

Relocating/Moving With Continued Assistance

HUD regulations permit families to move with continued assistance to another unit within the WHA's jurisdiction, or to a unit outside of the WHA's jurisdiction under portability procedures. The regulations also allow the WHA the discretion to develop policies which define any limitations or restrictions on moves. This chapter defines the procedures for moves, both within and outside of the WHA's jurisdiction, and the policies for limitations and restrictions on moves. The jurisdiction of the WHA is anywhere in the Commonwealth of Massachusetts.

When a Family May Move

A family may move to a new unit with continued assistance under the following conditions:

- a. The assisted lease for the old unit has terminated because either the WHA has terminated the HAP contract for the owner's breach or the lease has terminated by mutual agreement of the owner and the family;
- b. 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) See Section 12.4.1.;
- c. The family has given proper notice of lease termination (if the family has a right to terminate the lease on notice to the owner, for owner breach, or otherwise);
- d. The family or a member of the family is or has been the victim of domestic violence, dating violence, sexual assault, or stalking, as provided in 24 C.F.R. part 5, subpart L, and the move is needed to protect the health or safety of the family or family member. The WHA may not terminate assistance if the family, with or without prior notification to the WHA, already moved out of a unit in violation of the lease, if such move occurred to protect the health or safety of a family member who is or has been the victim of domestic violence, dating violence, sexual assault, or stalking and who reasonably believed he or she was imminently threatened by harm from further violence if he or she remained in the dwelling unit, or if he or she was the victim of sexual assault that occurred on the premises within the last ninety (90) calendar days; or
- e. The WHA determines that the family's unit does not meet the HQS space standards (due to an increase in family size or change in family composition).

Restrictions on moves

A family is not permitted to move within or outside of the WHA's jurisdiction during the initial lease term. A family is not permitted to move more than once during any twelve (12) month period. Exceptions to these restrictions shall be considered if there are circumstances beyond the control of the family which require a move or transfer for safety or other good cause. The following examples illustrate the types of situations the WHA may consider circumstances beyond the control of the family which require a move or transfer for safety or other good cause:

- a. The family's unit is rendered unsafe by fire or an owner's refusal to pay utilities that are the responsibility of the owner.
- b. The family is approved for a reasonable accommodation due to a disability.
- c. The owner is selling the property to a new owner who does not complete the assignment of the HAP contract.
- d. The family or a member of the family has been a victim of domestic violence, dating violence, sexual assault, or stalking and the move is needed to protect the family or family member's health and safety, in accordance with the Worcester Housing Authority Violence Against Women Act (VAWA) Policy.

Request for exceptions to these restrictions, except paragraph (d), must be submitted in writing together with satisfactory documentation of the circumstances beyond the control of the family which require a move or transfer for safety or other good cause. If a family is requesting an exception under paragraph (d), the family shall follow the protocol outlined in the Worcester Housing Authority Violence Against Women Act (VAWA) Policy.

Family's Request to Move

If a family wants to move to a new unit with continued assistance, the family must notify the WHA and the owner in writing before moving from the old unit. If the family wants to move to a new unit that is located outside of the WHA's jurisdiction, the notice to the WHA must specify the area where the family wants to move (see Section 10.2 below).

The family must give the owner proper notice of their intent to vacate in accordance with the time specified by the lease. A copy of such notice must also be submitted to the WHA. If a family and owner execute a mutual lease termination, it must be signed by both the head-of-household and the owner and must be submitted to the WHA by the tenth (10th) of the month in which the lease is being terminated.

If the family does not locate a new unit, they may remain in the current unit (if the unit continues to meet program requirements and the tenant has rescinded their notice).

Owner HAP when the Family Moves

If the family moves, the WHA shall not make any HAP to the owner for the month after the month the family moves. The owner may retain any HAP for the month during which the family moves (i.e. the owner will be paid for entire month if the family gives notice they will vacate on the 15th of the month). However, the WHA shall not continue to make payments on behalf of a holdover tenant (i.e. the family gives notice they will vacate on the 31st of the month and they do not vacate until the 3rd of the following month).

If a family moves with continued assistance, the term of the assisted lease for the new unit may begin during the month the family moves out of the old assisted unit. Such overlap of HAP will only be approved for extenuating circumstances and may not create a financial burden on the WHA.

Zero HAP Families Who Wish to Move

If a family is not receiving any subsidy and the HAP contract has not been cancelled the family may request a voucher to move. However, if the WHA determines that no subsidy would be paid at the new unit, the WHA shall refuse to enter into a HAP contract on behalf of the family.

Denial of Permission to Move

The WHA may deny permission to move if the WHA does not have sufficient funding for continued assistance. The WHA may deny permission to move if there are grounds for denial or termination of assistance in accordance with 24 C.F.R. § 982.552.