

Chapter 10

MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY

INTRODUCTION

Freedom of housing choice is a hallmark of the housing choice voucher (HCV) program. In general, HUD regulations impose few restrictions on where families may live or move with HCV assistance. This chapter sets forth HUD regulations and GRHC policies governing moves within or outside the GRHC'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 GRHC's HCV program, whether the family moves to another unit within the GRHC's jurisdiction or to a unit outside the GRHC'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 GRHC's jurisdiction. This part also covers the special responsibilities that the GRHC has under portability regulations and procedures.

PART I: MOVING WITH CONTINUED ASSISTANCE

10-I.A. ALLOWABLE MOVES

HUD lists six regulatory conditions under which an assisted family is allowed to move to a new unit with continued assistance. Permission to move is subject to the restrictions set forth in section 10-I.B.

- The family has a right to terminate the lease on notice to the owner (for the owner's breach or otherwise) and has given a notice of termination to the owner in accordance with the lease [24 CFR 982.354(b)(3)]. If the family terminates the lease on notice to the owner, the family must give the GRHC a copy of the notice at the same time [24 CFR 982.354(d)(1)].
- The lease for the family's unit has been terminated by mutual agreement of the owner and the family [24 CFR 982.354(b)(1)(ii)].

GRHC Policy

If the family and the owner mutually agree to terminate the lease for the family's unit, the family must give the GRHC a copy of the termination agreement.

- The owner has given the family a notice to vacate, has commenced an action to evict the family, or has obtained a court judgment or other process allowing the owner to evict the family [24 CFR 982.354(b)(2)]. The family must give the GRHC a copy of any owner eviction notice [24 CFR 982.551(g)].
- The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member [24 CFR 982.354(b)(4)]. This condition applies even when the family has moved out of its unit in violation of the lease, with or without prior notification to the GRHC, if the family or family member who is the victim reasonably believed that he or she was imminently threatened by harm from further violence if he or she remained in the unit [24 CFR 982.354(b)(4), 24 CFR 982.353(b)]. The GRHC must adopt an emergency transfer plan as required by regulations at 24 CFR 5.2007(e).

GRHC Policy

If a family requests permission to move with continued assistance based on a claim that the move is necessary to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, the GRHC will request documentation in accordance with section 16-IX.D of this plan.

The GRHC reserves the right to waive the documentation requirement if it determines that a statement or other corroborating evidence from the family or family member will suffice. In such cases the GRHC will document the waiver in the family's file.

The GRHC has adopted an emergency transfer plan, which is included as Exhibit 16-3 to this plan.

- The GRHC has terminated the HAP contract for the family's unit for the owner's breach [24 CFR 982.354(b)(1)(i)].
- The GRHC determines that the family's current unit does not meet the HQS space standards because of an increase in family size or a change in family composition. In such cases, the GRHC must issue the family a new voucher, and the family and GRHC must try to find an acceptable unit as soon as possible. If an acceptable unit is available for the family, the GRHC must terminate the HAP contract for the family's old unit in accordance with the HAP contract terms and must 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 GRHC gives notice to the owner. [24 CFR 982.403(a) and (c)]

10-I.B. RESTRICTIONS ON MOVES

A family's right to move is generally contingent upon the family's compliance with program requirements [24 CFR 982.1(b)(2)]. HUD specifies two conditions under which a GRHC may deny a family permission to move and two ways in which a GRHC may restrict moves by a family.

Denial of Moves

HUD regulations permit the GRHC to deny a family permission to move under the following conditions:

Insufficient Funding

The GRHC may deny a family permission to move either within or outside the GRHC's jurisdiction if the GRHC does not have sufficient funding for continued assistance [24 CFR 982.354(e)(1)]. However, Notice PIH 2016-09 significantly restricts the ability of GRHCs to deny permission to move due to insufficient funding and places further requirements on GRHCs regarding moves denied due to lack of funding. The requirements found in this notice are mandatory.

GRHC Policy

The GRHC will deny a family permission to move on grounds that the GRHC does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the GRHC; (b) the GRHC can demonstrate that the move will, in fact, result in higher subsidy costs; (c) the GRHC can demonstrate, in accordance with the policies in Part VIII 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 GRHC 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 GRHC's jurisdiction. The GRHC, 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 both moves within the GRHC's jurisdiction and outside under portability, the GRHC will not deny a move due to insufficient funding if the GRHC previously approved the move and subsequently experienced a funding shortfall if the family can't remain in their current unit. The GRHC will rescind the voucher in this situation if the family will be allowed to remain in their current unit.

The GRHC will create a list of families whose moves have been denied due to insufficient funding. The GRHC will keep the family's request open indefinitely, and when funds become available, the families on this list will take precedence over families on the waiting list. The GRHC 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 waiting list (see section 4-III.D).

The GRHC 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.

Grounds for Denial or Termination of Assistance

The GRHC may deny a family permission to move if it has grounds for denying or terminating the family's assistance [24 CFR 982.354(e)(2)].

GRHC Policy

If the GRHC has grounds for denying or terminating a family's assistance, the GRHC will act on those grounds in accordance with the regulations and policies set forth in Chapters 3 and 12, respectively. In general, it will not deny a family permission to move for this reason; however, it retains the discretion to do so under special circumstances.

Restrictions on Elective Moves [24 CFR 982.354(c)]

HUD regulations permit the GRHC to prohibit any elective move by a participant family during the family's initial lease term. They also permit the GRHC to prohibit more than one elective move by a participant family during any 12-month period. However, such prohibitions, if adopted, do not apply when the family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the health or safety of the family or family member. (For the policy on documentation of abuse, see section 10-I.A.) In addition, the GRHC may not establish a policy permitting moves only at reexamination [Notice PIH 2016-09].

GRHC Policy

The GRHC will deny a family permission to make an elective move during the family's initial lease term. This policy applies to moves within the GRHC's jurisdiction or outside it under portability.

The GRHC will also deny a family permission to make more than one elective move during any 12-month period. This policy applies to all assisted families residing in the GRHC's jurisdiction.

The GRHC will consider exceptions to these policies 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 (e.g., new employment, school attendance in a distant area), or to address an emergency situation over which a family has no control.

In addition, the GRHC will allow exceptions to these policies for purposes of reasonable accommodation of a family member who is a person with disabilities (see Chapter 2).

10-I.C. MOVING PROCESS

Notification

If a family wishes to move to a new unit, the family must notify the GRHC and the owner before moving out of the old unit or terminating the lease on notice to the owner [24 CFR 982.354(d)(2)]. If the family wishes to move to a unit outside the GRHC's jurisdiction under portability, the notice to the GRHC must specify the area where the family wishes to move [24 CFR 982.354(d)(2)]. The notices must be in writing [24 CFR 982.5].

Approval

GRHC Policy

Upon receipt of a family's notification that it wishes to move, the GRHC will determine whether the move is approvable in accordance with the regulations and policies set forth in sections 10-I.A and 10-I.B. The GRHC will notify the family in writing of its determination within 10 business days following receipt of the family's notification.

Reexamination of Family Income and Composition

GRHC Policy

For families approved to move to a new unit within the GRHC's jurisdiction, the GRHC will perform a new annual reexamination in accordance with the policies set forth in Chapter 11 of this plan.

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

Voucher Issuance and Briefing

GRHC Policy

For families approved to move to a new unit within the GRHC's jurisdiction, the GRHC will issue a new voucher within 10 business days of the GRHC's written approval to move. No briefing is required for these families. The GRHC will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration. 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 and the GRHC approves. Otherwise, the family will lose its assistance.

For families moving into or families approved to move out of the GRHC's jurisdiction under portability, the GRHC 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 GRHC 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.

If a participant family moves from an assisted unit with continued tenant-based assistance, the term of the assisted lease for the new assisted unit may begin during the month the family moves out of the first assisted unit. Overlap of the last housing assistance payment (for the month when the family moves out of the old unit) and the first assistance payment for the new unit, is not considered to constitute a duplicative housing subsidy.

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 a voucher has the right to use tenant-based voucher assistance to lease a unit anywhere in the United States providing that the unit is located within the jurisdiction of a GRHC administering a tenant-based voucher program [24 CFR 982.353(b)]. The process by which a family obtains a voucher from one GRHC and uses it to lease a unit in the jurisdiction of another GRHC is known as portability. The GRHC that issues the voucher is called the **initial GRHC**. The GRHC that has jurisdiction in the area to which the family wants to move is called the **receiving GRHC**.

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

GRHCs commonly act as both the initial and receiving GRHC because families may move into or out of their jurisdiction under portability. Each role involves different responsibilities. The GRHC will follow the rules and policies in section 10-II.B when it is acting as the initial GRHC for a family. It will follow the rules and policies in section 10-II.C when it is acting as the receiving GRHC for a family.

In administering portability, the initial GRHC and the receiving GRHC must comply with financial procedures required by HUD, including the use of HUD-required forms [24 CFR 982.355(e)(5)].

GRHCs must also comply with billing and payment deadlines. HUD may reduce an administrative fee to an initial or receiving GRHC if the GRHC does not comply with HUD portability requirements [24 CFR 982.355(e)(7)].

10-II.B. INITIAL GRHC ROLE

Allowable Moves under Portability

A family may move with voucher assistance only to an area where there is at least one GRHC administering a voucher program [24 CFR 982.353(b)]. If there is more than one GRHC in the area, the initial GRHC provides the family with the contact information for the receiving GRHCs that serve the area, and the family selects the receiving GRHC. The family must inform the initial GRHC which GRHC it has selected. If the family prefers not to select the receiving GRHC, the initial GRHC will select the receiving GRHC on behalf of the family [(24 CFR 982.255(b)].

Applicant families that have been issued vouchers as well as participant families may qualify to lease a unit outside the GRHC's jurisdiction under portability. HUD regulations and GRHC policy determine whether a family qualifies.

Applicant Families

Under HUD regulations, most applicant families qualify to lease a unit outside the GRHC's jurisdiction under portability. However, HUD gives the GRHC discretion to deny a portability move by an applicant family for the same two reasons that it may deny any move by a participant family: insufficient funding and grounds for denial or termination of assistance. If a GRHC intends to deny a family permission to move under portability due to insufficient funding, the GRHC must notify HUD within 10 business days of the determination to deny the move [24 CFR 982.355(e)].

GRHC Policy

In determining whether or not to deny an applicant family permission to move under portability because the GRHC lacks sufficient funding or has grounds for denying assistance to the family, the initial GRHC will follow the policies established in section 10-I.B of this chapter. If the GRHC does deny the move due to insufficient funding, the GRHC will notify HUD in writing within 10 business days of the GRHC's determination to deny the move.

In addition, the GRHC may establish a policy denying the right to portability to nonresident applicants during the first 12 months after they are admitted to the program [24 CFR 982.353(c)].

GRHC Policy

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

The GRHC will consider exceptions to this policy for purposes of reasonable accommodation (see Chapter 2) or reasons related to domestic violence, dating violence, sexual assault, or stalking.

Participant Families

The initial GRHC must 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)]. The Violence against Women Act of 2013 (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 a family member 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 unit [24 CFR 982.353(b)].

GRHC Policy

The GRHC will determine whether a participant family may move out of the GRHC'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 GRHC will notify the family of its determination in accordance with the approval policy set forth in section 10-I.C of this chapter.

Determining Income Eligibility

Applicant Families

An applicant family may lease a unit in a particular area under portability only if the family is income eligible for admission to the voucher program in that area [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 initial GRHC is responsible for determining whether the family is income eligible in the area to which the family wishes to move [24 CFR 982.353(d)(1), 24 CFR 982.355(9)]. If the applicant family is not income eligible in that area, the GRHC must inform the family that it may not move there and receive voucher assistance [Notice PIH 2016-09].

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)].

Reexamination of Family Income and Composition

No new reexamination of family income and composition is required for an applicant family.

GRHC Policy

For a participant family approved to move out of its jurisdiction under portability, the GRHC generally will conduct a reexamination of family income and composition only if the family's annual reexamination must be completed on or before the initial billing deadline specified on form HUD-52665, Family Portability Information.

The GRHC will make any exceptions to this policy necessary to remain in compliance with HUD regulations.

Briefing

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

GRHC Policy

No formal briefing will be required for a participant family wishing to move outside the GRHC's jurisdiction under portability. However, the GRHC will provide the family with the same oral and written explanation of portability that it provides to applicant families selected for admission to the program (see Chapter 5).

The GRHC will provide the name, address, and phone of the contact for the GRHCs in the jurisdiction to which they wish to move. If there is more than one GRHC with jurisdiction over the area to which the family wishes to move, the GRHC will advise the family that the family must select the receiving GRHC and notify the initial GRHC of which receiving GRHC was selected. The GRHC will provide the family with contact information for all of the receiving PHA's that serve the area. The GRHC will not provide any additional information about the receiving PHA's area. The GRHC will further inform the family that if the family prefers not to select the receiving GRHC, the initial GRHC will select the receiving GRHC on behalf of the family. In this case, the GRHC will not provide the family with information for all receiving PHA's in the area.

The GRHC will advise the family that they will be under the RHA's policies and procedures, including screening, subsidy standards, voucher extension policies, and payment standards.

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 GRHC will follow the regulations and procedures set forth in Chapter 5.

GRHC Policy

For participating families approved to move under portability, the GRHC will issue a new voucher within 10 business days of the GRHC's written approval to move.

The initial term of the voucher will be 60 days.

Voucher Extensions and Expiration

GRHC Policy

The GRHC will approve **no** extensions to a voucher issued to an applicant or participant family porting out of the GRHC's jurisdiction except under the following circumstances: (a) the initial term of the voucher will expire before the portable family will be issued a voucher by the receiving GRHC, (b) the family decides to return to the initial GRHC's jurisdiction and search for a unit there, or (c) the family decides to search for a unit in a third GRHC's jurisdiction. In such cases, the policies on voucher extensions set forth in Chapter 5, section 5-II.E, of this plan will apply, including the requirement that the family apply for an extension in writing prior to the expiration of the initial voucher term.

To receive or continue receiving assistance under the initial GRHC's voucher program, a family that moves to another GRHC's jurisdiction under portability must be under HAP contract in the receiving GRHC's jurisdiction within 90 days following the expiration date of the initial GRHC's voucher term (including any extensions). (See below under "Initial Billing Deadline" for one exception to this policy.)

Preapproval Contact with the Receiving GRHC

Prior to approving a family's request to move under portability, the initial GRHC must contact the receiving GRHC via e-mail or other confirmed delivery method to determine whether the receiving GRHC will administer or absorb the family's voucher. Based on the receiving GRHC's response, the initial GRHC must determine whether it will approve or deny the move [24 CFR 982.3.55(c)(3)].

GRHC Policy

The GRHC will use e-mail, when possible, to contact the receiving GRHC regarding whether the receiving GRHC will administer or absorb the family's voucher.

Initial Notification to the Receiving GRHC

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

GRHC Policy

Because the portability process is time-sensitive, the GRHC will notify the receiving GRHC by phone, fax, or e-mail to expect the family. The initial GRHC will also ask the receiving GRHC to provide any information the family may need upon arrival, including the name, fax, e-mail address, and telephone number of the staff person responsible for business with incoming portable families and procedures related to appointments for voucher issuance. The GRHC will pass this information along to the family. The GRHC will also ask for the name, address, telephone number, fax and e-mail of the person responsible for processing the billing information.

Sending Documentation to the Receiving GRHC

The initial GRHC is required to send the receiving GRHC the following documents:

- Form HUD-52665, Family Portability Information, with Part I filled out [Notice PIH 2016-09]
- A copy of the family's voucher [Notice PIH 2016-09]
- 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 2016-09]
- Copies of the income verifications backing up the form HUD-50058, including a copy of the family's current EIV data [24 CFR 982.355(c)(7), Notice PIH 2016-09]

GRHC Policy

In addition to these documents, the GRHC will provide the following information, if available, to the receiving GRHC:

Social security numbers (SSNs)

Documentation of SSNs for all nonexempt household members whose SSNs have not been verified through the EIV system

Documentation of legal identity

Documentation of citizenship or eligible immigration status

Documentation of participation in the earned income disallowance (EID) benefit

Documentation of participation in a family self-sufficiency (FSS) program

The GRHC will notify the family in writing regarding any information provided to the receiving GRHC [HCV GB, p. 13-3].

Initial Billing Deadline [Notice PIH 2016-09]

The deadline for submission of initial billing is 90 days following the expiration date of the voucher issued to the family by the initial GRHC. In cases where suspension of the voucher delays the initial billing submission, the receiving PHA must notify the initial PHA of delayed billing before the billing deadline and document the delay is due to the suspension. In this case, the initial PHA must extend the billing deadline by 30 days. If the initial GRHC does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must notify the initial PHA in writing. The initial PHA may report to HUD the receiving PHA's failure to comply with the deadline.

If the initial PHA will honor the late billing, no action is required.

GRHC Policy

If the GRHC has not received an initial billing notice from the receiving PHA within the billing deadline, it will contact the receiving PHA to inform them that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family. The GRHC will send the receiving PHA a written confirmation of its decision by mail.

The GRHC will allow an exception to this policy if the family includes a person with disabilities and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

Monthly Billing Payments [24 CFR 982.355(e), Notice PIH 2016-09]

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

The initial GRHC is responsible for making billing payments in a timely manner. The first billing amount is due within 30 calendar days after the initial GRHC receives Part II of form HUD-52665 from the receiving GRHC. Subsequent payments must be **received** by the receiving GRHC no later than the fifth business day of each month. The payments must be provided in a form and manner that the receiving GRHC is able and willing to accept.

The initial GRHC may not terminate or delay making payments under existing portability billing arrangements as a result of overleasing or funding shortfalls. The GRHC must manage its tenant-based program in a manner that ensures that it has the financial ability to provide assistance for families that move out of its jurisdiction under portability and are not absorbed by receiving GRHCs as well as for families that remain within its jurisdiction.

GRHC Policy

The GRHC will utilize direct deposit to ensure that the payment is received by the deadline unless the receiving PHA notifies the GRHC that direct deposit is not acceptable to them. If the GRHC extends the term of the voucher, the receiving PHA's voucher will expire 30 calendar days from the new expiration date of the GRHC's voucher.

Annual Updates of Form HUD-50058

If the initial GRHC is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving GRHC. If the initial GRHC fails to receive an updated 50058 by the family's annual reexamination date, the initial GRHC should contact the receiving GRHC to verify the status of the family. The GRHC must continue paying the receiving PHA based on the last form HUD-50058 received, unless instructed otherwise by HUD. The GRHC may seek absorption of the vouchers by following steps outlined in Notice PIH 2016-09.

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

At any time, either the initial GRHC or the receiving GRHC 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 GRHC policies on denial and termination, see Chapters 3 and 12, respectively.)

10-II.C. RECEIVING GRHC ROLE

If a family has a right to lease a unit in the receiving GRHC's jurisdiction under portability, the receiving GRHC must provide assistance for the family [24 CFR 982.355(10)]. HUD may determine in certain instances that a GRHC is not required to accept incoming portable families, such as a GRHC in a declared disaster area. However, the GRHC must have approval in writing from HUD before refusing any incoming portable families [24 CFR 982.355(b)].

Administration of the voucher must be in accordance with the receiving GRHC's policies. This requirement also applies to policies of Moving to Work agencies. The receiving GRHC procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving GRHC waiting list is not used [24 CFR 982.355(c)(10)]. The family's unit, or voucher, size is determined in accordance with the subsidy standards of the receiving GRHC [24 CFR 982.355(c)(12)], and the receiving GRHC's policies on extensions of the voucher term apply [24 CFR 982.355(c)(14)].

Responding to Initial GRHC's Request [24 CFR 982.355(c)]

The receiving GRHC must respond via e-mail or other confirmed delivery method to the initial GRHC's inquiry to determine whether the family's voucher will be billed or absorbed [24 CFR 982.355(c)(3)]. If the receiving GRHC informs the initial GRHC that it will be absorbing the voucher, the receiving GRHC cannot reverse its decision at a later date without consent of the initial GRHC (24 CFR 982.355(c)(4)).

GRHC Policy

The GRHC will use e-mail, when possible, to notify the initial GRHC whether it will administer or absorb the family's voucher.

Initial Contact with Family

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

If the voucher issued to the family by the initial GRHC has expired, the receiving GRHC must contact the initial GRHC 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.

If for any reason the receiving GRHC refuses to process or provide assistance to a family under the portability procedures, the family must be given the opportunity for an informal review or hearing [Notice PIH 2016-09]. (For more on this topic, see later under "Denial or Termination of Assistance.")

Briefing

HUD allows the receiving GRHC to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family's search [Notice PIH 2016-09].

GRHC Policy

The GRHC will not require the family to attend a briefing. The GRHC will provide the family with a briefing packet (as described in Chapter 5) and, in an individual briefing, will orally inform the family about the GRHC's payment and subsidy standards, procedures for requesting approval of a unit, the unit inspection process, and the leasing process. The GRHC will suggest that the family attend a full briefing at a later date.

Income Eligibility and Reexamination

The receiving GRHC does not redetermine eligibility for a portable family that was already receiving assistance in the initial GRHC's voucher program [24 CFR 982.355(c)(9)]. If the receiving GRHC opts to conduct a new reexamination for a current participant family, the receiving GRHC may not delay issuing the family a voucher or otherwise delay approval of a unit [24 CFR 982.355(c)(11)].

GRHC Policy

For any family moving into its jurisdiction under portability, the GRHC will conduct a new reexamination of family income and composition. However, the GRHC will not delay issuing the family a voucher for this reason. Nor will the GRHC delay approving a unit for the family until the reexamination process is complete unless the family is an applicant and the GRHC cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

In conducting its own reexamination, the GRHC will rely upon any verifications provided by the initial GRHC 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 and adjusted, if necessary, when third party verification is received.

Voucher Issuance

When a family moves into its jurisdiction under portability, the receiving GRHC is required to issue the family a voucher [24 CFR 982.355(c)(13)]. The family must submit a request for tenancy approval to the receiving GRHC during the term of the receiving GRHC's voucher [24 CFR 982.355(c)(15)].

Timing of Voucher Issuance

HUD expects the receiving GRHC to issue the voucher within two weeks after receiving the family's paperwork from the initial GRHC if the information is in order, the family has contacted the receiving GRHC, and the family complies with the receiving GRHC's procedures [Notice PIH 2016-09].

GRHC Policy

When a family ports into its jurisdiction, the GRHC will issue the family a voucher based on the paperwork provided by the initial GRHC unless the family's paperwork from the initial GRHC is incomplete, the family's voucher from the initial GRHC has expired or the family does not comply with the GRHC's procedures. The GRHC will update the family's information when verification has been completed.

Voucher Term

The term of the receiving PHA's voucher may not expire before 30 calendar days from the expiration of the initial PHA's voucher [24 CFR 982.355(c)(13)]. If the initial PHA extends the term of the voucher, the receiving PHA's voucher may not expire before 30 days from the new expiration date of the initial PHA's voucher.

GRHC Policy

The GRHC's voucher will expire 30 calendar days from the expiration date of the initial PHA's voucher. If the initial PHA extends the term of the voucher, the GRHC's voucher will expire 30 calendar days from the new expiration date of the initial PHA's voucher.

Voucher Extensions [24 CFR 982.355(c)(14), Notice 2016-09]

Once the receiving GRHC issues the portable family a voucher, the receiving GRHC's policies on extensions of the voucher term apply. The receiving GRHC must inform the initial GRHC of any extension granted to the term of the voucher. It must also bear in mind the billing deadline provided by the initial GRHC. Unless willing and able to absorb the family, the receiving GRHC should 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 GRHC.

GRHC Policy

The GRHC generally will not extend the term of the voucher that it issues to an incoming portable family unless the GRHC plans to absorb the family into its own program, in which case it will follow the policies on voucher extension set forth in section 5-II.E.

The GRHC will consider an exception to this policy as a reasonable accommodation to a person with disabilities (see Chapter 2).

Voucher Suspensions [24 CFR 982.303, 24 CFR 982.355(c)(15)]

If the family submits a request for tenancy approval during the term of the receiving GRHC's voucher, the GRHC must suspend the term of that voucher. The term of the voucher stops from the date that the family submits a request for GRHC approval of the tenancy until the date the GRHC notifies the family in writing whether the request has been approved or denied [24 CFR 982.4(b)] (see Section 5-II.E).

Notifying the Initial GRHC

The receiving GRHC must promptly notify the initial GRHC 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 receiving GRHC's voucher [24 CFR 982.355(c)(16)]. The receiving GRHC is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [Notice PIH 2016-09]. (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 receiving GRHC but instead wishes to return to the initial GRHC's jurisdiction or to search in another jurisdiction, the receiving GRHC must refer the family back to the initial GRHC. In such a case the voucher of record for the family is once again the voucher originally issued by the initial GRHC. Any extension of search time provided by the receiving GRHC's voucher is only valid for the family's search in the receiving GRHC's jurisdiction [Notice PIH 2016-09].

Administering a Portable Family's Voucher

Portability Billing [24 CFR 982.355(e)]

To cover assistance for a portable family that was not absorbed, the receiving GRHC bills the initial GRHC for housing assistance payments and administrative fees. The amount of the housing assistance payment for a portable family in the receiving GRHC's program is determined in the same manner as for other families in the receiving GRHC's program.

The receiving GRHC may bill the initial GRHC for the lesser of 80 percent of the initial GRHC's ongoing administrative fee or 100 percent of the receiving GRHC's ongoing administrative fee for each program unit under contract on the first day of the month for which the receiving GRHC is billing the initial GRHC 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 GRHC may bill (i.e., the receiving GRHC may bill for the lesser of 80 percent of the initial GRHC's prorated ongoing administrative fee or 100 percent of the receiving GRHC's ongoing administrative fee).

If both GRHCs agree, the GRHCs may negotiate a different amount of reimbursement.

GRHC Policy

Unless the GRHC negotiates a different amount of reimbursement with the initial GRHC, the GRHC will bill the initial GRHC the maximum amount of administrative fees allowed, ensuring any administrative fee proration has been properly applied.

Initial Billing Deadline

If a portable family's search for a unit is successful and the receiving GRHC intends to administer the family's voucher, the receiving GRHC must submit its initial billing notice (Part II of form HUD-52665) in time that the notice will be **received** no later than 90 days following the expiration date of the family's voucher issued by the initial GRHC [Notice PIH 2016-09]. This deadline may be extended for 30 additional days if the delay is due to suspension of the voucher's term (see Initial Billing Section). A copy of the family's form HUD-50058, Family Report, completed by the receiving GRHC must be attached to the initial billing notice. The receiving GRHC may send these documents by mail, fax, or e-mail.

GRHC Policy

The GRHC will send its initial billing notice by fax or e-mail, if necessary, to meet the billing deadline but will also send the notice by regular mail.

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

Ongoing Notification Responsibilities [Notice PIH 2016-09, HUD-52665]

Annual Reexamination. The receiving GRHC must send the initial GRHC a copy of a portable family's updated form HUD-50058 after each annual reexamination for the duration of time the receiving GRHC is billing the initial GRHC on behalf of the family, regardless of whether there is a change in the billing amount.

GRHC Policy

The GRHC will send a copy of the updated HUD-50058 by regular mail no later than 10 business days after the effective date of the reexamination.

Change in Billing Amount. The receiving GRHC is required to notify the initial GRHC, 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
- Payment of a damage/vacancy loss claim for the family
- 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 GRHC 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 receiving GRHC fails to send Form HUD-52665 within 10 days of effective date of billing changes, the initial GRHC is not responsible for any increase prior to notification. If the change resulted in a decrease in the monthly billing amount, the GRHC will offset future monthly payments until the difference is reconciled.

Late Payments [Notice PIH 2016-09]

If the initial GRHC fails to make a monthly payment for a portable family by the fifth business day of the month, the receiving GRHC must promptly notify the initial GRHC 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 receiving GRHC must send a copy of the notification to the Office of Public Housing (OPH) in the HUD area office with jurisdiction over the receiving GRHC. If the initial GRHC fails to correct the problem by the second month following the notification, the receiving GRHC may request by memorandum to the director of the OPH with jurisdiction over the receiving GRHC that HUD transfer the unit in question. A copy of the initial notification and any subsequent correspondence between the GRHCs on the matter must be attached. The receiving GRHC must send a copy of the memorandum to the initial GRHC. If the OPH decides to grant the transfer, the billing arrangement on behalf of the family ceases with the transfer, but the initial GRHC is still responsible for any outstanding payments due to the receiving GRHC.

Overpayments [Notice PIH 2016-09]

In all cases where the receiving PHA has received billing payments for billing arrangements no longer in effect, the receiving PHA is responsible for returning 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 receiving PHA failed to notify the initial PHA that the billing arrangement was terminated, the receiving PHA must 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 receiving PHA of the date and the amount of reimbursement to the initial PHA.

At HUD's discretion, the receiving PHA will be subject to the sanctions spelled out in Notice PIH 2016-09.

Denial or Termination of Assistance

At any time, the receiving PHA may make a determination to deny or terminate assistance to a portable family for family action or inaction [24 CFR 982.355(c)(17)].

In the case of a termination, the PHA should provide adequate notice of the effective date to the initial PHA to avoid having to return a payment. In no event should the receiving PHA fail to notify the initial PHA later than 10 business days following the effective date of the termination of the billing arrangement [HUD-52665; Notice PIH 2016-09].

GRHC Policy

If the GRHC elects to deny or terminate assistance for a portable family, the GRHC will notify the initial GRHC within 10 business days after the informal review or hearing if the denial or termination is upheld. The GRHC will base its denial or termination decision on the policies set forth in Chapter 3 or Chapter 12, respectively. The informal review or hearing will be held in accordance with the policies in Chapter 16. The receiving GRHC will furnish the initial GRHC with a copy of the review or hearing decision.

Absorbing a Portable Family

The receiving PHA may absorb an incoming portable family into its own program when the PHA executes a HAP contract on behalf of the family or at any time thereafter providing that the PHA has funding available under its annual contributions contract (ACC) [24 CFR 982.355(d)(1), Notice PIH 2016-09].

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

If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, the receiving PHA must send an updated form HUD-52665 to the initial PHA no later than 10 business days following the effective date of the termination of the billing arrangement. [Notice PIH 2016-09].

GRHC Policy

If the GRHC decides to absorb a portable family upon the execution of a HAP contract on behalf of the family, the GRHC 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 GRHC decides to absorb a family after that, it will provide the initial PHA with 30 days' advance notice, but no later than 10 business days following the effective date of the termination of the billing arrangement.

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