

## YOUR COPIES - PLEASE KEEP



# APPLYING FOR HUD HOUSING ASSISTANCE?

**THINK ABOUT THIS...  
IS FRAUD WORTH IT?**

### Do You Realize...

If you commit fraud to obtain assisted housing from HUD, you could be:

- **Evicted** from your apartment or house.
- **Required to repay** all overpaid rental assistance you received.
- **Fined** up to \$10,000.
- **Imprisoned** for up to five years.
- **Prohibited** from receiving future assistance.
- **Subject** to State and local government penalties.

### Do You Know...

You are committing fraud if you sign a form knowing that you provided false or misleading information.

The information you provide on housing assistance application and recertification forms will be checked. The local housing agency, HUD, or the Office of Inspector General will check the income and asset information you provide with other Federal, State, or local governments and with private agencies. Certifying false information is fraud.

### So Be Careful!

When you fill out your application and yearly recertification for assisted housing from HUD make sure your answers to the questions are accurate and honest. You must include:

All sources of income and changes in income you or any members of your household receive, such as wages, welfare payments, social security and veterans' benefits, pensions, retirement, etc.

Any money you receive on behalf of your children, such as child support, AFDC payments, social security for children, etc.

Any increase in income, such as wages from a new job or an expected pay raise or bonus.

All assets, such as bank accounts, savings bonds, certificates of deposit, stocks, real estate, etc., that are owned by you or any member of your household.

All income from assets, such as interest from savings and checking accounts, stock dividends, etc.

Any business or asset (your home) that you sold in the last two years at less than full value.

The names of everyone, adults or children, relatives and non-relatives, who are living with you and make up your household.

**(Important Notice for Hurricane Katrina and Hurricane Rita Evacuees:** HUD's reporting requirements may be temporarily waived or suspended because of your circumstances. Contact the local housing agency before you complete the housing assistance application.)

## Ask Questions

If you don't understand something on the application or recertification forms, always ask questions. It's better to be safe than sorry.

## Watch Out for Housing Assistance Scams!

- Don't pay money to have someone fill out housing assistance application and recertification forms for you.
- Don't pay money to move up on a waiting list.
- Don't pay for anything that is not covered by your lease.
- Get a receipt for any money you pay.
- Get a written explanation if you are required to pay for anything other than rent (maintenance or utility charges).

## Report Fraud

If you know of anyone who provided false information on a HUD housing assistance application or recertification or if anyone tells you to provide false information, report that person to the HUD Office of Inspector General Hotline. You can call the Hotline toll-free Monday through Friday, from 10:00 a.m. to 4:30 p.m., Eastern Time, at 1-800-347-3735. You can fax information to (202) 708-4829 or e-mail it to [Hotline@hudoig.gov](mailto:Hotline@hudoig.gov). You can write the Hotline at:



HUD OIG Hotline, GFI  
451 7<sup>th</sup> Street, SW  
Washington, DC 20410



310 N. Sixth Street  
DeKalb, IL 60115  
Phone: 815-758-2692  
Fax: 815-758-4190  
www.dekcohousing.com

## HCV FAMILY OBLIGATIONS

PLEASE READ CAREFULLY

Obligations of the family are described in the housing choice voucher (HCV) regulations and on the voucher itself. These obligations include responsibilities the family is required to fulfill, as well as prohibited actions. **Violation of any family obligation may result in termination of assistance.**

Unless otherwise noted below, when family obligations require the family to respond to a request or notify the PHA of a change, notifying the PHA of the request or change within 10 business days is considered prompt notice.

When a family is required to provide notice to the PHA, **the notice must be in writing.**

- 1) The family must supply any information that the PHA or HUD determines to be necessary, including submission of required evidence of citizenship or eligible immigration status.
- 2) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition.
  - a) **PHA Policy:** Tenants must report when the tenant or any member of the tenant's household has an income or income source change at any time during the year. The report to HACD must be made in writing no later than 10 days following such change. A phone call or message will not satisfy this requirement. Changes can include, but are not limited to, any family member who gets a job or changes jobs, goes on or off welfare, goes from part-time work to full-time work, goes on or off unemployment benefits or Social Security benefits, or adds or changes any other source of income
- 3) The family must disclose and verify social security numbers and sign and submit consent forms for obtaining information.
- 4) Any information supplied by the family must be true and complete.
- 5) The family is responsible for any Housing Quality Standards (HQS) breach by the family caused by failure to pay tenant-provided utilities or appliances, or damages to the dwelling unit or premises beyond normal wear and tear caused by any member of the household or guest.
  - a) **PHA Policy:** Damages beyond normal wear and tear will be considered to be damages which could be assessed against the security deposit.
- 6) The family must allow the PHA to inspect the unit at reasonable times and after reasonable notice, as described in Chapter 8 of the HCV Administrative plan.
- 7) The family must not commit any serious or repeated violation of the lease.
  - a) **PHA Policy:** The PHA will determine if a family has committed serious or repeated violations of the lease based on available evidence, including but not limited to, a court-ordered eviction, or an owner's notice to evict, police reports, affidavits from the owner, neighbors, or other credible parties with direct knowledge.
    - i) *Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises, and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests. Any incidents of, or criminal activity related to, domestic violence, dating violence, sexual assault, or stalking will not be construed as serious or repeated lease violations by the victim [24 CFR 5.2005(c)(1)].
- 8) The family must notify the PHA and the owner before moving out of the unit or terminating the lease.
  - a) **PHA Policy:** The family must comply with lease requirements regarding written notice to the owner. The family must provide written notice to the PHA at the same time the owner is notified.
- 9) The family must promptly give the PHA a copy of any owner eviction notice.
- 10) The family must use the assisted unit for residence by the family. The unit must be the family's only residence.



310 N. Sixth Street  
DeKalb, IL 60115  
Phone: 815-758-2692  
Fax: 815-758-4190  
www.dekcohousing.com

## HCV FAMILY OBLIGATIONS

PLEASE READ CAREFULLY

- 11) The composition of the assisted family residing in the unit must be approved by the PHA. The family must promptly notify the PHA in writing of the birth, adoption, or court-awarded custody of a child. The family must request PHA approval to add any other family member as an occupant of the unit.
  - a) **PHA Policy:** The request to add a family member must be submitted in writing and approved prior to the person moving into the unit. The PHA will determine eligibility of the new member in accordance with the policies in Chapter 3.
    - i) The PHA will consider any person not included on the family summary or personal declaration form that has been in the unit more than 30 consecutive days or nights, or a total of 90 cumulative days or nights in any 12-month period will be considered to be living in the unit as an unauthorized household member. Any person who uses the assisted unit's address as his/her address or spends 30% or more of his/her time in a 24-hour period on an ongoing consistent basis is considered to be an unauthorized resident of the household. Only those family members listed on the lease and approved by HACD as a member of the household may reside in the unit. Any other arrangement is unauthorized by HACD.
- 12) The family must promptly notify the PHA in writing if any family member no longer lives in the unit. If the PHA has given approval, a foster child or a live-in aide may reside in the unit. The PHA has the discretion to adopt reasonable policies concerning residency by a foster child or a live-in aide, and to define when PHA consent may be given or denied. For policies related to the request and approval/disapproval of foster children, foster adults, and live-in aides, refer to Chapter 3 (Sections I.K and I.M), and Chapter 11 (Section II.B).
- 13) The family must not sublease the unit, assign the lease, or transfer the unit.
  - a) **PHA Policy:** Subleasing includes receiving payment to cover rent and utility costs by a person living in the unit who is not listed as a family member.
- 14) The family must supply any information requested by the PHA to verify that the family is living in the unit or information related to family absence from the unit.
- 15) The family must promptly notify the PHA when the family is absent from the unit.
  - a) **PHA Policy:** Notice is required under this provision only when all family members will be absent from the unit for an extended period. An extended period is defined as any period greater than 30 calendar days. Written notice must be provided to the PHA at the start of the extended absence.
- 16) The family must pay utility bills and provide and maintain any appliances that the owner is not required to provide under the lease [Form HUD-52646, Voucher].
- 17) The family must not own or have any interest in the unit, (other than in a cooperative and owners of a manufactured home leasing a manufactured home space).
- 18) Family members must not commit fraud, bribery, or any other corrupt or criminal act in connection with the program. (See Chapter 14, Program Integrity for additional information).
- 19) Family members must not engage in drug-related criminal activity or violent criminal activity or other criminal activity that threatens the health, safety or right to peaceful enjoyment of other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for HUD and PHA policies related to drug-related and violent criminal activity.
- 20) Members of the household must not engage in abuse of alcohol in a way that threatens the health, safety or right to peaceful enjoyment of the other residents and persons residing in the immediate vicinity of the premises. See Chapter 12 for a discussion of HUD and PHA policies related to alcohol abuse.
- 21) An assisted family or member of the family must not receive HCV program assistance while receiving another housing subsidy, for the same unit or a different unit under any other federal, state, or local housing assistance program.
- 22) A family must not receive HCV program assistance while residing in a unit owned by a parent, child, grandparent, grandchild, sister or brother of any member of the family, unless the PHA has determined (and has notified the owner and the family of such determination) that approving rental of the unit, notwithstanding such relationship, would provide reasonable accommodation for a family member who is a person with disabilities. [Form HUD-52646, Voucher]



# INTERIM REPORTING

## *Income & Household Changes*

Family circumstances may change between annual reexaminations. This is called an interim change. Those changes must be reported to HACD. When the household income changes or when household members change you must report it to HACD, in writing within 10 business days. **For Interim changes HACD must recalculate the family share of the rent and the subsidy amount and notify the family and owner of the changes [24 CFR 982.516(d)(2)].**

- Changes must be made in writing
- Changes must include the proper verifiable documentation
  - **Income:** Change of Income Form
  - **Household Composition:** Family Summary Sheet or Addition/Removal of Household
- Changes must be reported within 10 business days of the change taking effect.

### Income Changes

- 1) For families receiving the Earned Income Disallowance (EID), the PHA will conduct an interim reexamination at the start and conclusion of the 24-month eligibility period.
- 2) If the family has reported **zero income**, an interim reexamination will be conducted every 6 months. Such families will be required to *maintain all receipts for any expenses* (e.g., food and clothing, utility bills) for *the most recent three months*. This amount, excluding any food stamps or HACD Utility Allowance payments, will be annualized to determine annual income.
  - a) If a family reports that it does not have an income, all adult members will be required to sign a no income affidavit and answer all questions on a zero-income questionnaire.
  - b) Zero income families may be subject to a credit check.
- 3) If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the PHA will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.
- 4) If at the time of the annual reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, HACD will conduct an interim reexamination.
- 5) HACD may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.
- 6) HACD shall conduct interim reexaminations to increase rent when families report an increase in gross income greater than \$100 per month.
- 7) HACD will conduct interim reexaminations **when families have a decrease in income, which is expected to last at least a minimum of 30 days.**
- 8) Generally, the family will not be required to attend a meeting for an interim reexamination.

### Household Member/Family Composition Changes

- 9) If a household member ceases to reside in the unit (moves out), the family must inform HACD.
- 10) This requirement applies to a family member who has been considered *temporarily* absent at the point that the family concludes the individual is *permanently* absent.
- 11) If a live-in aide, foster child, or foster adult ceases to reside in the unit.
- 12) No additional people can be added to a household without express permission from HACD.



310 N. Sixth Street  
DeKalb, IL 60115  
Phone: 815-758-2692  
Fax: 815-758-4190  
www.dekcohousing.com

## INTERIM REPORTING

### *Income & Household Changes*

#### **If the family share of the rent is to *increase*:**

- 13) The increase generally will be effective on the first of the month following 30 days' notice to the family.

#### **If the family share of the rent is to *decrease*:**

- 14) The decrease will be effective on the first day of the month following the month in which the change was reported, provided the change was reported in writing by the family by the 20<sup>th</sup> day of the month, **and** all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will not be made retroactive.

**EXAMPLE:** A decrease of income is reported in writing by the family and is verified by the HACD prior to December 20. The family's share of rent will be adjusted with a January 1 effective date.

Changes reported in writing after the 20<sup>th</sup> of the month will not be effective until the first day of the second month after the change is reported.

**EXAMPLE:** A decrease of income is reported in writing by the family on December 25 and verified by the HACD. The family's share of rent will be adjusted with a February 1 effective date.

#### **Failure to Report**

- 15) If a family fails to report an increase in income within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively, to the date it would have been effective. **The family will be responsible for any overpaid subsidy.**
- 16) Families may be offered a repayment agreement.
- 17) Families will not be offered a repayment agreement in lieu of termination if they are currently making payments on a repayment agreement already in effect at the time a new instance of unreported income is documented.
- 18) Once a repayment agreement is executed, participants are not eligible to move until the debt is paid in full.
- 19) Families are limited to a total of two repayment agreements during the duration of their participation in the HCV Program.

It is imperative to ***your*** program success that you understand and abide by these policies. Key factors of the Housing Choice Voucher Program are household income and family size. Program participants are held solely responsible for communicating this information in writing, and all requested documentation, within 10 business days to HACD.

*All family members over the age of 18 are required to certify that they have received and understand their responsibilities of reporting.*





310 N. Sixth Street  
DeKalb, IL 60115  
Phone: 815-758-2692  
Fax: 815-758-4190  
www.dekcohousing.com

## HCV GROUNDS FOR TERMINATION

PLEASE READ CAREFULLY

HUD regulations specify mandatory and optional grounds for which a PHA can terminate a family's assistance. This document provides information on mandatory and permissible terminations of assistance.

HUD requires the PHA to terminate assistance for certain actions and inactions of the family and when the family no longer requires assistance due to increases in family income. HUD permits the PHA to terminate assistance for certain other actions or inactions of the family. In addition, a family may decide to withdraw from the program and terminate their HCV assistance at any time by notifying the PHA in writing

### **Family No longer Needs Assistance 24 CFR 982.455**

- 1) As a family's income increases, the amount of the housing assistance payment decreases. If the amount of assistance provided by the PHA is reduced to zero, the family's assistance automatically terminates 180 days after the last HAP payment.
  - a) If a family submits a Request for Tenancy Approval to move to a new unit during the 180- day period when no HAP is being paid to the current landlord, the rent and utilities for the new unit must be sufficient to necessitate a housing assistance payment. The PHA will not approve a move to a new unit where no HAP will be paid

### **Mandatory Termination of Assistance**

#### **Eviction 24 CFR 982.552(b)(2), 24 CFR 5.2005(c)(1)**

- 2) The PHA must terminate assistance whenever a family is evicted from a unit assisted under the HCV program for a serious or repeated violation of the lease.
  - a) A family will be considered *evicted* if the family moves after a legal eviction order has been issued, whether or not physical enforcement of the order was necessary.
  - b) If a family moves after the owner has given the family an eviction notice for serious or repeated lease violations but before a legal eviction order has been issued, termination of assistance is not mandatory. In such cases, the PHA will determine whether the family has committed serious or repeated violations of the lease based on available evidence and may terminate assistance or take any of the alternative measures.
  - c) *Serious and repeated lease violations* will include, but not be limited to, nonpayment of rent, disturbance of neighbors, destruction of property, or living or housekeeping habits that cause damage to the unit or premises and criminal activity. Generally, the criterion to be used will be whether or not the reason for the eviction was the fault of the tenant or guests.

#### **Failure to Provide Consent [24 CFR 982.552(b)(3)]**

- 3) The PHA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a regular or interim reexamination.

#### **Failure to Document Citizenship [24 CFR 982.552(b)(4) and [24 CFR 5.514(c)]**

- 4) The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

#### **Failure to Disclose and Document Social Security Numbers [24 CFR 5.218(c), Notice PIH 2018-24]**

- 5) The PHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number

#### **Methamphetamine Manufacture or Production [24 CFR 983.553(b)(1)(ii)]**

- 6) The PHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally assisted housing.

#### **Lifetime Registered Sex Offenders [Notice PIH 2012-28]**

- 7) Should a PHA discover that a member of an assisted household was subject to a lifetime registration requirement at admission and was erroneously admitted after June 25, 2001, the PHA must immediately terminate assistance for the household member.

#### **Death of the Sole Family Member [24 CFR 982.311(d) and Notice PIH 2010-9]**

- 8) The PHA must immediately terminate program assistance for deceased single member households.



310 N. Sixth Street  
DeKalb, IL 60115  
Phone: 815-758-2692  
Fax: 815-758-4190  
www.dekcohousing.com

## HCV GROUNDS FOR TERMINATION

PLEASE READ CAREFULLY

### **Mandatory Policies & Other Authorized Reasons for Termination [24 CFR 982.553(b) and 982.551(l)]**

HUD requires the PHA to establish policies that permit the PHA to terminate assistance if the PHA determines that:

- 9) Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents
- 10) Any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents
- 11) Any household member has violated the family's obligation not to engage in any drug-related criminal activity
- 12) Any household member has violated the family's obligation not to engage in violent criminal activity

### **Other Authorized Reasons for Termination of Assistance [24 CFR 982.552(c), 24 CFR 5.2005 (c)]**

The PHA **will** terminate a family's assistance if:

- 13) The family has failed to comply with any family obligations under the program.
- 14) Any family member has been evicted from federally assisted housing in the last five years.
- 15) Any PHA has ever terminated assistance under the program for any member of the family.
- 16) Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- 17) The family currently owes rent or other amounts to any PHA in connection with Section 8, public housing, or any other federally sponsored housing programs.
- 18) The family has not reimbursed any PHA for amounts the PHA paid to an owner under a HAP contract for rent, damages to the unit, or other amounts owed by the family under the lease.
- 19) The family has breached the terms of a repayment agreement entered with the PHA.
- 20) A family member has engaged in or threatened violent or abusive behavior toward PHA personnel.
  - a) *Abusive or violent behavior towards PHA personnel* includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.
  - b) *Threatening* refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

### **Family Absence from the Unit [24 CFR 982.312]**

If the family is absent from the unit for more than 180 consecutive calendar days, the family's assistance will be terminated.

### **Insufficient Funding [24 CFR 982.454]**

The PHA may terminate HAP contracts if the PHA determines, in accordance with HUD requirements, that funding under the consolidated ACC is insufficient to support continued assistance for families in the program.





310 N. Sixth Street  
DeKalb, IL 60115  
Phone: 815-758-2692  
Fax: 815-758-4190  
www.dekcohousing.com

## HCV GROUNDS FOR TERMINATION

PLEASE READ CAREFULLY

### Informal Hearings for HCV Participants

PHAs must offer an informal hearing for certain PHA determinations relating to the individual circumstances of a participant family. A participant is defined as a family that has been admitted to the PHA's HCV program and is currently assisted in the program. The purpose of the informal hearing is to consider whether the PHA's decisions related to the family's circumstances are in accordance with the law, HUD regulations and PHA policies.

The PHA is not permitted to terminate a family's assistance until the time allowed for the family to request an informal hearing has elapsed, and any requested hearing has been completed. Termination of assistance for a participant may include any or all of the following:

- Refusing to enter into a HAP contract or approve a lease
- Terminating housing assistance payments under an outstanding HAP contract
- Refusing to process or provide assistance under portability procedures

### **Decisions Subject to Informal Hearing**

Circumstances for which the PHA must give a participant family an opportunity for an informal hearing are as follows:

- 1) A determination of the family's annual or adjusted income, and the use of such income to compute the housing assistance payment
- 2) A determination of the appropriate utility allowance (if any) for tenant-paid utilities from the PHA utility allowance schedule
- 3) A determination of the family unit size under the PHA's subsidy standards
- 4) A determination to terminate assistance for a participant family because of the family's actions or failure to act
- 5) A determination to terminate assistance because the participant has been absent from the assisted unit for longer than the maximum period permitted under PHA policy and HUD rules
- 6) A determination to terminate a family's Family Self Sufficiency contract, withhold supportive services, or propose forfeiture of the family's escrow account [24 CFR

Circumstances for which an informal hearing is **not** required are as follows:

- 7) Discretionary administrative determinations by the PHA
- 8) General policy issues or class grievances
- 9) Establishment of the PHA schedule of utility allowances for families in the program
- 10) A PHA determination not to approve an extension or suspension of a voucher term
- 11) A PHA determination not to approve a unit or tenancy
- 12) A PHA determination that a unit selected by the applicant is not in compliance with the HQS
- 13) A PHA determination that the unit is not in accordance with HQS because of family size
- 14) A determination by the PHA to exercise or not to exercise any right or remedy against an owner under a HAP contract
  - a) **PHA Policy**: The PHA will only offer participants the opportunity for an informal hearing when required to by the regulations.



310 N. Sixth Street  
DeKalb, IL 60115  
Phone: 815-758-2692  
Fax: 815-758-4190  
www.dekcohousing.com

## HCV GROUNDS FOR TERMINATION

PLEASE READ CAREFULLY

### **Notice to the Family [24 CFR 982.555(c)]**

When the PHA makes a decision that is subject to informal hearing procedures, the PHA must inform the family of its right to an informal hearing at the same time that it informs the family of the decision.

For decisions related to the family's annual or adjusted income, the determination of the appropriate utility allowance, and the determination of the family unit size, the PHA must notify the family that they may ask for an explanation of the basis of the determination, and that if they do not agree with the decision, they may request an informal hearing on the decision.

- 15) A request for an informal hearing must be made in writing and delivered to the PHA either in person or by first class mail, by the close of the business day, no later than 10 business days from the date of the PHA's decision or notice to terminate assistance.
- 16) The PHA must schedule and send written notice of the informal hearing to the family within 10 business days of the family's request.
- 17) The family may request to reschedule a hearing for good cause, or if it is needed as a reasonable accommodation for a person with disabilities. Good cause is defined as an unavoidable conflict which seriously affects the health, safety or welfare of the family. Requests to reschedule a hearing must be made in writing prior to the hearing date. At its discretion, the PHA may request documentation of the "good cause" prior to rescheduling the hearing.
- 18) If the family does not appear at the scheduled time and was unable to reschedule the hearing in advance due to the nature of the conflict, the family must contact the PHA within 24 hours of the scheduled hearing date, excluding weekends and holidays. The PHA will reschedule the hearing only if the family can show good cause for the failure to appear, or if it is needed as a reasonable accommodation for a person with disabilities.

### **Pre-Hearing Right to Discovery [24 CFR 982.555(e)]**

- 19) Participants and the PHA are permitted pre-hearing discovery rights. The family must be given the opportunity to examine before the hearing any PHA documents that are directly relevant to the hearing.
  - i) **PHA Policy:** The family will be allowed to copy any documents related to the hearing at a cost of \$.25 per page. The family must request discovery of PHA documents no later than 12:00 p.m. on the business day prior to the scheduled hearing date.
  - ii) The PHA must be given an opportunity to examine at the PHA offices before the hearing any family documents that are directly relevant to the hearing. Whenever a participant requests an informal hearing, the PHA will automatically mail a letter to the participant requesting a copy of all documents that the participant intends to present or utilize at the hearing. The participant must make the documents available no later than 12:00 pm on the business day prior to the scheduled hearing date.

### **Participant's Right to Bring Counsel [24 CFR 982.555(e)(3)]**

At its own expense, the family may be represented by a lawyer or other representative at the informal hearing.

### **Informal Hearing Officer [24 CFR 982.555(e)(4)]**

Informal hearings will be conducted by a person or persons approved by the PHA, other than the person who made or approved the decision or a subordinate of the person who made or approved the decision. Hearings may be attended by a hearing officer and the following applicable persons:

- A PHA representative and any witnesses for the PHA
- The participant and any witnesses for the participant
- The participant's counsel or other representative
- Any other person approved by the PHA as a reasonable accommodation for a person with a disability

### **Evidence [24 CFR 982.555(e)(5)]**

The PHA and the family must be given the opportunity to present evidence and question any witnesses. In general, all evidence is admissible at an informal hearing. Evidence may be considered without regard to admissibility under the rules of evidence applicable to judicial proceedings.

### **Hearing Officer's Decision [24 CFR 982.555(e)(6)]**

The person who conducts the hearing must issue a written decision, stating briefly the reasons for the decision. Factual determinations relating to the individual circumstances of the family must be based on a preponderance of evidence presented at the hearing.

# 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*