Chapter 10

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

INTRODUCTION

This chapter sets forth HUD regulations and DMMHA policies governing moves within or outside the DMMHA’s jurisdiction in two parts:

Part I: Moving with Continued Assistance. This Part covers the general rules that apply to all moves by a family assisted under the DMMHA’s HCV program, whether the family moves to another unit within the DMMHA’s jurisdiction or to a unit outside the DMMHA’s jurisdiction under portability.

Part II: Portability. This Part covers the special rules that apply to moves by a family under portability, whether the family moves out of or into the DMMHA’s jurisdiction. This Part also covers the special responsibilities that the DMMHA has under portability regulations and procedures.
PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.A. ALLOWABLE MOVES

Families that are assisted by the HCV Program may move from an approved rental unit under any of the following circumstances, note that all moves with assistance require 30 days written notice from the participant to DMMHA unless noted below. The notice must be received prior to the first of the month and the participant moves at the end of the month:

1) The family has terminated an existing lease on notice to the owner (for the owner’s breach or otherwise), provided that the family gives a notice of termination to the owner in accordance with the lease [24 CFR 982.314(b) (3)]. If the family terminates the lease on notice to the owner, the family must give the DMMHA a copy of the notice at the same time [24 CFR 982.314(d) (1)]. The notice must be at least a 30 day notice and be received by the DMMHA prior to the first day of the month when the termination is to occur.

Exceptions to the required 30 day notice may be made at the discretion of the DMMHA in cases such as natural disaster, owner breach of HAP contract, loss of essential services such as heat, hot water, and electricity (as long as the reason for such loss of essential services is by no fault of the participant).

2) The family “has complied with all other obligations of the section 8 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 a victim of domestic violence, dating violence, sexual assault 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”, in accordance with the Violence Against Women Reauthorization Act of 2013 (VAWA 2013).

The VAWA 2013 final rule requires the DMMHA to adopt an emergency transfer plan for victims of domestic violence, dating violence, sexual assault, or stalking.

A verified incident of domestic violence, dating violence, sexual assault, or stalking is considered an emergency circumstance warranting an immediate relocation of the participant. For instances of domestic violence, dating violence, sexual assault, or stalking, the threat may be established through documentation outlined in section 16-VIII.E of this Plan, or by any proof accepted by the DMMHA.

The DMMHA will immediately process requests for relocations due to domestic violence, dating violence, sexual assault, or stalking.

The DMMHA has adopted an emergency transfer plan (HUD Form 5381), which is included as Exhibit 10-1 to this Plan.

In order to request the emergency relocation, the requestor must submit an emergency transfer request form (HUD-5383) unless the DMMHA in its sole discretion elects to waive this requirement in order to expedite the relocation process.
3) The lease for the family’s unit has been terminated by mutual written agreement of the owner and the family [24 CFR 982.314(b) (1) (ii)], a copy of which written termination agreement is provided by the family, along with a written thirty-day notice to vacate to DMMHA.

4) The owner has given the family a notice to vacate, has commenced an action to evict the family, or other process allowing the owner to evict the family [24 CFR 982.314(b) (2)]. The family must give the DMMHA a copy of any owner eviction notice [24 CFR 982.551(g)]. If the family is evicted by the owner, the family will also be terminated from the Section 8 Housing Choice voucher program.

5) The DMMHA has terminated the Housing Assistance Payments (HAP) Contract for the family’s unit because of the owner’s breach [24 CFR 982.314(b) (1) (i)]. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the DMMHA gives notice to the owner. [24 CFR 982.403(a) and (c)]

6) The DMMHA determines that the family’s current unit does not meet the HQS space standards because of a change in family composition. In such cases, the DMMHA will issue the family a new voucher, and the family will be permitted to search for a new unit. The DMMHA will terminate the HAP contract for the family’s old unit in accordance with the HAP contract terms and will notify both the family and the owner of the termination. The HAP contract terminates at the end of the calendar month that follows the calendar month in which the DMMHA gives notice to the owner. [24 CFR 982.403(a) and (c)]

7) A foreclosure petition affecting the rental unit has been filed in the courts and has been served upon the family and/or the landlord.

10-I.B. RESTRICTIONS ON MOVES

Denial of Moves

The DMMHA may deny a family permission to move to a different assisted rental unit under the following conditions:

Insufficient Funding

The DMMHA will deny a family permission to move if the DMMHA does not have sufficient funding for continued assistance [24 CFR 982.314(e) (1) and PIH Notice 2016-09], if (a) the move is initiated by the family, not the owner or the DMMHA; (b) the DMMHA can demonstrate that the move will, in fact, result in higher subsidy costs(c) the DMMHA can demonstrate, in accordance with the policies in Part VII of Chapter 16, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs; and (d) for portability moves, the receiving PHA is not absorbing the voucher.

If the DMMHA does not have sufficient funding for continued assistance, but the family must move from their unit (e.g., the unit failed HQS), the family may move to a higher
cost unit if the move is within the DMMHA’s jurisdiction. The DMMHA, however, will not allow the family to move under portability in this situation if the family wishes to move to a higher cost area.

For moves within the DMMHA’s jurisdiction and outside the DMMHA’s jurisdiction under portability, the DMMHA will not deny a move due to insufficient funding if the DMMHA previously approved the move and subsequently experienced a funding shortfall, and the family is not allowed to remain in their current unit. The DMMHA will rescind the voucher in this situation if the family will be allowed to remain in their current unit.

The DMMHA will create a list of families whose moves have been denied due to insufficient funding. The DMMHA will keep the families’ move requests open indefinitely, and when funds become available, the families on this list will take precedence over families on the move waiting list. The DMMHA will use the same procedures for notifying families with open requests to move when funds become available as it uses for notifying families on the move waiting list.

The DMMHA will inform the family of its policy regarding moves denied due to insufficient funding in a letter to the family at the time the move is denied.

Other Grounds for Denial of Permission to Move

The DMMHA will deny a family permission to move:

1. If the family is currently in a one year lease with the property owner and a thirty day notice and a written mutual termination agreement has not been received by DMMHA.
2. If the family has a pending informal discussion for a violation of family obligations.
3. If the family is currently under investigation for a violation of family obligations.
4. If the family has a pending termination hearing.
5. If the DMMHA has issued a termination letter due to a violation of the family obligations by the participant.
6. If the family owes any money to the DMMHA.

Tenant and owners will not be allowed to cancel annual inspections if they are relocating. DMMHA is required to inspect each unit at least once every 365 days; therefore, canceling the annual inspection is prohibited.

Restrictions on Elective Moves [24 CFR 982.314(c)]

HUD regulations permit the DMMHA to prohibit any elective move by a participant family during the family’s initial lease term. They also permit the DMMHA to prohibit more than one elective move by a participant family during any 12-month period. However, the DMMHA may not establish a policy permitting moves only at reexamination [Notice PIH 2012-42].

1) The DMMHA will deny a family permission to make an elective move during the family’s initial lease term, unless the lease is mutually terminated by both the family and the landlord
and a 30 day notice is received as stated above. This policy applies to moves within the DMMHA’s jurisdiction.

2. The DMMHA will prohibit more than one elective move by a participant family during a 12 month period.

2) The DMMHA may consider exceptions to this policy for the following reasons: to protect the health or safety of a family member (e.g., lead-based paint hazards, domestic violence, witness protection programs), to accommodate a change in family circumstances, or to address an emergency situation over which a family has no control.

10-I.C. MOVING PROCESS

Notification

If a family wishes to move to a new unit, the family must provide the DMMHA and the property owner a written notice to move of at least thirty (30) days prior to the first day of the month. Failure to timely provide DMMHA a copy of the thirty (30) day notice may result in the denial of the request to move with assistance, the family may re-request with proper notice. If the family wishes to move to a unit outside the DMMHA’s jurisdiction under portability, the notice to the DMMHA must specify the Housing Authority to which the family wishes to move [24 CFR 982.314(d)(2)]. The notices must be in writing [24 CFR 982.5].

Approval

Upon receipt of a family’s notification that it wishes to move, the DMMHA will determine whether the move is allowable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. The DMMHA will notify the family in writing of its determination.

Reexamination of Family Income and Composition

For families moving into or families approved to move out of the DMMHA’s jurisdiction under portability, the DMMHA will follow the policies set forth in Part II of this chapter.

Voucher Issuance and Briefing

For families approved to move to a new unit within the DMMHA’s jurisdiction, the DMMHA will issue a new voucher. If a family does not locate a new unit within the term of the voucher and any extensions, the family may remain in its current unit with continued voucher assistance if the owner agrees. If the participant would like to move in the future, a new written notice must be received by DMMHA. Written approval from the owner is required by DMMHA. Otherwise, the voucher will expire. The DMMHA will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration.

For families moving into or families approved to move out of the DMMHA’s jurisdiction under portability, the DMMHA will follow the policies set forth in Part II of this chapter.

Housing Assistance Payments [24 CFR 982.311(d)]

When a family moves out of an assisted unit, the DMMHA may not make any housing assistance payment to the owner for any month after the month the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.
Moves Required for Over-housed families with Enhanced Vouchers

The DMMHA will administer Enhanced Vouchers for over-housed families in accordance with PIH Notice 2008-12, as amended.

Upon determination that an enhanced voucher participant has become over-housed (family composition changed and they no longer qualify for the unit size they are occupying), the DMMHA will require that the family residing in the oversized unit move to an appropriate sized unit within 60 calendar days from the date that an appropriate sized unit comes available in the project. In the event that the family does not move to the appropriate sized unit within the 60 calendar day time-frame, the family will no longer continue to receive Enhanced Voucher assistance and the subsidy calculation will be based on the gross rent for the appropriate sized unit.

If there are more over-housed families than the number of available appropriate size units at any given time, the DMMHA will require over-housed families to move according to the length of time the family had been living in the over-housed unit, starting with the family over-housed for the longest period of time first and working towards the family with the shortest time over-housed.
PART II: PORTABILITY

10-II.A. OVERVIEW

Within the limitations of the regulations and this Plan, a participant family or an applicant family that has been issued assistance Housing Choice voucher may use tenant-based voucher assistance to lease a unit anywhere in the United States, provided that the rental unit is located within the jurisdiction of a PHA administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one PHA and uses it to lease a unit in the jurisdiction of another PHA is known as “portability” or “portable assistance”. The PHA that issues the voucher is called the “initial PHA”. The PHA that has jurisdiction in the area to which the family wants to move is called the “receiving PHA”.

The receiving PHA has the option of administering the family’s voucher for the initial PHA or absorbing the family into its own program. Under the first option, the receiving PHA provides all housing services for the family and bills the initial PHA for the family’s housing assistance payments and the fees for administering the family’s voucher. Under the second option, the receiving PHA pays for the family’s assistance with its own program funds, and the initial PHA has no further relationship with the family. The initial PHA must contact the receiving PHA via email or other confirmed delivery method to determine whether the receiving PHA will administer or absorb the initial PHA’s voucher. Based on the receiving PHA’s response, the initial PHA must determine whether they will approve or deny the portability request [Notice PIH 2016-09].

In administering portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required forms [24 CFR 982.355(e)(5)]. PHAs must also comply with billing and payment deadlines. HUD may reduce an administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements [24 CFR 982.355(e)(7)].

REQUESTS FOR PORTABILITY

The family must present their written request to their Housing Case Manager indicating they would like to exercise portability and transfer their assistance to another jurisdiction. The request must be submitted at least 30 calendar days prior to the first day of the month in which the family is requesting to use portability. The request must include the name and address of the Housing Authority to which the family wants to transfer. Families may access Housing Authorities by state by going to HUD’s web-site at http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/pha/. The Housing Case Manager must assist the participant in contacting the other Housing Authority, if needed.
10-II.B. DMMHA’S ROLE AS INITIAL PHA

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one PHA administering a voucher program [24 CFR 982.353(b)]. If there is more than one PHA in the area, the family will be asked to specify to which PHA’s jurisdiction it would like to move.

Applicant and participant families that have been issued vouchers may qualify to lease a unit outside the DMMHA’s jurisdiction under portability. HUD regulations and DMMHA policy, as set forth in this Plan, determine whether a family qualifies to use portability.

Restrictions on Moves under Portability

The DMMHA may deny a family’s portability move request under any of the following circumstances:

1) Cost Differential

The DMMHA will only deny a family permission to move to a higher cost area under portability if it 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 for housing assistance payments. Before denying the family’s request to move due to insufficient funding, the DMMHA will contact the receiving PHA and confirm that the receiving PHA will not absorb the family. If the PHA does deny the move due to insufficient funding, the PHA will notify HUD in writing within 10 business days of the PHA’s determination to deny the move [24 CFR 982.355(e)].

If the DMMHA later determines that sufficient funding exists to approve the move, the DMMHA will promptly notify the family that they may exercise the move to the higher cost area if the family still wishes to move. The DMMHA will not admit additional families to the Housing Choice Voucher program until the family declines to move at that time.

2) Applicant Families

In determining whether or not to deny an applicant family permission to move under portability because the DMMHA lacks sufficient funding or has grounds for denying assistance to the family, the DMMHA will follow the policies established in section 10-I.B of this chapter.

If neither the head of household nor the spouse of an applicant family had a domicile (legal residence) in the DMMHA’s jurisdiction at the time that the family’s initial application for assistance was submitted, the family must lease a unit within the DMMHA’s jurisdiction for at least 12 months before requesting portability.

The DMMHA will consider a family that moved into the DMMHA’s jurisdiction under Portability to be an “applicant family” if the HUD Form 52665 was marked by the initial PHA that the family was NOT a current participant at the time that they requested to move in to the DMMHA’s jurisdiction. The applicant family that ported in must reside in the DMMHA’s
jurisdiction for one year before the DMMHA will approve such applicant family’s request for portability.

3) **Participant Families**

(a) The DMMHA will not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease [24 CFR 982.353(b)]. VAWA creates an exception to this prohibition for families who are otherwise in compliance with program obligations but have moved to protect the health or safety of an individual who is or has been a victim of domestic violence, dating violence, sexual assault or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if they remained in the unit.

(b) The DMMHA will determine whether a participant family may move out of the DMMHA’s jurisdiction with continued assistance in accordance with the regulations and policies set forth here and in sections 10-I.A and 10-I.B of this chapter. The DMMHA will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

The DMMHA will consider a family that moved into the DMMHA’s jurisdiction under portability to be a “participant family” if the HUD Form 52665 was marked by the initial PHA that the family was a current participant at the time they requested to port into the DMMHA’s jurisdiction. The participant family that ported in will not be required to reside in the DMMHA’s jurisdiction for one year before the DMMHA will approve the participant family’s request for portability.

**Determining Income Eligibility**

1) **Applicant Families**

The DMMHA will consider families that receive their voucher from the DMMHA as a result of changing from a Project Based Voucher program to the regular HCV program as a “participant family” and not require the family to reside in the DMMHA jurisdiction for one year before approving the participant family’s request for portability.

An applicant family may lease a unit in the DMMHA’s jurisdiction, under portability only if the family is income eligible for admission to the voucher program [24 CFR 982.353(d) (1)]. The family must specify the area to which the family wishes to move [24 CFR 982.355(c)(1)].

The DMMHA is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.353(c) (1)]. If the applicant family is not income eligible in that area, the DMMHA will inform the family that it may not move there and receive voucher assistance [Notice PIH 2016-09].

2) **Participant Families**

The income eligibility of a participant family is not redetermined if the family moves to a new jurisdiction under portability [24 CFR 982.353(d) (2)].

**Briefing on Portability**
1) Applicant Families

The regulations and policies on briefings set forth in Chapter 5 of this plan require the DMMHA to provide information on portability to all applicant families that qualify to lease a unit outside the DMMHA’s jurisdiction under the portability procedures. Therefore, no special briefing is required for these families.

2) Participant Families

No formal briefing will be required for a participant family wishing to move outside the DMMHA’s jurisdiction under portability.

If there is more than one PHA with jurisdiction over the area to which the family wishes to move, the DMMHA will advise the family that the family selects the receiving PHA, and that the family must notify the DMMHA of which receiving PHA was selected at the time the family notifies the DMMHA that they wish to move outside the DMMHA jurisdiction. The DMMHA will provide the family with contact information for all of the receiving PHAs that serve the area. The DMMHA will not provide any additional information about receiving PHAs in the area. The DMMHA will further inform the family that if the family prefers not to select the receiving PHA, the DMMHA or other initial PHA will select the receiving PHA on behalf of the family. In this case, the DMMHA will not provide the family with information for all receiving PHAs in the area.

The DMMHA will advise the family that their transfer and program participation will be subject to the Receiving PHA’s policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

3) Voucher Issuance and Term

An applicant family has no right to portability until after the family has been issued a voucher [24 CFR 982.353(b)]. In issuing vouchers to applicant families, the DMMHA will follow the regulations and procedures set forth in Chapter 5.

For participating families approved to move under portability, the DMMHA will issue a new voucher with an initial term as stated in Chapter 5 of this Plan.

4) Voucher Extensions and Expiration

The DMMHA will follow the policy on voucher extensions set forth in Section 5-II.E, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term. If the voucher is extended, DMMHA will also extend the initial billing deadline.

To receive or continue receiving assistance under the DMMHA’s voucher program, a family that moves to another PHA’s jurisdiction under portability must be under HAP contract in the receiving PHA’s jurisdiction within 90 calendar days following the expiration date of the DMMHA’s voucher term (including any extensions).

Preapproval Contact with the Receiving PHA

Prior to approving a family’s request to move under portability, the DMMHA will contact the receiving PHA via e-mail or other confirmed delivery method to determine whether the receiving
PHA will administer or absorb the family’s voucher. Based on the receiving PHA’s response, the DMMHA will determine whether it will approve or deny the move [24 CFR 982.355(c)(3)].

5) **Initial Contact with the Receiving PHA**

After approving a family’s request to move under portability, the DMMHA will promptly notify the receiving PHA via email or other confirmed delivery method to expect the family [24 CFR 982.355(c)(3); 24 CFR 982.355(c)(7)]. The DMMHA will also advise the family how to contact and request assistance from the receiving PHA [24 CFR 982.355(c)(6)].

6) **Sending Documentation to the Receiving PHA**

The DMMHA is required to send the receiving PHA the following documents:

- Form HUD-52665, Family Portability Information, with Part I completed
- A copy of the family’s voucher
- Current Enterprise Income Verification (EIV) Income Report
- A copy of the family’s most recent form HUD-50058, Family Report, or, if necessary in the case of an applicant family, family and income information in a format similar to that of form HUD-50058 [24 CFR 982.355(c)(7), Notice PIH 2012-42]
- Copies of the income verifications associated with the form HUD-50058 [24 CFR 982.355(c)(7), Notice PIH 2016-09]

**Initial Billing Deadline (Notice PIH 2016-09)**

**DMMHA will follow the requirements set forth in PIH notice 2016-09 in relation to Initial Billing Deadlines if the receiving PHA is administering the family’s voucher.**

**Monthly Billing Payments [24 CFR 982.355(e) and Notice PIH 2016-9]**

If the receiving PHA is administering the family’s voucher, the receiving PHA bills the initial PHA for housing assistance payments and administrative fees. When reimbursing for administrative fees, the initial PHA must promptly reimburse the receiving PHA for the lesser of 80 percent of the initial PHA ongoing administrative fee or 100 percent of the receiving PHA’s ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving PHA is billing the initial PHA under portability. If the administrative fees are prorated for the HCV program, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill [24 CFR 982.355(e)(2)].

**Annual Updates of Form HUD-50058**

DMMHA will follow the requirement set forth in PIH Notice 2016-9, and any subsequent guidance provided by HUD, in relation to annual updates of HUD Form 50058 if the receiving PHA is administrating the family’s voucher.
Subsequent Family Moves

1) Within the Receiving PHA’s Jurisdiction [24 CFR 314(e) (1)]

The DMMHA has the authority to deny subsequent moves by portable families whom it is assisting under portability billing arrangements (i.e., the receiving PHA is administering the family’s voucher) if DMMHA does not have sufficient funding for continued assistance.

If the DMMHA determines that it must deny moves on the grounds that it lacks sufficient funding pursuant to Section 10-I.B, it will notify all receiving PHAs with which it has entered into portability billing arrangements that such PHAs must deny moves to higher cost units by portable families from the DMMHA’s jurisdiction.

2) Outside the Receiving PHA’s Jurisdiction

If the DMMHA is assisting a portable family under a billing arrangement (i.e., the receiving PHA is administering the family’s voucher) and the family subsequently decides to move out of the receiving PHA’s jurisdiction, the DMMHA will require the receiving PHA to send the family’s current HUD Form 50058 and supporting documentation to DMMHA. DMMHA will then send the information to the new PHA as directed by the family.

Denial or Termination of Assistance [24 CFR 982.355(c) (17)]

At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance with the family in accordance with 24 CFR 982.552 and 24 CFR 982.553. (For DMMHA policies on denial and termination, see Chapters 3 and 12 of this Plan, respectively.)

10-I.C. DMMHA’S ROLE AS RECEIVING PHA

If a family has a right to lease a unit in the DMMHA’s jurisdiction under portability, the DMMHA will provide assistance for the family if the family meets DMMHA eligibility requirements as described in Chapter 3 of this Plan [24 CFR 982.355(10)]. HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families [24 CFR 982.355(b)].

The DMMHA’s procedures and preferences for selection among eligible applicants do not apply, and the DMMHA’s waiting list is not used [24 CFR 982.355(10)]. However, the family’s unit, or voucher, size is determined in accordance with the subsidy standards of the DMMHA [24 CFR 982.355(c)(12)], and the DMMHA’s policies on extensions of the voucher term apply [24 CFR 982.355(c)(14)].

If for any reason the DMMHA refuses to process or provide assistance to a family under the portability procedures, the family will be given the opportunity for an informal review or hearing [Notice PIH 2012-42]. (For more on this topic, see below under “Denial or Termination of Assistance.”)
Initial Contact with Family

When a family moves into the DMMHA’s jurisdiction under portability, the family is responsible for promptly contacting the DMMHA and complying with the DMMHA’s procedures for incoming portable families. The family’s failure to comply may result in denial or termination of the receiving PHA’s voucher [24 CFR 982.355(c)(8)].

If the voucher issued to the family by the initial PHA has expired, the DMMHA must contact the initial PHA to determine if it will extend the voucher [24 CFR 982.355(c)(13)]. An informal hearing is not required when a voucher has expired without the family leasing a unit.

When a portable family requests assistance from the DMMHA, the DMMHA will inform the initial PHA, within 10 business days, whether the DMMHA will administer the family’s voucher for the initial PHA or will absorb the family into its own program [24 CFR 982.355(c)(5)]. If the DMMHA initially administers the voucher and bills the initial PHA for the family’s assistance, it may later decide to absorb the family into its own program [Notice PIH 2008-43]. (See below under “Absorbing a Portable Family” for more on this topic.)

Briefing

The DMMHA will require the family to attend a briefing with DMMHA staff. The DMMHA will provide the family with a briefing packet (as described in Chapter 5) and, in the briefing, will orally inform the family about the DMMHA’s payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process.

Income Eligibility and Reexamination

For any family moving into its jurisdiction under portability, the DMMHA will update the family income and composition. However, the DMMHA will not delay issuing the family a voucher for this reason. Nor will the DMMHA delay approving a unit for the family until the update process is complete, unless the family is an applicant and the DMMHA cannot otherwise confirm that the family is income eligible for admission to the program in the DMMHA’s jurisdiction.

In conducting its own update, the DMMHA will rely upon any verifications provided by the initial PHA to the extent that they (a) accurately reflect the family’s current circumstances and (b) were obtained within the last 120 days. Any new information may be verified by documents provided by the family.

Voucher Issuance

When a family moves into its jurisdiction under portability, the DMMHA will issue the family a voucher [24 CFR 982.355(c) (13)]. The family must submit a request for tenancy approval to the DMMHA during the term of the DMMHA’s voucher [24 CFR 982.355(c) (15)].
1) **Timing of Voucher Issuance**

When a family moves into the DMMHA’s jurisdiction under portability, the DMMHA will issue the family a voucher based on the paperwork provided by the initial PHA within two weeks of receipt of the port in request, unless the family’s paperwork from the initial PHA is incomplete, the family’s voucher from the initial PHA has expired or the family does not comply with the DMMHA’s procedures. The DMMHA will update the family’s information when verification has been completed.

2) **Voucher Term**

The DMMHA’s voucher will expire according to the current regulation or other directive set forth by HUD.

3) **Voucher Extensions [24 CFR 982.355(c)(14), (Notice PIH 2016-9)]**

The DMMHA may provide additional search time to the family beyond the expiration date of the initial PHA’s voucher in order for the family to find a rental unit. However, if DMMHA does so, it must inform the initial PHA of the extension. It must also bear in mind the billing deadline provided by the initial PHA. Unless willing and able to absorb the family, the DMMHA will ensure that any voucher expiration date would leave sufficient time to process a request for tenancy approval, execute a HAP contract, and deliver the initial billing to the initial PHA.

The DMMHA will follow the policies on voucher extension set forth in Section 5-II.E

**Notifying the Initial PHA**

The DMMHA will 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 DMMHA’s voucher [24 CFR 982.355(c) (8)]. The DMMHA will use Part II of form HUD-52665, Family Portability Information, for this purpose [24 CFR 982.355(e) (5),]. (For more on this topic and the deadline for notification, see below under “Administering a Portable Family’s Voucher,”)

If an incoming portable family ultimately decides not to lease in the jurisdiction of the DMMHA but instead wishes to return to the initial PHA’s jurisdiction or to search in another jurisdiction, the DMMHA will refer the family back to the initial PHA. In such a case the voucher of record for the family is once again the voucher originally issued by the initial PHA. Any extension of search time provided by the DMMHA’s voucher is only valid for the family’s search in the DMMHA’s jurisdiction [Notice PIH 2012-42].

**Administering a Portable Family’s Voucher**

1) **Initial Billing Deadline PIH Notice 2016-09**

If a portable family’s search for a unit is successful and the DMMHA intends to administer the family’s voucher, the DMMHA will submit its initial billing notice (Part II of form HUD-52665) in time that the notice will be received no later than 90 calendar days following the expiration date of the family’s voucher issued by the initial PHA (30 additional days if delayed billing is due to suspension of voucher term). A copy of the family’s form HUD-50058, Family Report,
completed by the DMMHA will be attached to the initial billing notice. The DMMHA may send these documents by mail, and also by fax or e-mail.

If the DMMHA fails to send the initial billing by the deadline, it is required to absorb the family into its own program unless (a) the initial PHA is willing to accept the late submission or (b) HUD requires the initial PHA to honor the late submission (e.g., because the DMMHA is over leased) [Notice PIH 2016-09].

2) **Ongoing Notification Responsibilities [Notice PIH 2016-9, HUD-52665]**

**Annual Reexamination**

The DMMHA will send a copy of the updated Form HUD-50058 to the initial PHA no later than 10 business days after the effective date of the reexamination.

**Change in Billing Amount.** The DMMHA will notify the initial PHA, using form HUD-52665, of any change in the billing amount for the family as a result of:

- A change in the HAP amount (because of a reexamination, a change in the applicable payment standard, a move to another unit, etc.)
- An abatement or subsequent resumption of the HAP payments
- Termination of the HAP contract
- Termination of the family from the program

The timing of the notice of the change in the billing amount should correspond with the notification to the owner and the family in order to provide the initial PHA with advance notice of the change. Under no circumstances should the notification be later than 10 business days following the effective date of the change in the billing amount. 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.

3) **Late Payments (Notice PIH 2016-9)**

If the initial PHA fails to make a monthly payment for a portable family by the fifth business day of the month, the DMMHA will promptly notify the initial PHA in writing of the deficiency. The notice must identify the family, the amount of the billing payment, the date the billing payment was due, and the date the billing payment was received (if it arrived late). The DMMHA will send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the DMMHA. If the initial PHA fails to correct the problem by the second month following the notification, the DMMHA may request by memorandum to the director of the OPH with jurisdiction over the DMMHA that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the PHAs on the matter must be attached. The DMMHA will send a copy of the memorandum to the initial PHA. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial PHA is still responsible for any outstanding payments due to the DMMHA.
4) Overpayments (Notice PIH 2016-9)

In all cases where the DMMHA has received billing payments for billing arrangements no longer in effect, the DMMHA will return the full amount of the overpayment (including the portion provided for administrative fees) to the initial PHA.

In the event that HUD determines billing payments have continued for at least three months because the DMMHA failed to notify the initial PHA that the billing arrangement was terminated, the DMMHA will take the following steps:

- Return the full amount of the overpayment, including the portion provided for administrative fees, to the initial PHA.
- Once full payment has been returned, notify the Office of Public Housing in the HUD area office with jurisdiction over the DMMHA of the date and the amount of reimbursement to the initial PHA.

5) Termination of Billing Arrangement

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

6) Denial or Termination of Assistance

If the DMMHA elects to deny or terminate assistance for a portable family, the DMMHA will notify the initial PHA in writing upon written notification to the client of the denial.

Absorbing a Portable Family

The DMMHA may absorb an incoming portable family into its own program when the DMMHA executes a HAP contract on behalf of the family or at any time thereafter, provided that the DMMHA has funding available under its annual contributions contract (ACC) and [24 CFR 982.355(d) (1), Notice PIH 2016-9].

If the DMMHA absorbs a family from the point of admission, the admission will be counted against the income targeting obligation of the DMMHA [24 CFR 982.201(b) (2) (vii)].

If the DMMHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, the DMMHA will 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. [Notice PIH 2016-09].

If the DMMHA decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the DMMHA will notify the initial PHA by the initial billing deadline specified on form HUD-52665. The effective date of the HAP contract will be the effective date of the absorption.

If the DMMHA decides to absorb a family after that, it will provide the initial PHA with adequate advanced written notice.

Following the absorption of an incoming portable family, the family is assisted with funds available under the consolidated ACC for the DMMHA’s voucher program [24 CFR 982.355(d)], and the DMMHA becomes the initial PHA in any subsequent moves by the family under portability [24 CFR 982.355(e)(4)].