

CHAPTER 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY

[24 CFR 982.314, 982.353, 982.355 (a)]

INTRODUCTION:

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

A. ALLOWABLE MOVES:

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

- The assisted lease for the old unit has terminated because the NBHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family with NBHA approval.
- The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (Unless assistance to the family will be terminated, see "Denial or Termination of Assistance", Chapter of the Administrative Plan).
- The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner).

B. INTERPROGRAM TRANSFERS:

Public Housing participants may transfer out of Public Housing into the HCV program when, or under the following circumstances:

- Reasonable Accommodation for Disabled Families,
- With approval from the Executive Director, and/or his/her designee
- HCV participants who cannot locate appropriate units within the allotted timeframe, may, with approval of the NBHA's Executive Director, or designee, be accepted into NBHA owned properties if:
- Transfers meet all eligibility/suitability criteria
- Vacancies permit

B-1. EMERGENCY:

The NBHA has granted the protections of the Violence Against Women Act (VAWA) in accordance with the Emergency Transfer Plan.

C. **RESTRICTIONS ON MOVES:** [24 CFR 982.314, 982.552(a)]

Families will not be permitted to move outside the NBHA's jurisdiction under portability procedures during the initial term of assisted occupancy for the first year.

Families will only be permitted to move once every 12 months and limited to 10% of the monthly certification pool. Additional moves will be based on Supervisor approval.

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

The NBHA will deny permission to move if the family owes any HA money, or is not current with payments as specified in any repayment agreement.

The Supervisor may consider exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control. Emergency is defined in the glossary of this Administrative Plan.

D. **PROCEDURE FOR MOVES:** [24 CFR 982.314]

Issuance of Voucher:

Subject to the restriction on moves, the NBHA will issue the authorization to move.

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

Notice Requirements:

The family must give the owner a minimum of 30 days written notice of intent to vacate as specified by the HAP contract. A written copy must be provided to the NBHA.

Time of Contract Change:

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

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may not overlap and the new contract cannot begin until the old contract has been terminated. This means that the tenant will be responsible for the full rent on the new unit until assistance obligation has ended on the prior contract.

E. **PORTABILITY:** [24 CFR 982.353]

Portability applies to families moving out of, or into the NBHA's jurisdiction within the United States and its territories.

F. **OUTGOING PORTABILITY:** [24 CFR 982.353, 982.355]

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the NBHA's jurisdiction after the first initial year. The NBHA will allow the family to exercise its right to portability anywhere in the United States where there is a HA with a tenant-based program.

When a family requests to move outside of the NBHA's jurisdiction, the family's written request must specify the area to which the family wants to move. The NBHA will identify the receiving HA and approve or deny the request, submitting a written response to the family. If there is more than one HA in the area in which the family has selected a unit, the NBHA will choose the receiving HA.

The NBHA will deny permission to move to a jurisdiction with higher payment standards if there is insufficient funding provided by HUD to pay the higher obligation unless the receiving PHA is willing to absorb the family into their own program.

Restrictions on Portability: [24 CFR 982.353]

Applicants: If neither the head nor spouse had a domicile (legal residence) in the NBHA's jurisdiction at the date of their initial application for assistance, the family must reside in New Britain for one (1) year upon receiving their voucher from the NBHA before moving outside of the NBHA's jurisdiction.

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

Restrictions on moves:

Any request to move by a participant to another jurisdiction must be submitted in writing on or before the 15th of the month.

Participants:

For admission to the program a family must be income eligible in the area where the family initially leases unit assistance under the program.

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

- The receiving and initial HA agree to allow the move and it is considered an emergency reason for the move over which the participant has no control. An example would be a move due to threats of harm due to domestic violence issues. (see VAWA chapter of this Administrative Plan).

The NBHA will not permit families to exercise portability:

- If the family is in violation of a family obligation.
- If the family owes money to any other HA.
- If the family has moved out of its assisted unit in violation of the lease.

G. INCOMING PORTABILITY: [24 CFR 982.354, 982.355]

Absorption or Administration:

The NBHA will accept a family with a valid voucher from another jurisdiction and administer or absorb the voucher. If administering, the family will be issued a “portable” voucher by the NBHA.

The terms of the voucher will not expire before the expiration date of the initial HA voucher. The family must submit a RFLA for an eligible unit to the receiving HA during the terms of the receiving HA voucher. The receiving HA may grant extensions in the NBHA’s jurisdiction, the family must contact the initial HA to request an extension.

When the NBHA does not absorb the incoming voucher, it will administer the initial HA’s voucher and the receiving HA policies will prevail.

The receiving HA will determine the family unit size for the portable participant family and will issue a “portability voucher” in accordance with the subsidy standards of the receiving HA.

Income and Total Payment of Incoming Portables: [982.353(d)]

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

Requests for Tenancy Approval:

If the family leases up successfully, the NBHA will notify the initial HA within ten (10) business days, and the billing process will commence.

If the NBHA denies assistance to the family, the NBHA will notify the initial HA within ten (10) business days and the family will be offered a review or hearing.

When the family submits a Request for Tenancy Approval, it will process using the NBHA’s policies. If the family does not submit a Request for Tenancy Approval or does not execute a lease, the receiving HA will notify the initial HA if the family fails to submit a request for approval of tenancy for an eligible unit within the term of the voucher.

Regular Program Functions:

The NBHA will perform all program functions applicable to the tenant-based assistance program such as:

- Annual recertification of family income and participant family composition;
- Annual inspection of the unit; and
- Interim recertification when requested or deemed necessary by the NBHA.

Terminations:

The NBHA will notify the initial HA in writing of any termination of assistance within thirty (30) days of the termination or the hearing decision being rendered. If an informal hearing is required and requested by the family, the hearing will be conducted by the NBHA. A copy of the hearing decision will be furnished to the initial HA.

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

Required Documents:

As the receiving HA, the NBHA will require the documents listed on the HUD Portability Billing Form 52665 from the initial HA.

Billing Procedures:

The receiving HA, will bill the initial HA monthly for housing assistance payments if the family has not been absorbed. The billing cycle for other amounts, including administrative fees and special claims, will be monthly unless requested otherwise by the initial HA.

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

The NBHA will notify the initial HA of changes in subsidy amounts and will expect the initial HA to notify the NBHA of changes in the administrative fee amount to be billed.