

SECTION 8 PORTABILITY

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SECTION 8 PORTABILITY

One of the features of the housing choice voucher program is the mobility of the assistance. Section 8(r) of the United States Housing Act of 1937 provides that housing choice voucher participants may choose a unit that meets program requirements anywhere in the United States, provided a PHA administering the tenant-based program has jurisdiction over the area in which the unit is located. The term “portability” refers to the process of leasing or purchasing a dwelling unit with housing voucher tenant-based assistance outside of the jurisdiction of the PHA that initially issues the family its voucher (the Initial PHA). Program regulations covering where a family may move and the responsibilities of the Initial PHA and the Receiving PHA (the PHA with jurisdiction over the area to which the family moves) are found at 24 CFR sections 982.353 through 982.355.

Applicant Family Requests Portability

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

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

Applicant Family Requests Portability and Fails to Lease-Up

Initial PHA

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

- Issue a voucher to the applicant.
- Process an Action **10-Issuance of Voucher** which **will create a Form HUD-50058 that should be reported to PIC by the Initial PHA.**

Contact the Receiving PHA to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA.

- **Form HUD-52665** with Part I completed - the Receiving PHA will complete Part II.
- A copy of the family’s voucher issued by the Initial PHA.
- Copies of any current income verifications on file.
- In the case of an applicant, the Initial PHA has not completed a **Form HUD-50058** but must provide the family and income information to the Receiving PHA in a format similar to **Form HUD-50058** so that the information is easily available for use by the Receiving PHA.

Receiving PHA

The Receiving PHA must **promptly** inform the Initial PHA if it intends to absorb or administer the family’s housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family’s voucher. The Receiving PHA’s payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA’s policies and payment standards before it begins its search.

Promptly issue a voucher to the family to enable the family to search in the Receiving PHA’s jurisdiction.

Complete Form HUD-52665 Part II indicating the family failed to lease a unit and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II from the Receiving PHA indicating the family failed to lease a unit and the voucher expired:

- Process an Action **11-Expiration of Voucher** (effective the same date the voucher expired) which **will create a Form HUD-50058 that should be reported to PIC by the Initial PHA.**
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Applicant Family Ports Out and Is Absorbed

Initial PHA

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

- Issue a voucher to the applicant.
- Process an Action **10-Issuance of Voucher** which **will create a Form HUD-50058 that should be reported to PIC by the Initial PHA.**

Contact the Receiving PHA to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA.

- **Form HUD-52665** with Part I completed - the Receiving PHA will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of any current income verifications on file.
- In the case of an applicant, the Initial PHA has not completed a **Form HUD-50058** but must provide the family and income information to the Receiving PHA in a format similar to **Form HUD-50058** so that the information is easily available for use by the Receiving PHA.

Receiving PHA

The Receiving PHA must **promptly** inform the Initial PHA if it intends to **absorb** rather than administer the family's housing choice voucher assistance. The Receiving PHA's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA's policies and payment standards before it begins its search.

- Promptly issue a voucher to the family to enable the family to search in the Receiving PHA's jurisdiction.
- Since the Receiving PHA intends to absorb the family's housing choice voucher assistance, process an Action **10-Issuance of Voucher** which **will create a Form HUD-50058 that should be reported to PIC by the Receiving PHA.**
- **After a HAP Contract has been executed on behalf of the family**, process an Action **1-New Admission** which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA.** It is imperative that the following fields are completed as follows on **Form HUD-50058**.
 - **12d Did family move into your PHA jurisdiction under portability?** Yes.
 - **12e Cost billed per month.** Must equal \$0.
 - **12f PHA code billed.** Must be blank.

Complete Form HUD-52665 Part II indicating a HAP contract was executed and the Receiving PHA is absorbing the family and send it to the Initial PHA **within 10 working days of the HAP Contract execution.**

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II from the Receiving PHA indicating a HAP contract was executed and the Receiving PHA is absorbing the family:

- Process an Action **11-Expiration of Voucher** (effective earlier or the same as the HAP contract) which **will create a Form HUD-50058 that should be reported to PIC by the Initial PHA.**
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Applicant Family Ports Out and Is Not Absorbed

Initial PHA

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

- Issue a voucher to the applicant.
- Process an Action **10-Issuance of Voucher** which **will create a Form HUD-50058 that should be reported to PIC by the Initial PHA.**
 - ❖ Please note the Initial PHA should process an Action **11-Expiration of Voucher** when the family ends participation with the Initial PHA's voucher.

Contact the Receiving PHA to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA.

- **Form HUD-52665** with Part I completed - the Receiving PHA will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of any current income verifications on file.
- In the case of an applicant, the Initial PHA has not completed a **Form HUD-50058** but must provide the family and income information to the Receiving PHA in a format similar to **Form HUD-50058** so that the information is easily available for use by the Receiving PHA.

Receiving PHA

The Receiving PHA must **promptly** inform the Initial PHA if it intends to **administer** rather than **absorb** the family's housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family's voucher. The Receiving PHA's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA's policies and payment standards before it begins its search.

The Receiving PHA must submit the Initial billing notice no later than 10 working days following the date the HAP contract was executed and in time that it will be received no later than 60 days following the expiration date of the family's voucher issued by the Initial PHA. A Receiving PHA that fails to send the Initial billing within 10 working days following the date the HAP contract is executed is generally required to absorb the family into its own program unless the Initial PHA is willing to accept the late submission.

- Promptly issue a voucher to the family to enable the family to search in the Receiving PHA's jurisdiction.
- **After a HAP Contract has been executed on behalf of the family**, process an Action **1-New Admission** which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA.** It is imperative that the following fields are completed as follows on **Form HUD-50058.**
 - **12d Did family move into your PHA jurisdiction under portability?** Yes.
 - **12e Cost billed per month.** Enter the amount of the housing assistance payment in addition to the administrative fee.
 - **12f PHA code billed.** Enter the applicable PHA code for the Initial PHA.

Complete Form HUD-52665 Part II indicating a HAP contract was executed and the Initial PHA will be billed and send it to the Initial PHA with a current **Form HUD-50058 within 10 working days of the HAP Contract execution.**

The Receiving PHA is responsible for reporting all changes to PIC and must keep the Initial PHA informed of all changes affecting household subsidy.

After each change in billing amount, the Receiving PHA must send the Initial PHA a completed **Form HUD-52665** showing the new HAP amount, copies of **Form HUD-50058** and any related income verifications. The Receiving PHA should notify the Initial PHA of any change in the billing amount as soon as possible (preferably, before the effective date to avoid retroactive adjustments) but no later than 10 working days following the effective date of the change.

The Receiving PHA must also send the Initial PHA a copy of the updated **Form HUD-50058** at each annual recertification, regardless of whether there is a change in the billing amount. The purpose of this notification is to serve as a 'reconciliation' to assist both PHAs in fulfilling their accounting and record-keeping responsibilities.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II from the Receiving PHA indicating a HAP contract was executed on behalf of the family:

- Generate a HAP check and send it to the Receiving PHA. This payment must be made within 30 days of receipt of Part II of Form HUD-52665 indicating the billing amount. The Initial PHA is also responsible for ensuring that subsequent billing amounts are received no later than the fifth working day of each month for which the monthly billing amount is due.

Participating Family Requests Portability

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

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

Participating Family Requests Portability and Fails to Lease-up

Initial PHA

- Place the tenant in '**Shop**' mode by processing an Action **9-Annual Reexamination Searching**. This action will change the family's voucher status from 'leased' to 'issued' and allow the family to search for a unit. The effective date should be no later than the 1st of the month HAP is stopped. **The Form HUD-50058 must be reported to PIC by the Initial PHA.**
- Stop any future HAP checks from being generated.

Contact the Receiving PHA to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA.

- **Form HUD-52665** with Part I completed - the Receiving PHA will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of the current **Form HUD-50058** and supporting income verifications.

Receiving PHA

The Receiving PHA must **promptly** inform the Initial PHA if it intends to absorb or administer the family's housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family's voucher. The Receiving PHA's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA's policies and payment standards before it begins its search.

Promptly issue a voucher to the family to enable the family to search in the Receiving PHA's jurisdiction.

Complete Form HUD-52665 Part II indicating family failed to lease a unit and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II from the Receiving PHA indicating the family failed to lease a unit and the voucher expired:

- Process an Action **6-End of Participation** (effective the same date the voucher expired) which **will create a Form HUD-50058 that must be reported to PIC by the Initial PHA.**
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Participating Family Ports Out and Is Absorbed

Initial PHA

- Place the tenant in '**Shop**' mode by processing an Action **9-Annual Reexamination Searching**. This action will change the family's voucher status from 'leased' to 'issued' and allow the family to search for a unit. The effective date should be no later than the 1st of the month HAP is stopped. **The Form HUD-50058 must be reported to PIC by the Initial PHA.**
- Stop any future HAP checks from being generated.

Contact the Receiving PHA to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA.

- **Form HUD-52665** with Part I completed - the Receiving PHA will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of the current **Form HUD-50058** and supporting income verifications.

Receiving PHA

The Receiving PHA must **promptly** inform the Initial PHA if it intends to **absorb** rather than administer the family's housing choice voucher assistance. The Receiving PHA's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA's policies and payment standards before it begins its search.

- Promptly issue a voucher to the family to enable the family to search in the Receiving PHA's jurisdiction.
- Since the Receiving PHA intends to absorb the family's housing choice voucher assistance, process an Action **10-Issuance of a Voucher** which **will create a Form HUD-50058 that should be reported to PIC by the Receiving PHA.**
- **After a HAP Contract has been executed on behalf of the family**, process an Action **4-Portability Move-in** which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA.** It is imperative that the following fields are completed as follows on **Form HUD-50058**.
 - **12d Did family move into your PHA jurisdiction under portability?** Yes.
 - **12e Cost billed per month.** Must equal \$0.
 - **12f PHA code billed.** Must be blank.

Complete Form HUD-52665 Part II indicating a HAP contract was executed and the Receiving PHA is absorbing the family and send it to the Initial PHA **within 10 working days of HAP Contract execution.**

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II from the Receiving PHA indicating a HAP contract was executed and the Receiving PHA is absorbing the family:

- Process an Action **5-Portability Move-out** (effective earlier or the same date as the HAP contract) which **will create a Form HUD-50058 that must be reported to PC by the Initial PHA.**
- Stop future HAP checks from being generated to the Receiving PHA.
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Participating Family Ports Out and Is Not Absorbed

Initial PHA

- Place the tenant in 'Shop' mode by processing an Action **9-Annual Reexamination Searching**. This action will change the family's voucher status from 'leased' to 'issued' and allow the family to search for a unit. The effective date should be no later than the 1st of the month HAP is stopped. **The Form HUD-50058 must be reported to PIC by the Initial PHA.**
- Stop any future HAP checks from being generated.

Contact the Receiving PHA to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA.

- **Form HUD-52665** with Part I completed - the Receiving PHA will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of the current **Form HUD-50058** and supporting income verifications.

Receiving PHA

The Receiving PHA must **promptly** inform the Initial PHA if it intends to **administer** rather than **absorb** the family's housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family's voucher. The Receiving PHA's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA's policies and payment standards before it begins its search.

The Receiving PHA must submit the Initial billing notice no later than 10 working days following the date the HAP contract was executed and in time that it will be received no later than 60 days following the expiration date of the family's voucher issued by the Initial PHA. A Receiving PHA that failed to send the Initial billing within 10 working days following the date the HAP contract is executed is generally required to absorb the family into its own program unless the Initial PHA is willing to accept the late submission.

- Promptly issue a voucher to the family to enable the family to search in the Receiving PHA's jurisdiction.
- **After a HAP Contract has been executed on behalf of the family**, process an Action **4-Portability Move-in** which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA**. It is imperative that the following fields are completed on **Form HUD-50058**.
 - **12d Did family move into your PHA jurisdiction under portability?** Yes.
 - **12e Cost billed per month.** Enter the amount of the housing assistance payment in addition to the administrative fee.
 - **12f PHA code billed.** Enter the applicable PHA code for the Initial PHA.

Complete Form HUD-52665 Part II indicating a HAP contract was executed and the Initial PHA will be billed and send it to the Initial PHA with a current **Form HUD-50058 within 10 working days of HAP Contract execution**.

The Receiving PHA is responsible for reporting all changes to PIC and must keep the Initial PHA informed of all changes affecting household subsidy.

After each change in billing amount, the Receiving PHA must send the Initial PHA a completed **Form HUD-52665** showing the new HAP amount, copies of **Form HUD-50058** and any related income verifications. The Receiving PHA should notify the Initial PHA of any change in the billing amount as soon as possible (preferably, before the effective date to avoid retroactive adjustments) but no later than 10 working days following the effective date of the change.

The Receiving PHA must also send the Initial PHA a copy of the updated **Form HUD-50058** at each annual recertification, regardless of whether there is a change in the billing amount. The purpose of this notification is to serve as a 'reconciliation' to assist both PHAs in fulfilling their accounting and record-keeping responsibilities.

Initial PHA

Upon receipt of the completed Form HUD-52665 Part II from the Receiving PHA indicating a HAP contract was executed on behalf of the family:

- Process an Action **5-Portability Move-out** (effective earlier or the same as the HAP Contract) which **will create a Form HUD-50058 that must be reported to PIC by the Initial PHA.**
- Generate a HAP check and send it to the Receiving PHA. This payment must be made within 30 days of receipt of Part II of Form HUD-52665 indicating the billing amount. The Initial PHA is also responsible for ensuring that subsequent billing amounts are received no later than the fifth working day of each month for which the monthly billing amount is due.

Participating Family is Absorbed by Receiving PHA at a Later Date

The Receiving PHA may absorb the family into its own program once the HAP contract is executed on behalf of the family, assuming it has funding available under its ACC to do so and such a decision will not result in over-leasing. HUD encourages the Receiving PHA to provide adequate advance notice to the Initial PHA to avoid having to return an overpayment. The Receiving PHA must notify the initial PHA no later than 10 working days following the effective date of the termination of the billing arrangement. ***The Receiving PHA may not retroactively absorb families for which the Receiving PHA was previously billing for any time period that commences before 10 working days from the time the Receiving PHA notifies the Initial PHA of the absorption.***

Receiving PHA

Process either an Action **3-Interim Reexamination** or **2-Annual Reexamination** (whichever is applicable) to show that the voucher has been absorbed. **This action will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA.** It is imperative that the following fields are completed as follows on **Form HUD-50058.**

- **12d Did family move into your PHA jurisdiction under portability?** Yes
- **12e Cost billed per month.** Must equal \$0.
- **12f PHA code billed.** Must be blank.

Complete Form HUD-52665 Part II indicating the Receiving PHA is absorbing the family into their program and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II from the Receiving PHA indicating the Receiving PHA is absorbing the family:

- Stop future HAP checks from being generated to the Receiving PHA.
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Participating Family is Not Absorbed by Receiving PHA1 and Ports Into Receiving PHA2's Jurisdiction and Fails to Lease-up

Receiving PHA1

Refer the family back to the Initial PHA.

- Place the tenant in 'Shop' mode by processing an Action **9-Annual Reexamination Searching**. This action will change the family's voucher status from 'leased' to 'issued' and allow the family to search for a unit. The effective date should be no later than the 1st of the month HAP is stopped. **The Form HUD-50058 must be reported to PIC by the Receiving PHA1.**
- Stop any future HAP checks from being generated.

Complete Form HUD-52665 Part II indicating the HAP contract has been terminated and the family will not be remaining in the Receiving PHA1's jurisdiction, and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II:

- Stop future HAP checks from being generated to the Receiving PHA1.

Contact the Receiving PHA2 to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA2.

- Form HUD-52665** with Part I completed - the Receiving PHA2 will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of the current **Form HUD-50058** and supporting income verifications previously completed by the Receiving PHA1.

Receiving PHA2

The Receiving PHA2 must promptly inform the Initial PHA if it intends to absorb or administer the family's housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family's voucher. The Receiving PHA2's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA2's policies and payment standards before it begins its search.

Promptly issue a voucher to the family to enable the family to search in the Receiving PHA2's jurisdiction.

Complete Form HUD-52665 Part II indicating the family failed to lease a unit and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II from the Receiving PHA2 indicating the family failed to lease a unit and the voucher expired:

- The Initial PHA must notify the Receiving PHA1 so they can process an Action **6-End of Participation**.
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Receiving PHA1

Upon notification from the Initial PHA that the family failed to lease a unit and the voucher expired:

- Process an Action **6-End of Participation** (effective the same date the voucher expired) which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA1**.
 - ❖ The Receiving PHA1 should keep in contact with the Initial PHA until a HAP Contract is executed or until the family fails to lease a unit. This will ensure that the appropriate Action Type is processed and submitted to PIC.

Participating Family is Not Absorbed by Receiving PHA1 and Ports Into Receiving PHA2's Jurisdiction and Is Absorbed

Receiving PHA1

Refer the family back to the Initial PHA.

- Place the tenant in '**Shop**' mode by processing an Action **9-Annual Reexamination Searching**. This action will change the family's voucher status from 'leased' to 'issued' and allow the family to search for a unit. The effective date should be no later than the 1st of the month HAP is stopped. **The Form HUD-50058 must be reported to PIC by the Receiving PHA1**.
- Stop any future HAP checks from being generated.

Complete Form HUD-52665 Part II indicating the HAP contract has been terminated and the family will not be remaining in the Receiving PHA1's jurisdiction, and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II:

- Stop future HAP checks from being generated to the Receiving PHA1.

Contact the Receiving PHA2 to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA2.

- **Form HUD-52665** with Part I completed - the Receiving PHA2 will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of the current **Form HUD-50058** and supporting income verifications previously completed by the Receiving PHA1.

Receiving PHA2

The Receiving PHA2 must **promptly** inform the Initial PHA if it intends to **absorb** rather than administer the family's housing choice voucher assistance. The Receiving PHA2's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA2's policies and payment standards before it begins its search.

- Promptly issue a voucher to the family to enable the family to search in the Receiving PHA2's jurisdiction.
- Since the Receiving PHA2 intends to absorb the family's housing choice voucher assistance, process an Action **10-Issuance of a Voucher** which **will create a Form HUD-50058 that should be reported to PIC by the Receiving PHA2.**
- **After a HAP Contract has been executed on behalf of the family,** process an Action **4-Portability Move-in** which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA2.** It is imperative that the following fields are completed as follows on **Form HUD-50058.**
 - **12d Did family move into your PHA jurisdiction under portability?** Yes.
 - **12e Cost billed per month.** Must equal \$0.
 - **12f PHA code billed.** Must be blank.

Complete Form HUD-52665 Part II indicating a HAP contract was executed on behalf of the family and the Receiving PHA is absorbing the family into its program, and send it to the Initial PHA **within 10 working days of HAP Contract execution.**

Initial PHA

Upon receipt of the completed **Form HUD-52668** Part II from the Receiving PHA2 indicating a HAP Contract was executed and the Receiving PHA2 is absorbing the family:

- The Initial PHA must notify the Receiving PHA1 so they can process an Action **5-Portability Move-out.**
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Receiving PHA1

Upon notification from the Initial PHA that the Receiving PHA2 executed a HAP Contract on behalf of the family:

- Process an Action **5-Portability Move-out** (effective earlier or the same date as the HAP contract) which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA1.**
 - ❖ The Receiving PHA1 should keep in contact with the Initial PHA until a HAP Contract is executed or until the family fails to lease a unit. This will ensure that the appropriate Action Type is processed and submitted to PIC.

Participating Family is Not Absorbed by Receiving PHA1 and Ports Into Receiving PHA2's Jurisdiction and Is Not Absorbed

Receiving PHA1

Refer the family back to the Initial PHA.

- Place the tenant in 'Shop' mode by processing an Action **9-Annual Reexamination Searching.** This action will change the family's voucher status from 'leased' to 'issued' and allow the family to search for a unit. The effective date should be no later than the 1st of the month HAP is stopped. **The Form HUD-50058 must be reported to PIC by the Receiving PHA1.**
- Stop any future HAP checks from being generated.

Complete Form HUD-52665 Part II indicating the HAP Contract has been terminated and the family will not be remaining in the Receiving PHA1's jurisdiction, and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed **Form HUD-52665** Part II:

- Stop future HAP checks from being generated to the Receiving PHA1.

Contact the Receiving PHA2 to alert that agency to expect the family.

Complete Part I of Form HUD-52665.

Send the following via fax or mail to the Receiving PHA2.

- **Form HUD-52665** with Part I completed - the Receiving PHA2 will complete Part II.
- A copy of the family's voucher issued by the Initial PHA.
- Copies of the current **Form HUD-50058** and supporting income verifications previously completed by the Receiving PHA1.

Receiving PHA2

The Receiving PHA2 must **promptly** inform the Initial PHA if it intends to **administer** rather than **absorb** the family's housing choice voucher assistance and if it approves an extension to the voucher term or changes the unit size of the family's voucher. The Receiving PHA2's payment standards are used when the portable family leases a unit. The family will need to be informed of the Receiving PHA2's policies and payment standards before it begins its search.

The Receiving PHA2 must submit the Initial billing notice no later than 10 working days following the date the HAP contract was **executed** and in time that it will be **received** no later than 60 days following the expiration date of the family's voucher issued by the Initial PHA. A Receiving PHA2 that failed to send the Initial billing within 10 working days following the date the HAP contract is **executed** is generally **required to absorb** the family into its own program unless the Initial PHA is willing to accept the late submission.

- Promptly issue a voucher to the family to enable the family to search in the Receiving PHA2's jurisdiction.
- **After a HAP Contract has been executed on behalf of the family**, process an Action **4-Portability Move-in** which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA2**. It is imperative that the following fields are completed on **Form HUD-50058**.
 - **12d Did family move into your PHA jurisdiction under portability** Yes.
 - **12e Cost billed per month**. Enter the amount of the housing assistance payment in addition to any administrative fees.
 - **12f PHA code billed**. Enter the applicable PHA code for the Initial PHA.

Complete Form HUD-52665 Part II indicating a HAP contract was **executed** and the Initial PHA will be billed and send it to the Initial PHA with a current **Form HUD-50058 within 10 working days of HAP Contract execution**.

The Receiving PHA2 is responsible for reporting all changes to PIC and must keep the Initial PHA informed of all changes affecting household subsidy.

After each change in billing amount, the Receiving PHA2 must send the Initial PHA a completed **Form HUD-52665** showing the new HAP amount, copies of **Form HUD-50058** and any related income verifications. The Receiving PHA2 should notify the Initial PHA of any change in the billing amount as soon as possible (preferably, before the effective date to avoid retroactive adjustments) but no later than 10 working days following the effective date of the change.

The Receiving PHA2 must also send the Initial PHA a copy of the updated **Form HUD-50058** at each annual recertification, regardless of whether there is a change in the billing amount. The purpose of this notification is to serve as a 'reconciliation' to assist both PHAs in fulfilling their accounting and record-keeping responsibilities.

Initial PHA

Upon receipt of the completed Form HUD-52665 Part II from the Receiving PHA2 indicating a HAP contract was executed on behalf of the family:

- The Initial PHA must notify the Receiving PHA1 so they can process an Action **5-Portability Move-out**.
- Generate a HAP check and send it to the Receiving PHA2. This payment must be made within 30 days of receipt of Part II of Form HUD-52665 indicating the billing amount. The Initial PHA is also responsible for ensuring that subsequent billing amounts are received no later than the fifth working day of each month for which the monthly billing amount is due.

Receiving PHA1

Upon notification from the Initial PHA that the Receiving PHA2 executed a HAP Contract on behalf of the family,

- Process an Action **5-Portability Move-out** (effective earlier or the same date as the HAP contract) which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA1**.
 - ❖ The Receiving PHA1 should keep in contact with the Initial PHA until a HAP Contract is executed or until the family fails to lease a unit. This will ensure that the appropriate Action Type is processed and submitted to PIC.

Participating Family is Not Absorbed by Receiving PHA and Ends Participation

Receiving PHA

Process an Action **6-End of Participation** which **will create a Form HUD-50058 that must be reported to PIC by the Receiving PHA.**

Complete Form HUD-52665 Part II indicating the HAP contract has been terminated and send it to the Initial PHA.

Initial PHA

Upon receipt of the completed Form HUD-52665 Part II from the Receiving PHA indicating the HAP contract has been terminated:

- Stop future HAP checks from being generated to the Receiving PHA.
- Change the voucher status to 'Available' so that it may be issued to another applicant.

Participating Family is Not Absorbed by Receiving PHA and Ports Back into Initial PHA's Jurisdiction

Receiving PHA

- Place the tenant in '**Shop**' mode by processing an Action **9-Annual Reexamination Searching**. This action will change the family's voucher status from 'leased' to 'issued' and allow the family to search for a unit. The effective date should be no later than the 1st of the month HAP is stopped. **The Form HUD-50058 must be reported to PIC by the Initial PHA.**
- Stop any future HAP checks from being generated.

Contact the Initial PHA to alert the agency to expect the family.

Complete Form HUD-52665 Part II indicating the HAP contract has been terminated and the family will not be remaining in the Receiving PHA's jurisdiction and send it to the Initial PHA.

Initial PHA

The Initial PHA must inform the Receiving PHA **immediately** that it will absorb the family's housing choice voucher assistance. The Initial PHA's payment standards are used when the portable family leases a unit. The family will need to be informed of the Initial PHA's policies and payment standards before it begins its search.

Upon receipt of the completed Form HUD-52665 Part II:

- Stop future HAP checks from being generated to the Receiving PHA.
- **After a HAP Contract has been executed on behalf of the family**, process an Action **4-Portability Move-in** which **will create a Form HUD-50058 that must be reported to PIC by the Initial PHA.** It is imperative that the following fields are completed as follows on **Form HUD-50058**.
 - **12d Did family move into your PHA jurisdiction under portability?** Yes.
 - **12e Cost billed per month.** Must equal \$0.
 - **12f PHA code billed.** Must be blank.

Receiving PHA

Upon notification from the Initial PHA that a HAP contract was executed on behalf of the family:

- Process an Action **5-Portability Move-out** (effective earlier or the same as the HAP contract) which **will create a Form HUD-50058 that must be reported to PIC by the Initial PHA.**
 - ❖ The Receiving PHA1 should in contact with the Initial PHA until a HAP Contract is executed or until the family fails to lease a unit. This will ensure that the appropriate Action Type is processed and submitted to PIC

Special Notes

Summary of Portability Billing Deadlines:

Submission of Initial Billing Amount (Part II of the Form HUD- 50058) -- Receiving PHA must submit initial billing notice (1) no later than 10 working days following the date the HAP contract was executed and (2) in time that it will be received no later than 60 days following the expiration date of the family's voucher issued by the initial PHA.

- The Receiving PHA that fails to send the initial billing within 10 working days following the date the HAP contract is executed is generally required to absorb the family into its own program unless the initial PHA is willing to accept the late submission.
- The Initial PHA is generally not obligated to honor initial billings that are postmarked, emailed, or faxed more than 10 working days after the date the HAP contract is **executed**. (Note: It is the date the HAP contract is executed, not the effective date of the HAP contract, which is the issue.)
- The Initial PHA must immediately inform the Receiving PHA **in writing** of its decision **not** to accept the late billing submission.

Notice by Initial PHA to not honor a late billing Submission – The Initial PHA **must** contact the Receiving PHA to determine the status of the family **if** the Initial PHA has **not received** a billing notice by the initial billing deadline (Part I, Line 9) and the Initial PHA intends **not to honor** a late billing submission.

- If the Receiving PHA reports that the family is not yet under HAP contract, the Initial PHA may inform the Receiving PHA that they will **not** accept any subsequent billing on behalf of the family. Once the Initial PHA has so notified the Receiving PHA, the Initial PHA is not required to honor any billing notice

received after the billing deadline. If the Initial PHA still subsequently receives a late billing notice on behalf of the family, it simply returns the late Form HUD-52665 to the Receiving PHA, and the Receiving PHA must absorb the family.

- If the Receiving PHA reports that the family is under HAP contract and it cannot absorb the family when the Initial PHA contacts the Receiving PHA to determine the status of the family, the Initial PHA is required to accept the subsequent late billing. 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 do so, which may include reducing the Receiving PHA's administrative fee. Additionally, HUD may subsequently transfer units from the Receiving PHA to the Initial PHA when it is feasible, since the Initial PHA was required to accept the late billing.

Payment of First Billing Amount -- Initial PHA makes payment within 30 days of receipt of Part II of the Form HUD 50058 indicating billing amount.

Payment of Subsequent Billing Amounts – The Initial PHA is responsible for ensuring that subsequent billing amounts are received no later than the fifth working day of each month for which the monthly billing amount is due.

Notification of Change in Billing Amount or Other Action – The Receiving PHA notifies the Initial PHA of any change in the billing amount as soon as possible (preferably before the effective date to avoid retroactive adjustments) but in no circumstance any later than 10 working days following the effective date of the change.

- The Initial PHA should contact the Receiving PHA to verify the status of the family if it does not receive an updated Form HUD-50058 by the annual recertification date. The Initial PHA may not withhold payment solely because the Receiving PHA did not submit the updated Form HUD-50058 by the annual recertification date.
- If the Receiving PHA fails to send the Form HUD-50058 within 10 working days following the effective date of the change in the billing amount, the Initial PHA is **not responsible** for paying any increase in the monthly billing amount incurred prior to the notification.
- The Receiving PHA may **not** retroactively absorb families for which the Receiving PHA was previously billing for any time period that commences before 10 working days from the time the Receiving PHA notifies the Initial PHA of the absorption.

Denying Portability Moves Due to Insufficient Funding

A PHA may only deny a request to move to a higher cost area in accordance with 982.314(e)(1) if the PHA would be unable to avoid terminations of housing choice voucher assistance for current participants during the calendar year in order to remain within its budgetary allocation (including any available HAP reserves) for housing assistance payments. A 'higher cost area' is defined as an area where a higher subsidy amount will be paid for a family because of higher payment standard amounts or 'more generous' subsidy standards (e.g., the Receiving PHA issues a 3-bedroom voucher to a family that received a 2-bedroom voucher from the Initial PHA). Before denying the family's request to move due to insufficient funding, the Initial PHA must contact the Receiving PHA and confirm that the Receiving PHA will not absorb the family. If the Receiving

PHA is willing to absorb the family, there are no grounds to deny the portability move under 982.314(e)(1).

A PHA **may not** deny a requested move due to insufficient funding under 982.314(e)(1) simply because the family wishes to move to a higher cost area. The PHA must be able to support and document that the condition described in the preceding paragraph exists in order to deny the family's request to move. In projecting whether there is sufficient funding available for the remainder of the calendar year in order to approve the move, the PHA may make reasonable estimates to factor in conditions such as pending rent increases and the attrition rate for families leaving the program. However, a PHA **may not** include projected costs for vouchers that have been issued to families from the waiting list but not yet leased as part of this analysis. Vouchers that have been 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.

A PHA **may not** deny a family's request to move to a higher cost area because it wishes to admit additional families from its waiting list into its voucher program, regardless of whether it has unit months available (UMA) to do so. If the PHA denies a family's request to move, it may not subsequently admit any additional families to its voucher program until the PHA has determined that sufficient funding exists to approve the move and has notified the family that the family may now exercise its move to the higher cost area.

If the PHA denies the family's request to move under 982.314(e)(1), it must promptly notify the family (assuming the family is still a participant in the PHA's voucher program) once there is sufficient funding available to support the family's request to move. The PHA must promptly process the family's request to move if the family indicates it still wishes to move at that time.

Denying Family Requests to Move under the Portability Procedures

A PHA may only deny a family's request to move under portability if it has grounds to do so under the program regulations, which are as follows:

1. The PHA has grounds to deny the move because of the family's action or failure to act as described in 982.552 or 982.553
2. The family is a non-resident applicant or the family was a non-resident applicant that has not yet been assisted in the Initial PHA jurisdiction for twelve months since being admitted to the program (see 982.353(c)).

3. The family is an **applicant** and is not income-eligible (see 982.353(d)(1)) in the area in which they wish to initially lease a unit.
4. The PHA has established policies on the timing and frequency of moves in accordance with 982.314(c)(2), and the requested move does not comply with those policies.
 - a. The PHA may establish policies that prohibit any move by the family during the initial lease term, and policies that prohibit more than one move by the family during any one year period.
5. The PHA does not have sufficient funding for continued assistance to support the move in accordance with 982.314(e)(1).

The Initial PHA must deny a family's request to move if the family has moved out of its assisted unit in violation of the lease.

The Violence Against Women and Justice Department Reauthorization Act 2005 (VAWA 2005) amended section 8(r) of the US Housing Act to provide an exception to the prohibition against a family moving under the portability provisions in violation of the lease. VAWA 2005 provides that a family may receive a voucher and move in violation of the lease under portability procedures if the family has complied with all other obligations of the voucher program and has moved out of the assisted 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 (s)he was imminently threatened by harm from further violence if (s)he remained in the assisted unit.

PIC Reports

Portability Billing Report

Form 50058->Viewer->Reports->Portability Billing

The Portability Billing Report consists of two reports that will allow a PHA to monitor the reporting status of voucher families involved in portability:

- The **PHA Billing Report** allows the **Selected PHA** to review a list of families that it is administering and billing the Initial PHA.
- The **PHA Billed Report** allows the **Selected PHA** to review the status of families that a Receiving PHA is administering and billing the **Selected PHA**.

The two HUD Form-50058 data fields driving this report are fields 11e/12e – Cost Billed per Month (must be greater than \$0) and 11f/12f – PHA Code Billed (must report a valid PHA Code).

The **Selected PHA** can generate the reports by selecting the following Program Types:

- Tenant-based Vouchers
- Homeownership Vouchers
- All Relevant Programs

As a reminder, exercise patience when generating the PHA Billed Report because PIC must search the entire current database before generating the report.

Overlapping Date Report

Form 50058->Viewer->Reports->Overlapping Date

The Overlapping Date Report displays the effect of using overlapping effective dates as a result of a **Gaining PHA** processing an Action 1 – New Admission before the **Losing PHA** has processed an Action 6 – End of Participation (EOP) or the **Gaining PHA** processing an Action 4 – Portability Move-in before the **Losing PHA** has processed and Action 5 – Portability Move-out.

The Overlapping Date Report contains three separate reports. To generate the reports, the **Selected PHA** would normally accept the default **From** and **To** Occurrence Dates.

The **Automatic EOPs Pending Report** will list HOH Name/SSN and the **Gaining PHA** that processed the overlapping Action 1 or 4. The **Selected PHA** should review the families listed on the report and contact the **Gaining PHA** regarding discrepancies. If the information is correct and the Gaining PHA had processed an Action 1 – New Admission, the **Selected PHA** should either process an Action 6 – EOP or use the **Online EOP** link that is available on the screen. If the **Gaining PHA** had processed an Action 4 – Portability Move-in, then the **Selected PHA** should process an Action 5 – Portability Move-out.

If no action is taken by the **Selected PHA**, PIC will generate an Automatic EOP or Action 5 on the first of the month following the Occurrence Date of the Overlap.

The New Admissions Causing Overlapping Dates Report

will list the HOH Name and SSN and the **Losing PHA** as a result of the **Selected PHA** processing either an Action 1 – New Admission or Action 4 – Portability Move-in before the **Losing PHA** has processed an Action 6 – EOP or Action 5 – Portability Move-out.

The **Automatic EOPs Processed Report** will list the automatic EOP and Action 5 records generated as the result of the **Selected PHA** not taking action prior to the first of the month following the Occurrence Date of the Overlap. The Report will list the **Gaining PHA** that processed the Action 1 – New Admission.

MTCS HA Query Report

Ad Hoc Module->HA Query

MTCS HA Query allows the PHA to search PIC's Current database (db) to determine if the SSN exists as a Head of Household (HOH) in PIC. The user can enter up to 14 SSNs separated by a comma. The PHA's PIC Security Administrator or PIC Coach can assign this role to the appropriate user(s).

This is an excellent tool to verify the status of an SSN in PIC either for existing tenants, new applicants, or HCV portable tenants. If the SSN exists as a HOH in the Current db, the search result will indicate the last program type, PHA code, PHA name, type of action, and effective date. If the SSN does not exist as a HOH in the Current db, the search result will indicate, **No Information is Available**.

Verifying the status of a HCV portable HOH SSN will assist the **Receiving PHA** in determining if they should use Action 1 – New Admission, Action 4 – Portability Move-in, or Action 14 – Historical Adjustment.

- Use **Action 1 or 14** if the last action in PIC is a Public Housing action, an Action 6 – EOP, or **No Information is Available**.
- Use **Action 4** if the last action in PIC is a HCV action = 1, 2, 3, 4, 5, 7, 9 or 14.

The **Initial PHA** can use HA Query to determine the status of a HCV portable HOH SSN:

- Use **Action 5** if the last action in PIC is the Receiving PHA's Action 4 or the Initial PHA was notified that a HAP contract was executed on behalf of the family by the Receiving PHA..
- Use **Action 6** if the Initial PHA used Action 1 or the voucher expired before the HCV portable family successfully signed a lease.

As a reminder, HA Query will NOT verify the name associated with the specified HOH SSN. The search only indicates the status of the HOH SSN in PIC!

Using Form HUD-50058 Action Types with Portability:

1 – New Admission

- Use when a family has signed a lease under the Voucher (VO) or Mod Rehab (MR) program for the **first time**.
- Use if a family is moving from one PHA program to another (e.g., moving from PH to VO).
- Use if a family exercises portability with its **first admission** into the VO program, regardless of whether the Receiving PHA absorbs or administers the family's voucher.
- Use if a family experienced an interruption of VO assistance where the former PHA submitted an Action 6 – End of Participation (EOP).

- The Effective Date should be the same as the effective date of the assisted lease and HAP contract.

4 – Portability Move-in

- Use to report a portability move into a new PHA's jurisdiction as long as the participant family's last reported Form HUD-50058 in PIC for the former PHA involved Action Types 1, 2, 3, 4, 5, 9, or 14 for the VO program, and regardless of whether the Receiving PHA absorbs or administers the family's voucher.
- PHA cannot use Action 4 if the last reported Form HUD-50058 in PIC was an Action 6 – End of Participation.
- The Effective Date should be the same as the effective date of the assisted lease and HAP contract.

5 – Portability Move-out

- Use to report a portability move out of a PHA's jurisdiction. Use only after the Receiving PHA has executed a HAP contract on behalf of the family regardless of whether the Receiving PHA absorbs or administers the voucher.
- The Effective Date should be the day prior or same date as the Portability Move-in as noted on the portability billing form.

6 – End of Participation

- Use to report the family's discontinued participation in the PHA program.
- Use if a family is moving from one PHA program to another (e.g., moving from PH to VO).
- Do not use if the family is between assisted units in the VO program.
- The Effective Date should be the later of the date the HAP contract terminates, or if the family is not in an assisted unit, the date the voucher expires.

9 – Annual Reexamination Searching (SHOP)

- Use when the family has terminated HAP assistance because they are searching for a new unit either in the PHA's jurisdiction or in another PHA's jurisdiction. The family's voucher status has also changed from 'leased' to 'issued' as of the effective date of this action type.

- Note: When used by a Receiving PHA that is administering a family's voucher for an Initial PHA, PIC can no longer identify the family's voucher as belonging to the Initial PHA because this action type does not include 12e-Cost billed per month or 12f-PHA code billed.
- The Effective Date should be the date the family has terminated HAP assistance (typically the first day of the month).

10 – Issuance of Voucher

- Use to report the PHA issuing a voucher to an **applicant** family and the family begins their search for a unit.
- The Receiving PHA should use for a family porting into their jurisdiction only if the Receiving PHA has

informed the Initial PHA that it will **absorb** the family's voucher assistance.

- The Effective Date is the date the PHA issued the voucher to the family.

11 – Expiration of Voucher

- Use to report the **applicant** family failed to lease a unit and the voucher expired.
- The Initial PHA should use for an **applicant** family that is porting with its first admission and the Receiving PHA has informed the Initial PHA that it will **absorb** the family's voucher assistance.
- The Effective Date is the date the issued voucher expired (including any term extensions).

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