

**PASADENA COMMUNITY DEVELOPMENT COMMISSION (PCDC)  
MOVES WITH CONTINUED ASSISTANCE/PORTABILITY  
POLICY AND PROCEDURES**

**GENERAL POLICY**

HUD regulations permit families to move with continued assistance to another unit within the PCDC's jurisdiction. However, families may not be permitted to move during the initial 12 month period of the lease of their existing unit or if the family is in violation of the Obligations of the Participant Family, and/or if the family owes money to the PCDC. The PCDC allows a family to move to a new unit if:

1. The assisted lease for the old unit has terminated because the PCDC has terminated the HAP Contract for owner breach or the lease was terminated by mutual agreement of the owner and the family.
2. The owner has given the family a written notice to vacate due to non-lease violation, commenced an action to evict the family, obtained a court judgment, or other process allowing the owner to evict the family (unless rental assistance to the family is proposed for termination).
3. The family has given at least 60 Day Notice of lease termination (if the family has a right to terminate the lease on notice to owner, for owner breach or otherwise).
4. A member of the family is being relocated because they are a witness in connection with efforts to combat crime in public and/or assisted housing, if requested by law enforcement.
5. A member of the family is protected by the Violence Against Women and Justice Department Reauthorization Act 2005 (VAWA), because he/she has been a victim of domestic violence, dating violence, sexual assault, or stalking. The family will be required to complete, sign and submit Form HUD-50066.

**MOVES WITHIN THE PCDC JURISDICTION**

The family must submit to the PCDC a 90-Day advance written request to move but must not serve a notice of intent to vacate to the owner.

The family will be scheduled for a pre-move appointment to discuss their continued eligibility for rental assistance.

**RESTRICTIONS ON MOVES**

Moves with continued rental assistance will only be processed during the family's anniversary date unless the requested move is due to:

1. Causes beyond the family's control (i.e., foreclosure or loss of property; new owner unwilling to assume HAP Contract, substandard unit).

2. Family unable to afford increased tenant rent due to changes in family circumstances.
3. VAWA victims.
4. Under-housed family.

The PCDC must deny permission to move if:

1. There is insufficient funding for continued assistance.
2. The family owes the PCDC or any other Housing Agency money.
3. Families who have been evicted for damages to the assisted unit beyond normal wear and tear, failure to provide or maintain tenant-supplied utilities and/or appliances, non-payment of tenant rent, violent or drug-related criminal activity, serious or repeated violation of the lease, and/or other Family Obligation.
4. The total tenant payment exceeds the applicable payment standard.

The PCDC may deny permission to move if:

1. The family has moved or been issued a voucher within the last 12 months.
2. Families participating in project-based program.

## **PROCEDURES**

1. Family must submit to the PCDC a written request to move 90 days in advance of planned move.
2. PCDC transmits Move Briefing Packet, including a Personal Declaration for Rental Assistance Benefits form and schedules pre-move interview appointment with the family within 30 days of written request.
3. PCDC reviews family's file to determine if a special inspection is required and may request the special inspection be performed. Pre-move out special inspections will only be requested when the participant has a documented history of annual moves, or evidence exists of Housing Quality Standards violations by the participant.
4. PCDC conducts a pre-move interview with the family to review the requirements for a move with continued rental assistance and the Personal Declaration for Rental Assistance Benefits form. As with an annual interview, the family will be required to provide all current information regarding family circumstances and sign the applicable forms and certifications. Additionally, the family will be required to submit rent receipts for the current and past 5 months or a written statement from the owner verifying the currency of their tenant rent.

5. Based on the pre-move interview, pre-move special inspection (if required), review of Enterprise Income Verification System (EIV) report, and receipt of the appropriate third party verifications, if requested, the PCDC will determine if the requested move with continued assistance will be granted.

A. If the move is approved, the PCDC will:

1. Instruct the family to provide the owner with a written 60 Days Notice of lease termination in accordance with the family's lease, keep a copy for their records and provide a copy of the served notice to the PCDC.
2. Schedule an appointment with the family for issuance of the Housing Choice Voucher.
3. Collect the copy of the lease termination notice served on the owner by the family during the scheduled issuance appointment, calculates the Total Tenant Payment and 40% affordability for the family, and conducts a Briefing Session with the family which consist of the following:
  - A description of the PCDC's jurisdiction.
  - An explanation of the PCDC's policies and procedures.
  - A review of the briefing packet materials.
  - Issuance of the HCV and Request for Lease Approval packet.
  - Provides the family the available PCDC Marketing List and Pasadena Resource Center website address.
4. Notify the owner of the termination of the Housing Assistance Payments Contract in accordance with the family's written notice of lease termination.

B. If the move request is not approved, the PCDC notifies the family within 15 days of the determination and advises the family of their right to an informal hearing.

The family must continue to pay their tenant rent, report changes in family circumstances in writing within 15 days of the date of the change, leave the unit without tenant related damages, return the keys to the owner upon vacating, and abide by the Family Obligations.

The PCDC will cancel your HCV if you fail to pay your tenant rent, report changes in family circumstances, repair tenant related damages, return the keys to the owner, and program violations.

Families planning on moving within the same building or between buildings owned by the same owner will be processed like any other move, except that there will be no overlapping of assistance.

If the family does not locate a new unit, they may remain in the current unit so long as the owner permits. Additionally, the family and owner must submit a written statement signed by both parties agreeing to rescind the termination of the lease or agreeing to extend the

lease termination.

If the owner does not agree to the extension of the lease termination, you will be responsible for paying the full contract rent without rental assistance.

Your participation in the HCV Program will end if your HCV expires. Therefore, you will be required to re-apply for the program.

### **Approval of a new lease**

Before a new lease for a new unit can be approved, the following conditions must be met:

- A completed Request for Lease Approval packet must be submitted by the family and owner.
- The proposed rent must be determined reasonable and affordable to the family.
- The unit must pass a Housing Quality Standards (HQS) inspection.
- The utilities must be turned on and a stove and refrigerator must be in the unit and operable.

Families moving into a unit before a Request for Lease Approval has been approved will do so at their own risk and they will be responsible for paying the full contract rent to the owner until the unit is approved by the PCDC.

In a move, rental assistance stops at the old unit in accordance with the proper written notice to vacate. Rental assistance at the new unit will start on the effective date of the signed lease and Housing Assistance Payments (HAP) Contract.

### **PORTABILITY**

Portability applies to families moving out of or into the PCDC's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the PCDC's jurisdiction. The unit may be located in the same State as the PCDC or in the jurisdiction of a Public Housing Agency (PHA) anywhere within the United States that administers a tenant-based program. However, the PCDC may opt to deny portability moves, and moves within the PCDC jurisdiction, if the PCDC does not have sufficient funds to subsidize families that move to a higher cost area or unit. Higher cost area is defined as an area where a higher subsidy amount will be paid for a family because of higher payment standard amounts or more generous subsidy standards (i.e., the receiving PHA issues a 3-bedroom HCV to a family that received a 2-bedroom voucher from the PCDC). This would be a denial to move for insufficient funding under CFR 982.314(e) (1) unless the receiving PHA is willing to absorb the family to their own program.

### **OUTGOING PORTABILITY**

Families interested in moving outside of the PCDC jurisdiction, must meet the criteria established for moves with continued rental assistance.

### **Restrictions on Portability**

Families will not be permitted to exercise portability for any of the following reasons:

1. Families will not be permitted to exercise portability during the initial 12 month period after admission to the program or lease-up in the PCDC's jurisdiction.
2. If the family is in violation of a Family Obligation and/or their lease agreement.
3. If the family owes money to the PCDC.

### **Outgoing Portability Procedures**

Families must complete and submit the Request for Portability form to move outside of the PCDC's jurisdiction, which specifies the area to which the family wants to move.

The PCDC will provide the family with the name and location of the receiving PHA, the contact person and telephone number.

The PCDC will contact the Receiving Public Housing Agency (PHA) in the jurisdiction where the family wants to move and advise the receiving PHA that the family will be moving into their jurisdiction. The PCDC will also seek to determine if the receiving PHA will absorb or administer the family's rental assistance.

The PCDC will prepare and mail the portability packet to the receiving PHA.

Note: The family is responsible for contacting the receiving PHA and schedule an appointment with the contact person who will process them as an in-coming portable family.

The receiving PHA will become responsible for processing the family's rental assistance and promptly notifying the PCDC of the following:

1. Whether the receiving PHA will bill the initial PHA for assistance on behalf of the portable family or will absorb the family into its own program.
2. If the family has leased an eligible unit under the program or if the family fails to submit a request for approval of the tenancy for an eligible unit within the term of the HCV.

The receiving PHA must determine whether to extend the HCV. However, if the time is beyond the expiration date of the initial PHA's HCV, the receiving PHA must inform the initial PHA of the extension and bear in mind the billing deadline.

If notification from the receiving PHA is not received 60 days following the expiration date of the initial PHA voucher, the PCDC will cancel the HCV. The PCDC will inform the receiving PHA of its determination.

Families porting out of the PCDC jurisdiction may be subject to criminal background

conducted by the receiving PHA.

Families will be subject to the policies and procedures of the receiving PHA.

Families who decide not to lease in the jurisdiction of the receiving PHA and wish to port out to another jurisdiction must submit their decision in writing to the receiving PHA. The receiving PHA must return the portability packet to PCDC before processing the family's request to port out to a third jurisdiction.

The PCDC will review the circumstances involving denial of assistance to the families by the receiving PHA to determine their continued eligibility for rental assistance.

**PASADENA COMMUNITY DEVELOPMENT COMMISSION (PCDC)**  
**INCOMING PORTABILITY PROCEDURES**

The PCDC will accept portability packets via mail and fax packets with a hard copy mailed in by the initial Public Housing Agency (PHA).

Families porting in to the jurisdiction of the PCDC are subject to a reduction in bedroom size of their HCV.

The PCDC reviews the in-coming portability packet to determine if a valid HCV and required paperwork has been provided by the initial PHA.

Incomplete portability packets will be returned to the initial PHA. This includes HCV with a later issued date.

A briefing appointment is scheduled and conducted with the head of family and all adult family members to explain how the HCV Program is administered by the PCDC.

The family will be required to complete a Personal Declaration for Rental Assistance Benefits form, form HUD-9886 and PCDC Authorization, and any additional program forms. Additionally, the family will be required to provide current information supporting their family circumstances.

The PCDC will conduct a criminal background for all adult family members. Each adult family member will be required to complete a Criminal History Background form, sign and date this form, during the time of the interview.

The PCDC determines the family's HCV eligible bedroom size based on the occupancy standards in place and issues the family a HCV with the same dates as the one issued by the initial PHA. The eligible HCV bedroom size may be smaller than the bedroom size issued by the initial PHA.

The family is provided a Request for Tenancy Approval packet.

The initial PHA is notified of the PCDC's intent to either absorb or bill.

For admission to the HCVP, the family must meet the very-low income limits for the PCDC's jurisdiction.

If the family reports a family composition that differs from the composition listed on the form HUD-50058 (Family Report) provided by the initial PHA, the PCDC will refer the family back to the initial PHA for approval.

The PCDC will return the portability packet and refer the family back to the initial PHA if they ultimately decide not to lease in the jurisdiction of the PCDC, but instead wish to return to the initial PHA or wish to search in another jurisdiction.

### **Income and TTP of Incoming Portables**

If the family's income exceeds the income limit of the PCDC, the family will not be denied assistance, unless the family is an applicant and the total annual income for the family exceeds the very-low income limit for the number of persons in the family.

If the family's income is such that a \$0 subsidy amount is determined prior to lease-up in the PCDC's jurisdiction, the PCDC will refuse to enter into a contract on behalf of the family at \$0 assistance. The family will be returned to the initial PHA.

### **Request for Tenancy Approval**

When the family submits a Request for Tenancy Approval (RFTA), it will be processed using the PCDC's moves with continued assistance policy.

If the family does not submit a RFTA prior to the expiration of the HCV or does not execute a HAP Contract, the PCDC will notify the family of the expired HCV and complete and mail form HUD-52665 to the initial PHA.

### **Terminations**

The PCDC will notify the initial PHA in writing of any termination of assistance. If an informal hearing is required and requested by the family, the hearing will be conducted by the PCDC using regular hearing procedures outlined in the PCDC's Administrative Plan.