

RESOLUTION NO. 0736

RESOLUTION AUTHORIZING AN AMENDMENT TO THE HOUSING CHOICE
VOUCHER PROGRAM'S ADMINISTRATIVE PLAN

WHEREAS, the Housing Authority of the City of Wilmington, North Carolina administers a Housing Choice Voucher Program; and

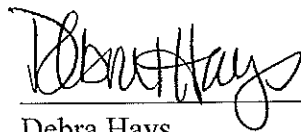
WHEREAS, the Housing Choice Voucher Program has an Administrative Plan; and

WHEREAS, HUD PIH Notice 2011-3(HA) requires an amendment to the Administrative Plan to address how the WHA will address families who have requested a move and were denied due to lack of funding once the WHA has determined funds are available for those moves.

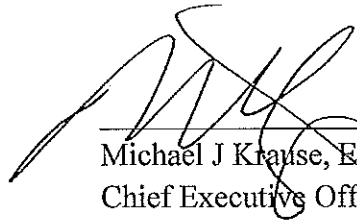
WHEREAS, the Housing Authority of the City of Wilmington, North Carolina will request permission from HUD to deny moves under portability to higher cost areas as required in PIH Notice 2011-3 (HA)

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners hereby authorizes the amendment to the Administrative Plan to include provisions required under PIH Notice 2011-3(HA)

BE IT FURTHER RESOLVED that this Resolution is approved February 21, 2011 and becomes effective January 19, 2011 which is retroactively to the date of the PIH Notice 2011 – 3 (HA).



Debra Hays
Chair, Board of Commissioners



Michael J Krause, Esq.
Chief Executive Officer and Secretary

Chapter 13

MOVES WITH CONTINUED ASSISTANCE/PORTABILITY [24 CFR 982.314]

A. ALLOWABLE MOVES

A family may move to a new unit if:

1. The assisted lease for the old unit has terminated because the WHA 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 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).
3. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to owner) for owner breach or otherwise.

B. RESTRICTIONS ON MOVES

The WHA will not permit a participant family to move under the following conditions:

- During the initial year of assisted occupancy neither within the WHA's jurisdiction nor outside the WHA's jurisdiction under portability.
- If there is insufficient funding for continued assistance.
- The family has violated a Family Obligation.
- The family owes the WHA money.
- The family has moved or been issued a Voucher within the last twelve months.

The Director or Assistant Director may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control at their discretion.

C. PROCEDURE FOR MOVES

Issuance of Voucher

If the family has not been recertified within the last 120 days, the WHA will issue the voucher to move after conducting the recertification. If the family does not locate a new unit, they may remain in the current unit so long as the owner permits.

Notice Requirements

The family must give the owner the required number of days written notice of intent to vacate specified in the lease but not less than 30 days and must give a copy to the WHA simultaneously.

Time of Contract Change

A move within the same building or project, or between buildings owned by the same owner, will be processed like any other move except that there will be no overlapping assistance. 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.

D. PORTABILITY

Portability applies to families moving out of or into the WHA's jurisdiction within the United States and its territories. Under portability, families are eligible to receive assistance to lease a unit outside of the WHA's jurisdiction. The unit may be located in the jurisdiction of a Housing Authority anywhere within the United States that administers a tenant based program.

E. OUTGOING PORTABILITY

When a family requests to move to outside of the WHA's jurisdiction, the request must specify the area to which the family wants to move.

If the family is moving to a unit located in North Carolina or in the same Metropolitan Statistical Area, and there is not an HA in the area where the unit is located, the WHA will be responsible for the administration of the family's assistance.

Restrictions on Portability

Families will not be permitted to exercise portability:

- a) During the initial 12-month period **after admission** to the program, if neither the head nor spouse had a domicile (legal residence) in the WHA's jurisdiction at the date of their initial application for assistance.
- b) If the family is in violation of a family obligation.
- c) If the family owes money to the WHA.
- d) If the receiving HA's payment standard is higher than WHA's and the receiving HA is billing, not absorbing portability clients during times of insufficient funding and as approved by HUD.

Families that request to move to a higher cost area during times of insufficient funding will be notified in writing that their move has been denied and the reason. The family will have 30 days to appeal the denial, after which time the request will be considered closed. Once it is determined that sufficient funding is available for moves to higher cost areas, those families with open requests will be notified.

The Director or Assistant Director may make exceptions to these restrictions if there is an emergency reason for the move over which the participant has no control.

Outgoing Portability Procedures

The WHA will provide counseling for those families who express an interest in portability. If the family is utilizing portability for their initial lease-up, the WHA will determine if the family is within the very low-income limit of the receiving HA.

If the family is a participant and will be changing its form of assistance, WHA will determine if the family is within the low income limit of the receiving HA, and advise the family accordingly.

The WHA will notify the Receiving HA that the family wishes to relocate into its jurisdiction.

The WHA will advise the family how to contact and request assistance from the receiving HA.

The WHA will notify the receiving HA that the family will be moving into its jurisdiction.

The WHA will provide the following documents and information to the Receiving HA:

- A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
- The most recent HUD 50058 form and verifications.
- The Administrative Fee Schedule for billing purposes.

The Receiving HA must notify the WHA within 60 days of the following:

- The Receiving HA decides to absorb the family into their own program.
- The family leases up or fails to submit an RFTA by the required date.
- Assistance to a portable family is terminated by the Receiving WHA.
- The family requests to move to an area outside the Receiving HA's jurisdiction.

Payment to the Receiving HA

Payments for families in other jurisdictions will be made to other HAs when billed or in accordance with other HUD approved procedures for payment.

Claims

The WHA will be responsible for collecting amounts owed by the family and monitoring the repayment. The WHA will notify the Receiving HA if the family is in arrears or if the family has refused to sign a Payment Agreement, and the Receiving HA will be asked to terminate assistance to the family as allowed by this Administrative Plan.

Receiving HA's will be required to submit hearing determinations to the WHA within 30 days.

F. INCOMING PORTABILITY

Absorption or Administration

The WHA will accept a family with a valid Voucher from another jurisdiction and administer or absorb the Voucher. If administering, the family will be issued a "Portability" Voucher by the WHA with the same start date. The WHA may grant extensions in accordance with this Administrative Plan.

The WHA may absorb Vouchers if such absorption does not exceed 10 percent of households assisted.

When the WHA does not absorb the incoming Voucher, it will administer the Initial HA's Voucher and the WHA's policies will prevail.

For initial lease-up, the family must be within the WHA's Very-Low Income limits. For participants, the WHA may issue a Voucher but if the form of assistance changes, the family must be within the WHA's Low-Income limits. If the family is ineligible under the WHA's low income limit because the form of assistance offered causes the family to change programs, the WHA must absorb the family without a change in the form of assistance, or administer the family without a change in the form or assistance, or administer the family's current form of assistance.

The WHA will issue a "Portability Voucher" according to its own Subsidy Standards. If the Family has a change in family composition which would change the Voucher size, the WHA will change to the proper size based on its own Subsidy Standards.

The WHA will decide whether to extend the "Portability Voucher" and for what period of time. However, if the Family decides not to lease-up in the WHA's jurisdiction, the Family must request an extension from the Initial HA.

Income and TTP of Incoming Portables

If the family's income exceeds the income limit of the WHA, the family will not be denied assistance unless the family is an applicant and over the Very-Low Income Limit.

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

Requests for Approval of Tenancy

A briefing will be mandatory for all portability families. When the Family submits a Request for Tenancy Approval, it will be processed using the WHA's policies. If the Family does not submit a Request for Tenancy Approval or does not execute a lease, the Initial HA will be notified

within 30 days by the WHA.

If the Family leases up successfully, the WHA will notify the Initial HA within 30 days and the billing process will commence.

If the WHA denies assistance to the family, the WHA will notify the Initial HA within 30 days and the family will be offered a review or hearing.

The WHA will notify the Family of its responsibility to contact the Initial HA if the Family wishes to move outside the WHA's jurisdiction under continued portability.

Terminations

The WHA will notify the Initial HA in writing of any termination of assistance within 30 days of the termination. If an Informal Hearing is required and requested by the Family, the hearing will be conducted by the WHA, using the regular hearing procedures included in this Plan. A copy of the hearing decision will be furnished to the Initial HA.

The Initial HA will be responsible for collecting amounts owed by the Family for claims paid and for monitoring repayment. If the Initial HA notifies the WHA that the Family is in arrears or the Family has refused to sign a Payment Agreement, the WHA will terminate assistance to the family.

Required Documents

As Receiving HA, the WHA will require the following documents from the Initial HA:

1. A copy of the family's Voucher, with issue and expiration dates, formally acknowledging the family's ability to move under portability.
2. The most recent HUD 50058 form and verifications.
3. The Administrative Fee Schedule for billing purposes.

Billing Procedures

As Receiving HA, the WHA will bill the Initial HA monthly for Housing Assistance Payments. The billing cycle for other amounts, including Administrative Fees and will be monthly unless requested otherwise by the Initial HA.

The WHA will notify the Initial HA of changes in subsidy amounts and will expect the Initial HA to notify the WHA of changes in the Administrative Fee amount to be billed.