

Moves within the PHA's Jurisdiction & Portability

Introduction:

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

Allowable Moves:

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

The assisted lease for the old unit has terminated because the PHA has terminated the HAP contract for owner breach, or the lease was terminated by mutual agreement of the owner and the family.

The owner has given the family a notice to vacate, or has commenced an action to evict the tenant, or has obtained a court judgment or other process allowing the owner to evict the family (unless assistance to the family will be terminated).

The family has given written 30-day notice of lease termination to the owner and PHA (and if the family has a right to terminate the lease on notice to the owner).

Restrictions on Moves:

Families will not be permitted to move within the PHA's jurisdiction during the initial year of assisted occupancy.

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

Families will not be permitted to move more than once in a 12-month period.

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

The PHA will deny permission to move if:

The family has violated a family obligation.

The family owes the PHA money.

The family has moved or been issued a voucher within the last twelve months.

The Housing Choice Voucher Coordinator may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

Procedure for Moves:

When a family wishes to move within the PHA's jurisdiction, a written 30-day notice of lease termination to the owner and PHA is required (if the family has the right to terminate the lease). If the family does not locate a new unit within that time period, they may remain in the current unit so long as the owner permits.

Once notice is given, the family must obtain a Request for Tenancy Approval form from the PHA. This form is filled out by the owner of the new unit the family wishes to reside in. Once this form is completed it is to be returned to the PHA office so an initial inspection can be scheduled. The family is not permitted to reside in the unit until the unit passes inspection.

In a move, assistance stops at the old unit at the end of the month in which the tenant ceased to occupy, unless proper notice was given to end a lease midmonth. Assistance will start on the new unit on the effective date of the lease and contract. Assistance payments may overlap for the month in which the family moves.

Outgoing Portability:

Within the limitations of the regulations and this policy, a participant family has the right to receive tenant-based voucher assistance to lease a unit outside the PHA's jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program. When a family requests to move outside of the PHA's jurisdiction, the request must specify the area to which the family wants to move. If there is more than one PHA in the area in which the family has selected a unit, the PHA will choose the receiving PHA.

Restrictions on Portability:

Applicants:

If neither the head nor spouse had a legal residence in the PHA's jurisdiction at the date of their initial application for assistance, the family will not be permitted to exercise portability upon initial issuance of a voucher, unless the PHA approves such move.

Participants:

After an applicant has leased up in the jurisdiction of the initial housing agency, they cannot exercise portability during the first year of assisted occupancy, except in the following circumstances:

The receiving and initial PHA's agree to allow the move.

The PHA will not permit families to exercise portability if:

The family is in violation of a family obligation.

The family owes money to the PHA.

The family has moved out of its assisted unit in violation of the lease.

Extensions:

When a voucher to move under portability is issued it will be valid for a period of at least sixty calendar days. If the family has not leased up in the receiving PHA's jurisdiction in that time frame, the family must request an extension in writing from the receiving PHA. The request for extension must be received prior to the expiration date of the voucher.

Expirations:

If the voucher has expired, and has not been extended by the PHA or expires after an extension, the family will be denied assistance from the receiving PHA. The family will not be entitled to a review or hearing. If the voucher expires, the family may remain a participant in their current unit if there is an assisted lease/contract in effect, and if the owner permits.