



Mastering HUD's New Portability Rules

Effective September 21, 2015

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Housekeeping

- This session is scheduled to be 60 minutes long
- If you need to step away during the call, and your phone system plays music, please do not place this call on hold.
- There will be an opportunity for questions at the end of the presentation
- Using the GoToWebinar controls, you can raise your hand and ask a question or submit questions in writing during the presentation

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Who is in the audience?

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Key Portability Definitions

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Portability

Renting a dwelling unit with a tenant based housing choice voucher outside the jurisdiction of the initial PHA

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Initial PHA

A PHA this is asked by a current HCV participant or family that has been selected for participation to move outside the PHA's jurisdiction

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Receiving PHA

A PHA that receives a family selected for participation in the HCV program of another PHA. The receiving PHA issues a voucher and provides program assistance to the family

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Administer/Administration

Housing Choice Voucher Program services provided to families with vouchers from another jurisdiction, on behalf of the initial PHA

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Absorb/Absorption

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

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What Are the Changes?

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What Changes?

- Family Briefing
- Processing of Family Moves
- Voucher Term
- Billing Requirements
- Portable Voucher Administration
- Special Purpose Vouchers



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Family Briefing

The final portability regulations require PHA's to provide information to ALL families as a part of the oral briefing **AND in writing** as a part of the briefing information package

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Advantages of Low Poverty Neighborhoods

Previous Regulations

- PHA's must explain the advantages of moving to an area with low concentrations of poor families. *(Only applies to families living in high poverty census tracts)*
- PHA's must provide this information in the information packet only

New Regulations

- PHA's must explain the advantages of living in areas with low concentrations of low income families to **ALL** families
- PHA's must provide this information as a part of the oral briefing **AND** information packet

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How Portability Works

Previous Regulations

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

New Regulations

- An explanation of how portability works including how a portable move may affect assistance because of:
 - Rescreening
 - Changes in subsidy standards
 - Changes in payment standards
 - Other elements of the portability process

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List of Landlords

Previous Regulations

- A list of landlords or other parties known to the PHA who may be willing to lease a unit to the family, or help the family find a unit

New Regulations

- Retains the requirement to provide landlord list
- Replaces previous references to "other parties" with a requirement to ensure that the list or other resources cover areas outside of poverty or minority concentration

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Processing Family Moves

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Eligibility to Move

Previous Regulations

- Not addressed

New Regulations

- Requires the initial PHA to determine that the family is eligible to move under portability

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Audience Poll



- What are some of the reasons that a PHA may include in its administrative plan that would deny a family request to move?

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PHA Policy on Family Moves

- New regulations clarify that PHA policies on family moves must be consistent with all applicable fair housing and civil rights requirements

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Nonresident Applicants

Previous Regulations

- Both the initial and receiving PHA must agree to allow a non-resident applicant to move from the initial jurisdiction during the 12 month period from the time a family is admitted to the program

New Regulations

- **Only the initial** PHA approves moves during the initial 12 month period from the time a family is admitted to the program

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Insufficient Funding

Previous Regulations

- The PHA may deny permission to move if the PHA does not have sufficient funding for continued assistance

New Regulations

- Adds a requirement that the PHA **MUST** provide written notice to the local HUD office **in writing** and **within 10 business days** of its determination that it is necessary to deny moves to a higher cost unit based upon insufficient funding

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Voucher Term

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Mandatory Suspension of Voucher Term

Previous Regulations

- PHA's have the option of suspending the voucher term for any part of the period after the family submitted a request for tenancy approval

New Regulations

- Requires PHA's to suspend the term of the voucher for **ALL** families
- Suspension starts when the family submits the RFTA
- Suspension ends when the PHA notifies the family **IN WRITING** whether the request is approved or denied

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Voucher Expirations


Previous Regulations

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

New Regulations

- The receiving PHA must issue a voucher to the ported family that does not expire before 30 calendar days from the expiration date of the initial PHA's voucher


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Voucher Expirations – New Requirements

- The receiving PHA must contact the initial PHA if the family’s voucher expires before the family arrives at the receiving PHA
- The receiving PHA must determine whether the initial PHA will extend the voucher
- The receiving PHA must inform the initial PHA of any voucher extensions


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Voucher Expiration Example


	Example 1	Example 2
Initial PHA	9/30/2015	11/30/2015
Receiving PHA	10/30/2015	11/30/2015

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Portability Administration and Billing

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Communication Between PHA’s

- The previous regulations did not address communications between PHA’s
- The final rule requires the use of email or other delivery confirmation methods for communications between the initial and receiving PHA

HUD has indicated that it supports email as the preferred method of communication


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Requirement to Administer Assistance

<p>Previous Regulations</p> <ul style="list-style-type: none"> • A PHA with jurisdiction in the area where the family wants to lease a unit must issue a voucher to the family. 	<p>New Regulations</p> <ul style="list-style-type: none"> • Adds language that a receiving PHA cannot refuse to assist a portable family or refer them to a neighboring jurisdiction, except under limited circumstances • PHA’s MUST have written approval from HUD to deny incoming portable families
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Family Choice of Receiving PHA

<p>Previous Regulations</p> <ul style="list-style-type: none"> • If there is more than one such PHA, the initial PHA may choose the receiving PHA 	<p>New Regulations</p> <ul style="list-style-type: none"> • Clarifies that the family gets to choose the receiving PHA when there is more than one receiving PHA in the new location • The initial PHA must provide the family with the contact information for all of the receiving PHA’s
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To Bill or Absorb, That is the Question

Previous Regulations

- The **receiving** PHA must inform the initial PHA whether it is absorbing or billing when the family requests assistance from the receiving PHA

New Regulations

- 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 **in writing**

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Receiving PHA's Decision to Absorb

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

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Denial for Insufficient Funding

- In cases where the initial PHA has already approved a portability move and the receiving PHA will bill the initial PHA for the portability voucher **AND** the cost of the **HAP will increase** due to the move, the initial PHA **may** deny the move **IF** it does not have sufficient funding for continued assistance
- PHA's **MUST** have HUD approval to deny portability moves due to insufficient funding

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Required Initial Documents

- The initial PHA is required to provide the following documents to the receiving PHA:
 - HUD 50058; and
 - Related verification documents
 - HUD 52665



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Administrative Fees

Previous Regulations

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

New Regulations

- The initial PHA must reimburse the receiving PHA the **LESSER** of:
 - 80% of the initial PHA's administrative fee; or
 - 100% of the receiving PHA's administrative fee

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Administrative Fee Example (Initial PHA w/Higher Fee than Receiving)

	Previous Regulation		New Regulation		
	Initial PHA	Receiving PHA	Initial PHA	Receiving PHA	
Prorated Admin Fee (per voucher)	\$60	\$45	Prorated Admin Fee (per voucher)	\$60	\$45
Admin Fee Under Portability (per voucher)	\$12	\$48	Admin Fee Under Portability (per voucher)	\$15	\$45

PHA's are authorized to negotiate a different reimbursement amount

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Administrative Fee Example (Initial PHA w/Lower Fee than Receiving)

Previous Regulation			New Regulation		
	Initial PHA	Receiving PHA		Initial PHA	Receiving PHA
Prorated Admin Fee (per voucher)	\$45	\$60	Prorated Admin Fee (per voucher)	\$45	\$60
Admin Fee Under Portability (per voucher)	\$9	\$36	Admin Fee Under Portability (per voucher)	\$9	\$36

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Special Purpose Vouchers

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Special Purpose Vouchers

2k. FSS participation now or in the last year? (Y or N)	2k.
2m. Special program: (vouchers only) (check only one) <input type="checkbox"/> Enhanced Voucher <input type="checkbox"/> Welfare to Work Voucher	
2n. Other special programs: Number 01	2n.
2n. Other special programs: Number 02	2n.

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What's Next?

- HUD is revising its guidance and forms
- A new notice to replace PIH Notice 2012-42 is forthcoming
- There will be a new Family Portability Information form (52665)

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Portability To Do List



- Review and update admin plan
- Review and update standard operating procedures
- Review and update briefing materials
- Establish communication protocols with neighboring PHA's
- Train staff

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Resources

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- www.hud.gov


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Questions?



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Thank You

Jim Evans
Quadel Consulting
1200 G Street NW, Suite 700
Washington, DC 20005
(202) 789-2500
jevans@quadel.com

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