



Rental Housing Integrity Improvement Project (RHIP) Training

Refinement of Income & Rent Rule:
The Key to Reducing Income and Rent Errors within HUD Rental Assistance Programs & Effective Use of HUD's Enterprise Income Verification (EIV) System

January 28, 2010



Agenda

- ◆ Welcome
- ◆ Opening Remarks from *Assistant Secretary, Sandra B. Henriquez*
- ◆ RHIP Overview
- ◆ Overview of the Final Rule: *Refinement of Income & Rent Determination Requirements in Public & Assisted Housing Programs*
- ◆ Refinement Rule Questions & Answers Session



Agenda

- ◆ Effective Implementation of the Enterprise Income Verification (EIV) system
 - Income Report
 - Income Discrepancy Resolution
 - Deceased Tenants Report
 - Debts Owed to PHAs & Termination
 - Questions Answer Session
- ◆ Questions & Answers Session



HUD'S Rental Housing Integrity Improvement Project (RHIIP)

- ◆ Priority Secretarial initiative designed to reduce income and rent errors and improper subsidy payments
- ◆ Comprehensive strategy to correct program errors in HUD's rental housing subsidy programs



4



HUD'S Rental Housing Integrity Improvement Project (RHIIP)

- ◆ Presidential Executive Order 13520 – Reducing Improper Payments
- ◆ Intensify efforts to eliminate payment errors, waste, fraud, and abuse in HUD rental assistance programs
- ◆ Public Awareness (Transparency)



5



HUD'S Rental Housing Integrity Improvement Project (RHIIP)

- ◆ HUD's objectives:
 - Ensure the correct amount of assistance is provided to eligible families who need it
 - Ensure that HUD rental assistance programs are accessible to intended and eligible families



6



Overview of the Rule

*Refinement of Income & Rent
Determination Requirements in Public
& Assisted Housing Programs*





Purpose of the Rule

- ◆ Implementation of the Enterprise Income Verification (EIV) system to:
 - Improve integrity within HUD rental assistance programs
 - Reduce administrative and subsidy payment errors
 - Streamline income verification process
 - Ensure limited Federal subsidies serve as many eligible families as possible





The Final Rule – Regulatory Changes

- ◆ **Revised** 24 CFR 908.101 – *Electronic Transmission of Required Family Data*
- ◆ **Revised** 24 CFR 5.216 – *Disclosure & Verification of SSNs*





The Final Rule – Regulatory Changes

- ◆ **Revised** 24 CFR 5.218 – *Penalties for Failure to Disclose & Verify SSNs*
- ◆ **New** 24 CFR 5.233 – *Mandated Use of HUD's EIV System*



10



History of the Rule

- ◆ Proposed Rule published 06/19/2007
- ◆ Final Rule published 01/27/2009
 - Scheduled to become effective 03/30/2009
 - On March 27, 2009, HUD delayed the effective date until 09/30/2009
 - On August 28, 2009, HUD delayed the effective date until 01/31/2010



11



History of the Rule

- ◆ Proposed Rule published 10/15/2009, revised version of the rule published for public review and comment
 - Comments were due 11/16/2009
- ◆ Final Rule published 12/29/ 2009
 - (74 FR 68924)
- ◆ Final Rule is effective 01/31/2010



12



PHA Implementation of the Rule

- ◆ Modify PHA policies & operating procedures
- ◆ Notify and train staff
 - Job aides
 - HUD guidance
 - PIH EIV & Refinement Rule Webcast Training (Jan '10, Sept '09, & Feb '09)
- ◆ Notify applicants & participants
- ◆ Subscribe to PIH RHIIP mailing list



13



Questions Regarding Implementation of the Final Rule

- ◆ HUD Guidance will become available in February
 - Inquiries should be directed to PIH.RHIIP.TA@HUD.GOV
 - PHAs are encouraged to subscribe to PIH RHIIP mailing list to automatically receive guidance and tips when published



14



Revised Regulation 24 CFR 908.101

Electronic Transmission of Required Family Data





Electronic Submission of Required Family Data (24 CFR 908.101)

- ◆ Rule clarifies:
 - All PHAs (including MTW PHAs) are required to electronically submit the form HUD-50058
 - PHAs must retain the form HUD-50058 and supporting documentation during the term of each assisted lease, and for at least 3 years thereafter



16



Electronic Submission of Required Family Data (24 CFR 908.101)

- ◆ Rule clarifies:
 - Once the family leaves the program (EOP), PHAs must retain the form HUD-50058 and supporting documentation for at least 3 years from the EOP date
 - Electronic retention of the form HUD-50058 & supporting documentation is permissible ** Go Green! **



17



Revised Regulation 24 CFR 5.216

Disclosure & Verification of SSNs





Simplifying SSN Disclosure and Verification Procedures

- ◆ All applicants and participants are required to disclose a SSN
- ◆ Children under the age of 6 are **no longer exempt**



19



Simplifying SSN Disclosure and Verification Procedures

- ◆ All applicants and participants are required to disclose a SSN
- ◆ Individuals exempt* from disclosure:
 - Individuals who do not contend to have eligible immigration status
 - Tenants age 62+ as of 01/31/2010
 - Tenants who have previously disclosed a valid SSN

*Clarification under new rule



20



Required Documentation of SSN

- ◆ SSN Card issued by SSA; or
- ◆ An original document issued by:
 - Federal government agency (e.g. SSA, IRS, etc.); or
 - State government agency
 - Document must contain the SSN of the individual, along with other identifying information (e.g. Unemployment office, Department of Social Services, Child Support Office, etc.)
 - (e.g. name, address, DOB, etc.)



21



Streamlined Verification of SSNs

- ◆ PHAs will not need to re-verify previously disclosed valid SSNs
- ◆ PHAs may rely on documentation of the SSN provided by another government agency
 - Federal; or
 - State



22



New Regulatory Provisions: Verification of SSNs

- ◆ Addition of new household members under the age of 6 **and no assigned SSN**
 - Individual is included as household member and entitled to benefits (Generate PIC Alt ID)
 - Head of Household (HOH) is provided 90 days to provide documentation of the SSN
 - Refer family to SSA for obtainment of SSN card
 - PHA may extend time frame for an additional 90 days if unforeseen circumstances outside the control of HOH prevent timely disclosure of required documentation



23



New Regulatory Provisions: Verification of SSNs

- ◆ Addition of new household members at least 6 years of age or under the age of 6 **and has an assigned SSN**
 - The tenant must disclose the SSN and provide documentation of the SSN to the PHA at the time of request to add new household member or during interim reexam
 - The new household member **cannot** be added to the family composition until the family has complied with SSN disclosure & verification requirements



24



New Regulatory Provisions: Verification of SSNs

- ◆ Provides PHA flexibility to determine time frame for tenant disclosure of newly assigned SSN at:
 - Time of receipt of new SSN; or
 - Next interim reexam; or
 - Next regularly scheduled reexam; or
 - Earlier time as specified by PHA



25



New Regulatory Provisions: Verification of SSNs

- ◆ Rejection of documentation
 - PHAs cannot reject applicant/tenant supplied documentation unless in accordance with HUD publicly issued notice



26



New Regulatory Provisions: Verification of SSNs

- ◆ Acceptable reasons for rejection of tenant-provided documentation:
 - Document is not an original
 - Original document has been altered, mutilated, or not legible; or
 - Document appears to be a forged document (i.e. does not appear to be authentic)



27



New Regulatory Provisions: Verification of SSNs

- ◆ Exception for applicants of Section 8 Mod Rehab Single Room Occupancy (SRO) Program for Homeless Individuals (24 CFR 882)
 - Individuals may be admitted into the program prior to disclosure and evidence of SSN



28



New Regulatory Provisions: Verification of SSNs

- ◆ Exception for applicants of Section 8 Mod Rehab Single Room Occupancy (SRO) Program for Homeless Individuals (24 CFR 882)
 - SSN must be provided within 90 days of admission date
 - PHA may grant additional 90 days extension



29



Referrals to SSA

- ◆ Most (if not all) individuals who are lawfully present in the U.S. have been assigned a SSN
- ◆ If a lawfully present individual indicates s/he does not have evidence of assigned SSN:
 - Refer individual to their local SSA office to request an original or replacement SSN card



30



Issuance of SSN for Newborns

- ◆ Average length of time for newborn children to be issued a SSN & card is **4 weeks**
- ◆ See handout for SSA processing time for issuing new SSNs for newborns
- ◆ Only one state exceeds 12 weeks (90 days) processing time
 - Illinois



31



Revised Regulation 24 CFR 5.218

Penalties for Failing to Disclose & Verify SSNs





New Regulatory Provisions: Penalties for Failure to Disclose SSN

- ◆ Exception to required termination of assistance or tenancy due to unforeseen circumstances
 - PHAs may defer termination and grant tenant an additional 90 days to disclose SSN
 - If PHA determines nondisclosure is due to unforeseen circumstances outside the control of tenant & there is reasonable likelihood tenant can disclose SSN by deadline



33



SSN Verification & Disclosure Guidance

See PIH Notice 2010-03



34



New Regulation 24 CFR 5.233

Mandated Use of HUD's EIV System



35

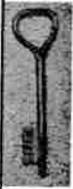


Mandatory Use of EIV

- ◆ New regulatory provision (24 CFR 5.233) requires all PHAs to use EIV as a 3rd party source to verify employment and income during all mandatory interim & reexams
 - In accordance with provisions of 24 CFR 5.236 & HUD administrative guidance
- ◆ PHAs must use all EIV features to reduce administrative & subsidy payment errors
 - In accordance with HUD administrative guidance



36



Mandatory Use of EIV

- ◆ The next segment of the training will provide details on how to effectively:
 - Implement the requirement of mandatory EIV use; and
 - Use EIV system functions
- ◆ Save your EIV system questions for the next Q & A session



37



Mandated EIV Use Guidance

PIH Notice Pending
 Subscribe to PIH RHIIP mailing list to receive published guidance automatically



38



Questions & Answers Session

Refinement of Income & Rent Rule



39



EFFECTIVE USE OF THE EIV SYSTEM



40



What is Upfront Income Verification (UIV)?

Upfront Income Verification:

the verification of income, before or during a family re-examination, through an independent source that systemically and uniformly maintains income information in computerized form for a number of individuals.

"Automated Written 3rd Party Verification"



41



EIV = Automated 3rd Party Verification



42



EIV = UIV



43



Use of EIV as a 3rd Party Source

*Verifying & Validating
Tenant-Reported Income*



44



**Use of EIV to Streamline
Verification of Tenant Income**

- ◆ PHAs will use EIV as a 3rd party source to verify tenant employment and income information
- ◆ EIV minimizes the need for traditional 3rd party verification forms (mailing/faxing forms to 3rd party sources)



45



Use of EIV to Streamline Verification of Tenant Income

- ◆ EIV only for Social Security (SS) & Supplemental Security Income (SSI) benefits **unless** tenant disputes EIV
 - See PIH Notice 2010-3 for guidance
- ◆ EIV + current pay stubs
- ◆ EIV + employer letters
 - Guidance on EIV Implementation via PIH Notice to be published in Feb 2010



46



Use of EIV to Streamline Verification of Tenant Income

- ◆ Tenant-provided documents from a 3rd party is acceptable
- ◆ PHA would pursue traditional 3rd party (verification form) if:
 1. Tenant is unable to provide documents requested by the PHA
 2. Tenant-provided documents are not acceptable to the PHA
 3. Tenant disputes EIV **and** one or both of above conditions apply



47



Use of EIV Data

- ◆ EIV data is used to **validate** tenant-reported income & supplement tenant-provided documents
- ◆ EIV data should **not** be used to calculate anticipated annual income (except as specified in HUD guidelines)
- ◆ When the tenant disputes the EIV data, the PHA must request written third party verification
 - If the tenant is unable to provide acceptable documentation to support disputed information



48



Use of EIV Data

- ◆ Compare EIV-reported information to tenant-reported information
- ◆ If no discrepancy, use current tenant-provided documentation to calculate annual income
- ◆ If there is a discrepancy, obtain documentation from tenant and/or 3rd party source, if necessary
- ◆ Use most current & reliable documentation to calculate annual income



49



Tenant Obligation To Supply PHA/HUD With Information

- ◆ **24 CFR 960.259 & 982.551**
 - The family **must** supply any information that the PHA or HUD determines is necessary in the administration of the program
 - The family **must** supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or interim reexamination of family income and composition in accordance with HUD requirements



50



Rejection of Tenant-Provided Documents

- ◆ Acceptable reasons for rejection of tenant-provided documents:
 - Document is not an original; or
 - Original document has been altered, mutilated, or not legible; or
 - Document appears to be a forged document (i.e. does not appear to be authentic)



51



Benefits of EIV

- ◆ Improve program integrity
 - Identify and prevent fraud & abuse of program
 - Ensure limited Federal resources serve as many eligible families as possible
 - Ensure program is accessible by intended program beneficiaries



52



Benefits of EIV

- ◆ Reduce administrative burden
 - Postage costs
 - Telephone costs
 - Cost of 3rd party verifications
 - Many 3rd parties are now charging a fee for verifications
 - Ambiguity of written 3rd party verification
 - Occurrence of **not** receiving requested written 3rd party verification forms from 3rd party sources



53



Disclosure of EIV Information

- ◆ EIV information is to be used for sole purpose of determining eligibility and level of assistance for the public housing or Section 8 program
- ◆ EIV may not be disclosed to 3rd parties for other uses unless tenant provides written consent



54



Disclosure of EIV Information

- ◆ EIV may be disclosed only to the individual to which the information pertains to
- ◆ EIV information for a minor may be disclosed to the parent or guardian
- ◆ PHA-hired auditors may view EIV information in tenant files; however, they may not be granted access to EIV



55



Disclosure of EIV Information

- ◆ Individuals who will not access the EIV system, but will view printed or electronic EIV information is required to sign the EIV Access Authorization form, Rules of Behavior and User Agreement
 - PHA must maintain on file



56



Disclosure of EIV Information

- ◆ **Portability: Administration by Initial PHA**
- ◆ PHA **must** provide the receiving PHA the most recent form HUD-50058 for the family and the related verification information
 - Including EIV information
- ◆ 24 CFR 982.355(c)(4)



57



Effective Use of the EIV System

Use of the EIV Income Report



58



Required File Documentation

- ◆ To demonstrate compliance with mandatory EIV use, PHAs must retain in the tenant file the following:
 - For each annual reexam: **Income Report**
 - For each interim reexam:
 - No income discrepancy: **ICN Page**
 - Income discrepancy: **Income Report**



59



Required File Documentation

- For each **New Admission** (form HUD-50058 action type 1): **Income Report**
 - PHAs must review the Income Report to confirm/validate family-reported income within 90 days of the admission date
 - Any income discrepancies must be resolved with the family within 30 days of the Income Report date



60



Required File Documentation

- For each **Historical Adjustment** (form HUD-50058 action type 14): **Income Report**

- PHAs must review the Income Report to confirm/validate family-reported income within 90 days of the PIC submission date
- Any income discrepancies must be resolved with the family within 30 days of the Income Report date



61



How to Use the Income Report

- ◆ Compare EIV-reported information to tenant-reported information
- ◆ If EIV reveals an income source that was not reported by the tenant or a substantial difference (\$2,400+ annually), this means that there is an income discrepancy



62



How to Use the Income Report

- ◆ If there is no income discrepancy, use current tenant-provided documents to calculate annual income



63



Income Discrepancy Resolution

- ◆ In accordance with 24 CFR 5.236:
 - Discuss income discrepancy with the tenant
 - Request the tenant to provide any documentation to confirm or dispute the unreported or underreported income
 - If the tenant is unable to provide acceptable documentation, the PHA is required to request 3rd party verification directly from the source



64



Income Discrepancy Resolution

- ◆ PHA is required to re-determine tenant rent contribution retroactively if family failed to report complete and accurate income information
- ◆ Family is required to repay the PHA if they are charged less rent than required by HUD's rent formula due to the tenant's underreporting or failure to report income



65



Income Discrepancy Resolution

- ◆ The tenant is required to reimburse the PHA for the difference between the rent that should have been paid and the rent that was charged.
 - This rent underpayment is commonly referred to as retroactive rent



66



Income Discrepancy Resolution

- ◆ If the tenant refuses to enter into a repayment agreement, the PHA **must** terminate the family's tenancy or assistance, or both
- ◆ Amnesty programs are not permissible
- ◆ A family terminated from a PIH program may not receive future rental assistance until the debt is repaid to the PHA



67



CASE STUDIES



68



Case Study 1

- ◆ **Verifying Social Security Benefits (Gross & Net Benefits are the Same)**
- ◆ **Question:** How will you use EIV to:
 - Streamline the income verification process;
 - Comply with requirement of mandated EIV use; and
 - Determine family annual income



69



Case Study 1 Solution

- ◆ Review the EIV Income Report to confirm tenant-reported income with EIV-reported income information
- ◆ Since tenant does not dispute EIV data, use EIV as 3rd party verification to determine family annual income
- ◆ Include EIV Income Report in tenant file



70



Case Study 1 Solution

- ◆ Determine family annual income as follows:
 $\$741 \times 12 \text{ months} = \mathbf{\$8,892}$



71



Case Study 1 Solution

- ◆ **Bonus Question:** What is the family's adjusted annual income?
- ◆ **Answer:** C. \$8,492
- ◆ Annual Income of \$8,892
- ◆ Less Disability Deduction of \$400
- ◆ Medical Insurance premium is paid by 3rd party on behalf of tenant



72



Case Study 1 Solution

- ◆ Notice gross & net benefit amount is \$741
- ◆ Buy-In status is **Yes**
- ◆ Medical Insurance premium is paid by 3rd party on behalf of tenant
- ◆ The insurance premium is not an out-of-pocket expense to the family
- ◆ Accordingly, the insurance premium is **not** included in medical expense calculation



74



Case Study 2

- ◆ **Verifying Social Security Benefits (Difference Between Gross & Net Benefit Amounts)**
- ◆ **Question:** How will you use EIV to:
 - Streamline the income verification process;
 - Comply with requirement of mandated EIV use; and
 - Determine family annual income



74



Case Study 2 Solution

- ◆ Review the EIV Income Report to confirm tenant-reported income with EIV-reported income information
- ◆ Since tenant does not dispute EIV data, use EIV as 3rd party verification to determine family annual income
- ◆ Include EIV Income Report in tenant file



75



Case Study 2 Solution

- ◆ Determine family annual income as follows:
 $\$1,117.40 \times 12 = \$13,408.80$
 round up to **\$13,409**



76



Case Study 2 Solution

- ◆ **Bonus Question:** What is the family's adjusted annual income?
- ◆ **Answer:** B. \$12,254
- ◆ Annual Income of \$13,409
- ◆ Less Disability Deduction of \$400
- ◆ Less Medical Expenses of \$755
 - ($\$13,409 \times 3\% = 402$; $\$96.40 \times 12 = \$1,157$;
 allowable medical expenses is $\$1,157 - 402$)



77



Case Study 2 Solution

- ◆ Notice the difference between the gross & net benefit amount is \$96.40
- ◆ Even though the Buy-in status is **Yes**, the Stop Date is 03/01/2009 – tenant is paying the insurance premium
- ◆ SSA reports as of 12/02/2009, that \$96.40 is withheld from the monthly benefit amount
- ◆ Accordingly, the PHA calculates out-of-pocket medical expense



78



Case Study 3

- ◆ **Verifying Wages**
- ◆ **Question:** How will you use EIV to:
 - Streamline the income verification process;
 - Comply with requirement of mandated EIV use; and
 - Determine family annual income



79



Case Study 3 Solution

- ◆ Review the EIV Income Report to confirm tenant-reported income with EIV-reported income information
- ◆ Since the tenant does not dispute EIV data, obtain at least two current and consecutive pay stubs from tenant and use to determine family annual income
- ◆ Include EIV Income Report in tenant file with pay stubs



80



Case Study 3 Solution

- ◆ Determine the family annual income as follows:
- ◆ **Calculation Method 1:**
- ◆ $\$375 + \$400 = \$775$
- ◆ $\$775 / 2 \text{ pay stubs} = \$387.50 \text{ average bi-weekly pay}$
- ◆ $\$387.50 \times 26 \text{ pays per year} = \mathbf{\$10,075}$ annual income from wages



81



Case Study 3 Solution

- ◆ Determine the family annual income as follows:
- ◆ **Calculation Method 2: Using YTD Earnings**
- ◆ \$1,275/3 times paid year-to-date = \$425 average bi-weekly pay
- ◆ \$425 X 26 pays per year = **\$11,050**



82



Case Study 4

- ◆ **Verifying Disputed EIV Employment & Wage Information**
- ◆ **Question:** How will you use EIV to:
 - How will you conduct the income verification process;
 - Comply with requirement of mandated EIV use; and
 - Determine family annual income



83



Case Study 4 Solution

- ◆ Review the EIV Income Report to confirm tenant-reported income with EIV-reported income information
- ◆ Since the tenant disputes EIV & unable to provide documentation to support her dispute, obtain tenant consent for release of information from SunTrust Bank on a 3rd party verification request form & mail documents to SunTrust



84



Case Study 4 Solution

- ◆ Include EIV Income Report in tenant file with completed 3rd party verification request form
- ◆ Determine family annual income using the information provided on the 3rd party verification form



85



Case Study 4 Solution

- ◆ **Calculation Method 1:**
- ◆ $\$700 + \$650 = \$1,350$
- ◆ $\$1,350 / 2 \text{ pay stubs} = \$675 \text{ average bi-weekly pay}$
- ◆ $\$675 \times 26 \text{ pays per year} = \mathbf{\$17,550}$ annual income from wages



86



Case Study 4 Solution

- ◆ **Calculation Method 2:**
- ◆ $\$1,925 / 3 \text{ times paid year-to-date} = \$641.67 \text{ average bi-weekly pay}$
- ◆ $\$641.67 \times 26 \text{ pays per year} = \mathbf{\$16,683.42}$ annual income from wages
- ◆ Round down to **\$16,683**



87



Case Study 5

◆ Income Discrepancy Resolution

◆ Questions:

- What is the period of the rent underpayment?
- How much retroactive rent does Ms. Contrary owe the County Housing Agency (CHA)?
- What action should CHA take?



88



Case Study 5 Solution

- ◆ The period of the rent under payment is 07/01/2009 – 04/30/2010
- ◆ Ms. Contrary owes the CHA \$3,780
- ◆ The CHA should take the following action:
 - Notify Ms. Contrary in writing of the retroactive rent due and request payment (include right to contest & grieve clause)



89



Case Study 5 Solution

- ◆ The CHA should take the following action:
 - If Ms. Contrary is unable to pay the retroactive balance in full by the requested date:
 - Offer a repayment plan
 - Execute repayment plan
 - Terminate assistance and/or tenancy if Ms. Contrary refuses to enter into repayment agreement



90



Case Study 5 Solution

- ◆ Optional actions the CHA may take:
 - Terminate lease and/or tenancy
 - Eviction (Public Housing)
 - Refer for State and/or Federal prosecution, which may result in:
 - Fines up to \$10,000
 - Imprisonment for up to 5 years
 - Other penalties as determined at judicial hearing



91



Case Study 5 Solution

- ◆ Other information
 - Terminated families will be prohibited from receiving future HUD rental assistance



92



Effective Use of the EIV System

Deceased Tenants Report





Monitoring Deceased Tenants

- ◆ To avoid paying HAP or providing a unit on behalf of deceased single member households, PHAs are required to:
 - Generate and review the Deceased Tenants Report on a monthly basis
 - Section 8 - prior to disbursing upcoming monthly HAP checks to owners
 - Public Housing - at the time of generating monthly rent roll



94



Corrective Actions Required

- ◆ Immediately contact the HOH or emergency contact person to confirm death of listed household member
- ◆ Conduct a home visit to determine if anyone is residing in unit (Optional for Section 8 program)
 - Follow local Tenant/Landlord laws to regain possession of public housing unit



95



Corrective Actions Required

- ◆ If live-in aide is the remaining member of the household, the PHA must notify the live-in aide in writing that s/he must vacate the unit by the end of the month
- ◆ The live-in aide is not entitled or eligible for any rental assistance or continued occupancy in a subsidized unit



96



Corrective Actions Required

- ◆ By definition, the live-in aide would not be living in the unit except to provide the necessary supportive services on behalf of the elderly or disabled HOH
- ◆ The PHA may not designate the live-in aide as the new HOH



97



Corrective Actions Required

- ◆ **Section 8 Programs Only**
- ◆ Notify the owner in writing of the deceased HOH and discontinued HAP
- ◆ Owners are not entitled to HAP for any month following the month in which the death occurs



98



Corrective Actions Required

- ◆ **Section 8 Programs Only**
- ◆ PHAs are required to **immediately** terminate program assistance for deceased single member households
- ◆ Termination of assistance results in termination of the HAP contract & HAP to the owner
- ◆ **NO EXCEPTIONS!**



99



Deceased HOH & Remaining Minor Household Members

- ◆ PHA should have established policy for dealing with situations when the HOH dies during tenancy and the remaining household members are minors
- ◆ PHAs may allow temporary adult guardian to reside in unit until a court-appointed guardian is established



100



Deceased HOH & Remaining Minor Household Members

- ◆ In accordance with its screening policies, PHAs may add the new guardian as the new HOH
- ◆ PHAs are encouraged to work with the local Department of Social Services to ensure the best interests of the children are addressed



101



Individuals Reported Deceased, But are Alive

- ◆ There are very few instances when a person is flagged in the Death Match File (DMF) as deceased but the person is still living
- ◆ The PHA should immediately notify the tenant in writing & advise the tenant to contact SSA so that the error may be corrected
- ◆ Only SSA can correct error



102



Time Frame for Removal of Deceased Tenants from Report

- ◆ The Deceased Tenants Report is updated every weekend
- ◆ A deceased individual will be removed from the report when:
 - The PHA transmits an updated form HUD-50058 to PIC which does not contain the previously identified deceased household member in Section 3 of the form HUD-50058; or



103



Time Frame for Removal of Deceased Tenants from Report

- ◆ A deceased individual will be removed from the report when:
 - HUD obtains the updated and corrected information from SSA's DMF



104



Updating Form HUD-50058

- ◆ The PHA is required to report changes in family composition on form HUD-50058 as follows:
 - ◆ **Deceased Single Member Households**
 - ◆ Line 2a - Type of Action = 6 (End of Participation)
 - ◆ Line 2b - Effective Date of Action = Date of Death from Deceased Tenants Report
 - ◆ (If date is listed as "N/A", enter the date of death as confirmed by Obituary, Death record, or other information obtained)



105



Updating Form HUD-50058

- ◆ **Deceased Household Member of a Multiple Member Household – Surviving Adult Household Member**
- ◆ **Line 2a – Type of Action = 3** (Interim Reexamination)
- ◆ **Line 2b – Effective Date of Action = Date of Death** from Deceased Tenants Report (if date is listed as "N/A", enter the date of death as confirmed by Obituary, Death Record, or other information obtained)



106



Updating Form HUD-50058

- ◆ **Deceased Household Member of a Multiple Member Household – Surviving Adult Household Member**
- ◆ **Line 3a (Member 01)** - delete the deceased HOH's information and enter the information of the adult household member who has been designated HOH
- ◆ **Line 3a** - delete the information of the other adult household member, whose information you entered on Line 3a (Member 01)
- ◆ **Line 3w** - enter the Social Security Number (SSN) of the former (deceased) HOH



107



Updating Form HUD-50058

- ◆ **Deceased Household Member of a Multiple Member Household – No Surviving Adult Household Member (Minors Only)**
- ◆ **Line 2a – Type of Action = 3** (Interim Reexamination)
- ◆ **Line 2b – Effective Date of Action = Date of Death** from Deceased Tenants Report (if date is listed as "N/A", enter the date of death as confirmed by Obituary, Death Record, or other information obtained)



108



Updating Form HUD-50058

◆ **Deceased Household Member of a Multiple Member Household – No Surviving Adult Household Member (Minors Only)**

- ◆ **Line 3a (Member 01)** - delete the deceased HOH's information and enter the adult household member's information of the temporary or permanent guardian



109



Updating Form HUD-50058

◆ **Deceased Household Member of a Multiple Member Household – No Surviving Adult Household Member (Minors Only)**

- ◆ **Line 3w** – enter the Social Security Number (SSN) of the former (deceased) HOH



110



Updating Form HUD-50058

- ◆ **Other Household Changes.** If there is also a change in family income resulting in a change in the family's total family share, the effective date on line 2b should be the effective date of the new total family share/tenant rent in accordance with PHA-established policies



111



Retroactive Repayment of HAP By Owners

- ◆ If an owner is paid HAP for any month in which s/he is not eligible to receive HAP, the PHA must:
 - Notify the owner in writing of the ineligible HAP and require the owner to repay the PHA within 30 days



112



Retroactive Repayment of HAP By Owners

- ◆ If the owner does not repay the PHA within 30 days, the PHA must:
 - Deduct the amount owed to the PHA from any amounts due to the owner under any other HAP contract; or
 - If no other HAP contract with the owner, seek remedy through judicial proceedings



113



Retroactive Repayment of HAP By Owners

- ◆ **Example:** The Deceased Tenants Report dated December 14, 2009, indicates that Mr. Robert died on March 9, 2009. The landlord/owner is not eligible for HAP in any month following March 2009.
- ◆ The PHA erroneously paid the landlord/owner HAP of \$500 each month during the period of April 2009 through December 2009. The landlord/owner must repay the PHA **\$4,500** (\$500 X 9 months).



114



Owner Breach of HAP Contract

- ◆ PHA may determine owner has breached HAP contract if an owner receives HAP for a deceased single household member for a period greater than 6 months
- ◆ PHA is required to notify owner of such determination, including a brief statement of reasons for the determination



115



Owner Breach of HAP Contract

- ◆ The notice may require the owner to take corrective action by a prescribed deadline



116



Owner Breach of HAP Contract

- ◆ PHA rights & remedies for owner breach of HAP contract:
 - Recovery of overpayments
 - Suspension of HAP
 - Abatement or other reduction of HAP
 - Termination of HAP
 - Termination of all HAP contracts



117



HUD Monitoring of Deceased Tenants

- HUD will monitor each PHA's Deceased Tenants Report on a quarterly basis.
- If at any time the report identifies deceased single member households who have been deceased for a period exceeding 6 months and HUD determines the PHA has not taken the appropriate corrective action, the PHA may be subject to monetary sanctions and/or penalties



11A



Penalties for Non-Compliance: Section 8 Programs

- PHA is required to reimburse 100% of any uncollected owner overpayment to HAP Equity from the Administrative Fee Equity or other non-Federal funds
- A PHA cannot reimburse prior year HAP costs with current year HAP funding



11B



Penalties for Non-Compliance: Public Housing Programs

- PHAs may be subject to a monetary penalty as determined by the Assistant Secretary of PIH
- HUD may offset the PHA's monthly operating subsidy by the amount of the imposed penalty or require payment from non-Federal funds to HUD



12A



Sanction & Penalty Appeals

- ◆ HUD will notify the PHA of any imposed sanction or penalty
- ◆ PHA may appeal within 30 days of notice date by sending appeal by only certified mail or carrier to the Assistant Secretary for Public & Indian Housing in Washington, DC



121



Effective Use of the EIV System

Debts Owed to PHAs & Terminations



122



Debts Owed to PHAs & Terminations Module

- ◆ Available to PHAs since 09/25/09
- ◆ National repository of families that:
 - Owe a debt to any PHA nationwide; and/or
 - Left a PIH program under negative circumstances
- ◆ EIV imports EOP information from PIC daily
- ◆ Only 50058s dated within the last 15 months will be imported



123



Debts Owed to PHAs & Terminations Module

- ◆ Information is entered into EIV by the PHA after EOP
 - Amount owed
 - Adverse circumstance(s)
 - Bankruptcy status
 - Repayment agreement and status



124

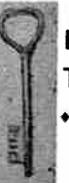


Debts Owed to PHAs & Terminations Module

- ◆ Existing EIV users with the following roles will be able to search for former tenants (nationwide) and view the Debts Owed to PHAs & Terminations report for your assigned PHA(s) and programs:
 - PHA Occupancy Specialist - Voucher
 - PHA Occupancy Specialist - Public Housing
 - PHA Occupancy Specialist - Applications Processor



125



Debts Owed to PHAs & Terminations Module

- ◆ Existing EIV users with the following roles will be able to search for former tenants and view the Debts Owed to PHAs & Terminations report for your assigned PHA(s) and programs:
 - HUD OIG
 - HHQ/HUB/FO/TARC Occupancy Specialist



126



Debts Owed to PHAs & Terminations Module

- ◆ Only PHAs may enter, update and delete former tenant debt and termination information
 - Until OMB approval, PHAs are **not required** to provide HUD with this information.
 - PHAs voluntarily provide this information
- ◆ The PHA Executive Director or designee must identify which staff will be authorized to enter, update, and delete debt owed and termination information



127



Debts Owed to PHAs & Terminations Module

- ◆ HUD has created two new roles to allow PHA users to enter, update, and delete information:
 - Program Administrator - Public Housing
 - Program Administrator - Voucher



128



Debts Owed to PHAs & Terminations Module

- ◆ PHA User Administrators must electronically request the assignment of these new roles to designated users
- ◆ EIV users must complete a new EIV Access Authorization form and submit to the EIV Coordinator in local HUD office for approval of the requested new role



129



User Administration: New Roles for Debts Owed to PHAs & Terminations

User Administration - By Role/By Users

User Profile Details

Selected User

User ID: M
 User Name: Horace 000000000
 Office Code: DC001
 Participant Code: DC001

Active	Role	Status
<input type="checkbox"/>	PHA CHAP Assistance	
<input type="checkbox"/>	PHA Occupancy - Application Processor	Approved
<input checked="" type="checkbox"/>	PHA Occupancy - Public Housing	Approved
<input checked="" type="checkbox"/>	PHA Occupancy - Voucher	Approved
<input type="checkbox"/>	PHA Security Administrator	Approved
<input type="checkbox"/>	PHA User Administrator	
<input type="checkbox"/>	Program Administrator - Public Housing	
<input type="checkbox"/>	Program Administrator - Voucher	

Check box to request new role



130



Debts Owed to PHAs & Terminations Module

◆ Responsibilities of the Program Administrator:

- Delete families from the master list of EOPs who do not owe a debt or have not been terminated for an adverse reason
- Enter debt owed and termination information within a reasonable time frame (90 days from EOP date)



131



Debts Owed to PHAs & Terminations Module

◆ Responsibilities of the Program Administrator:

- Ensure that information entered is complete and accurate
- Upon notice and confirmation of erroneous information, delete information



132



Debts Owed to PHAs & Terminations

Search for Former Tenant Information



133



Notice to Tenants and Applicants

- ◆ HUD has created a standardized notice for tenants and applicants
- ◆ Notice is pending OMB approval and is not mandatory until the notice displays a valid OMB control number and expiration date



134



Notice to Tenants and Applicants

- ◆ Notice provides information on the collection of debt and adverse termination information:
 - What information is collected
 - How the information will be used
 - Individual's right to dispute incorrect information



135



Notice to Tenants and Applicants

- ◆ PHAs should provide this notice to all applicants and participants (at next reexam)
- ◆ HUD published an updated System of Records Notice regarding the collection & use of debt and termination information in the Federal Register on 09/01/09



136



Notice to Tenants and Applicants

- ◆ The final version of the notice is included in the handouts, however, is pending OMB number
- ◆ Expected date to receive OMB number is March 2010
- ◆ At that time, applicants & participants will be required to sign the Notice & PHAs will be required to provide HUD with debt & termination information



137



Search for Former Tenant

- ◆ Prior to admission, PHA is required to query each adult household member's SSN to determine if a PHA has reported a debt or negative status as of EOP
- ◆ Simply double click on the **Search for Former Tenant** link under the **Debts Owed to PHAs & Termination** header on the left navigation panel



138



Search for Former Tenant

- ◆ Enter the 9-digit SSN and click **Get Information**



139



Search for Former Tenant

- ◆ The system will display either a
 - Negative result; or
 - Positive result
- ◆ **Negative result** means that a PHA has **not** reported an adverse termination and/or debt owed
- ◆ PHAs is required to maintain search results in family file



140



Search for Former Tenant

- ◆ **Positive result** means that a PHA has reported an adverse termination and/or debt owed
- ◆ PHAs is required to maintain search results in family file



141



Positive Results for Former Tenant Information - Top

Debt Owed to PHA & Termination Report for HUD Public Housing Tenant - Former Tenant

Printed: 02/20/2018 10:55:11 AM

Form Created by PHA/Program Administrator for Completion of Former Tenant			
Name of Initial Entry	00000000	Date of Update	01/18/2018
Initiated By	40023P	Program Type	Section 8
PHA Code	04014	Authority	City of San Mateo Housing
PHA Address		PHA Fax Number	650 902 3373
PHA Telephone Number	650 902 3361	PHA Fax Number	650 902 3373
Section 8 contract Address	10000 000 00 PHA SECTION 8/02 CA 04014	Bankruptcy	No
Date of Termination	01/11/2008	Bankruptcy	No
Debt Owed to PHA	\$15,000	Is Debt to pay retroactive rent?	Is Debt to pay rent? If unsure to pay contact manager
Reason for Termination		Is Debt to pay rent?	Is Debt to pay rent? If unsure to pay contact manager
Name of Homeless/ HUD or Local Social Security Number	PH 4000	Date of Birth	00/00/0000

145



Positive Results for Former Tenant Information -Bottom

Printed: 02/20/2018 10:55:11 AM

Form Created by PHA/Program Administrator for Completion of Former Tenant

Printed: 02/20/2018 10:55:11 AM

146



PHA Action Based on Positive Result

- ◆ Provide the family with a copy of the Debts Owed & Termination Report
- ◆ The family may not be admitted into the program until the debt is paid in full to the PHA that is owed the outstanding amount
- ◆ For adverse terminations:
 - Deny admission in accordance with PHA and/or HUD policy

147



Tenant Dispute of Debts Owed & Termination Information

- ◆ Tenant must contact the PHA, who has reported the information, in writing & explain why information is disputed and provide any applicable documentation to support claim
- ◆ Disputes must be made within three years from the end of participation date
 - Otherwise the debt and termination information is presumed correct

148



Tenant Dispute of Debts Owed & Termination Information

- ◆ Only the PHA who reported the adverse information can delete or correct the record
- ◆ PHA who has denied assistance is required to provide the family with the report
- ◆ The PHA's name, address, and telephone numbers are listed on the Debts Owed and Termination Report for family to follow up with reporting PHA

149



Debts Owed to PHAs & Terminations

Enter/Update/Delete Information



150



Debts Owed to PHAs & Terminations Module

- ◆ Debt owed and termination information is available only if the PHA enters the information
- ◆ Until OMB approves HUD's information collection request, PHAs are voluntarily providing this information



151

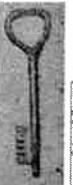


Debts Owed to PHAs & Terminations Module

- ◆ PHAs must ensure that information entered into EIV is accurate
- ◆ PHAs may enter information for former tenants who have left the program within the last 15 months.
- ◆ EIV is updated daily with new EOP families



152



PHA Notice Page

Online Portal to PHAs & Terminations -> Enter Information -> PHA Notice Page

1999 HUD
EIV-0000

Public Housing Agencies (PHAs) are not required to enter information unless a current and valid approved OMB control number is displayed at the top of this page.

You are about to enter debt and termination information in a former tenant. You may not enter this information unless you have the following:

1. Verified the validity of the debt owed to the PHA, and
2. Verified the individual's eligibility and EOP date to ensure evidence that all in past 15 months has not moved to legally self-help and
3. Completed any notices generated by the individual and determined that the amount of the debt owed to the PHA is just and legally enforceable.

PHAs who tick the Checklist button below, you certify and agree to the following:

1. The information that you enter is complete and accurate to the best of your knowledge and you have supporting documentation to support the information entered into the system.
2. Any information disseminated by the system will be accurate or dated within 12 days of data value and verification of original data or the information.

System Entry Limitations

A record may be modified 3 times.
The entry of the debt owed amount is limited to a maximum of \$500,000.00.

Continue



153



Enter Former Tenant Information

- ◆ If applicable, enter the following information:
 - Amount of debt owed (\$0.01 - \$500,000) as of EOP date
 - Bankruptcy indicator: check the checkbox if you have received a copy of court order for Chapter 7 or 11 bankruptcy filing
 - Reason for termination (select applicable reasons)



154

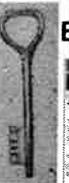


Enter Former Tenant Information

- ◆ Click the **Submit** and **OK** button to confirm your entry
- ◆ The information will then become apart of the national repository of Debts Owed to PHAs and Terminations
- ◆ PHAs may enter information no sooner than 30 days from EOP



155



Enter Former Tenant Information

ID	APPLICANT	AMOUNT	REASON	REASON DESCRIPTION	DATE	STATUS
4502	WALSH, JAMES L	\$10,000.00	Yes	Failure to pay other charges? Failure to pay rent?	04/01	000000
4508	WALSH, JAMES L	\$12,345.67	No	Failure to pay other charges? Failure to complete school program	04/01	000000
4509	WALSH, JAMES L	\$100	Yes	Contract activity - unpaid	04/01	000000
4505	WALSH, JAMES L	\$200,000.00	No	Failure to pay other charges?	04/01	000000
45010	WALSH, JAMES L	\$1000	No	Contract activity - unpaid	04/01	000000
45011	WALSH, JAMES L	\$1000	No	Contract activity - unpaid	04/01	000000
45012	WALSH, JAMES L	\$100,000.00	No	Contract activity - unpaid, Contract activity - unpaid, Contract activity - unpaid, Failure to pay other charges? Failure to pay rent? Failure to pay	04/01	000000
45013	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000
45014	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000
45015	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000
45016	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000
45017	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000
45018	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000
45019	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000
45020	WALSH, JAMES L	\$100	No	Contract activity - unpaid	04/01	000000

Click Here to Enter Information



156

Enter Former Tenant Information

Details Owned by PHAs & Transferees >> Enter Information >> Request Selection >> List Page >> EIV Information

Enter/Update Information for: 4411

HOH SSN: ***-**-4411

HOH Name: HOSER, MARGARET

Debt Owed: \$

Backlogs:

- Equate to pay retroactive rent*
- Failure to pay rent*
- Failure to pay other charges*
- Failure to complete annual recertification
- Controlled activity - drug
- Controlled activity - Sex Offender
- Controlled activity - Alcohol
- Controlled activity - Other
- Leases violations

Reasons for Transferees:
 Initial down code to select
 Multiple

*If You must enter a debt amount greater than 0

Submit Reset Cancel

Confidential Privacy Act Data. CMI and Critical practices apply to source of this data.

157

- ### Update Former Tenant Information
- ◆ PHAs should ensure that entered information is accurate
 - ◆ The PHA may modify a tenant record only **3** times
 - ◆ To correct previously entered information:
 - Click on the **Edit** button next to the HOH's name; and
 - Edit the applicable data fields and click the **Submit** and **OK** button to confirm your entry
- 158

- ### Update Former Tenant Information
- ◆ If a former tenant is making payments on an outstanding debt, the PHA should **NOT** modify the debt owed amount
 - ◆ EIV will include a repayment agreement indicator with the April 2010 release
- 159

Update Former Tenant Information

ID	Name	Address	Status
1001	Smith, John	123 Main St	Active
1002	Johnson, Mary	456 Oak St	Former
1003	Williams, David	789 Pine St	Former
1004	Brown, Susan	101 Elm St	Former
1005	Miller, Robert	202 Maple St	Former
1006	Davis, Jennifer	303 Birch St	Former
1007	Garcia, Carlos	404 Cedar St	Former
1008	Lee, Michael	505 Spruce St	Former
1009	White, Emily	606 Willow St	Former
1010	Harris, James	707 Ash St	Former

Click Here to Edit Information

Delete Former Tenant Information

- The delete function is available for:
 - Deletion of families who do not owe a debt or left the program in good standing
 - Deletion of families who have paid an outstanding debt in full

Delete Former Tenant Information

- The family is permanently removed from the master list of EOP families
- When you click on the *Delete* link, the system will prompt you to confirm your desire to delete the family
- Current system glitch imports deleted families the next day – at this time, do **not** delete families
