



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

SEP 15 2015

Dear PHA Executive Director,

HUD is providing the guidance below in response to several issues raised after publication of the final portability rule (80 FR 50564, published August 20, 2015). Specifically, HUD is addressing the impact on billing. HUD is in the process of revising PIH Notice 2012-42 and form HUD-52665, and the guidance provided in this letter will be incorporated into the revised notice and form.

A technical correction to the final portability rule was published in the Federal Register on September 1, 2015. The technical correction incorporates two provisions that were addressed in the preamble to the final portability rule but were inadvertently omitted from the regulatory text. You may find more information related to portability, including a copy of the rule and technical correction, and access to the final portability rule training webcast on HUD's website at the following address:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv.

Receiving PHA Voucher Term:

The final portability rule provides that the receiving Public Housing Agency's (PHA's) voucher cannot expire earlier than 30 calendar days from the expiration date of the initial PHA's voucher term. For example, if the expiration date on the initial PHA's voucher is 9/30/2015, the receiving PHA's voucher may not expire before 10/30/2015.

While PIH Notice 2012-42 provides that the initial billing submission must be completed and mailed by the receiving PHA within 10 working days of the HAP contract execution but with sufficient time so that it is received by the initial PHA no later than 60 days following the expiration date of the initial PHA's voucher, the billing deadline is now extended to 90 days, in accordance with the final portability rule provision described above.

Therefore, the initial billing submission must be completed and mailed by the receiving PHA within 10 working days of the HAP contract execution but with sufficient time so that it is received by the initial PHA no later than 90 days following the expiration date of the initial PHA's voucher. In the example in the first paragraph, the billing deadline per the initial PHA's voucher expiration date is 12/30/15.

Mandatory Suspension of the Term of the Voucher:

HUD is aware of the potential impact mandatory suspension of the voucher term may have on the billing deadline. HUD will provide further guidance through revisions to PIH Notice 2012-42. In the meantime, the billing deadline will continue to operate as described in the section above.

Administrative Fees:


Receiving PHAs whose billed administrative fee will change as a result of publication of the final portability rule must send an updated form HUD-52665 to the initial PHA no later than October 30, 2015. In the event of a late billing submission, initial PHAs may contact their local HUD field office for assistance.

Completing Form HUD-52665: to reflect changes in the billing amount resulting from changes in the billed administrative fee amount, receiving PHAs must complete part II-B, line 9. Enter the revised administrative fee amount on line 9b.

The administrative fee amount will be the lesser of 80% of the initial PHA's prorated column B administrative fee rate (as provided by the initial PHA under Part I, line 10 of form HUD-52665) or 100% of the receiving PHA's prorated column B administrative fee rate. Note that items 9c and 9h will automatically populate once you enter the information on lines 9a and 9b.

HUD encourages PHAs to work cooperatively in processing these changes, so that any potential hardship on participants or unnecessary administrative burden is avoided. Thank you for your continued support of the HCV program. If you have questions about this letter or the final portability rule, you may email portability@hud.gov.

Sincerely,

for 
Amy Ginger
Director
Office of Housing Voucher Programs