

XVI. PORTABILITY

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## A. OVERVIEW

*Regulation: [24 CFR 982.353(a)]. The family may receive tenant-based assistance to lease a unit located anywhere in the jurisdiction (as determined by State and local law) of the initial PHA. HUD may nevertheless restrict the family's right to lease such a unit anywhere in such jurisdiction if HUD determines that limitations on a family's opportunity to select among available units in that jurisdiction are appropriate to achieve desegregation goals in accordance with obligations generated by a court order or consent decree.*

### CDC's Overview:

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. The first PHA is called the initial PHA. The second 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.

When administering the family's voucher, the receiving PHA bills the initial PHA for the family's housing assistance payments and the fees for administering the family's voucher. When absorbing the family into the receiving PHA's program, the receiving PHA pays for the family's assistance out of its own program funds, and the initial PHA has no further relationship with the family.

Each PHA commonly will act as the initial PHA for some families and as the receiving PHA for others. Each role involves different responsibilities.

CDC will follow the rules and policies in section B when it is acting as the initial PHA for a family.

CDC will follow the rules and policies in section C when it is acting as the receiving PHA for a family.

## B. INITIAL PHA ROLE – PORT OUT

*Regulation: When a family decides to use the voucher outside of the PHA's jurisdiction, the family must notify the PHA of its desire to relocate and must specify the location where they want to live [982.355(c)(1)].*

### CDC Policy:

When a household wishes to exercise its option under the portability regulations, CDC will supply the household with a Portability Request Form to complete.

The Portability Request Form will also serve as notification to the family, who is currently under HAP Contract, that a copy of the 30 day (or greater) notice to vacate the family provided to their landlord is required, PRIOR to CDC

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completing the necessary portability documents and submitting them to the receiving housing authority.

Once the family supplies the completed form to CDC, CDC will initiate the portability process.

The first step in the portability process is to determine if the household is eligible to exercise their portability option under the CDC Housing Choice Voucher administrative policies located in Chapter XVII. of this plan.

If the family is determined eligible to exercise portability, CDC will notify the household in writing, and will initiate the process by sending their information to the selected receiving housing authority.

If the family is determined ineligible to exercise portability, CDC will notify the participant in writing, and explain how the household can become eligible to exercise portability.

#### **Restrictions on Moves- Port Out**

*Regulation: 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 CDC may deny a family permission to move and two ways in which CDC may restrict moves by a family.*

CDC Policy:

If CDC denies a family permission to move, CDC will notify the family in writing of the denial and the reason for the denial.

**Denial of Moves:** HUD regulations permit CDC to deny a family permission to move under the following conditions:

- *Regulation: Insufficient Funding: CDC may deny a family permission to move if CDC does not have sufficient funding for continued assistance [24 CFR 982.314(e)(1)]. The PHA must provide written notification to the local HUD office within ten (10) business days of determining it is necessary to deny moves to a higher cost unit based on insufficient funding [24 CFR 382.354 (e)(1)].*

CDC Policy:

CDC will deny a family permission to move on grounds that CDC does not have sufficient funding for continued assistance if:

- (a) The move is initiated by the family, not the owner or CDC;

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(b) CDC can demonstrate that the move will, in fact, result in higher subsidy costs; and

(c) CDC can demonstrate, through a detailed cost-reduction plan based on reasonable assumptions, that it does not have sufficient funding in its annual budget to accommodate the higher subsidy costs.

This policy applies to moves within CDC's jurisdiction as well as to moves outside it under portability.

- *Regulation: Grounds for Denial or Termination of Assistance: CDC has grounds for denying or terminating the family's assistance [24 CFR 982.314(e)(2)].*

CDC Policy:

If CDC has grounds for denying or terminating a family's assistance, CDC will act on those grounds. CDC will not allow a household to exercise portability during the process of any termination action.

If the termination action is overturned by CDC or at a hearing, CDC will reassess the denial of portability, and determine if the household is now eligible to exercise the portability option.

### **Restrictions on Elective Moves- Port Out**

*Regulation: HUD regulations permit a PHA to prohibit any elective move by a participant family during the family's initial lease term. They also permit CDC to prohibit more than one elective move by a participant family during any 12-month period [24 CFR 982.314(c)].*

CDC Policy:

CDC will deny a family permission to make an elective move during the family's first year of occupancy in an assisted unit. CDC considers the beginning of an assisted occupancy to be the effective date of the Housing Assistance Payment (HAP) Contract.

This policy applies to moves within CDC's jurisdiction or outside CDC's jurisdiction under portability.

CDC will 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), or
- To provide a reasonable accommodation for a person with a disability. (the reasonable accommodation approval and verification process must be completed first)

### **Allowable Moves under Portability- Port Out**

#### **Selecting a Receiving PHA:**

*Regulation: 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)].*

*Regulation: If there is more than one PHA in the area, the initial PHA provides the family with the contact information for the receiving PHAs that serve the area, and the family selects the receiving PHA. The family must inform the initial PHA which PHA it has selected as the receiving PHA. In cases where the family prefers not to select the receiving PHA, the initial PHA selects the receiving PHA on behalf of the family [24 CFR 982.355(b)].*

#### **Notification of Receiving PHA Administering or Absorbing –Port Out**

*Regulation: The initial PHA MUST contact the receiving PHA prior to approving the family’s request to move to determine if the receiving PHA will bill or absorb. The receiving PHA must respond to the initial PHA’s request in writing. [982.355 (c)(3)]*

*Regulation: If the receiving PHA notifies the initial PHA that it will absorb the voucher, the receiving PHA cannot reverse its decision at a later date without consent of the initial PHA [982.355 (c)(4)].*

#### **CDC Policy:**

CDC will fax the second page of the Portability Request Form to the receiving PHA prior to approving the family’s request to move.

#### **Non Resident Applicant Families- Port Out**

*Regulation: A PHA 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)].*

*Regulation: Non-resident applicants: The initial PHA may approve a portability move during the 12 month period for a nonresident applicant family [982.353(c)(3)].*

#### **CDC Policy:**

If neither the head of household or spouse/co-head of an applicant family has a domicile (legal residence) in CDC’s jurisdiction at the time the family is issued a voucher, the family must live in CDC’s jurisdiction with voucher assistance for at least 12 months before a portability request will be approved.

CDC will consider exceptions to these policies for the following reasons:

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- to protect the health or safety of a family member (e.g. lead-based paint hazards, domestic violence, witness protection programs), or
- To provide a reasonable accommodation for a person with a disability. (the reasonable accommodation approval and verification process must be completed first)

### **Participant Families- Port Out**

*Regulation: The Initial PHA must not provide portable assistance for a participant if a family has moved out of its assisted unit in violation of the lease, except that if the family moves out in violation of the lease in order to protect the health or safety of a person who is or has been the victim of domestic violence, dating violence, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit, and has otherwise complied with all other obligations under the Section 8 program, the family may receive a voucher from the PHA and move to another jurisdiction under the Housing Choice Voucher Program. [24 CFR 982.353(b).]*

#### **CDC Policy:**

CDC requires the participant family to provide CDC with a copy of the Notice to Vacate they supplied to their landlord before CDC will initiate the Portability process. The notice to vacate must conform to the terms of the family's lease agreement.

CDC will determine on a case by case basis whether or not the family has moved out of the assisted unit in violation of the lease based on a preponderance of evidence.

### **Determining Income Eligibility: Applicant Families Porting Out**

*Regulation: The receiving PHA does not re-determine eligibility for a participant family. However, for a family that was not already receiving assistance in the PHA's HCV program, the initial PHA must determine whether the family is eligible for admission to the receiving PHA's HCV program. In determining income eligibility, the receiving PHA's income limits are used by the initial PHA [982.355 (c)(9)]. 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)].*

#### **CDC Policy:**

CDC will send the second page of the Portability Request Form to the receiving PHA to determine if an applicant family is income eligible for admission to the voucher program in that area.

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*PIH Notice: If the applicant family is not income eligible in that area, the PHA must inform the family that it may not move there and receive voucher assistance [Notice PIH 2004-12].*

**CDC Policy:**

If an applicant family is not income eligible for admission in the receiving PHA's jurisdiction, CDC will notify the family in writing within ten (10) calendar days of the decision.

**Reexamination of Family Income and Composition for families porting out of Mendocino County- Port Out**

**CDC Policy:**

No new reexamination of family income and composition is required for an applicant family or participant family when they are porting out of Mendocino County.

**Voucher Issuance – Port Out**

**CDC Policy:**

The regulations and policies on briefings set forth in Chapter VI of this plan require CDC to provide information on portability to all applicant families that qualify to lease a unit outside CDC's jurisdiction under the portability procedures.

Therefore, no special briefing is required for these families.

CDC will provide the family with the name, address, and phone number of the PHA in the jurisdiction where they have chosen to move. CDC will advise the family that they will be under the receiving PHA's policies and procedures, including subsidy standards and payment standards.

**Voucher Term – Port Out**

**CDC Policy:**

An applicant family has no right to portability until after the family has been issued a voucher. When issuing vouchers to applicant families, CDC will follow the regulations and procedures set forth in Chapter VI of this plan.

The term of the voucher issued to applicant families and current program participants who are relocating out of Mendocino County will expire at the end of one hundred and twenty (180) calendar days from the date of issuance.

**Voucher Extensions and Expiration – Port Out**

**CDC Policy:**

CDC will not approve an extension to a voucher issued to an applicant or participant family porting out of CDC's jurisdiction. The term of the voucher to locate a unit expires at the end of 180 calendar days.

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CDC will only consider granting an extension to the term of the voucher as a reasonable accommodation for a person with a disability, if requested, and verified under the normal reasonable accommodation process.

If the CDC' voucher term has expired, CDC will contact the Receiving PHA after the billing deadline date listed on the 52665.

If CDC receives confirmation from the receiving PHA that the family failed to lease, CDC will follow the policies outlined in Chapter VI of this policy.

### **Initial Contact with the Receiving PHA – Port Out**

*Regulation: After approving a family's request to move under portability, the initial PHA must promptly notify the receiving PHA to expect the family [24 CFR 982.355(c)(7)].*

CDC Policy:

CDC will promptly notify the receiving PHA to expect the family by sending the receiving PHA a "Portability Packet" (see below for required documentation).

*Regulation: The family must promptly contact the receiving PHA in order to be informed of the receiving PHA's procedures for incoming portable families and comply with these procedures. The family's failure to comply may result in denial or termination of the receiving PHA's voucher [982.355 (c)(8)].*

CDC Policy:

Once the "Portability Packet" has been sent to the receiving PHA, CDC will advise the family in writing how to contact and request assistance from the receiving PHA by sending the Portability Notification form to the families last known address.

### **Sending Documentation to the Receiving PHA – Port Out**

CDC Policy:

CDC is required to send the receiving PHA the following documents:

- Form HUD-52665, Family Portability Information, with Part I filled out
- A copy of the family's voucher
- A copy of the family's most recent form HUD-50058, Family Report.
- Copies of the income verifications backing up the form HUD-50058

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

- Documentation of Social Security Numbers for all family members age 6 and over
- Documentation of legal identity
- Documentation of citizenship or eligible immigration status



**Initial Billing Deadline [Notice PIH 2004-12] – Port Out**

**CDC Policy:**

When the initial PHA sends form HUD-52665 to the receiving PHA, it specifies in Part I the deadline by which it must receive the initial billing notice from the receiving PHA. This deadline is 90 days following the expiration date of the voucher issued to the family by the initial PHA.

If the initial PHA does not receive a billing notice by the deadline and does not intend to honor a late billing submission, it must contact the receiving PHA to determine the status of the family.

If the receiving PHA reports that the family is not yet under HAP contract, the initial PHA may refuse to accept a late billing submission. If the receiving PHA reports that the family is under HAP contract and the receiving PHA cannot absorb the family, the initial PHA must accept a late billing submission; however, it may report to HUD the receiving PHA's failure to comply with the deadline.

If the receiving PHA reports that the family is not yet under HAP contract, CDC will inform the receiving PHA that it will not honor a late billing submission and will return any subsequent billings that it receives on behalf of the family.

CDC will send the receiving PHA a written confirmation of its decision by mail, fax, or e-mail. CDC will allow an exception to this policy if the family includes a person with a disability and the late billing is a result of a reasonable accommodation granted to the family by the receiving PHA.

**Monthly Billing Payments – Port Out**

*Regulation: [24 CFR 982.355(e) Portability billing.*

*(1) To cover assistance for a portable family that was not absorbed, the receiving PHA may bill the initial PHA for housing assistance payments and administrative fees.*

*(2) The initial PHA must promptly reimburse the receiving PHA for the full amount of the housing assistance payments made by the receiving PHA for the portable family. The amount of the housing assistance payment for a portable family in the receiving PHA program is determined in the same manner as for other families in the receiving PHA program.*

*(3) 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 HAP contract on the first day of the month for which the receiving PHA is billing the initial PHA under this section. If 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 under this section (e.g., the receiving PHA may bill for the lesser of 80 percent of the initial PHA's prorated ongoing administrative fee or*

*100 percent of the receiving PHA's prorated ongoing administrative fee). If both PHAs agree, the PHAs may negotiate a different amount of reimbursement.*

*(4) When a portable family moves out of the HCV program of a receiving PHA that has not absorbed the family, the PHA in the new jurisdiction to which the family moves becomes the receiving PHA, and the first receiving PHA is no longer required to provide assistance for the family.*

*(5) In administration of portability, the initial PHA and the receiving PHA must comply with financial procedures required by HUD, including the use of HUD-required billing forms. The initial and receiving PHA must also comply with billing and payment deadlines under the financial procedures.*

*(6) A PHA must manage the PHA HCV program in a manner that ensures that the PHA has the financial ability to provide assistance for families that move out of the PHA's program under the portability procedures, and that have not been absorbed by the receiving PHA, as well as for families that remain in the PHA's program.*

*(7) HUD may reduce the administrative fee to an initial or receiving PHA if the PHA does not comply with HUD portability requirements.*

#### **Annual Updates of Form HUD-50058 – Port Out**

If the initial PHA is being billed on behalf of a portable family, it should receive an updated form HUD-50058 each year from the receiving PHA. If the initial PHA fails to receive an updated 50058 by the family's annual reexamination date, the initial PHA should contact the receiving PHA to verify the status of the family.

#### **Moves within the Receiving PHA's Jurisdiction – Port Out**

**[24 CFR 314(e)(1), Notice PIH 2005-1]** *The initial PHA has the authority to deny subsequent moves by portable families whom it is assisting under portability billing arrangements if it does not have sufficient funding for continued assistance.*

#### **CDC Policy:**

If CDC determines that it must deny moves on the grounds that it lacks sufficient funding, it will notify all receiving PHAs with which it has entered into portability billing arrangements that they, too, must deny moves to higher cost units by portable families from CDC's jurisdiction.

CDC may allow exceptions to this policy for the purpose of providing a reasonable accommodation to a family member who is a person with a disability.

**Moves outside the Receiving PHA’s Jurisdiction [Notice PIH 2004-12] –Port Out**

*PIH Notice 2004-12: If the initial PHA is assisting a portable family under a billing arrangement and the family subsequently decides to move out of the receiving PHA’s jurisdiction, the initial PHA is responsible for issuing the family a voucher while the family is either being assisted or has a voucher from the receiving PHA and, if the family wishes to port to another jurisdiction, sending form HUD-52665 and supporting documentation to the new receiving PHA.*

*PIH Notice 2004-12: Any extensions of the initial PHA voucher necessary to allow the family additional search-time to return to the initial PHA’s jurisdiction or to move to another jurisdiction would be at the discretion of the initial PHA.*

**CDC Policy:**

If CDC is notified that a family who has ported out of CDC’s jurisdiction, where the receiving housing authority has been billing CDC, has decided to move out of that receiving PHA’s jurisdiction, CDC will require the family to complete the Portability Request Form. Once the completed portability request form is received, CDC will follow the procedures above. The family will be issued a voucher for one hundred and twenty (180) days, and CDC will send the “new” receiving PHA a portability packet.

**C. RECEIVING PHA ROLE – Port In**

*Regulation: The receiving PHA does not re-determine eligibility for a participant family. However, for a family that was not already receiving assistance in the PHA’s HCV program, the initial PHA must determine whether the family is eligible for admission to the receiving PHA’s HCV program. In determining income eligibility, the receiving PHA’s income limits are used by the initial PHA [982.355 (c)(9)]*

*Regulation: When a receiving PHA assists a family under portability, administration of the voucher must be in accordance with the receiving PHA’s policies. The receiving PHA procedures and preferences for selection among eligible applicants do not apply to the family, and the receiving PHA waiting list is not used. [982.355 (c)(10)]*

*Regulation: The receiving PHA must determine the family unit size for the family, and base its determination on the subsidy standards of the receiving PHA [982.355 (c)(12)]*

**Initial Contact with Family – Port In**

*Regulation: When a family moves into CDCs jurisdiction under portability, the family is responsible for promptly contacting CDC and complying with CDC’s procedures for incoming portable families [24 CFR 982.355(c)(8)].*

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*Regulation: If for any reason the receiving PHA 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 2004-12].*

**CDC Policy:**

The family must promptly contact CDC when they arrive in Mendocino County. Once the initial contact has been made, CDC will verify and update the family's contact information. This will include, but may not be limited to requesting a current mailing address and phone number.

CDC will then schedule an appointment for the family to go over CDC's Port In process, as well as a Briefing appointment. The family will be notified in writing of the date/time/location of the appointment. The notification will include CDC's re-examination application and attachments. The family will be required to complete the application and supply the completed application to CDC at the time of the scheduled Port In appointment.

During the Port In appointment CDC will;

- Review the application with the family
- Request any additional documentation CDC determines is necessary.

The family must attend a briefing, where they will be issued a voucher.

**Briefing – Port In**

*Regulation: HUD allows the receiving PHA to require a briefing for an incoming portable family as long as the requirement does not unduly delay the family's search [Notice PIH 2004-12].*

**CDC Policy:**

CDC will require the family to attend a briefing as outlined in Chapter VI of this Administrative Plan.

**Income Eligibility and Reexamination – Port In**

*Regulation: If the receiving PHA opts to conduct a new reexamination for a current participant family, the receiving PHA may not delay issuing the family a voucher or otherwise delay approval of a unit [982.355 (c)(11)]*

**CDC Policy:**

For any family moving into Mendocino County under portability, CDC will conduct a Re-examination of family income and composition. However, CDC will not delay issuing the family a voucher for this reason. Nor will CDC delay approving a unit for the family until the re-examination process is complete, unless

- The family is an applicant and CDC cannot otherwise confirm that the family is income eligible for admission to the program in the area where the unit is located.

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- The family's income/assets or household composition has changed and CDC requires updated information before CDC can determine if the family qualifies for the unit.

In conducting its own reexamination, CDC will rely upon any verification documents 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 and adjusted, if necessary, when third party verification is received.

### **Voucher Term and Issuance – Port In**

*Regulation: The receiving PHA must issue a voucher to the family. The term of the receiving PHA voucher may not expire before 30 calendar days from the expiration date of the initial PHA voucher. If the voucher expires before the family arrives at the receiving PHA, the receiving PHA must contact the initial PHA to determine if it will extend the voucher [982.355 (c)(13)]*

*Regulation: The family must submit a request for tenancy approval to the receiving PHA during the term of the receiving PHA voucher. As required in §982.303, if the family submits a request for tenancy approval during the term of the voucher, the PHA must suspend the term of that voucher [982.355 (c)(15)].*

CDC Policy:

The term of the voucher for families porting into Mendocino County are set forth in Chapter VI. Briefings and Issuance of the Voucher located in this Administrative Plan.

### **Timing of Voucher Issuance – Port In**

*Regulation: [Notice PIH 2004-12] HUD expects the receiving PHA to issue the voucher within two weeks after receiving the family's paperwork from the initial PHA if;*

- *the information is in order,*
- *the family has contacted the receiving PHA, and*
- *the family complies with the receiving PHA's procedures*

CDC Policy:

When a family ports into Mendocino County and contacts CDC, CDC will schedule an appointment to issue the family a voucher. Unless,

- the paperwork provided by the family from the initial PHA is incomplete
- the family's voucher from the initial PHA has expired or;
- the family does not comply with CDC's procedures.

**Voucher Extensions [ref: 24 CFR 982.355(c)(6), Notice 2004-12] – Port In**  
*Regulation: Once the receiving PHA issues the portable family a voucher, the receiving PHA's policies on extensions of the voucher term apply. The receiving PHA must notify the initial PHA of any extensions granted to the term of the voucher [982.355 (c)(14)]*

CDC Policy:

Policies regarding extensions to the term of the voucher are set forth in Chapter VI. Briefings and Issuance of Voucher located in this Administrative Plan.

**Voucher Expiration – Port In**

CDC Policy:

If the family fails to lease a unit with the voucher before it expires, refer to Chapter VI. of this plan for policies regarding Voucher Term Expirations.

CDC will notify the initial PHA if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher issued by CDC. Notification will be sent by faxing Part II of form HUD-52665.

**Notifying the Initial PHA – Port In**

*Regulation: The receiving PHA must promptly notify the initial PHA if the family has leased an eligible unit under the program, or if the family fails to submit a request for tenancy approval for an eligible unit within the term of the voucher. [982.355 (c)(16)]*

*Regulation: The receiving PHA is required to use Part II of form HUD-52665, Family Portability Information, for this purpose [Notice PIH 2004-12]. (For more on this topic and the deadline for notification, see below under —Administering a Portable Family's Voucher)*

*Regulation: Any extension of search time provided by the receiving PHA's voucher is only valid for the family's search in the receiving PHA's jurisdiction. [Notice PIH 2004-12]*

CDC Policy:

If an incoming portable family ultimately decides not to lease in Mendocino County but instead wishes to return to the initial PHA's jurisdiction or to search in another jurisdiction, CDC must refer the family back to the initial PHA. In such case the voucher of record for the family is once again the voucher originally issued by the initial PHA.

**Administering a Portable Family's Voucher – Port In**

*Regulation: Administration of the ported voucher must be in accordance with the receiving PHA's policies [982.355(c)(10)].*

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### **Initial Billing Deadline – Port In**

*PIH Notice: [Notice PIH 2004-12] If a portable family's search for a unit is successful and the receiving PHA intends to administer the family's voucher, the receiving PHA must submit its initial billing notice (Part II of form HUD-52665):*

- *no later than fifteen (15) calendar days following the date the receiving PHA executes a HAP contract on behalf of the family; and*
- *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 PHA [Notice PIH 2004-12].*

*A copy of the family's form HUD-50058, Family Report, completed by the receiving PHA must be attached to the initial billing notice. The receiving PHA may send these documents by mail or fax.*

CDC Policy:

CDC will send its initial billing notice and 50058 by fax, if necessary, to meet the billing deadline.

*PIH Notice: [Notice PIH 2004-12] If the receiving PHA fails to send the initial billing within 15 calendar days following the date the HAP contract is executed, it is required to absorb the family into its own program unless:*

- *the initial PHA is willing to accept the late submission; or*
- *HUD requires the initial PHA to honor the late submission (e.g. because the receiving PHA is over leased)*

### **Ongoing Notification Responsibilities: reference - Notice PIH 2004-12, HUD-52665] Annual Reexamination – Port In**

*PIH Notice: [Notice PIH 2004-12] The receiving PHA must send the initial PHA a copy of a portable family's updated form HUD-50058 after each annual reexamination for the duration of time the receiving PHA is billing the initial PHA on behalf of the family, regardless of whether there is a change in the billing amount.*

CDC Policy:

CDC will send a copy of the updated HUD-50058 and the HUD-52665 by regular mail or fax or at the same time the participant and owner are notified of the reexamination results.

### **Change in Billing Amount – Port In**

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*PIH Notice: [Notice PIH 2004-12] The receiving PHA is required to 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*
- *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 PHA with advance notice of the change. Under no circumstances should the notification be later than 15 calendar days following the effective date of the change in the billing amount.*

### **Overpayments – Port In**

*PIH Notice: [Notice PIH 2004-12]*

*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 2004-12.*

### **Denial or Termination of Assistance – Port In**

*Regulation: At any time, either the initial PHA or the receiving PHA may make a determination to deny or terminate assistance to the family in accordance with §982.552 and 982.553 [982.355 (c)(9)]*

*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.*



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*In no event should the receiving PHA fail to notify the initial PHA later than 15 calendar days following the effective date of the termination of the billing arrangement. [Notice PIH 2004-12]*

CDC Policy:

If CDC elects to deny or terminate assistance for a portable family, CDC will notify the initial PHA within fifteen (15) days after the informal review or hearing if the denial or termination is upheld.

Refer to Chapter XIV. Termination of Assistance

### **Absorbing a Portable Family – Port In**

*Regulation: 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)].*

*Regulation: If the receiving PHA absorbs a family after providing assistance for the family under a billing arrangement with the initial PHA, HUD encourages the receiving PHA to provide adequate advance notice to the initial PHA to avoid having to return an overpayment. The receiving PHA must specify the effective date of the absorption of the family. [Notice PIH 2004-12]*

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

CDC Policy:

CDC may absorb an incoming portable family into its own program when CDC executes a HAP contract on behalf of the family or at any time thereafter providing that;

- CDC has funding available under its annual contributions contract (ACC); and
- Absorbing the family will not result in over leasing [24 CFR 982.355(d)(1), Notice PIH 2004-12].

If CDC decides to absorb a portable family's voucher into CDC's program, upon the execution of a HAP contract on behalf of the family, CDC 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 CDC decides to absorb a family after the initial execution of the HAP contract, CDC will provide the initial PHA a minimum of a 30 day written notice.

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