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TEXAS HOUSING ASSOCIATION

Portability Procedures

“To and From Responsibilities”

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Texas Housing Association

▶ Resources

- <http://www.txtha.org/index.php/resources/>

▶ Certification Programs

- <http://www.txtha.org/index.php/texas-housing-association-professional-certification-program/>

▶ Upcoming Classes

- <http://www.txtha.org/index.php/calendar/>

▶ THA Annual Conference

- <http://www.txtha.org/index.php/conference/>

▶ Why Texas Housing Association?

▶ HUD POST

- http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/post

Agenda

- ▶ What is portability and why is it important
- ▶ How does portability work
 - Initial PHA Responsibilities
 - Receiving PHA Responsibilities
 - Billing/Absorb
- ▶ Streamlining Portability Final Rule
 - Key Changes

You want to move where?

- ▶ Portability is a feature of the HCV program
 - ▶ Portability gives a voucher holder the ability to use the voucher assistance outside of the jurisdiction of the PHA.
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Why move there?

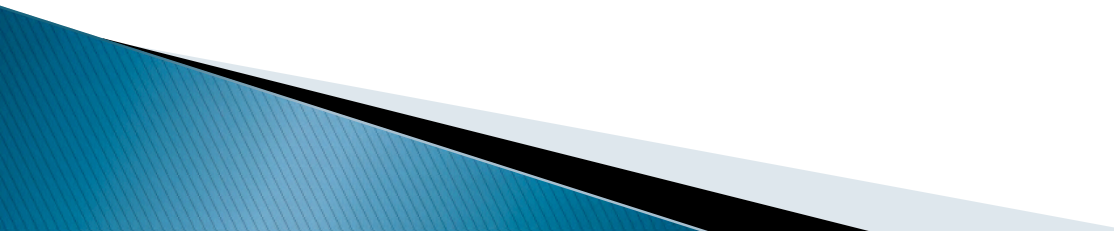
- ▶ EMPLOYMENT OPPORTUNITIES
- ▶ EDUCATIONAL OPPORTUNITIES
- ▶ FAMILY AND OR COMMUNITY SUPPORT AND RESOURCES
- ▶ BETTER QUALITY OF LIFE
- ▶ *Social and Economic Integration*
- ▶ *It's all about mobility!*
- ▶ *Victims of Domestic, stalking, and dating violence*



How does Portability Work?

A few definitions

- ▶ Initial PHA
 - ▶ Receiving PHA

 - ▶ Billing
 - ▶ Absorb
- 

Portability Procedures

- ▶ Initial PHA briefs the family and notifies the family of the advantages of moving to an area with less poverty concentration (at voucher issuance– required) and issues the voucher
- ▶ Initial PHA informs the family of the option of portability.
 - Can restrict in certain cases based on Admin Plan
 - Restrict number of moves annually
 - Requirement to live in jurisdiction one year at initial voucher issuance

Portability Procedures

- ▶ Families choose to port to another jurisdiction and they can choose the Receiving PHA
- ▶ Initial PHA gives family a listing of PHA's that will administer a voucher in the area where the family wants to move... the initial PHA cannot choose the receiving PHA unless the family requests. *Referring family to a website is not sufficient.*
- ▶ Initial PHA sends email (preferred) or other delivery method to Receiving PHA to inform them to expect the family.

Portability Procedures

- ▶ The Receiving PHA informs the initial PHA if they will “bill” or “absorb” the voucher.
- ▶ If Receiving PHA first indicates that they will “absorb”, they cannot change their mind later. If they indicate that they will “bill”, they will still have the option to absorb.
- ▶ *The Initial PHA may deny the port if it is determined that they do not have sufficient funding. HUD must be notified within 10 business days.*

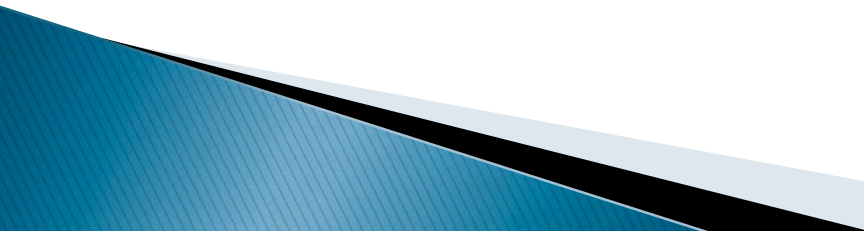
Portability Procedures

- ▶ The Initial PHA sends the HUD Form 52665 and the HUD Form 50058 (most recent) along with verification information to the Receiving PHA and a signed copy of voucher. EIV information can only be transmitted if a signed 9886 form is in the file.
- ▶ The Family must then contact the Receiving PHA and comply with the incoming requirements of the Receiving PHA, such as attending a briefing.

Portability Procedures

- ▶ The Receiving PHA would not redetermine eligibility unless it is a waiting list family.
- ▶ For Waiting list families, the Initial PHA must determine eligibility, including not exceeding the income limits of the Receiving PHA.
- ▶ The Receiving PHA can choose to perform a reexamination but cannot delay approval of unit based on an reexamination.
- ▶ The Receiving PHA can rescreen the family based on their policies– no delays.

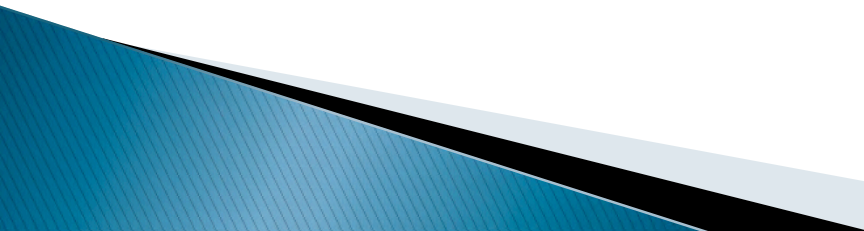
Portability Procedures

- ▶ Receiving PHA issues a voucher that cannot expire before 30 days of the Initial PHA calendar date.
 - ▶ If voucher is expired, contact initial PHA to determine if Initial PHA will extend voucher.
 - ▶ Once voucher is issued, the receiving PHA's voucher extension policies will apply.
 - ▶ Communicate any voucher extensions with Initial PHA.
- 

Portability Procedures

- ▶ When the family submits a Request for Tenancy Approval, the voucher is suspended.
- ▶ Suspension is Mandatory.
- ▶ The days from which the RFTA is turned in until the day that the family is notified IN WRITING of denial or approval of unit do not count towards the family search time on voucher.

Portability Procedures

- ▶ The Receiving PHA must notify the Initial PHA if the family leases a unit or fails to lease a unit.
 - ▶ The HUD FORM 52665 is sent to the Initial PHA indicating that the Receiving PHA executed a HAP contract and the billing amounts or date the voucher was absorbed.
 - ▶ The HUD form 52665 must be sent within 10 working days of HAP contract execution.
- 

Portability Procedures

- ▶ The Receiving PHA administers the family's voucher for the Initial PHA but the family is subject to the Receiving PHA's policies.
 - Occupancy Standards
 - Interim change policies
 - Reexamination schedules
- ▶ The Receiving PHA should send any new 50058's to the Initial PHA, even if there is not a change in billing amounts.

Portability Procedures

- ▶ The Receiving PHA can terminate the family based on their policies.
- ▶ The Receiving PHA can allow the family to have an informal hearing based on their policies.

Families can also port to another PHA... the Initial PHA then sends reimbursement to the new Receiving PHA.

Family Portability Information
Housing Choice Voucher Program

**U.S. Department of Housing
and Urban Development**
Office of Public and Indian Housing

OMB Approval No. 2577-0169
(exp. 04/30/2018)

Public reporting burden for this collection of information is estimated to average .50 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

This collection of information is authorized under Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f). The information is used to standardize the information submitted to the receiving Public Housing Agency (PHA) by the initial PHA. In addition, the information is used for monthly billing by the receiving PHA.

Sensitive Information. The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained.

Privacy Act Statement. The Department of Housing and Urban Development (HUD) is authorized to collect the information required on this form by Section 8 of the U.S. Housing Act of 1937 (42 U.S.C. 1437f) and by the Housing and Community Development Act of 1987 (42 U.S.C. 3534(a)). Collection of this information, including SSN and annual income, is mandatory. The information is used to standardize the information submitted to the receiving Public Housing Agency (PHA) by the initial PHA. In addition, the information is used for monthly billing by the receiving PHA. The SSN is used as a unique identifier. HUD may disclose this information to Federal, State and local agencies when relevant to civil, criminal, or regulatory investigations and prosecutions. It will not be otherwise disclosed or released outside of HUD, except as permitted or required by law. Failure to provide any of the information may result in delay or rejection of a family port.

Part I Initial PHA Information and Certification

Instructions: This portion of the form is to be completed by the **initial PHA** for a family that is moving out of the **initial PHA's** jurisdiction under the portability procedures.

1. Head of Household Name _____				2. Head of Household Social Security Number _____	
3. Voucher Number _____	4. Bedroom Size _____	5. Issuance Date (mm/dd/yyyy) _____	6. Expiration Date (mm/dd/yyyy) _____	7. Date of Last Income Examination (mm/dd/yyyy) _____	

8. Annual income if new admission (not currently a voucher participant) \$ _____

9. Date by which initial billing must be received (60 days following the expiration date of the initial PHA voucher)(mm/dd/yyyy) _____

10. 80% of initial PHA ongoing administrative fee \$ _____

11. Receiving PHA to which family has been referred: _____

Attachments:

- a. A copy of the voucher issued by the initial PHA.
- b. A copy of the current form HUD-50058 and copies of the income verification for the current form HUD-50058. (Note: This is the latest form HUD-50058 completed for either an admission, an annual reexamination, or an interim redetermination. It is not the form HUD-50058 that the initial PHA completes to report the portability move-out.)

Certification Statement:

The family is a current program participant or is not a current program participant but is income-eligible in the receiving PHA's jurisdiction (see line 8 above), and the voucher was issued in accordance with the program regulations. Please issue the family a receiving PHA voucher that does not expire before the expiration date indicated in Item 6 (the expiration date on the initial PHA's voucher) for the appropriate bedroom size (based on the receiving PHA's policies). I certify that the information contained on Part I of this form and the attached documents provided by my agency is true and correct. My agency will promptly reimburse amounts paid on behalf of the above family within 30 calendar days of receipt of Part II of this form and thereafter ensure that subsequent billing payments are received by your agency no later than the fifth working day of each month. Failure to comply with these payment due dates may result in the transfer of the family's voucher in accordance with program rules and regulations.

Name of Certifying PHA Official _____ Type full Name and Address of Initial PHA below _____

Signature _____

Initial PHA Contact Name _____

Phone Number _____

Form Submission Date (mm/dd/yyyy) _____

This form may be reproduced on local office copiers

Billing? What do I get?

The Receiving PHA will receive the lesser of 80% of the prorated Admin fee earned by the Initial PHA OR 100% of the Admin fee earned by the Receiving PHA.

Example:

Initial PHA Admin Fee (Column B) is \$100

Pro Rate is 90%

Initial PHA only earns \$90.00

Port allows for 80% of admin fee = \$72.00 earned

Receiving PHA Admin fee (100%) is \$70.00

What would be the billed admin fee?

Billing... when do you pay?

- ▶ Receiving PHA must bill within 90 days of expiration of voucher (more if suspended)
- ▶ Initial PHA must pay within 30 days of receiving billing for initial payment
- ▶ Initial PHA must pay by 5th business day of the month for all other payments
- ▶ Initial PHA must send any changes to billing within 10 business days of effective change
- ▶ Initial PHA must send any terminations to billing arrangements within 10 business days of effective date of termination

Billing... timing matters

- ▶ If Receiving PHA fails to send the billing to the initial within the billing deadline, the receiving PHA may have to absorb the voucher. The Initial PHA does not have to accept the billing, although it can accept a late submission.
- ▶ If the Receiving PHA sends a late billing for an increase, the Initial PHA does not have to pay for the retro and it comes out of the receiving PHA HAP.

Billing... timing matters

- ▶ If the Receiving PHA submits a late billing to the Initial for a decrease in HAP, the HAP decrease must be offset.
- ▶ If the Receiving PHA executes a HAP contract midmonth, the Initial PHA is not required to pro rate or pay an admin fee that was already earned by the Initial PHA. The Initial PHA must pay the HAP portion which is prorated.
- ▶ Full HAP for previous landlord can also be billed by Receiving PHA for those midmonth moves.

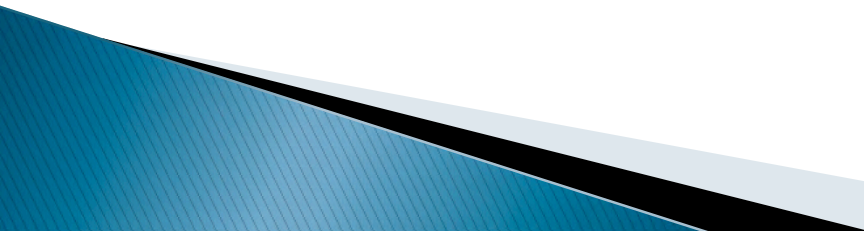
Billing... timing matters

- ▶ The Receiving PHA cannot retroactively absorb vouchers (no more than 10 business days).
- ▶ The Receiving PHA cannot accept payments beyond the time when the billing arrangements and HUD can penalize PHA's that do not send timely termination of billing arrangements. In all cases, the Receiving PHA must reimburse the Initial PHA any overpayments made.

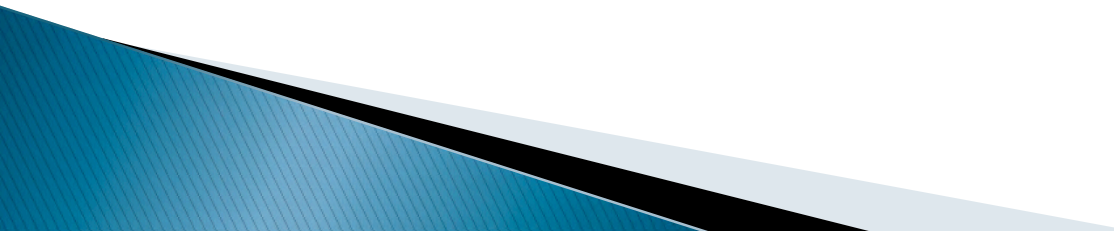
Billing Issues...

- ▶ HUD can collect for you and become involved... NOT BEST PRACTICE.
 - Transfer of ACC
 - Admin Fee Sanctions
- ▶ ***Communication is key to resolving billing issues.***
- ▶ Email is preferred communication but any other delivery method that you can confirm receipt.

Streamlining the Portability Process – Resources

- ▶ PIH Notice 2016–09 issued on June 6, 2016
 - ▶ Streamlining Portability Final Rule effective September 21, 2015 (published in the Federal Register in August 20, 2015)
 - ▶ Accounting Brief #18 Accounting Procedures for Recording Portability Transactions for the HCV program, issued July 2016
- 

Highlights from the Streamlining rule

- ▶ 1. Definition of Absorption
 - ▶ 2. Mandatory Voucher Suspension
 - ▶ 3. Notification Requirements before denying portability due to insufficient funding
 - ▶ 4. Special Purpose Vouchers
 - ▶ 5. Term of voucher issued by Receiving PHA (30 days)
 - ▶ 6. Admin Fee Proration
 - ▶ 7. Mandatory Absorption
- 

Highlights from the Streamlining Rule

- ▶ Family Briefing– required for all
- ▶ Landlord Listing– resources
- ▶ Families choose the Receiving PHA

Comments received from March 2012
Proposed rule

How Portability Works

What is Portability?

"Portability" in the Housing Choice Voucher (HCV) program refers to the process through which your family can transfer or "port" your rental subsidy when you move to a location outside the jurisdiction of the public housing agency (PHA) that first gave you the voucher when you were selected for the program (**the initial PHA**).

The agency that will administer your assistance in the area to which you are moving is called the receiving PHA.

New families have to live in the jurisdiction of the initial PHA for a year before they can port. But, the initial PHA may allow new families to port during this one-year period.



What Happens Next?

1. You must notify the initial PHA that you would like to port and to which area you are moving.
2. The initial PHA will determine if you are eligible to move. For example, the PHA will determine whether you have moved out of your unit in accordance with your lease.
3. If eligible to move, the initial PHA will issue you a voucher (if it has not done so already) and send all relevant paperwork to the receiving PHA.
4. If you are currently assisted, you must give your landlord notice of your intent to vacate in accordance with your lease.

Contacting the Receiving PHA

1. Your case manager will let you know how and when to contact the receiving PHA. Your case manager must give you enough information so that you know how to contact the receiving PHA.
2. If there is more than one PHA that administers the HCV program where you wish to move, you may choose the receiving PHA. The initial PHA will give you the contact information for the PHAs that serve the area. If you prefer, you may request that the initial PHA selects the receiving PHA for you.

Generally, the initial PHA is not required to give you any other information about the receiving PHAs, but you may wish to find out more details when contacting them (such as whether the receiving PHA operates a Family Self-Sufficiency or Homeownership program).

How Portability Works



Before Porting, Things You Should Know

Subsidy Standards: The receiving PHA may have different subsidy standards. In other words, the initial PHA may have issued you a three-bedroom voucher, but the receiving PHA may, if appropriate for your family, issue you a two-bedroom voucher. Note, however, that the PHA's subsidy standards must comply with fair housing and civil rights laws. This includes processing reasonable accommodation requests that are necessary for qualified individuals with disabilities.

Payment Standards: The payment standards of the receiving PHA may be different for each PHA. Payment standards are what determine the amount of the rent that the PHA will pay on your behalf. If a receiving PHA's payment standards are lower than the initial PHA, then the portion of the rent you pay may be more than what you were paying at the initial PHA.

Re-screening: The receiving PHA may re-screen you using their own policies, which may be different than the initial PHA's policies and could result in them denying your request to move. When contacting the receiving PHA, you may want to ask whether they re-screen families moving into their area under portability and what are their policies for termination or denial of HCV assistance. This will assist you in determining if the receiving PHA's policies might prevent you from moving to their jurisdiction.

Time Management: You should manage the move so that you have enough time to arrive at the receiving PHA before the initial PHA voucher expires; otherwise, you may lose your assistance.

See front for more details

Once at the Receiving PHA

1. The receiving PHA will issue you a voucher to search for a unit in its jurisdiction. Your voucher must be extended by 30 days from the expiration date on the voucher issued by the initial PHA.
2. When you submit a request for tenancy approval, the time on your voucher will stop until you are notified in writing whether the unit is approved or denied. The request for tenancy approval is the form you will submit to the receiving PHA once you find a unit, so that the receiving PHA can determine whether you may rent that unit under the program.
3. If you decide that you do not want to lease a unit in the area, the receiving PHA will return your voucher to the initial PHA. The initial PHA is not required to, but may, extend the term of your voucher so that you may search for a unit in the initial PHA's jurisdiction or port to another jurisdiction.

Any additional instructions will be provided by the receiving PHA. PHAs must comply with all nondiscrimination and equal opportunity requirements in the portability process, including, but not limited to, the Fair Housing Act, Section 504 of the of the Rehabilitation Act, Title VI of the Civil Rights Act, and title II of the Americans with Disabilities Act.

See front for more details

Things to think about...



- ▶ HCV Utilization
- ▶ Port or Absorb?
 - Impact on your Waitlist and local needs
 - Earn Admin Fee
 - Accounting needs

Questions...

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