Side-by-Side Comparison of Final Portability Rule Requirements And Previous Requirements

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
Family Briefing	• PHAs must explain the advantages of moving to an area with low concentrations of poor families only to families currently living in high poverty census tracts. • PHAs must provide this explanation as part of the information packet only.	24 CFR 982.301(a)(3) N/A	• PHAs must explain the advantages of living in areas with low concentrations of low income families be provided **to all families**. • PHAs must provide this explanation as part of the oral briefing and the information packet.	Same 24 CFR 982.301(b)(15)
Family Briefing	• PHAs must explain how portability works to families who are eligible to move under portability. • N/A	24 CFR 982.301(a)(2) 24 CFR 982.301(b)(4)	• PHAs must explain how portability works **to all families**. • PHAs must provide information on how portability may affect the	Same

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
			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	• PHAs must provide 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. • N/A	24 CFR 982.301(b)(11)	• PHAs must provide a list of landlords known to the PHA who may be willing to lease a unit to the family or other resources (e.g., newspapers, organizations, online search tools) known to the PHA that may assist the family in locating a unit. • PHAs must ensure that the list of landlords or other resources covers areas outside of poverty or minority concentration.	Same
Family Briefing	• PHAs must provide the HUD brochure on how to select a unit.	24 CFR 982.301(b)(9)	• PHAs must provide materials (e.g. brochures) on how to select a unit and any additional information on selecting a unit that	Same

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
	• PHAs must provide the brochure as part of the information packet only.	N/A	HUD provides. • PHAs must provide any HUD provided information on selecting a unit as part of the oral briefing and the information packet.	24 CFR 982.301(a)(1)(iii)
Mandatory Voucher Term Suspension	• PHAs may suspend the term of the voucher. • For PHAs whose policy is to suspend the term of the voucher, PHA may suspend for any part of the period after the family submits a request for tenancy approval up to the time when the PHA approves or denies the request.	24 CFR 982.982.4 24 CFR 982.303(c)	• PHAs must suspend the term of the voucher.[1] • Suspension starts when the family submits a request for tenancy approval and ends when the PHA notifies the family in writing whether the request has been approved or denied.	Same
Nonresident Applicants	• The initial and the receiving PHAs must agree to allow a nonresident applicant	24 CFR 982.353(c)(3)	• The initial PHA approves the portability move during the 12-month period for a nonresident	Same

[1] This provision applies to all families that are in the process of leasing a unit (not just families that are porting).

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
	family to port during the 12-month period.[2]		applicant family.	
Move with Continued Tenant-Based Assistance	• This topic was previously covered under 24 CFR 982.314.	24 CFR 982.314	• 24 CFR 982.314 was redesignated as 24 CFR 982.354.	24 CFR 982.354
Move with Continued Tenant-Based Assistance	• The PHA may deny permission to move if the PHA does not have sufficient funding for continued assistance. • N/A	24 CFR 982.314(e)(1)	• Same as in previous regulation. • The PHA must provide written notification to the local HUD Office within 10 business days of determining it is necessary to deny moves to a higher-cost unit based on insufficient funding.	24 CFR 982.354(e)(1)
Move with Continued Tenant-Based Assistance	• N/A	24 CFR 982.314(c)(2)	• PHA policies on family moves must be consistent with civil rights laws and regulations.	24 CFR 982.354(c)(2)

[2] Regulations provide that a nonresident applicant does not have any right to move under portability for a period of 12 months from the time when the family is admitted into the HCV program.

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
Portability Administration – Requirement to Administer Assistance	• The receiving PHA must issue a voucher to the family. • N/A	24 CFR 982.355(b)	• A receiving PHA cannot refuse to assist incoming portable families or direct them to another neighboring PHA for assistance. • HUD may determine in certain instances that a PHA is not required to accept incoming portable families, such as a PHA in a declared disaster area. However, the PHA must have approval in writing from HUD before refusing any incoming portable families.	Same
Portability Administration – Family Chooses the receiving PHA	• If there is more than one receiving PHA, the initial PHA may choose the receiving PHA.	24 CFR 982.355(b)	• The initial PHA provides the family with the contact information for the receiving PHAs and the family chooses the receiving PHA. The family may request the initial PHA to choose the receiving PHA if that is the family's preference.	Same

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
Portability Administration – Determining Eligibility to Move	• N/A	N/A	• The initial PHA must determine the family's eligibility to move in accordance with §§ 982.353 and 982.354.	24 CFR 982.355(c)(2)
Portability Administration – Contacting the receiving PHA	• When the family requests assistance from the receiving PHA, the receiving PHA must promptly inform the initial PHA whether it will bill or absorb for the family.	24 CFR 982.355(c)(5)	• 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.	24 CFR 982.355(c)(3)
Portability Administration – Deciding to Absorb	• When the family requests assistance from the receiving PHA, the receiving PHA must promptly inform the initial PHA whether it will bill or absorb for the family.	24 CFR 982.355(c)(5)	• 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.	24 CFR 982.355(c)(4)
Portability Administration – Initial PHA Documents	• N/A	N/A	• The initial PHA must include form HUD-52665 as part of the documents that the initial PHA sends the receiving PHA for a	24 CFR 982.355(c)(7)

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
			ported family.	
Portability Administration – Receiving PHA Policies	• The family unit size is determined in accordance with the subsidy standards of the receiving PHA.	24 CFR 982.355(c)(7)	• Administration of the ported voucher must be in accordance with the receiving PHA's policies. This requirement also applies to policies of Moving to Work agencies.	24 CFR 982.355(c)(10)
Portability Administration – Receiving PHA's Voucher Term	• The receiving PHA must issue a voucher to the ported family that does not expire before the expiration date of the initial PHA's voucher. • N/A	24 CFR 982.355(c)(6)	• 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. • 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.	24 CFR 982.355(c)(13)
Portability Administration – Receiving PHA Extensions	• N/A	N/A	• The receiving PHA must notify the initial PHA of any extensions granted to the term of the voucher.	24 CFR 982.355(c)(14)

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
Portability Administration – Administrative Fees	• The initial PHA must reimburse the receiving PHA for 80% of the initial PHA's administrative fee. • N/A	24 CFR 982.355(e)(3)	• 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. • If administrative fees are prorated for the HCV program due to insufficient administrative fee funding, the proration will apply to the amount of the administrative fee for which the receiving PHA may bill the initial PHA.	Same
Portability Administration – Special Purpose Vouchers (SPVs)	• N/A • N/A	N/A	• The initial PHA must submit any SPV codes for the Family Report (HUD-50058). • The receiving PHA must maintain such codes as long as it is billing for the ported voucher.	24 CFR 982.355(g)

Topic	Previous Regulatory Requirement	Regulatory Citation	Revised Regulatory Requirement	Regulatory Citation
	• N/A		• Initial and receiving PHAs must administer SPVs in accordance with HUD-established policy in cases where HUD has established alternative program requirements of such SPVs.	