



Training on the Final Portability Rule 80 FR 50564

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Agenda

1. Overview
2. Resources
3. What's Changed
 - a) Family Briefing (slides 8-16)
 - b) Processing Family Moves (slides 17-22)
 - c) Voucher Term (slides 23-30)
 - d) Billing and Administration (slides 31-45)
 - e) Other (slides 46-50)
4. What's Next
5. Questions – the portability mailbox (portability@hud.gov) is no longer operational. Portability questions can be directed to the local [HUD PIH Field Office](#).

Overview:

- On August 20, 2015, HUD published the final portability rule “Public Housing and Section 8 Programs: Housing Choice Voucher Program: Streamlining the Portability Process.”
- The final rule:
 - Clarifies the portability process.
 - Enhances family mobility.
 - Reduces burden on families and PHAs by providing clarity to the process.

Resources:

- You may find the following documents on HUD's website (see web address below):
 - The final portability rule.
 - A copy of this power point presentation.
 - A side-by-side comparison of final portability rule requirements and previous requirements.
- http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv

What's Changed?

Family Briefing

Family Briefing - Advantages of Areas With Low Concentration of Low Income Families (24 CFR § 982.301)

Previous regulation required:

- An explanation of the advantages of moving to an area with low concentrations of poor families.
- To families currently living in high poverty census tracts.
- As part of the oral briefing only.

Family Briefing -Advantages of Areas With Low Concentration of Low Income Families (24 CFR § 982.301)

The final portability rule requires:

- An explanation of the advantages of areas with low concentrations of low income families.
- To all families.
- As part of both the oral briefing and the information packet.

Family Briefing - How Portability Works

(24 CFR § 982.301)

Previous regulation required:

- An explanation of how portability works.
- To families that qualify to move under portability.
- As part of the oral briefing and the briefing packet.

Family Briefing - How Portability Works

(24 CFR § 982.301)

The final portability rule requires:

- An explanation of how portability works.
 - Including, information on how portability may affect the family's assistance through rescreening, changes in subsidy standards and payment standards, and any other elements of the portability process which may affect the family's assistance.

Family Briefing - How Portability Works

(24 CFR § 982.301)

The final portability rule requires:

- Information on how portability works be provided:
 - To every family.
 - As part of the oral briefing and the briefing packet (as in previous regulation).

Family Briefing - List of Landlords

(24 CFR § 982.301)

- HUD retains the requirement to provide families with a list of landlords known to the PHA who may be willing to lease a unit to the family.

Family Briefing - List of Landlords

(24 CFR § 982.301)

Final portability rule:

- Replaces the previous reference to “other parties known to the PHA” for “other resources (such as newspapers, organizations, and online search tools) known to the PHA.”
- Requires PHAs to ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration (not addressed in previous regulation).

Family Briefing -Other

(24 CFR § 982.301 (a)(1)(iii) and (b)(9))

- The proposed rule requested comments on whether the briefing should be revised to highlight the factors and trade-offs a family should consider in deciding where to lease a unit.
- HUD determined not to require revision of the briefing but rather that any information on selecting a unit that HUD provides is made available to families during the briefing (oral and written).

Processing Family Moves

Eligibility to Move

(24 CFR § 982.355(c)(2))

Previous regulation:

- Not addressed in previous regulation.

Final portability rule:

- Clarifies that the initial PHA must determine the family's eligibility to move under sections 982.353 and 982.354.
 - Did the head of household or spouse have a domicile in the jurisdiction of the initial PHA when the family first submitted its application for participation in the HCV program?
 - Is the family eligible to move under PHA policy on family moves?, etc.

PHA Policy on Family Moves

(24 CFR § 982.354(c)(2))

Previous regulation:

- Not addressed in previous regulation.

Final portability rule:

- Clarifies that PHA policies on family moves must be consistent with applicable civil rights laws and regulations.

Nonresident Applicants

(24 CFR § 982.353(c)(3))

Previous regulation:

- The initial and receiving PHAs must agree to allow a nonresident applicant to move under portability during the 12-month period from the time the family is admitted into the program.

Final portability rule:

- Only the initial PHA approves such moves during this period.

Denying Moves for Insufficient Funding

(24 CFR § 982.354(e)(1))

Previous regulation:

- Provides that PHAs may deny permission to move for insufficient funding.

Final portability rule:

- Incorporates the requirement to notify the local HUD field office when denying portability moves due to insufficient funding.
- Requires PHAs to notify HUD in writing **within 10 business days** of the date on which the PHA determines it is necessary to deny the move.

Voucher Term

Mandatory Suspension of the Voucher Term

(24 CFR § 982.303(c) and § 982.4)

Previous regulation gave PHAs discretion to:

- Suspend the term of the voucher.
- Grant the suspension for any part of the period after the family submitted a request for tenancy approval (RFTA).

Mandatory Suspension of the Voucher Term

(24 CFR § 982.303(c) and § 982.4)

Final portability rule:

- Requires PHAs to suspend the term of the voucher.
- For all families that are in the process of leasing a unit (not just families that are porting).

Mandatory Suspension of the Voucher Term

(24 CFR § 982.303(c) and § 982.4)

Final portability rule:

- Suspension starts when the family submits the request for tenancy approval.
- It ends when the PHA notifies the family in writing whether the request has been approved or denied.

Receiving PHA's Voucher

(24 CFR § 982.355(c)(13))

Previous regulation:

- The receiving PHA's voucher cannot expire before the expiration date of the initial PHA's voucher.

Final portability rule:

- The receiving PHA's voucher cannot expire before 30 calendar days from the expiration date of the initial PHA's voucher.

Receiving PHA's Voucher (24 CFR § 982.355(c)(13))

- For example, if the initial PHA's voucher expires 9/30/2015:

| | Receiving PHA Voucher Cannot Expire Before: |
|------------------------|---|
| Previous Regulation | 9/30/2015 |
| Final Portability Rule | 10/30/2015 |

Receiving PHA's Voucher

(24 CFR § 982.355(c)(13))

Previous regulation:

- Not addressed in previous regulation.

Final portability rule:

- The receiving PHA must contact the initial PHA if the family's voucher expires before the family arrives at the receiving PHA, to determine whether the initial PHA will extend the voucher.

Receiving PHA Voucher Extensions

(24 CFR § 982.355(c)(14))

Previous regulation:

- Not addressed in previous regulation.

Final portability rule:

- The receiving PHA must notify the initial PHA if it has granted any extensions to the term of the voucher.
- Note that the receiving PHA may extend the voucher beyond the additional 30 days (see slide 24 above) based on its policies.

Billing and Administration

Definition of Absorption

(24 CFR § 982.4(b))

Previous regulation definition:

- The point at which a receiving PHA stops billing the initial PHA.
- This definition implied that, in order to absorb a family, the receiving PHA had to first bill the initial PHA.

Definition of Absorption

(24 CFR § 982.4(b))

Final portability rule definition:

- The point at which a receiving PHA starts making assistance payments with funding under its consolidated ACC, rather than billing, the initial PHA.

Use of Email or Other Delivery Confirmation (24 CFR § 982.355)

Previous regulation:

- Not addressed in previous regulation.

Final portability rule:

- Requires the use of email or other delivery confirmation methods for communications between the initial and receiving PHA.
- HUD supports email as the preferred method of communication.

Requirement to Administer Assistance

(24 CFR § 982.355(b))

Previous regulation:

- A PHA with jurisdiction in the area where the family wants to lease a unit must issue a voucher to the family.

Requirement to Administer Assistance

(24 CFR § 982.355(b))

Final portability rule:

- Clarifies that a receiving PHA cannot refuse to assist a portability family or refer them to a neighboring PHA for assistance.
- Provides that under limited circumstances (such as a PHA in a disaster-declared area) a receiving PHA is not required to accept incoming portable families.
 - Prior written HUD approval is required.

Family Chooses the Receiving PHA

(24 CFR § 982.355(b))

Previous regulation:

- If there is more than one PHA, the initial PHA may choose the receiving PHA.

Final portability rule:

- Clarifies that families get to choose the receiving PHA when there is more than one receiving PHA administering a voucher program in the family's new location.

Family Chooses the Receiving PHA

(24 CFR § 982.355(b))

Final portability rule:

- Requires the initial PHA to provide the family with the contact information for the receiving PHAs.
 - The initial PHA is not required to provide additional details about the options/services offered by the receiving PHA.
- Provides that the family may request the initial PHA to choose the receiving PHA if that is the family's preference.

Contacting the Receiving PHA

(24 CFR § 982.355(c)(3))

Previous regulation:

- The receiving PHA must inform the initial PHA whether it is absorbing or billing, once the family requests assistance from the receiving PHA.

Final portability rule:

- The initial PHA must contact the receiving PHA prior to approving the family's request to move to determine if the receiving PHA will bill or absorb.
- The receiving PHA must respond to the initial PHA's request in writing.

Deciding to Absorb

(24 CFR § 982.355(c)(4))

Previous regulation:

- Not addressed in previous regulation.

Final portability rule:

- If the receiving PHA notifies the initial PHA that it will absorb the voucher, it cannot reverse its decision at a later date without consent of the initial PHA.

Initial PHA's Documents

(24 CFR § 982.355(c)(7))

- The initial PHA is required to send the following documents to the receiving PHA:

| Previous Regulation | Final Portability Rule |
|----------------------------------|----------------------------------|
| HUD-50058 | HUD-50058 |
| Related Verification Information | Related Verification Information |
| | HUD-52665 |

Receiving PHA's Policies

(24 CFR § 982.355(c)(10))

Previous regulation:

- The receiving PHA's subsidy standards are used when determining the family unit size.

Final portability rule:

- Expands this provision by requiring that receiving PHA's policies are used in the administration of the ported voucher.
- This requirement also applies to policies of Moving to Work agencies.

Administrative Fee

(24 CFR § 982.355(e)(3))

Previous regulation:

- The initial PHA must reimburse the receiving PHA for 80% of the initial PHA's administrative fee.

Final portability rule:

- The initial PHA must reimburse the receiving PHA for the lesser of 80% of the initial PHA's administrative fee or 100% of the receiving PHA's administrative fee.

Administrative Fee (24 CFR § 982.355(e)(3))

For example,

| Previous Regulation | | | Final Portability Rule | | |
|---|-------------|---------------|---|-------------|---------------|
| | Initial PHA | Receiving PHA | | Initial PHA | Receiving PHA |
| Prorated Administrative Fee (per voucher) | \$60 | \$45 | Prorated Administrative Fee (per voucher) | \$60 | \$45 |
| Administrative Fee Under Portability (per voucher) | \$12 | \$48 | Administrative Fee Under Portability (per voucher) | \$15 | \$45 |

Administrative Fee

(24 CFR § 982.355(e)(3))

Previous regulation:

- Not addressed in previous regulation.

Final portability rule:

- Proration of the initial PHA's administrative fee due to insufficient administrative fee funding will apply to the administrative fee amount for which the receiving PHA may bill the initial PHA.

Other

Special Purpose Vouchers (SPVs)

(24 CFR § 982.355(g))

- The final portability rule adds a section on SPVs.
- Form HUD-50058 – SPV Codes:
 - The initial PHA must submit those codes.
 - The receiving PHA must maintain those codes as long as it is billing for the ported voucher.

Special Purpose Vouchers (SPVs)

(24 CFR § 982.355(g))

- If HUD has established alternative program requirements for SPVs, initial and receiving PHAs must administer SPVs in accordance with such requirements.

24 CFR § 982.314 redesignated

- Section 982.314 is now section 982.354.
- All sections that discuss family moves are now grouped together.

Other Technical Changes

- HUD made some technical changes to other sections of Part 982 to:
 - Conform with the policy changes implemented elsewhere in this final rule.
 - Correct an incorrect citation.

What's Next:

- HUD is revising the following documents to reflect all applicable rule changes:
 - PIH Notice 2012-42 (HA).
 - Form HUD-52665 – the portability form.
- Further training opportunities will be made available once the notice and form are revised.