving PHA was billing the initial PHA \$600 a month on behalf of a family and collected four monthly billing payments beyond the billing arrangement termination date (for a total of \$2,400), the receiving PHA is responsible for returning \$2,400 to the initial PHA. In addition, HUD may reduce the PHA's administrative fee by up to \$240 as sanction for failing to terminate the billing arrangement in a timely manner.

Should HUD decide to take any of the actions described above, the PIH field office with jurisdiction over the receiving PHA will send a letter to the receiving PHA informing the receiving PHA of such action. The PIH field office must send a copy of the letter to the HCV Financial Management Center (FMC) and the HCV Financial Management Division (FMD). HUD may also further reduce the administrative fee if the receiving PHA does not promptly



return the overpayment to the initial PHA. This general policy does not in any way restrict the PIH field office Director from exercising additional remedial action.

See Appendix A for guidance on how to record refunded amounts in the financial records by both the initial PHA and the receiving PHA.

**17. Portability and Project-based Assistance.** In accordance with 24 CFR § 983.2(b)(2), provisions on portability do not apply to the project-based voucher (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.

**18. PIC Data Entry.** This section summarizes the action codes to use for ported families when completing Form HUD-50058. It is crucial that PHAs enter timely and accurate information on portability families, as this data is used by HUD when determining whether a PHA is eligible for any additional funding that may be available for PHAs that are paying portability costs above their normal average costs. HUD encourages PHAs to review PIC records periodically to ensure they are properly identified.

**a. Type of Action – Line 2a.** The table below summarizes the action code submission associated with portability moves. Further details about each submission type are also addressed after the table.

**Table: Action Code Submission for Portability Moves**

<b>Responsible PHA</b>	<b>Event</b>	<b>Type of 50058 Submission</b>
Initial PHA	Applicant family ports	Voucher Issuance (action code 10)

<b>Responsible PHA</b>	<b>Event</b>	<b>Type of 50058 Submission</b>
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

*New Admission (action code 1):* the receiving PHA classifies the family as a new admission if the family exercises portability with its first admission into the voucher program. This family (generally off the waiting list) would have received a voucher for the first time from the initial PHA and exercised portability without ever having leased an assisted unit in the initial PHA’s jurisdiction.

*Portability Move-in (action code 4):* the receiving PHA classifies the family as a portability move-in if the family moves into a receiving PHA’s jurisdiction after being previously assisted by an initial PHA regardless of whether the receiving PHA absorbs the family or bills the initial PHA. The portability move-in code is used even if the receiving PHA chooses to conduct a new reexamination of income for a participant family.

*Portability Move-out (action code 5):* the initial PHA classifies the family as a portability move-out if the family moves out of an initial PHA’s jurisdiction, where it had been previously assisted, regardless of whether the receiving PHA bills the initial PHA or absorbs the family. Reporting of changes in the family’s income or composition after a portability move-out is the responsibility of the receiving PHA. See paragraph below on how initial PHAs code applicant families.

*Issuance of Voucher (action code 10):* Receiving PHAs must enter an action code 10 before submission of an action code 1 (New Admission) and an action code 4 (Portability Move-in). Initial PHAs must enter an action code 10 for families that exercise a portability move with their first admission into the voucher program. See page 70 of the Form HUD-50058 Instructions Booklet for sections to be completed at the time of voucher issuance.

**b. Effective Date of Action - Line 2b.** Enter the effective date as provided below:

*New Admission (action code 1):* enter the effective date of the HAP contract for the family.

*Portability Move-in (action code 4):* enter the effective date of the HAP contract for the family.

*Portability Move-out (action code 5):* enter the date the family moves out of the initial PHA's jurisdiction.

*Issuance of Voucher (action code 10):* enter the effective date of the voucher. Each PHA enters the effective date of its own voucher.

**c. Did family move into your PHA jurisdiction under portability? - Line 12d.** If the family moved into a PHA's jurisdiction under portability as a new admission or portability move-in, regardless of whether the family is absorbed into the receiving PHA's jurisdiction or the initial PHA is billed, the PHA must enter "Y" in this field. This field will not change as long as the family continues to be assisted in the receiving PHA's jurisdiction, even if the receiving PHA decides to absorb the family after first billing the initial PHA.

**d. PHA Code Billed - Line 12f.** Since an initial PHA is not responsible for submitting reports into PIC for families whose assistance is administered by another PHA under portability, the PHA code of the billed PHA must be entered correctly on this line in order for reporting rates to be accurate.

**e. Projected Effective Date of Next Reexamination – Line 2i.** Generally, this will be 12 months from the last reexamination done by the initial PHA (found in line 2b of the 50058 and

Part I, line 7 of form HUD-52665 sent by the initial PHA to the receiving PHA) or 12 months from the effective date of the reexamination completed by the receiving PHA (generally the effective date of the lease and HAP contract.)

**19. Moving to Work (MTW) Agencies.** Requirements of the portability rule are applicable to MTW agencies, unless there are approved activities in their MTW plan to the contrary. An MTW agency cannot apply its MTW flexibilities to a voucher holder living in another PHA's jurisdiction. After having moved under portability, the family is subject to the receiving PHA's policies.

**20. Paperwork Reduction Act.** The information collection requirements contained in this Notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) and assigned OMB control numbers 2577-0169 and 2577-0083. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

**21. Further Information.** Questions concerning this notice should be directed to [portability@hud.gov](mailto:portability@hud.gov).

/s/

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Lourdes Castro Ramírez,  
Principal Deputy Assistant Secretary  
for Public and Indian Housing

## APPENDIX A

### Guidance on PHA Entries for Returning Unearned HAPs and Fees under Portability

A number of cases have surfaced in which the receiving PHA did not promptly inform the initial PHA that billing arrangements were terminated as the result of absorption by the receiving PHA or families leaving the program. As a result the initial PHA continued to make monthly payments for housing assistance payments and administrative fees to the receiving PHA. The receiving PHA is required to refund the excess payments to the initial PHA. See section 16.c above.

The following guidance is provided regarding how to appropriately record in your accounting records accounting entries to accommodate the returned payments.

**RECEIVING PHA.** Normally, the receiving PHA would have recorded the following when the HAP was paid to the owner on behalf of the family:

DR	Accounts Receivable - Initial PHA (for HAP and fee)
CR	Income (for Fee)
CR	Cash (for HAP payment)

Upon receipt of payment of HAP and fees from the initial PHA, the Receiving PHA would have:

DR	Cash
CR	Accounts Receivable - Initial PHA

Typically, when the billing arrangement ceased the first set of transactions did not happen (the owners were not paid and the income was not recorded) because the receiving PHA had terminated the HAP contract. The receiving PHA failed to inform the initial PHA and continued to debit "Cash" and credit "Accounts Receivable" when the payment arrived from the initial

PHA. The large CR balance in the “Accounts Receivable” is abnormal and the receiving PHA should have recognized something was amiss.

When the receiving PHA returns funds it should not have received to the initial PHA, the receiving PHA would:

DR           Accounts Receivable - Initial PHA

CR           Cash

When all refunds are made, the “Accounts Receivable” balance should be zero or at normal levels.

**INITIAL PHA.** When the initial PHA recognized the obligation under the billing arrangement for the family that moved under the portability procedures it would have created the expense and the payable:

DR           Expense - Control (and subsidiaries for HAP and administrative expenses)

CR           Accounts Payable - Receiving PHA

When the initial PHA then paid the receiving PHA:

DR           Accounts Payable - Receiving PHA

CR           Cash

When the initial PHA receives the funds back from the receiving PHA:

DR           Cash

CR           Expenses - Control (and subsidiaries)

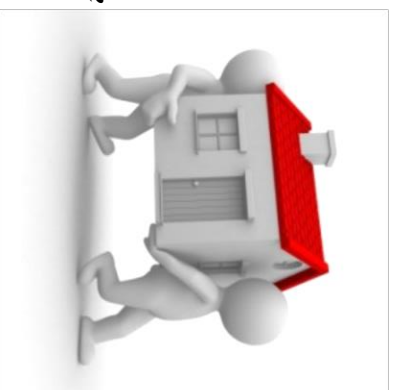
## **APPENDIX B**

# How Portability Works

## What is Portability?

**"Portability"** in the Housing Choice Voucher (HCV) program refers to the process through which your family can transfer or "port" your rental subsidy when you move to a location outside the jurisdiction of the public housing agency (PHA) that first gave you the voucher when you were selected for the program (**the initial PHA**).

*The agency that will administer your assistance in the area to which you are moving is called the receiving PHA.*



New families have to live in the jurisdiction of the initial PHA for a year before they can port. But, the initial PHA may allow new families to port during this one-year period.

## What Happens Next?

1. You must notify the initial PHA that you would like to port and to which area you are moving.
2. The initial PHA will determine if you are eligible to move. For example, the PHA will determine whether you have moved out of your unit in accordance with your lease.
3. If eligible to move, the initial PHA will issue you a voucher (if it has not done so already) and send all relevant paperwork to the receiving PHA.
4. If you are currently assisted, you must give your landlord notice of your intent to vacate in accordance with your lease.

## Contacting the Receiving PHA

1. Your case manager will let you know how and when to contact the receiving PHA. Your case manager must give you enough information so that you know how to contact the receiving PHA.
  2. If there is more than one PHA that administers the HCV program where you wish to move, you may choose the receiving PHA. The initial PHA will give you the contact information for the PHAs that serve the area. If you prefer, you may request that the initial PHA selects the receiving PHA for you.
- Generally, the initial PHA is not required to give you any other information about the receiving PHAs, but you may wish to find out more details when contacting them (such as whether the receiving PHA operates a Family Self-Sufficiency or Homeownership program).**



# How Portability Works



## Before Porting, Things You Should Know

**Subsidy Standards:** The receiving PHA may have different subsidy standards. In other words, the initial PHA may have issued you a three-bedroom voucher, but the receiving PHA may, if appropriate for your family, issue you a two-bedroom voucher. Note, however, that the PHA's subsidy standards must comply with fair housing and civil rights laws. This includes processing reasonable accommodation requests that are necessary for qualified individuals with disabilities.

**Payment Standards:** The payment standards of the receiving PHA may be different for each PHA. Payment standards are what determine the amount of the rent that the PHA will pay on your behalf. If a receiving PHA's payment standards are lower than the initial PHA, then the portion of the rent you pay may be more than what you were paying at the initial PHA.

**Re-screening:** The receiving PHA may re-screen you using their own policies, which may be different than the initial PHA's policies and could result in them denying your request to move. When contacting the receiving PHA, you may want to ask whether they re-screen families moving into their area under portability and what are their policies for termination or denial of HCV assistance. This will assist you in determining if the receiving PHA's policies might prevent you from moving to their jurisdiction.

**Time Management:** You should manage the move so that you have enough time to arrive at the receiving PHA before the initial PHA voucher expires; otherwise, you may lose your assistance.

*See front for more details*

## Once at the Receiving PHA

1. The receiving PHA will issue you a voucher to search for a unit in its jurisdiction. Your voucher must be extended by 30 days from the expiration date on the voucher issued by the initial PHA.
2. When you submit a request for tenancy approval, the time on your voucher will stop until you are notified in writing whether the unit is approved or denied. The request for tenancy approval is the form you will submit to the receiving PHA once you find a unit, so that the receiving PHA can determine whether you may rent that unit under the program.

3. If you decide that you do not want to lease a unit in the area, the receiving PHA will return your voucher to the initial PHA. The initial PHA is not required to, but may, extend the term of your voucher so that you may search for a unit in the initial PHA's jurisdiction or port to another jurisdiction.

*Any additional instructions will be provided by the receiving PHA.*

*PHAs must comply with all nondiscrimination and equal opportunity requirements in the portability process, including, but not limited to,*

*the Fair Housing Act, Section 504 of the of the Rehabilitation Act,*

*Title VI of the Civil Rights Act, and title II of the Americans with Disabilities Act.*

*See front for more details*