

# Chapter 10

## 10-I.A.i. FAMILY MOVES DUE TO UNIT DEFICIENCIES

7/17/2025

### Units in Abatement [24 CFR 982.404(d)(3)]

An owner may not terminate the tenancy of a family due to the PHA withholding or abating HAP for housing quality standards deficiencies that are not repaired timely. During the period that assistance is abated, the family may terminate tenancy by notifying the owner and the PHA. If the family chooses to terminate tenancy, the HAP contract will automatically terminate on the effective date of tenancy termination or the date the family vacates the unit, whichever is earlier. The PHA must promptly issue the family its voucher to move.

#### PHA Policy

***Upon receipt of a family's written notification that it wishes to move, the PHA will issue a voucher within 10 business days of the PHA's written approval to move. No briefing is required for these families. The PHA will follow the policies set forth in Chapter 5 on voucher term, extension, and expiration.***

### Termination of HAP Contract and Family Moves [24 CFR 982.404(e)]

For HAP contracts executed or renewed on or after June 6, 2024, if an owner fails to make required repairs within 60 days (or a reasonable longer period established by the PHA) of the notice of abatement, the PHA must terminate the HAP contract. In this case, the PHA must issue the family its voucher at least 30 days prior to the termination of the HAP contract. The family must be provided at least 90 days following the termination of the HAP contract to lease a new unit, although the PHA may provide a longer period as the PHA determines is reasonably necessary.

#### PHA Policy

***The PHA will issue a family whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame a voucher no later than 30 days prior to the termination of the HAP contract. The initial term of the voucher will be 120 calendar days. No briefing is required for these families.***

***To continue under the tenant-based HCV program, the family must submit a Request for Tenancy Approval and proposed lease within the 120-day period unless the PHA grants an extension. The PHA will follow the policies set forth in Chapter 5 on voucher extension and expiration.***

### Offer of Public Housing [24 CFR 982.404(e)(2)]

If the family is unable to lease a new unit within the term of the voucher, and the PHA owns or operates public housing, the PHA must offer, and if accepted, provide the family a selection preference for an appropriate-sized public housing unit that first becomes available for occupancy after the time period expires.

#### PHA Policy

***The PHA does operate a public housing program and will provide a preference for HCV families whose HAP contract is being terminated due to an owner failing to make required repairs within the required time frame, and who were unable to lease a new unit within the term of the voucher.***

***Thirty days prior to the expiration date of the voucher, the PHA will provide written notice to the family stating that the PHA does provide such a preference and providing an estimation of availability for the appropriate-sized public housing unit.***

### Relocation Assistance [24 CFR 982.404(e)(3)]

PHAs may assist families relocating due to the HAP contract being terminated as a result of the owner failing to make required repairs within the required time frame in finding a new unit, including using up to two months of the withheld and abated assistance payments for costs directly associated with relocating to a new unit, such as security deposits, temporary housing costs, or other reasonable moving costs as determined by the PHA based on their locality.

The PHA must assist families with disabilities with locating available accessible units in accordance with 24 CFR 8.28(a)(3).

**PHA Policy**

***The PHA will assist families with disabilities with locating available accessible units in accordance with program requirements.***

***The PHA will use up to two months of withheld and abated payment to assist with any required security deposit at the new unit. Funds will not be used for any other relocation assistance.***

***If the family receives a refund of a security deposit for the new unit, the PHA will not require any amount to be remitted to the PHA.***

## **10-I.B. Restrictions on Moves**

**24CFR 982.1(b)(2)**

*(2) To receive tenant-based assistance, the family selects a suitable unit. After approving the tenancy, the PHA enters into a contract to make rental subsidy payments to the owner to subsidize occupancy by the family. The PHA contract with the owner only covers a single unit and a specific assisted family. If the family moves out of the leased unit, the contract with the owner terminates. The family may move to another unit with continued assistance so long as the family is complying with program requirements.*

### **10-I.B.i. Denial of Moves**

A PHA may only deny a family's request to move if it has grounds to do so under the program regulations, which are as follows:

1. The PHA has grounds to deny the move because of the family's action or failure to act as described in 24CFR 982.314(e)(2); 982.552 or 982.553. See 10-I.B.i.b.
2. The family is a non-resident applicant, or the family was a non-resident applicant that has not yet been assisted in the initial PHA jurisdiction for twelve months since being admitted to the program. [See 24CFR 982.353(c)]. See 10-II-B.I.a.
3. The family is an applicant and is not income-eligible [see 24CFR 982.353(d)(1)] in the area in which they wish to initially lease a unit. See 10-II.B.ii.a.
4. The PHA has established policies on the timing and frequency of moves in accordance with 24CFR 982.314(c)(2), and the requested move does not comply with those policies. See 10-I.B.ii.
5. The PHA does not have sufficient funding for continued assistance to support the move in accordance with 24CFR 982.314(e)(1). See 10-I.B.ii.a.
6. The initial PHA must deny a family's request to move if the family has moved out of its assisted unit in violation of the lease. See 24CFR 982.353(b), but also see \*HUD Notice PIH 2007-5\*.

### **10-I.B.i.a. Insufficient Funding** (See HUD PIH Notice 2012-42; PIH Notice 2016-09)

**24CFR 982.35(e)(1)**

2/2/2016

12/17/2013

*(e) When PHA may deny permission to move.*

1. *The PHA may deny permission to move if the PHA does not have sufficient funding for continued assistance.*

**PHA Policy- Denial to Move Due to Insufficient Funding**

***The PHA will deny a family permission to move on grounds that the PHA does not have sufficient funding for continued assistance if (a) the move is initiated by the family, not the owner or the PHA; (b) the PHA can demonstrate that the move will, in fact, result in higher subsidy costs; (c) the PHA 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 for (d) portability moves, the receiving PHA is not absorbing the voucher. This policy applies to moves within the PHAs jurisdiction as well as to moves outside it under portability.***

4/1/2024

9/20/2017

## 10-I.C. Moving Process

### 10-I.C.i. Notification

2/2/2016

#### 24CFR 982.35(d)(2)

9/20/2017

2. If the family wants to move to a new unit, the family must notify the PHA and the owner before moving from the old unit. If the family wants to move to a new unit that is located outside the initial PHA jurisdiction, the notice to the initial PHA must specify the area where the family wants to move. See portability procedures in subpart H of this part.

12/17/2013

#### 24CFR 982.5

Where part 982 requires any notice to be given by the PHA, the family or the owner, the notice must be in writing.

### 10-I.C.ii. Approval

#### PHA Policy-Approval Process for Moves

Upon receipt of a family's notification that it wishes to move, the PHA 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 PHA will notify the family of its determination within 10 business days following receipt of the family's notification.

### 10-I.C.iii. Re-examination of Family Income and Composition

#### PHA Policy-Re-examination Process for Moves

For families approved to move to a new unit within the PHAs jurisdiction, the PHA will not perform a new annual re-examination, but will conduct an interim re-examination in accordance with Chapter 11-II.

For families moving into or families approved to move out of the PHAs jurisdiction under portability, the PHA will follow the policies set forth in Part II of this Chapter.

### 10-I.C.iv. Voucher Issuance and Briefing

#### PHA Policy- Voucher Issuance and Briefing Process for Moves

For families approved to move to a new unit within the PHAs jurisdiction, No voucher will be issued while family resides in assisted unit but is searching for a new unit. Voucher will be issued when family moves from unit and is searching for new unit.. No briefing is required for these families. When a voucher is issued, the PHA 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 PHA approves. Otherwise, the family will lose its assistance.

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

7/1/2025

For families moving due to an owner failing to make required repairs resulting in the PHA termination the HAP contract, the PHA will follow the policies set forth earlier in the section.

### 10-I.C.v. Housing Assistance Payments

#### 24 CFR 982.311 (d)

(d) Family move-out.

1. If the family moves out of the unit, the PHA may not make any housing assistance payment to the owner for any month after the month when the family moves out. The owner may keep the housing assistance payment for the month when the family moves out of the unit.

### 10-II.B.v. 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)].

24 CFR 982.353 (b)

(b) Portability:

... A voucher-holder or participant family has the right to receive tenant-based voucher assistance in accordance with requirements of this part to lease a unit outside the initial PHA jurisdiction, anywhere in the United States, in the jurisdiction of a PHA with a tenant-based program under this part...

#### PHA Policy- Portability-Conditions for Issuance and Term of Voucher

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

The initial term of the voucher will be 60 days.

7/1/2025 If the move is due to the HAP contract being terminated due to an owner failing to make required repairs within the required timeframe, the PHA will issue the family a voucher no later than 30 days prior to the termination of the HAP contract. The initial term of the voucher will be 120 calendar days.

### 10-II.B.vi. Voucher Extensions and Expiration

#### PHA Policy- Portability- Conditions of Voucher Extension

The PHA will approve no extensions to a voucher issued to an applicant or participant family porting out of the PHAs 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 PHA,
- b) The family decides to return to the initial PHAs jurisdiction and search for a unit there, or
- c) The family decides to search for a unit in a third PHAs 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.

2/2/2016

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

### 10-II.B.vii. Preapproval Contact with the Receiving PHA

7/17/12 & 12/17/13

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

9/20/2017

### 10-II.B.viii. Initial Notification to the Receiving PHA (See \*Notice PIH 2012-42\*)

24 CFR 982.355(c)(6)

2/2/2016

7/17/12 & 12/17/13

The initial PHA must advise the family how to contact and request assistance from the receiving PHA. The initial PHA must promptly notify the receiving PHA to expect the family.

#### PHA Policy- Initial Contact Procedures with Receiving PHA

The initial PHA will send the receiving PHA a portability introduction letter and documentation as noted below with notification to the tenant to contact receiving PHA as soon as possible.

7/17/2012