



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING
REAL ESTATE ASSESSMENT CENTER

February 16, 2012

Dear Executive Director:

The Department's Real Estate Assessment Center (REAC) monitors Public Housing Agencies' (PHAs) reporting of information to the Public and Indian Housing Information Center (PIC) of assisted families and compares various PIC-reported information to data obtained from other federal databases to validate the accuracy of tenant-reported Social Security Numbers (SSNs) and income information. The intended outcome of this monitoring is to confirm PHA compliance with PIC reporting and use of the Enterprise Income Verification (EIV) system to reduce improper payments within HUD rental housing assistance programs.

REAC's review of EIV's *Identity Verification Report* as of January 4, 2012, indicates that there may be an outdated form HUD-50058, error in the surname, date of birth, and/or Social Security Number (SSN) (collectively referred to as personally identifiable information (PII)) reported on line 3b, 3e, and 3n, respectively, of the form HUD-50058, reported in PIC for one or more current HUD-assisted tenants. Errors may be caused by:

1. PHA non-submission of a current form HUD-50058
2. PHA data entry error
3. PHA transcription error
4. SSA data error
5. Tenant information disclosure error

Non-submission of forms HUD-50058 and incorrect or invalid tenant PII may result in incorrect or ineligible payments and/or assistance on behalf of the families identified on your agency's current *Identity Verification Report*. In an effort to mitigate risk associated with improper payments or incorrect family data reported in PIC, if your agency has not already done so, the Department requires your agency to complete the following actions no later than **March 30, 2012**, to correct identified deficiencies.

Required PHA Actions:

1. Log into EIV and review your agency's *Identity Verification Report* and view the *Failed EIV Pre-Screening* and *Failed SSA Identity Test Reports*.

Failed EIV Pre-Screening Report

2. For any household member classified as an eligible citizen or eligible non-citizen that has been assigned a PIC-generated alternate identification number, use the PIC Tenant ID Management tool to replace the alternate identification number (ALT ID) with a valid SSN. **No action is required** for any individual who is assigned an ALT ID; and who is a part of a household with other eligible citizens and/or eligible noncitizens; and classified as an ineligible noncitizen; **and** the family's assistance is prorated.

3. Submit an updated form HUD-50058 for any household reported with a ***Failed Effective Date Check*** error description, which is an indication of an overdue annual reexam;
 - a. Ensure that your agency has completed a current annual reexamination of family income.

Failed SSA Identity Test Report

4. For error messages that identify a tenant as deceased, you are required to follow the administrative instructions outlined in the attached copy of PIH Notice 2012-4.
5. For error messages that contain a Social Security Administration (SSA)-provided date of birth or SSN at the end of the error message, you are **required** to successfully submit to PIC, a corrected or updated form HUD-50058 with the SSA-provided PII, as outlined on pages 19-23 of the attached copy of PIH Notice 2012-10.
6. For error messages that identify a discrepancy in a tenant name or surname, you are required to follow the guidance described below.
 - a. For tenant information disclosure errors, it may be necessary to contact the family to confirm the discrepant PII and obtain current official documentation.
 - b. If the tenant confirms that the name or surname reported in PIC is correct, refer the family to SSA to have SSA records updated with the correct PII or obtain documentation from SSA to confirm the PII reported in SSA's database. **Only SSA can correct PII reported in SSA records, upon the written request of the tenant.**
 - i. Obtain and retain in the tenant file, a copy of the SSA statement of SSN assignment from the tenant.
7. If your agency determines that **all** household members have **not** disclosed a valid SSN in accordance with 24 CFR §5.216 and the family refuses to provide such information, **the family is not eligible for assistance** and your agency is required to initiate action to terminate assistance and/or tenancy for the entire household, and successfully submit an end of participation (EOP) action to PIC no later than 60 days from the effective date of the EOP action.

- a. **Public Housing:** Terminate lease and tenancy of the family in accordance with 24 CFR §5.218. An EOP cannot be submitted until your agency has legally regained possession of the public housing unit.
- b. **Section 8:** Terminate Housing Assistance Payment (HAP) to landlord on behalf of the family and the HAP contract in accordance with 24 CFR §5.218 and 24 CFR §982.311.

Required Documentation

1. For any case in which your agency has determined that the tenant name or surname reported on the form HUD-50058 is correct, fax **only** the following information to HUD Headquarters at (202) 485-0288:
 - a. PHA Code, which consists of two alpha characters and three numeric characters (i.e. DC004);
 - b. Head of household (HOH) first and last name;
 - c. First and last name of household member with name discrepancy; and
 - d. A legible copy of the SSA statement of SSN assignment

Do **NOT** email or fax to HUD, copies of the form HUD-50058, EIV reports, or any other document not listed above.

HUD will use this information to resolve the name discrepancy with the Social Security Administration (SSA). It is not necessary to re-submit this information if you have previously submitted it for the same individual.

REAC will review your agency's Identity Verification Report after March 30, 2012, to confirm that your agency has corrected the noted deficiencies. Your agency is **not required** to provide a response to this letter. Failure to correct noted deficiencies may result in sanctions.

For additional information regarding this notice or reduction of improper payments, please contact Nicole Faison on (202) 475-7963. Thank you for your continued commitment to effective and efficient administration of HUD rental housing assistance programs.

Sincerely,



David A. Vargas, CPA
Deputy Assistant Secretary

Attachments
cc: HUD Field Offices



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of:

Public Housing and Section 8 Program Administrators, Public Housing Hub Office Directors; Public Housing Field Office Directors; Program Center Coordinators; Resident Management Corporations; Resident Councils; Participants of Public Housing, Housing Choice Voucher, Project-Based Certificate, and Project-Based Voucher Programs; Section 8 Property Owners and Landlords

Notice: PIH 2012-10 (HA)

Issued: February 14, 2012

Expires: Effective until amended, superseded, or rescinded

Cross References: 24 CFR §5.216, 24 CFR §5.218, and 24 CFR §5.233

SUBJECT: Verification of Social Security Numbers (SSNs), Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report

1. **Purpose.** This notice explains the procedures public housing agencies (PHAs) are required to use for verifying social security numbers, social security benefits of applicants, participants and household members at the time of application for rental housing assistance programs and during mandatory reexamination of household income, as well as the procedures for effective use of EIV's Identity Verification Report to reduce subsidy payment and administrative errors. Similar guidance was issued under notice PIH-2010-03. This notice supersedes the aforementioned notice.

This notice also provides guidance related to the recent changes made to 24 CFR §5.216, 24 CFR §5.218, and new verification requirements at 24 CFR §5.233, in accordance with the Final Rule: *Refinement of Income and Rent Determination in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System-Amendments*, effective January 31, 2010, as published at 74 FR 68924, on December 29, 2009. In accordance with the directions of the Office of the Federal Register, the December 29, 2009, final rule, because it is the later published rule, supersedes the January 27, 2009, final rule, which was also effective on January 31, 2010. Accordingly, only the regulatory amendments of the December 29, 2009, final rule are effective and applicable.

2. **Applicability.** This notice applies to the following HUD-PIH rental assistance programs: Public Housing, Section 8 Moderate Rehabilitation, Project-Based Certificate, Project-Based Voucher, and Housing Choice Voucher Programs. This notice also applies to all PHAs, including Moving-to-Work (MTW) PHAs who administer any of the aforementioned programs.

3. **Background.** The Housing and Community Development Act of 1987 (Public Law 100-242; 101 Stat. 1864; 42 USC §3543) granted the Secretary the authority to require applicants and participants (including their household members) to disclose his/her social security number (SSN) as a condition of initial or continuing eligibility for participation in any HUD rental assistance program.

The intent of this statutory provision is to afford the Department the opportunity to ensure that the level of benefits provided on behalf of the family is proper and to prevent fraud and abuse within rental assistance programs. This law is promulgated at 24 CFR §5.216.

HUD uses the SSN (along with the name and date of birth) of an individual to validate his/her identity, obtain employment and income information via computer matching programs, and ensure duplicate assistance is not being paid. These uses allow HUD, program administrators and auditors to determine compliance with program requirements, as well as determine the eligibility and level of assistance a family is eligible to receive, and reduce improper payments. This notice prescribes the procedures and clarifies the requirements for disclosure, documentation and verification of SSNs.

In accordance with the aforementioned new regulatory requirement at 24 CFR §5.233, PHAs are required to use the EIV system to reduce administrative and subsidy payment errors in accordance with HUD administrative guidance. Accordingly, HUD is issuing this formal guidance to ensure that PHAs:

- a) Use EIV's Identity Verification report for effective decision making, corrective action implementation, and reporting activities;
- b) Implement policies and procedures to minimize erroneous subsidy payments on behalf of families who have not complied with the required SSN disclosure and documentation requirements;
- c) Use EIV to validate and/or verify tenant-reported social security benefits; and
- d) Provide accurate and reliable information to HUD via the Public and Indian Housing Information Center (PIC).

With respect to the verification of social security benefits, it has been the standard practice of PHAs to verify social security benefits of applicants, participants, and household members by either contacting the local office of the Social Security Administration (SSA) by phone, fax, or in writing, reviewing an original social security benefit check, or accepting tenant-provided benefit verification letters.

In an ongoing effort to eliminate time consuming manual requests for benefit verification from PHAs, SSA electronically provides HUD with available benefit information on all current participants and household members who have disclosed a valid SSN, name and date of birth which matches SSA records. HUD makes this information available to administrators of Public Housing and Section 8 programs through the EIV system. Electronic benefit verification is the most efficient verification method available and allows PHAs to process family annual and interim reexaminations expeditiously.

SSA continues to receive requests for income verification from PHAs despite the electronic exchange of SS and SSI benefit information between SSA and HUD. PHAs should not refer applicants for or participants of HUD rental assistance programs to local SSA offices to obtain verification of the amount of their SS/SSI benefits. Furthermore, effective January 31, 2010, PHAs are required to use the EIV system as a third party source to verify tenant income information during all mandatory annual and interim reexaminations of family income and composition, in accordance with 24 CFR §5.236 and HUD administrative guidance. This notice describes the required procedures for verifying SS and SSI benefits of applicants, participants, and household members of HUD-assisted rental units, in order to comply with the new HUD regulation at 24 CFR §5.233, which requires PHAs to use EIV.

4. **Effective Date.** This notice is effective upon issuance and remains effective until amended, superseded, or rescinded.
5. **SSN Disclosure.** In accordance with 24 CFR §5.216, applicants and participants (including each member of the household and including, live-in aides, foster children, and foster adults) are required to disclose his/her SSA-assigned SSN, with the exception of the following individuals:
 - a. Those individuals who do not contend to have eligible immigration status (individuals who may be unlawfully present in the United States) **and** have not been assigned an SSN. These individuals in most instances would not be eligible for a SSN.
 1. A family that consists of a single household member (including a pregnant individual) who does not have eligible U.S. citizenship or eligible immigration status is **not eligible** for housing assistance and cannot be housed.
 2. A family that consists of two or more household members **and at least one** household member that has eligible U.S. citizenship or eligible immigration status, is classified as a mixed family, and **is eligible** for prorated assistance in accordance with 24 CFR §5.520. The PHA may **not** deny assistance to mixed families due to nondisclosure of an SSN by an individual who does not contend to have eligible immigration status.

Note: Financial assistance may only be provided to individuals with eligible immigration status in accordance with 42 USC §1436a, which is generally evidenced by the individual providing his/her Green Card (Form I-551 – U.S. Permanent Residence Card) or other documentation approved by the Department of Homeland Security for noncitizens with refugee or asylee status.
 - b. Existing program participants as of January 31, 2010, who have previously disclosed their SSN and HUD has determined the SSN to be valid. PHAs may confirm HUD's validation of the participant's SSN by viewing the household's *Summary Report* or the *Identity Verification Report* in the EIV system.

- c. Existing program participants as of January 31, 2010, who are 62 years of age or older (born on or before January 31, 1948), and had not previously disclosed a valid SSN. This exemption continues even if the individual moves to a new assisted unit.

Disclosure of SSNs is considered information subject to the Federal Privacy Act (5 USC §552a, as amended). In accordance with 24 CFR §5.212, the collection, maintenance, use, and dissemination of SSNs, any information derived from SSNs and income information must be conducted, to the extent applicable, in compliance with that Act and all other provisions of federal, state, and local laws.

An individual who previously declared to have eligible immigration or eligible citizenship status may **not** change his/her declaration to not contend to have eligible immigration status for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance of these requirements. Nor may the head of household opt to remove a household member from the family composition for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance of these requirements.

Note: There is no provision under HUD regulations which prohibit an individual (head of household with other eligible household members) with ineligible immigration status from executing a lease or other legally binding contract. However, some state laws prohibit an individual with ineligible immigration status from executing a contract (i.e. lease or other legal binding documents). If this is the case in your state, the family must **not** be admitted into the program.

- 6. **SSN Documentation.** The PHA must request the applicant and participant (including each member of the household), who are not exempt under section 5 of this notice, to provide documentation of each disclosed SSN. Acceptable evidence of the SSN consists of:
 - a. An original SSN card issued by SSA;
 - b. An original SSA-issued document, which contains the name and SSN of the individual; or
 - c. An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual.

It should be noted that most (if not all) individuals who are lawfully present in the U.S. have been assigned a SSN. Many existing laws require the disclosure of the SSN for various purposes. All applicants and participants, including each member of the household (with the exception of those individuals noted in section 5 of this notice) are required to disclose his/her SSA-assigned SSN.

The SSA issues three types of social security cards depending on an individual's citizen or noncitizen status and whether or not a noncitizen is authorized by the Department of Homeland Security (DHS) to work in the United States.

They include:

- i. The first type of card shows the individual's name and SSN only. This is the card most people have and reflects the fact that the holder can work in the U.S. without restriction. SSA issues this card to:
 - a. U.S. citizens; or
 - b. Noncitizens lawfully admitted to the United States for permanent residence and noncitizens with DHS permission to work permanently in the United States (i.e. refugees and asylees).
- ii. The second type of card bears, in addition to the individual's name and SSN, the legend: "**NOT VALID FOR EMPLOYMENT**". SSA issues this card to lawful noncitizens who do not have DHS permission to work, but are required by law to provide a SSN to obtain general assistance benefits that they already have qualified for.
- iii. The third type of card bears, in addition to the individual's name and SSN, the legend "**VALID FOR WORK ONLY WITH DHS AUTHORIZATION**". SSA issues this card to people with DHS permission to work temporarily in the United States.

SSA verifies all noncitizens' documents with DHS before a SSN card is issued to a noncitizen.

7. **Rejection of Documentation.** The PHA may reject documentation of the SSN provided by the applicant or participant for only the following reasons:
 - i. The document is not an original document; or
 - ii. The original document has been altered, mutilated, or not legible; or
 - iii. The document appears to be a forged document (i.e. does not appear to be authentic).

The PHA should explain to the applicant or participant, the reason(s) the document is not acceptable and request the individual to obtain acceptable documentation of the SSN and submit it to the PHA within a specified time frame.

8. **Verification of the SSN.** The PHA shall verify each disclosed SSN by:
 - a. Obtaining the documentation listed under section 6 of this notice from applicants and participants (including each member of the household);
 - b. Making a copy of the original documentation submitted, returning it to the individual, and retaining the copy in the file folder; and
 - c. Recording the SSN on line 3n of the form HUD-50058, and transmitting the form HUD-50058 to HUD within a timely manner. PHAs are required to transmit the form HUD-50058 no later than 30 calendar days of receiving the SSN documentation, to enable HUD to initiate its computer matching efforts for current program participants.

Note: HUD does not initiate computer matching efforts for applicants.

HUD, via its computer matching program with the SSA, will validate the SSN (along with the individual's name and date of birth) against the SSA's database. EIV will report the status of the identity verification process as **Verified, Failed, Pending, Excluded, or Deceased** on the household *Summary Report*. Below is a summary of the action the PHA is required to take for each identity verification status.

- a. Verified. If the information matches the SSA database, the individual's identity verification status will be **Verified** (See Exhibit 1 below). No action is required by the PHA.
- b. Failed. If the information does **not** match the SSA database, the identity verification status will be **Failed** (see Exhibit 2 below). See section 22 of this notice for guidance on how to correct personal identifiers of individuals whose identity verification status is failed.
- c. Pending. If an individual's identity verification status is **Pending** (see Exhibit 3 below), this means that HUD has not yet sent the tenant's personal identifiers to SSA for validation. No action is required by the PHA.
- d. Excluded. Effective April 30, 2012, if an individual's identity verification status is **Excluded** (see Exhibit 4 below), this means that HUD will not send the tenant personal identifiers to SSA for validation because a valid SSN is not reported on line 3n of the form HUD-50058 or the individual has failed EIV pre-screening as described in section 22 of this notice.
- e. Deceased. If an individual's identity verification status is **Deceased** (see Exhibit 5 below), this means that SSA's records indicate the person is deceased. The PHA is required to confirm the death with the family's head of household or listed emergency contact person. If the individual is deceased and the only household member or the only surviving household members are a live-in aide and the live-in aides family (single member household), the PHA must complete an end of participation (EOP) action on form HUD-50058, and discontinue assistance and/or tenancy.

If there are authorized household members remaining on the program, update the family composition accordingly, complete an interim reexamination action on form HUD-50058, and take any other action in accordance with HUD administrative guidance (see PIH notice 2012-4) and PHA-established policies.

See the *HUD-SSA Computer Matching Schedule* in section 17 of this notice to determine when your state's data will be matched. The PHA is required to retain the EIV *Summary Report* or *Income Report* in each family file as confirmation of compliance with the SSN disclosure, documentation and verification requirements. Electronic retention of these reports is permissible.

Once the individual's identity verification status is classified as **Verified**, the PHA may, at its discretion, remove and destroy the copy of the documentation referenced in sections 6 and 8 of this notice. Paper documentation must be destroyed by either shredding or burning. Electronic documentation must be destroyed by erasing or permanently deleting the file. Additional guidance related to destruction of records is available in HUD Handbook 2400.25, Rev. 2, Chg-2: *HUD Information Technology Security Policy*, dated August 22, 2011.

The handbook is available online at:

<http://www.hud.gov/offices/adm/hudclips/handbooks/cioh/2400.25/index.cfm>.

The retention of the aforementioned EIV report which shows an identity verification status of **Verified** in the tenant file is adequate documentation of a valid tenant SSN. This will minimize the risk of exposing the individual's SSN.

PHAs are encouraged to minimize the number of tenant records that contain documents which display the full nine-digit SSN. PHAs are permitted to maintain EIV income reports in the tenant file for the duration of tenancy, and no longer than three years from the end of participation date.

Exhibit 1: Example of an individual with an EIV identity verification status of **Verified**.

Household Members						
Member SSN	Member First Name	Member Last Name	Date of Birth	Age	Relationship	Identity Verification Status
***-**-0397	FLOYD		XXXX/1942	69	Head	Verified

Exhibit 2: Example of an individual with an EIV identity verification status of **Failed**.

Household Members						
Member SSN	Member First Name	Member Last Name	Date of Birth	Age	Relationship	Identity Verification Status
***-**-0681	Lori		XXXX/1954	58	Head	Failed

Exhibit 3: Example of an individual with an EIV identity verification status of **Pending**.

Household Members						
Member SSN	Member First Name	Member Last Name	Date of Birth	Age	Relationship	Identity Verification Status
***-**-3273	JOHN		XXXX/1969	42	Head	Pending

Exhibit 4: Example of an individual with an EIV identity verification status of **Excluded**.

Household Members						
Member SSN	Member First Name	Member Last Name	Date of Birth	Age	Relationship	Identity Verification Status
***-**-3027	zrizn	AVWMZMIVS	XX/XX/1945	67	Head	Verified
***-**-0726	zrxfo	AVWMZMIVS	XX/XX/1970	41	Other Adult	Excluded
***-**-0954	zilwzhr	AVWMZMIVS	XX/XX/1995	16	Other youth under 18	Verified
***-**-0205	luolwz	AVWMZMIVS	XX/XX/2002	10	Other youth under 18	Verified

Exhibit 5: Example of an individual with an EIV identity verification status of **Deceased**.

Household Members						
Member SSN	Member First Name	Member Last Name	Date of Birth	Age	Relationship	Identity Verification Status
***-**-3872	Dorothy		XX/XX/1934	78	Head	Deceased
***-**-7962	Sammuel		XX/XX/1983	28	Live-in aide	Verified

9. **Invalid SSNs.** An invalid SSN is an SSN that SSA has never assigned. SSA has never assigned an SSN with the first three digits of: 000, 666, or 900 series (numbers within the 900-999 range). Additionally, prior to June 25, 2011, SSA never assigned an SSN with the first three digits of: 000, 666, 772, 800, or 900 series. SSA has never assigned an SSN with the second two digits of 00 or the last four digits of 0000. For additional information on ways to determine if an SSN is valid, visit SSA's website: <http://www.socialsecurity.gov/employer/ssnvhighgroup.htm>.

If you suspect someone of committing fraud, waste, or abuse against SSA, report it to SSA's Office of Inspector General (OIG) by mail, fax, or phone.

U.S. Mail: Social Security OIG Hotline
P.O. Box 17785
Baltimore, Maryland 21235

FAX: 410-597-0118

Telephone: 1-800-269-0271 from 10:00 a.m. to 4:00 p.m. Eastern Standard Time

TTY: 1-866-501-2101 for individuals that are speech and/or hearing impaired.

10. **Individuals without an assigned SSN.** It is not uncommon for certain individuals to not have a SSA-assigned SSN. Below is a listing of such individuals, which is not all-inclusive:
- U.S. newborn children (eligible citizens - these individuals will be issued a SSN upon SSA confirmation of birth).
 - Noncitizens lawfully present in the U.S. (ineligible noncitizens - these individuals will be issued a SSN upon SSA confirmation of the individual's DHS documentation or confirmation that the individual is required by law to provide a SSN to receive general assistance benefits that they already have qualified for).
 - Noncitizens unlawfully present in the U.S. (ineligible noncitizens - typically, these individuals cannot be assigned a SSN).

PHAs are required to use the Public and Indian Housing information Center (PIC) Tenant ID Management tool to generate a unique identifier (commonly referred to as an alternate ID (ALT ID) for those individuals who have not been assigned an SSN. A job aid for use of the PIC Tenant ID Management tool is available online at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/systems/pic/ts. Contact the PIC Coach in your local HUD office if you need assistance with PIC.

Once an individual discloses an SSN, the PHA must use the Tenant ID Management tool to replace the ALT ID with the disclosed SSN within 30 calendar days of receipt of the SSN.

Note: SSA requires that an individual who has never been issued a SSN card or has lost their SSN card, complete Form SS-5 – *Application for a Social Security Card* to request an original or replacement SSN card, or change information on his/her SSA record. The form is available online at www.socialsecurity.gov, or can be obtained at the local SSA office.

11. **Individual Taxpayer Identification Number (ITIN).** An ITIN is a taxpayer identification number for **federal tax purposes only** for certain non-residents and resident noncitizens, their spouses and dependents, who cannot obtain an SSN. The ITIN begins with the number “9” and is formatted like a SSN (9XX-XX-XXXX). However, the ITIN is **not** an SSN and PHAs must **not** report the ITIN on line 3n of the form HUD-50058. PHAs are required to use the Tenant ID Management tool to replace any reported ITIN on line 3n of the form HUD-50058 with an SSN or an ALT ID.

ITINs do not entitle a noncitizen to social security benefits, create any inference regarding a noncitizen’s immigration status, or give a noncitizen a right to work in the U.S.

12. **Addition of a New Household Member.** When a participant requests to add a new household member, who is at least six year of age or under the age of six and has an SSA-assigned SSN, to the family, the participant must disclose the SSA-assigned SSN and provide the PHA with the documentation referenced in section 6 of this notice at the time of such request, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the PHA shall not add the new household member to the family composition until the family provides such documentation. The PHA is not authorized to generate an ALT ID for the affected household member.

When a participant requests to add a new household member, who is under the age of six and does not have an SSA-assigned SSN, the participant must disclose the SSA-assigned SSN and provide the PHA with the documentation referenced in section 6 of this notice within 90 calendar days of the child being added to the household.

If the family is unable to disclose and provide evidence of the SSN within 90 calendar days, the PHA is required to grant the family an additional 90-day period to comply with the SSN disclosure and documentation requirement, **only if** the PHA determines the family was unable to comply with the requirements due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to: delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc.

The child is to be included as part of the assisted household and is entitled to all the benefits of being a household member during the allotted time for the family to comply with the SSN disclosure and documentation requirements. The PHA is required to generate an ALT ID as referenced in section 10 of this notice. Upon expiration of the provided time period, if the family has not complied with the SSN disclosure and documentation requirements, the PHA **must** terminate the entire family’s tenancy or assistance, or both.

13. Penalties for Failure to Disclose and/or Provide Documentation of the SSN. In accordance with 24 CFR §5.218, the following penalties apply for noncompliance with the SSN disclosure and documentation requirements:

- a. **Applicants.** The PHA must deny the eligibility of an assistance applicant if s/he (including each member of the household required to disclose his/her SSN) does not disclose a SSN and/or provide documentation of such SSN. However, if the family is otherwise eligible to participate in the program, the family may maintain his/her position on the waiting list for a period of time as determined by the PHA. The PHA should prescribe in its policies, the maximum time the family may remain on the waiting list, pending disclosure of requested information. If all household members have not disclosed their SSN at the time a unit becomes available, the PHA must offer the available unit to the next eligible applicant family on the waiting list.

Applicants to the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program for Homeless Individuals, under 24 CFR §882, may be admitted to the program without providing the requested documentation (prior or at admission), however, the individual must provide the PHA with such documentation within 90 calendar days from the date of admission. The PHA may grant the individual one 90-day extension, if in its discretion, determines that the individual's failure to comply with the SSN documentation requirement was due to unforeseen circumstances and outside the control of the family. If upon the expiration of the provided time period, the individual fails to comply with the SSN disclosure and documentation requirements, the PHA must terminate the individual's tenancy or assistance, or both.

- b. **Participants.** The PHA must terminate the assistance of Section 8 program participants (the entire household) and terminate the tenancy of Public Housing participants (the entire household) if s/he (including each member of the household required to disclose his/her SSN) does not disclose his/her SSN and provide the required documentation. However, if the family is otherwise eligible for continued assistance or tenancy in the program, the PHA, at its discretion, may defer the family's termination and provide the family an opportunity to comply with the requirement within a period **not to exceed** 90 calendar days from the date the PHA determined the family noncompliant with the SSN disclosure and documentation requirement, only if the PHA determines:
1. The failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside the control of the family; and
 2. There is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline.

If the family is unable to comply with the requirements by the specified deadline, the PHA must terminate the entire family's tenancy or assistance, or both.

The PHA must deny admission or terminate the family's tenancy or assistance, or both, if the family submits falsified SSN documentation.

14. **PHA Penalties for Noncompliance.** PHAs are required to ensure compliance with SSN disclosure, documentation, and verification requirements outlined in this notice and HUD regulations, including the enforcement of penalties for a family's failure to comply with the HUD requirements.

PHAs may be subject to sanctions and/or the assessment of disallowed costs associated with any resulting incorrect subsidy or tenant rent calculation or both as a result of a PHA's noncompliance and/or enforcement of the SSN disclosure, documentation, and verification requirements outlined in this notice and the applicable HUD regulations.

15. **Third Party Verification Requirement.** PHAs are required to comply with admission and occupancy requirements for Public Housing under 24 CFR §960.259(c)(1) and Section 8 under 24 CFR §982.516(a)(2), which requires PHAs to obtain and document in the family/tenant file, third party verification of the following factors, or document in the file why third party verification was not available: (1) reported family annual income; (2) the value of assets; (3) expenses related to deductions from annual income; and (4) other factors that affect the determination of adjusted income or income-based rent.

It is the Department's position that a SSA benefit verification letter (dated within the last 60 days of the PHA request date for information or within the PHA-tenant interview date) provided by the family or an undisputed EIV *Income Report* which displays the current social security benefit amount is third party verification. No additional verification is required by the PHA. SSA has requested that PHAs refrain from submitting requests to SSA to verify that a family is **not** receiving social security benefits.

16. **Third Party Verification of SS/SSI Benefits of Applicants and Household Members.**

EIV does not contain SS and SSI benefit information of applicants for HUD's rental assistance programs. PHAs must ask applicants to provide a copy of their SS and/or SSI benefit letter, dated within the last 60 calendar days, for each household member that receives SS and/or SSI benefits. Do not send applicants to SSA offices if they do not have this information. Instead:

- While meeting with the applicant, help the applicant request a benefit verification letter from SSA's website, Social Security Online, at www.socialsecurity.gov. This service is free and SSA will send the letter to the applicant within 10 business days.

To access the site for requesting benefit verification letters, go to the Social Security Online front page, click on the *Learn what you can do online* link; click on the applicable link: *If you get Social Security benefits you can* or *If you get Supplemental Security Income (SSI) you can*, then click on the *Request a Proof of Income Letter* link and follow the instructions on the *Information about the Proof of Income Letter* page. Assist the applicant in answering questions and explain how the applicant should provide the letter to your office; **or**

- Ask the applicant to request a *Proof of Income Letter* from SSA's toll-free number 800-772-1213. Persons with speech or hearing impairments may call SSA's toll-free telephone typewriter (TTY) number 800- 325-0778, Monday through Friday, between 7:00 a.m. and 7:00 p.m.

Note: SSA encourages SS and SSI recipients to use SSA's web site rather than the toll-free number to request *Proof of Income* letters.

- The PHA must obtain the original SSA benefit letter from the individual, make a photocopy of the document for the PHA file and return the original document to the individual. The PHA is required to use the gross benefit amount reported on the SSA *Proof of Income Letter* to calculate annual income from social security benefits.

17. **Third Party Verification of SS/SSI Benefits of Participants and Household Members.**

SSA-provided SS/SSI benefit information for participants and household members, who have validated personal identifiers (the individual's identity verification status in EIV is **Verified**), is available from HUD's online EIV system, which can be accessed by authorized PHA staff at: https://hudapps.hud.gov/HUD_Systems.

- PHAs are required to use EIV to verify SS/SSI benefits of current participants and household members. PHAs who do not currently have access to EIV must contact their local HUD field office to register for access to the EIV system. PHA EIV access is set up by the PHA's designated EIV User administrator and approved by the EIV Coordinator in the local HUD office. Information regarding HUD's EIV system is available online at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/rhiip/uivsystem.
- PHAs are required to view the EIV *Income Report* and confirm with the tenant that the current listed benefit amount is correct. If the tenant agrees with the current EIV-reported amount, the PHA is required to use the EIV-reported gross benefit amount to calculate annual income from social security benefits.
- If the tenant disputes the EIV-reported benefit amount, the PHA is required to request the tenant to provide a current (dated within the last 60 calendar days) SSA *Proof of Income Letter*. If the tenant is unable to provide the requested document, the PHA is required to follow the instructions under *Third Party Verification of SS/SSI Benefits of Applicants and Household Members* (see section 16 of this notice). The PHA is required to use the gross benefit amount reported on the SSA *Proof of Income Letter* to calculate annual income from social security benefits.
- If the tenant's benefit information is **not** available in the EIV system, the PHA is required to follow the instructions under *Third Party Verification of SS/SSI Benefits of Applicants and Household Members* (section 16 of this notice). The PHA is required to use the gross benefit amount reported on the SSA *Proof of Income Letter* to calculate annual income from social security benefits.

Note: It is possible for EIV to not display SS/SSI benefit information although the individual has been receiving benefits for years. EIV displays only benefit information that has been received from SSA.

- Photocopies of social security checks or bank statements are **not** acceptable forms of verification for SS/SSI benefits because the dollar amount listed may not be the gross benefit amount.

Note: SS/SSI benefit information in the EIV system is updated every three months in accordance with the below schedule during the 1st and 15th of the month. Income information is posted to the family's individual EIV **Income Report** (accessible by using EIV's *Income Information By Head of Household* function). Recently posted SSA income information during the work week (Monday through Friday) will **not** be available via batch EIV **Income Reports** (accessible by using EIV's *Income Information By Reexamination Month* function) until successful completion of EIV's weekend summarization job which posts updated information to all batch verification reports every Saturday morning.

SS/SSI benefits are increased annually to reflect the SSA-approved cost of living adjustment (COLA) for all beneficiaries by December 31st in the EIV system. However, due to the large volume of data processed by the Department, there may be a delay in updating the new SS/SSI benefit amounts until January 15th.

HUD-SSA Computer Matching Schedule	
PHA State	Month Matched
AK, DC, DE, GQ, HI, IA, IN, KS, LA, ME, NC, NE, NH, NJ, NV, OH, RI, SD, TN, TQ, TX, UT, VQ, VT, WV, WY	January, April, July, October
AL, FL, GA, ID, IL, KY, MD, MI, MO, ND, NY, VA	February, May, August, November
AR, AZ, CA, CO, CT, MA, MN, MS, MT, NM, OK, OR, PA, RQ, SC, WA, WI	March, June, September, December

18. **SS and SSI Benefit Amounts Reported in EIV.** All federal SS and SSI benefit amounts are reported in EIV as whole dollar amounts. By law, SSA rounds all benefit amounts down to the next lower whole dollar. As such, the SS and SSI benefit amount listed on a SSA *Proof of Income Letter* may differ from what is reported in EIV. For example, a SSA benefit letter may list the monthly benefit amount as \$450.80 and EIV will display the amount as \$450.00. This disparity is unsubstantial and typically has no impact on the family rent contribution amount. However, to ensure consistency in the determination of annual SS and SSI income, PHAs are required to use the EIV-reported SS and SSI benefit amounts unless the tenant disputes the EIV-reported amount. In instances in which the family disputes the EIV-reported SS and/or SSI benefit amount, PHAs are required to follow the verification requirement outlined in section 16 of this notice and use the full amount listed on the SSA *Proof of Income Letter* and round the final result of the calculation and report on the applicable line(s) of the form HUD-50058 as outlined below.

Note: when calculating any monetary amount always use the full dollar amount and cents and round the final result.

Reporting of monetary figures on the form HUD-50058

Enter only whole dollar amounts. Do not include cents, commas, or dollar signs. Enter \$4,500.00 as 4500. Round each monetary amount up when a number is \$0.50 or above. Enter \$4,500.80 as 4501. Round each monetary amount down when a number is \$0.49 or below. Enter \$4,500.25 as 4500.

19. **Applying SSA COLA to Current Annual and Interim Reexaminations.** Each year during the month of October, SSA announces the COLA by which federal SS and SSI benefits are adjusted to reflect the increase, if any, in the cost of living as measured by the Consumer Price Index for Urban Wage Earners and Clerical Workers prepared by the Bureau of Labor Statistics. The purpose of the COLA is to ensure that the purchasing power of SS and SSI benefits are not eroded by inflation. The federal COLA does **not** apply to state paid disability benefits. Additional information regarding the SSA COLA is available online at www.socialsecurity.gov.

Effective the day after SSA has announced the COLA, PHAs are required to factor in the COLA when determining SS and SSI annual income for all annual reexaminations and interim reexaminations (in accordance with PHA-established policy) of family income which have **not** yet been completed **and** will be effective January 1st or later of the upcoming year.

Example: Bob Jones currently receives \$500 a month (SS benefit). You are currently working on his annual reexam (in November 2011) which is effective 02/01/2012. The PHA must determine annual SS income as follows:

- Current benefit amount: $\$500 \times 3.6\%$ [or 0.036] (COLA rate) = **\$18.00 COLA**
- New gross SS benefit effective 01/01/2012 = **\$518.00** (\$500 current benefit + \$18 COLA)
- Annual income effective 02/01/2012: $\$518 \times 12 =$ **\$6,216.00.**

20. Treatment of SSA Overpayment Deductions from Social Security Benefits.

SSA Overpayment Deductions. An overpayment occurs when SSA pays an individual more than s/he should have been paid. If this happens, SSA will notify the individual and his/her designated representative payee, if applicable. Recovery of an overpayment is made by withholding the monthly social security check until the overpayment is paid in full (individuals receiving SS benefits), unless the individual requests a lesser withholding amount and SSA approves the request. Full withholding would start 30 days after SSA notification of the overpayment. SSA begins deducting money (for overpayment recovery) from SSI payments at least 60 days after SSA notification of the overpayment. Generally, SSA will withhold 10 percent of the maximum federal SSI benefit rate each month. However, an individual may request that less be taken from their benefit, or an individual may ask to pay back the overpayment at a rate greater than 10 percent.

Regardless of the amount withheld to repay SSA the overpayment amount, or the length of the anticipated withholding period, the PHA must use the reduced benefit amount after deducting only the amount of the overpayment withholding from the gross benefit amount. The PHA should be cognizant of the SSA-determined overpayment amount and length of time the reduced payment will occur, to ensure the family's accurate rent contribution for the duration of reduced income; however circumstances may arise affecting the end date of the withholding period, causing it to go on longer than anticipated. See examples below.

Note: A Social Security overpayment can be withheld from a SSI underpayment due to the beneficiary.

Example 1: Bob's gross monthly SSI benefit is \$500 (or \$6,000 annually). On February 1, 2012, Bob brings in a letter showing that SSA has determined that he has been overpaid by \$100, and will begin deducting 10% (\$50) from his monthly check on March 1, 2012. Note that this deduction would occur for **only two months** (March and April). The PHA would calculate annual income at \$5,400 ($\$500 - \$50 = \450×12) and Bob's rent contribution should be changed for two months; however once the deduction ends (May 2012), annual income should be recalculated again, and the full SSI benefit should again be used to calculate annual income.

Example 2: Sue's gross monthly SSI benefit is \$500 (or \$6,000 annually). On February 1, 2012, Sue brings in a letter showing that SSA has determined that she has been overpaid by \$2,000, and will begin deducting 10% (\$50) from her monthly check on March 1, 2012. Note that this deduction would occur for 40 months.

The PHA would calculate annual income at \$5,400 ($\$500 - \$50 = \450×12) and Sue's rent contribution should be changed and effective until the next reexamination of income, at which time a new redetermination would be made based on current information and documentation.

21. Additional Information Regarding Supplemental Security Income (SSI).

This section provides PHAs with additional information regarding federal SSI benefits paid by SSA which should be considered by the PHA at the time a family or individual applies for initial or continued participation in a HUD rental assistance program. Additional information is available online at: <http://www.ssa.gov/ssi/spotlights/spot-living-arrangements.htm> and <http://www.ssa.gov/ssi/text-benefits-ussi.htm>.

- a. Generally, prior to the admission into a HUD rental assistance program, individuals who live in institutions such as hospitals, nursing homes, prisons or jails are not eligible for SSI or are only eligible for a maximum of \$30 a month (some states supplement this \$30 benefit). However, this reduced SSI benefit amount may increase once the individual reports his or her new residency address to SSA. Accordingly, PHAs must consider the increased benefit amount when conducting subsequent reexamination of family income in accordance with HUD requirements and the PHA's policies.
- b. Some states supplement the federal SSI benefit with additional payments. The following states do not supplement the federal SSI benefit with additional payments: Arkansas, Arizona, Mississippi, North Dakota, Tennessee, and West Virginia. EIV will display (as reflected in the below EIV screenshot) the state-paid SSI amount as supplied by SSA for individuals that reside in the following states: California, Delaware, District of Columbia, Hawaii, Iowa, Massachusetts, Michigan, Montana, Nevada, New Jersey, New York, Pennsylvania, Rhode Island, Utah, and Vermont. Accordingly, PHAs must include state-paid SSI benefits in addition to federal-paid SSI benefits when determining annual income in accordance with HUD requirements and the PHA's policies.

Supplemental Security Income Benefits		Payment History of Net Benefits Paid			
Verification Data		Date	Federal Amount	State Amount	Type of Payment
Payment Status Code:	C01 - Current Pay				
Alien Indicator:	K				
SSI Monthly Assistance Amount (Current):	\$898.00	01/01/2012	\$898.00	\$158.00	Recurring Payment
State Supplement Amount (Current):	\$158.00	07/01/2011	\$874.00	\$158.00	Recurring Payment
Payee Name and Address:	MARTH	09/01/2010	\$874.00	\$171.00	Recurring Payment
		08/11/2010	\$38.00	\$0.00	Underpayment
		08/01/2010	\$874.00	\$171.00	Recurring Payment
		07/01/2010	\$835.00	\$171.00	Recurring Payment
		07/01/2010	\$38.00	\$0.00	Recovery Voided
		05/01/2010	\$874.00	\$171.00	Recurring Payment
Date Received by EIV: 12/02/2011					

22. How to Ensure Availability of Social Security Benefit Information in the EIV System.

The availability of SS and SSI benefit information in the EIV system depends on PHA data quality and timely submission of form HUD-50058 to the PIC. PHAs must ensure that data entered in section 3 of the form HUD-50058 (i.e. household members' name, date of birth and social security number) is complete and accurate. The first and last name of each household member reported on the form HUD-50058 must be listed **exactly** as it is listed on SSA records.

If a family's form HUD-50058 is not successfully submitted to PIC or if it has been 15 or more months since the effective date listed on the current form HUD-50058 available in PIC, HUD will not initiate computer matching for these individuals and new income information will **not** be available in EIV.

In accordance with 24 CFR §5.233(a)(2)(ii), PHAs are required to use EIV to reduce administrative and subsidy payment errors. As such, PHAs are required to use EIV's **Identity Verification Report** on a monthly basis to correct noted deficiencies within 30 calendar days and improve the availability of income information in EIV. This report contains two reports (*Failed EIV Pre-Screening and Failed SSA Identity Test*), which can help the PHA improve the availability of income information and assist the PHA in identifying tenant personal identifiers that require correction. The **Identity Verification Report** contains a third report called *Pending Verification*.

Below is a summary of how these reports can be beneficial to the PHA.

- a. **Failed EIV Pre-screening Report:** informs the PHA of any tenant who has failed HUD's EIV pre-screening process due to incorrect personal identifiers (date of birth, surname, and/or SSN) or invalid form HUD-50058 transmitted (e.g. effective date of action is 15 or more months ago – an indication of a possible overdue annual reexam). Effective April 30, 2012, this report will no longer include household members with a PIC-generated ALT ID. Household members with a PIC-generated ALT ID will continue to appear on EIV's **Immigration Report**. Tenants that appear on this report are excluded from the data matching process with the SSA and Department of Health and Human Services' (HHS') National Directory of New Hires (NDNH). Thus, HUD will not request or obtain income information for these individuals.

PHA staff is required to review this report on a monthly basis; if applicable, obtain appropriate documentation from the tenant, update section 3 of the form HUD-50058, accordingly, and successfully transmit a corrected or updated form HUD-50058 to PIC; or use the PIC Tenant ID Management tool to replace incorrect SSNs, ITINs, or ALT IDs within 30 calendar days.

For invalid (PIC-rejected) forms HUD-50058, PHA staff is required to review the PIC Error Submission report and take appropriate action to correct the error and successfully submit a corrected form HUD-50058 to PIC in accordance with the PIC Technical Reference Guide available online at: <http://www.hud.gov/offices/pih/systems/pic/50058/pubs/trg/index.cfm>. Pages 199-201 provide guidance on how to correct specific PIC errors. The PIC Coach within the PHA's designated local HUD office is available to provide assistance with PIC. Additional PIC help resources are available online at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/systems/pic/gethelp.

- b. **Failed SSA Identity Test Report:** informs the PHA of any tenant whose identity cannot be confirmed by SSA due to incorrect personally identifiable information (PII) (date of birth, surname, and/or SSN) recorded in section 3 of the form HUD-50058, which do not match the personal identifiers reported in SSA's database or SSA has determined that a tenant is deceased. HUD verifies all tenant-reported PII against the SSA database.

For certain tenants, SSA will provide the date of birth and/or social security number as reported in SSA's files. PHAs are required to update the form HUD-50058 with the SSA-provided information. As outlined in section 10 of this notice, PHAs must use the PIC Tenant ID Management tool to replace incorrect SSNs or ALT IDs with the correct SSN. If a tenant disputes the SSA-provided information, the tenant must resolve this disparity with SSA.

PHA staff is required to review this report on a monthly basis; if applicable, obtain appropriate documentation from the tenant, update section 3 of the form HUD-50058, accordingly, and successfully transmit a corrected form HUD-50058 to PIC within 30 calendar days.

Effective April 30, 2012, the **Failed SSA Identity Test Report** (and the Income Report) will include the date SSA verified the tenant PII, as reflected in the below EIV screenshot. This feature will allow HUD and PHAs to monitor timely implementation of corrective action to address incorrect PII.

Verification Reports >> Report Selection >> PHA Statistics

Failed SSA Screening as of 12/31/2011				
Participant Code:	OH001 Columbus MHA			
Program Type:	All PIH Programs			
Reexamination Month:	All			
Households that Failed Verification:	102			
Action Type:	All			
Download in Excel				
Printer Friendly Version				
Next Group 				
1 - 50 of 102 Households Last Page				
HOH SSN ***-**-2273 HOH Name Inuzh URIZSH HOH DOB 12/31/1976				
Member SSN	Member Name	Member DOB	Failed Verification Description	Date of Verification
***-**-0083	rszofwyz SZIZU	12/07/2010	Verification failed - SSN not found in SSA records	12/04/2010
HOH SSN ***-**-3404 HOH Name vshizp NRIZPRWYZ HOH DOB 12/31/1960				
Member SSN	Member Name	Member DOB	Failed Verification Description	Date of Verification
***-**-3404	vshizp NRIZPRWYZ	12/31/1960	Verification failed - Date of birth matched, but surname did not match with SSA records	12/04/2008
***-**-8235	vrirw ZHRNZ	01/07/1971	Verification failed - Date of birth matched, but surname did not match with SSA records	12/04/2008
***-**-4597	vrirw MZNSZIFWYZ	07/22/1998	Verification failed - Date of birth matched, but surname did not match with SSA records	12/04/2008
***-**-9825	vshihp ROHZ	05/28/1994	Verification failed - SSN not found in SSA records	12/04/2008

- c. **Pending Verification Report:** This report identifies households and household members in which the tenant PII is scheduled to be matched against SSA's database with HUD's next monthly computer matching effort in accordance with the computer matching schedule in section 17 of this notice.

Below is a summary of EIV failed verification error descriptions, explanations, and corrective actions PHAs are required to implement within 30 calendar days of the noted deficiency in order to ensure the availability of social security benefit information in EIV and incorrect tenant personal identifiers are promptly corrected.

Identity Verification Report: Failed SSA Identity Test Report Error Messages			
No.	Error Message Description	Error Message Explanation	Required PHA Corrective Action
1	<p>SSN is verified; individual is deceased</p> <p>Or</p> <p>SSN is verified; individual is deceased MM/DD/YYYY</p>	<p>The tenant's SSN has been verified by SSA and the individual is deceased.</p> <p>If a date follows the error message, this is the date of death as reflected in SSA records.</p>	<p>Contact tenant's adult family member or next of kin to confirm death.</p> <p>Upon confirmation of death, update family composition accordingly.</p> <p>If a single member deceased household, take appropriate action in accordance with HUD administrative guidance, program requirements and PHA-established policies, including termination of HAP contract (Section 8 only) and transmit an End of Participation (EOP) (action type 6) form HUD-50058.</p> <p>If applicable, recover HAP overpayment from landlord.</p>
2	<p>Verification Failed - Surname matched, but DOB did not match with SSA records MM/DD/YYYY</p>	<p>The date of birth recorded on line 3e of the form HUD-50058 does not match the DOB in SSA records. However, the DOB reflected in SSA records is listed at the end of the error message.</p>	<p>Update line 3e of form HUD-50058 with the SSA-provided DOB. The tenant must follow-up with SSA to dispute the SSA-provided DOB.</p>

Identity Verification Report: Failed SSA Identity Test Report Error Messages			
No.	Error Message Description	Error Message Explanation	Required PHA Corrective Action
3	Verification failed – SS/SSI benefits cannot be disclosed due to discrepancy in date of birth MM/DD/YYYY	The tenant is receiving SS/SSI benefits; however, SSA can not disclose the benefit amount because the date of birth recorded on line 3e of the form HUD-50058 does not match the DOB in SSA records. However, the DOB reflected in SSA records is listed at the end of the error message.	Request the tenant to provide a current SS/SSI benefit letter. Update line 3e of form HUD-50058 with the SSA-provided DOB. The tenant must follow-up with SSA to dispute the SSA-provided DOB.
4	No benefits reported by SSA MM/DD/YYYY	No benefits reported by SSA. The date of birth recorded on line 3e of the form HUD-50058 does not match the DOB in SSA records. However, the DOB reflected in SSA records is listed at the end of the error message.	Update line 3e of form HUD-50058 with the SSA-provided DOB. The tenant must follow-up with SSA to dispute the SSA-provided DOB.
5	Verification failed - Date of birth matched, but surname did not match with SSA records or Surname does not match; DOB was checked	The surname recorded on line 3b of the form HUD-50058 is not the same surname reflected in SSA's records.	Ask the tenant to provide documentation (SSN card, birth certificate, state issued identification card, marriage license or court documents) of the other name he/she is using. Update line 3b of form HUD-50058 with the correct surname.

Identity Verification Report: Failed SSA Identity Test Report Error Messages			
No.	Error Message Description	Error Message Explanation	Required PHA Corrective Action
6	Verification failed – SS/ SSI benefits cannot be disclosed due to discrepancy in name	The tenant is receiving SS/SSI benefits; however, SSA can not disclose the benefit amount because the PIC-reported SSN is not assigned by SSA to the PIC-reported tenant name.	Request the tenant to provide a current SSN assignment letter or SS/SSI benefit letter. Ask the tenant to provide documentation (SSN card, birth certificate, state issued identification card, marriage license or court documents) of the other name he/she is using. Update line 3b and/or 3c of form HUD-50058 with the correct first name and/or surname.
7	Verification failed - SSN not found in SSA records XXXXXXXXX	The tenant SSN recorded on line 3n of the form HUD-50058 is not a valid number issued by SSA. However, the SSN reflected in SSA records is listed at the end of the error message.	Update line 3n of form HUD-50058 with the SSA-provided SSN.

Identity Verification Report: Failed SSA Identity Test Report Error Messages			
No.	Error Message Description	Error Message Explanation	Required PHA Corrective Action
8	Verification failed - SSN not found in SSA records or SSN is not in file	The tenant's SSN recorded on line 3n of the form HUD-50058 is not a valid number issued by SSA or listed in SSA records.	Request original SSN card from tenant. Confirm SSN displayed on the card matches the SSN reported on line 3n of form HUD-50058. If the numbers do not match, make the necessary correction on line 3n of form HUD-50058. For continued SSN failures, notify HUD OIG or other law enforcement agency.

Note: If SSA's records are wrong, only the tenant can request SSA to correct his/her record, by completing and submitting form *SS-5 Application for a Social Security Card* to the local SSA office.

For any case in which your agency has determined that the tenant name or surname reported on the form HUD-50058 is correct, fax the following information to HUD Headquarters at (202) 485-0288:

- a. PHA Code;
- b. HOH first and last name;
- c. First and last name of household member with name discrepancy; and
- d. A legible copy of the SSA statement of SSN assignment (see attached sample letter)

Identity Verification Report: Failed EIV Pre-screening Report Error Messages			
No.	Error Message Description	Error Message Explanation	Required PHA Corrective Action
1	Failed DOB check.	The date of birth is blank or null.	Enter DOB on line 3e of the form HUD-50058. Ensure only numbers are recorded.
2	Failed effective date check.	The effective date of action is more than 15 months old.	Enter a current effective date on line 2b of the form HUD-50058. The PHA must ensure that it has completed a current reexam of family income and composition.

Identity Verification Report: Failed EIV Pre-screening Report Error Messages			
No.	Error Message Description	Error Message Explanation	Required PHA Corrective Action
3	Failed last name check.	The last name is blank or null.	Enter last name on line 3b of the form HUD-50058. Ensure only alpha characters are recorded. Do not include special characters such as -, ~, ` , or '.
4	Failed SSN check.	The SSN is not numeric or all 9s or LIKE {000% } or LIKE {__00% } or LIKE {%0000}.	<p>Enter valid SSN on line 3n of the form HUD-50058. Do not use repetitive numbers, as directed in the current Form HUD-50058 Instruction Booklet, if tenant has not disclosed a SSN. The PHA is required to generate an ALT ID for affected individuals as outlined in section 9 of this notice.</p> <p>Note: This error message will occur for any individual with a PIC-generated ALT ID. If the individual is a U.S. Citizen/National or eligible noncitizen, the PHA is required to follow up with the family to obtain documentation of the SSN. If the individual does not contend to have eligible immigration status (and coded as an ineligible noncitizen on the form HUD-50058), no further action is required by the PHA.</p>

PHAs are authorized to implement the below HUD-approved workaround for any overdue reexamination which your agency has not completed due to pending litigation.

Authorized Workaround:

1. The PHA must submit the following information to HUD Headquarters (HHQ) via email to PIH.RHIIP.TA@HUD.GOV, and a copy to the local HUD field office:
 - a. PHA Certification signed and dated by the Executive Director or designated official on the PHA's letterhead, which states the following:
 - I certify under the penalties of perjury that the attached list of head of household (HOH) names have an overdue annual reexam due to pending litigation initiated by the Housing Authority or tenant. I agree to submit an updated form HUD-50058 to PIC, in accordance with HUD guidance, once the court has issued a final order or the family discontinues participation in a PIH rental assistance program, whichever occurs first.

- I understand that HUD may request copies of court proceedings filed with the court and agree to furnish such documents and any other documents associated with the pending litigation upon written request of a HUD official.
- b. A listing of HOHs in which there is pending litigation, the type of pending litigation pending (i.e. wrongful termination, breach of lease, tenant holding over action, etc.) the date the litigation began and court-assigned case number.
- PHAs must download the EIV Identity Verification/Failed EIV Pre-screening report into Excel (prior to implementing action item 3 below) to create the listing, however, the PHA must delete all tenant social security numbers before sending the file to HUD.
 - Add the following columns to the report and provide the applicable information:
 - Date Litigation Initiated
 - Court-Assigned Case Number
 - Type of Litigation
2. Submissions must be emailed to PIH.RHIP.TA@HUD.GOV, with a copy to the local HUD field office within 30 calendar days of the date the PHA initiated litigation.
3. The PHA will successfully submit an action type 3 (interim reexamination) form HUD-50058 to PIC in which **line 2b, effective date** contains a current date; line 2i, projected effective date of next reexamination is equal to a date 12 months from the date listed on line 2b; and any line between 2q – 2u (PHA use only) contains the words “Pending Litigation”.
23. **When the Identity Verification Report is Updated.** Below is guidance to explain how the Identity Verification report is updated.

a. **Failed EIV Pre-Screening Report**

When the PHA corrects or updates information reported on section 2 or 3 of the form HUD-50058, EIV copies the data from PIC on a nightly basis. However, the Failed EIV Pre-Screening report is updated on a weekly basis, on every Saturday morning upon successful completion of EIV’s weekend summarization job. PHAs are able to view the updated report on the following Monday.

b. **Failed SSA Identity Test Report**

When the PHA corrects or updates PII reported on section 3 of the form HUD-50058, EIV copies the data from PIC on a nightly basis. However, the Failed SSA Identity Test Report is updated once the following actions occur:

- i. The updated PII is submitted to SSA for verification in the month following the month in which the updated form HUD-50058 was successfully submitted to PIC; and SSA returns the results (verified, failed, or deceased) of the data matching process to EIV; or
- ii. SSA updates the PII reported on its records and this information matches the PII reported on the form HUD-50058 when HUD submits the tenant PII to SSA for verification; and
- iii. Successful completion of the EIV's weekend summarization job.

Once the above actions occur, PHAs are able to view the updated report on the following Monday.

Note: When an updated form HUD-50058 to correct a tenant's PII is successfully submitted to PIC or a tenant's SSN is corrected using the PIC Tenant ID Management tool, the tenant's EIV identity verification status will change to **Pending** from **Failed**. This action is confirmation that the PHA has successfully submitted an updated form HUD-50058 to PIC and that HUD has flagged the tenant record for data matching with SSA during the next monthly data matching process. For example, updated PII on forms HUD-50058 successfully submitted to PIC in January will be matched with SSA in February. These updated households will **not** appear on the **Pending Verification Report** unless these households were scheduled for the original quarterly computer matching process in accordance with the *HUD-SSA Computer Matching Schedule* in section 17 of this notice.

24. **Penalties for Non-Compliance with Use of EIV's Identity Verification Report.** HUD will monitor each PHA's Identity Verification report on a quarterly basis and notify affected PHAs of the need to correct deficiencies and if requested by HUD, provide documentation and/or certification of PHA-implemented corrective action(s).

PHAs may be subject to sanctions for failure to 1) recover or attempt to recover improper subsidy payments made in error; 2) reimburse the Housing Choice Voucher (HCV) housing assistance payment (HAP) account for any unrecovered HAP overpayment; 3) correct noted deficiencies identified on the Identity Verification report in accordance with HUD regulations and/or administrative guidance; or 4) provide HUD-requested documents in response to a HUD notice.

For any imposed penalty, HUD will notify the PHA in writing of such penalty and afford the PHA a 30-day period to appeal HUD's decision. Appeals must be postmarked no later than 30 days from the date of the penalty notice and sent by certified mail or carrier service (UPS, FEDEX, DHL, etc.) to:

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Real Estate Assessment Center
 Attention: Nicole Faison
 451 7th Street, SW, Room PCFL1
 Washington, DC 20410

Appeals by fax or email will not be processed. HUD will provide a written response to your appeal request within 30 days of receiving the appeal request.

25. **For inquiries about this Notice contact:** your local HUD field office or Nicole Faison of HUD Headquarters' Office of Public and Indian Housing, Real Estate Assessment Center Programs at (202) 475-7963, or via email at PIH.RHIIP.TA@HUD.GOV. Persons with hearing or speech impairments may access the aforementioned number via TTY by calling the Federal Information Relay Service at (800) 877-8339.
26. **Paperwork Reduction:** The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3520) and assigned OMB control number(s) 2577-0083 and 2577-0267. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

/s/

Sandra B. Henriquez, Assistant Secretary
for Public and Indian Housing

Attachment: Sample SSA SSN assignment letter

Sample SSA Letter

*** REC 2011180 103219 HDFE02BO BA7F CIPQYA6 PQA6 (F-BAZ) ***

NUMI DTE: 06/29/11 SSN: 123-45-6789 XC: UNIT: M PG: 001

SOCIAL SECURITY ADMINISTRATION SOCIAL SECURITY NUMBER PRINTOUT

OUR RECORDS INDICATE THAT SOCIAL SECURITY NUMBER 123-45-6789
IS ASSIGNED TO JANE, MARY, DOE.

YOUR SOCIAL SECURITY CARD IS THE OFFICIAL VERIFICATION OF YOUR SOCIAL SECURITY
NUMBER. THIS PRINTOUT DOES NOT VERIFY YOUR RIGHT TO WORK IN THE UNITED STATES.

PROTECT YOUR SOCIAL SECURITY NUMBER FROM FRAUD AND IDENTITY THEFT. BE CAREFUL
WHO YOU SHARE YOUR NUMBER WITH.

Sample SSA Letter



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of:

Public Housing and Section 8 Program Administrators, Public Housing Hub Office
Directors; Public Housing Field Office
Directors; Program Center Coordinators;
Resident Management Corporations; Resident
Councils; Participants of Public Housing,
Housing Choice Voucher, Project-Based
Certificate, and Project-Based Voucher
Programs; Section 8 Property Owners and
Landlords

Notice: PIH 2012-4 (HA)

Issued: January 1, 2012

Expires: Effective until amended, superseded,
or rescinded

Cross References: 24 CFR 5.233, HUD OIG
Audit Report Number 2010-FW-0001

SUBJECT: Effective Use of the Enterprise Income Verification (EIV) System's Deceased Tenants Report to Reduce Subsidy Payment & Administrative Errors

- Purpose.** This notice explains the procedures Public Housing Agencies (PHAs) are required to implement to deal with families with deceased household members. The implementation of the procedures outlined in this notice will ensure that PHAs successfully submit accurate data to HUD via the Public and Indian Housing Information Center (PIC) and that PHAs do not make subsidy overpayments on behalf of deceased single member households. Where overpayments have been made, the PHA will recoup the overpayment from the landlord/owner of the rental property under the programs noted in Section 2 of this notice, with the exception of the Public Housing program. This notice supersedes PIH Notices 2010-50 and 2010-09.
- Applicability.** This Notice applies to the following HUD-PIH rental assistance programs: Public Housing, Section 8 Moderate Rehabilitation, Project-Based Voucher, Project-Based Certificate; and Housing Choice Voucher programs.
- Background.** In January and September, 2008, the Department encouraged PHAs to utilize the Deceased Tenants Report available in the Enterprise Income Verification (EIV) system. In a letter sent to all PHA Executive Directors, the Department urged PHAs to use the report on a monthly basis to assist in identifying families with deceased household members, and reduce the occurrence of paying housing assistance on behalf of deceased single member households. The Department also urged all PHAs to take appropriate corrective actions to address families with deceased household members and update the form HUD-50058 (*Family Report*) to reflect accurate household composition and transmit the updated form HUD-50058 in a timely manner.

HUD continues to provide formal and informal guidance and training via PIH notices, email and webcast, related to effective use of the EIV system, including the Deceased Tenants Report.

Many PHAs have taken corrective actions to transmit more accurate data to HUD via PIC, and have reduced the number of deceased single member households continuing to receive improper rental assistance. PHAs with zero deceased household members reported on the Deceased Tenants Report are to be commended for their efforts.

However, there are some PHAs that have not followed HUD's informal guidance. According to HUD's Office of Inspector General (OIG) audit report number 2010-FW-0001, issued on November 29, 2009, PHAs paid approximately \$7 million in questionable housing assistance payments for deceased tenants in single member households. The OIG also determined that PHAs did not update family composition on the form HUD-50058 in a timely manner, which resulted in incorrect information in PIC.

In accordance with the new regulatory requirement at 24 CFR 5.233(a)(2)(ii), which became effective on January 31, 2010, under the Final Rule: *Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System-Amendments*, published at 74 FR 68924 on December 29, 2009, all PHAs are required to use the EIV system to reduce administrative and subsidy payment errors in accordance with HUD administrative guidance. Accordingly, HUD is issuing this formal guidance to ensure that PHAs:

- a) Use EIV's deceased tenant information for effective decision making, corrective action implementation, and reporting activities;
 - b) Implement policies and procedures to minimize erroneous subsidy payments on behalf of deceased single member households; and
 - c) Provide accurate and reliable information to HUD via PIC in a timely manner.
4. **Effective Date.** This notice is effective upon issuance and remains in effect until amended, superseded, or rescinded.
5. **Monitoring Deceased Tenants.** PHAs must generate the Deceased Tenants Report at least once a month. The purpose of generating the Deceased Tenants Report monthly is to prevent, eliminate and/or recover improper payments being made on behalf of deceased Section 8 tenants and ensure PHAs are aware of unoccupied public housing units which must be prepared for occupancy and made available for occupancy by the next eligible family. PHAs who administer Section 8 programs are required to generate the report prior to disbursing the upcoming monthly housing assistance payment (HAP) to owners. PHAs who administer the public housing program are required to generate the report when generating the new monthly rent roll to flag deceased tenants. PHAs must review the report and follow up with the listed families immediately and take the necessary corrective actions outlined in section 8 of this notice.

6. **How to Access the Deceased Tenants Report:** The Deceased Tenants Report identifies deceased household members (whose identity has been confirmed by the Social Security Administration (SSA))* who are included in the family's composition (including single member deceased households) as reported on Section 3 (Family Composition) of the form HUD-50058. The death information is provided by the SSA. Single member deceased households are denoted with a red asterisk (*) after the member's deceased date (see example one below). If the deceased date is listed as *N/A*, this means the date of death is not available (see example two below).

*The individual's social security number (SSN), date of birth, and surname reported on the form HUD-50058 must match SSA's database. Deceased information is not displayed for any individual whose EIV identity verification status is **failed** (including individuals with a PIC-generated alternate identification number).

Example 1:

Member Deceased Date

11/15/2011 *

Example 2:

Member Deceased Date

N/A *

Single Member Households. Effective April 19, 2010, EIV's Deceased Tenants Report was modified to isolate deceased single member households in addition to the previous consolidated report which contained deceased single and multiple member households. This implemented system modification reduces PHA administrative burden in identifying deceased single member households.

Follow the following steps to access the Deceased Tenants Report:

- 1: To access the Deceased Tenant Report, log onto the EIV system at: https://hudapps.hud.gov/HUD_Systems. If you do not have access to the EIV system, complete and submit the EIV Access Authorization Form and Rules of Behavior and User Agreement (form HUD-52676) to the EIV Coordinator in your local HUD office. For more information, go to: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/rhiip/uivsystem.
- 2: Once logged into the system, scroll down the left side of the screen and double click on the **Deceased Tenants Report** link (located under the **Verification Reports** header). Select the program for which you desire to generate the report for (Public Housing, Section 8 or all PIH programs). You may also select a specific reexamination month; however, the system automatically defaults to **All** (which HUD recommends that you use). If you are responsible for more than one PHA, be sure to select the appropriate PHA code in the PHA drop down menu.

3: Double click the **Get Report** button. The report will then display on the screen and can easily be downloaded into Excel or printed for your convenience.

Note: *WARNING: This report contains full social security numbers of tenants. You must ensure that this report is adequately safeguarded to prevent improper disclosure of personally identifiable information (PII) as provided in PIH Notice 2010-15, U.S. Department of Housing and Urban Development (HUD) Privacy Protection Guidance for Third Parties.*

Report Selection Criteria for Deceased Tenants Report

Program Type: The default selection is All PIH Program. However, the user may select: All PIH Programs, Section 8, or Public Housing

Household Type: The default selection is All Households. However, the user may select: All Households, Single Member Households, or Multiple Member Households.

Reexamination Month: The default selection is All. However, the user may select a specific month.

PHA: The default selection is your PHA. If you have multiple PHAs assigned to your user ID, be certain to select the applicable PHA for which you wish to generate the report.

Enterprise Income Verification

Verification Reports >> Deceased Tenants Report >> Report Selection

Select Program Type, Reexamination Month, Household Type and Action Type*:

Program Type: All PIH Programs

Reexamination Month: All

Household Type: All Households

Action Type: All

Select Region:

PHA AK001 AHFC

*For PHA Region Report Only

Get Report

Welcome NICOLE X FAISON

- Back to Secure Systems
- Back to EIV Main Page
- Program Office Selection
- Debits Owed to PHAs & Terminations
 - Search for Former Tenant
 - Enter/Update Information
 - By SSN
 - By Batch
 - Debits Owed to PHAs & Terminations Report
- Income Information
 - By Head of Household
 - By Reexamination Month
 - New Hires Report
- Verification Reports
 - Existing Tenant Search
 - Multiple Subsidy Report
 - Disaster Tenant Information
 - PHA Disaster Tenant Report
 - Identity Verification Report
 - Immigration Report
 - **Deceased Tenants Report**

Sample Deceased Tenants Report

Verification Reports >> Deceased Tenants Report >> Report Selection >> PHA Statistics

Deceased Tenants Report for												HA for Program Type - ALL for Reexamination Month - ALL for Action Type - All					
PHA	Total Number Of Households Evaluated	Total Number Of Household Members Evaluated	Households With Deceased Members	% of Households With Deceased Members	# of Single Member Deceased Households	% of Single Member Deceased Households	Deceased Members	Members Deceased Less Than 1 Year		Members Deceased More Than 1 Year		Members Deceased With No Deceased Date					
								Count	%	Count	%	Count	%				
	14,558	30,013	42	00.29%	20	47.62%	42	39	92.86%	1	02.38%	2	04.76%				

[Printer Friendly Version](#)
[Download to Excel](#)

1 - 42 of 42 Households

Note: * = Deceased single member household. Immediate action required by PHA.

Deceased Tenants Report as of 12/03/2011 - All Households							
HOH SSN:	HOH Name:	HOH DOB:	Member SSN	Member Name	Member DOB	Member Deceased Date	Date Received by EIV
	Tomislav		Tomislav			11/15/2011 *	12/03/2011
HOH SSN:	HOH Name:	HOH DOB:	Member SSN	Member Name	Member DOB	Member Deceased Date	Date Received by EIV
	John		John			10/20/2011 *	12/03/2011

7. **Administrative Actions Required by PHAs:** When the Deceased Tenants Report identifies an individual as being deceased, PHAs are required to take the following actions:

- a) Immediately send a letter to the head of household (HOH) or emergency contact person (if the HOH is deceased and there is no other adult household member) to confirm the death of the listed household member.
- b) **Section 8 Programs only** – Notify the owner in writing of the deceased HOH.

8. **Corrective Actions Required by PHAs for Single Member Households:**

- a) **Public Housing Program only:** Conduct a home visit to determine if anyone is residing in the unit. (Optional for Section 8 program)

If there are unauthorized persons (including a live-in aide) in the unit of a deceased single member household you must pursue judicial intervention to have them lawfully removed from the unit. You may be found liable for a wrongful eviction if you change the locks on the unit to prevent the unauthorized occupants from entering the unit. Follow your local Tenant and Landlord laws to regain possession of the unit.

- b) **Section 8 Programs only:** For deceased single member households or a household where the remaining household member is a live-in aide, PHAs are required to discontinue HAP to the owner no later than the first of the following month after the month in which the death occurred. See Section 15 of this notice for determining amount of owner housing assistance overpayments.

Note: PHAs are required to immediately terminate program assistance for deceased single member households which will result in termination of the HAP contract and HAP to the owner in accordance with the aforementioned provisions. The owner is entitled to receive the full HAP amount for the month in which the death occurred.

The owner is **not** entitled to HAP for any month following the month in which the death occurred, with the exception of the Project-Based Voucher (PBV) program in accordance with 24 CFR 983.352(b).

9. **Project-Based Voucher (PBV) Vacancy Payments in Accordance with 24 CFR 983.352:** For deceased single member households or a household where the remaining household member is a live-in aide, in accordance with the aforementioned regulatory provision, the owner of a unit subsidized under the PBV program is eligible to receive vacancy payments as outlined below:
- a. Payment for move-out month: if an assisted family moves out of the unit, the owner may keep the HAP payable for the calendar month in which the death of the HOH occurred.
 - b. At the discretion of the PHA and in accordance with the PHA's written policy, the HAP contract may provide for vacancy payments to the owner for a PHA-determined period of vacancy extending from the beginning of the first calendar month after the death of the HOH for a period **not to exceed** two (2) full months following the month in which the death occurred.
 - c. The vacancy payment to the owner for each month of the maximum two-month period is determined by the PHA, and cannot exceed the monthly rent to owner under the assisted lease, minus any portion of the rental payments received by the owner (including amounts available from the tenant's security deposit). Any vacancy payment may cover only the period the unit remains vacant.
 - d. The PHA may make vacancy payments to the owner only if:
 1. The owner submits a request for vacancy payments in the form and manner required by the PHA;
 2. The owners gives the PHA prompt written notice certifying that to the best of the owner's knowledge and belief, the HOH is deceased and the date of death;
 3. The owner certifies that the vacancy is not the fault of the owner and that the unit was vacant during the period for which payment is claimed;
 4. The owner certifies that it has taken every reasonable action to minimize the likelihood and length of vacancy; and
 5. The owner provides any additional information required and requested by the PHA to verify that the owner is entitled to the vacancy payment and to determine the amount of any vacancy payment.
10. **What to do when the remaining household member is a live-in aide:** When the HOH dies and the only remaining household member is the live-in aide, the live-in aide is not entitled or eligible for any rental assistance or continued occupancy in a subsidized unit. By definition, the live-in aide would not be living in the subsidized 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 or change the relation code (line item 3h on the form HUD-50058) of the live-in aide to make him or her an eligible household member (eligible for assistance) nor pay HAP on behalf of the live-in aide for any month after the month in which the HOH died.

11. What to do if the HOH is deceased and the remaining household members are minors:

PHAs should have an established policy for dealing with situations when the HOH dies during tenancy and the remaining household members are minors. A common practice of PHAs includes (but is not limited to) allowing a temporary adult guardian to reside in the unit until a court-appointed guardian is established.

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

12. What to do if an identified household member is incorrectly reported to be deceased:

There are very few instances when an error has been made in the SSA's Death Match File (DMF), where an individual is reported as deceased, but actually living. In the event that a household member is misidentified as deceased on the Deceased Tenants Report, PHAs should immediately notify the individual in writing and advise the individual to contact SSA so that SSA may correct its records. The individual may contact SSA at (800) 772-1213, or visit his/her local SSA office for assistance. Speech and/or hearing impaired individuals may call SSA's toll-free telephone typewriter (TTY) number (800) 325-0778.

The PHA should also provide the individual with his/her section of the EIV Income Report, which shows the death information. PHAs are authorized to provide EIV information only to the individual the information pertains to. The PHA may provide the minor's information to the minor's adult parent or guardian.

Last, PHAs are required to make a note in the tenant file that the individual has been identified as deceased; however, the PHA has confirmed that the individual is actually alive.

Note: Only SSA can correct erroneous death information.

13. Time frame for removal of individual from the Deceased Tenants Report: The individuals that appear on the Deceased Tenants Report are based on current information reported on the form HUD-50058. The Deceased Tenants Report is updated every weekend. A deceased individual will be removed from the report when:

- a. The PHA transmits an updated form HUD-50058, that does not contain the previously identified deceased household member in Section 3 (Family Composition) of the form HUD-50058; or
- b. HUD obtains the updated and corrected information from SSA's DMF.

Example 1: Mr. Jones was listed on the Deceased Tenants Report dated December 3, 2011, with a deceased date of November 20, 2010.

On December 12, 2011, the PHA confirmed that Mr. Jones was actually alive and advised Mr. Jones to visit his local SSA office to have the error corrected. SSA corrected the DMF on December 29, 2011. When HUD conducted computer matching with SSA on January 10, 2012, HUD obtained new SSA data which indicated that Mr. Jones was not deceased. The Deceased Tenants Report was updated on the weekend of January 14, 2012. When the PHA accessed the Deceased Tenants Report on January 16, 2012, Mr. Jones was no longer on the report.

Example 2: Mr. Williams was listed on the Deceased Tenants Report dated December 17, 2011, with a deceased date of June 10, 2009. On January 6, 2012, the PHA confirmed that Mr. Williams was deceased. The PHA then completed and submitted an end of participation (EOP) form HUD-50058 on January 9, 2012. The Deceased Tenants Report was updated on the weekend of January 14, 2012. When the PHA accessed the Deceased Tenants Report on January 16, 2012, Mr. Williams was no longer on the report.

Type of Action and Effective Date to Record on Form HUD-50058: Below prescribes the applicable type of action and effective date the PHA is required to record on form HUD-50058 to report changes of family composition and income. PHAs are required to successfully submit an updated form HUD-50058 to PIC no later than 60 calendar days from the effective date of the action recorded on line 2b of the form HUD-50058 **or** no later than 60 days from the date EIV received the death information, whichever is sooner.

- a. **Deceased Single Member Households.** Once the PHA has confirmed the death of the HOH of a single member household or a household where the surviving household member is the live-in aide, the PHA is required to complete and successfully submit a form HUD-50058 with the following:

Line 2a – Type of Action = 6 (End of Participation)

Line 2b – Effective Date of Action = Date of Death from Deceased Tenants Report, or as noted below. (If date is listed as “N/A”, enter the date of death as confirmed by Obituary, Death Record, or other information obtained or as noted below.)

Section 8 programs: PHAs may list the EOP date as the last day of the month in which the death occurred. The landlord is entitled to receive the full HAP amount for the month in which the tenant death occurred.

Public Housing program: PHAs are required to list the EOP date as of the date on which the family or designee of the deceased tenant’s estate returned the keys and signed a vacate notice; or the date the public housing lease was terminated; or the date the PHA legally regained possession of the unit, whichever occurs first.

- b. **Public Housing Deceased Single Member Households with Unauthorized Occupants in Possession of the Public Housing Unit.** In instances in which there are unauthorized occupants in the public housing unit after the death of the HOH, the PHA must initiate litigation to regain possession of the public housing unit.

To remove the deceased HOH from the Deceased Tenants report in which there is pending litigation to regain possession of the public housing unit, the PHA is required to compete and successfully submit an updated form HUD-50058 to PIC as outlined in below authorized workaround and provide HUD with the below noted documentation

Authorized Workaround:

1. The PHA will submit the following information to HUD Headquarters (HHQ) and a copy to the local HUD field office:
 - a. PHA Certification signed and dated by the Executive Director or designated official on the PHAs letterhead, which states the following:
 - I certify under the penalties of perjury that the attached list of head of household names are deceased, however, the Housing Authority has initiated litigation, which is currently pending, and has prevented the PHA from regaining possession of the public housing unit. I agree to submit an updated form HUD-50058 to PIC, in accordance with HUD guidance, once the PHA has regained possession of the public housing unit or the court has issued a final order.
 - I understand that HUD may request copies of court proceedings filed with the court and agree to furnish such documents and any other documents associated with the pending litigation upon written request of a HUD official.
 - b. A listing of the deceased HOHs in which there is pending litigation, the type of pending litigation (i.e. breach of lease, tenant holding over action, etc.) the date the litigation began and court –assigned case number.
 - PHAs must download the current EIV Deceased Tenants report into Excel (**prior to implementing action item 3 below**) to create the listing of deceased HOHs, however, the PHA **must delete all tenant social security numbers before sending the file to HUD.**
 - Add the following columns to the report and provide the applicable information:
 - Date Litigation Initiated
 - Court-Assigned Case Number
 - Type of Litigation

2. Submissions must be emailed to PIH.RHIIP.TA@HUD.GOV, with a copy to the local HUD office within 60 calendar days of the date the PHA initiated litigation.
3. The PHA will successfully submit an action type 3 (interim reexamination) form HUD-50058 to PIC in which the deceased HOH is removed from family composition and the current HOH information is listed as:
 - a. 3b, last name: Litigation
 - b. 3c, first name: Pending
 - c. 3d, middle initial: leave blank
 - d. 3e, date of birth: list same as initial HOH
 - e. 3g, Sex:, list same as initial HOH
 - f. 3i, citizenship: list same as initial HOH
 - g. 3j, disability: list same as initial HOH
 - h. 3k, race: list same as initial HOH
 - i. 3m, ethnicity: list same as initial HOH
 - j. 3n, social security number: create alternate ID using PIC Tenant ID Management tool
 - k. 3p, Alien registration Number: leave blank
 - l. 3w, former HOH SSN: list SSN of deceased HOH

- c. **Multiple Household Members with Deceased Head of Household – Surviving Adult Household Member.** Once the PHA has confirmed the death of the HOH, the PHA is required to complete and submit a form HUD-50058 with the following:

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.) or other date in accordance with PHA interim reexam policy.

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.

- d. **Multiple Household Members with Deceased Head of Household – with Surviving Minor Household Members.** Once the PHA has confirmed the death of the HOH, the PHA is required to complete and submit a form HUD-50058 with the following:

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.) or other date in accordance with PHA interim reexam policy.

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

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

- e. **Other Household Changes.** If, in scenario B or C above, there is also a change in family income and composition resulting in a change in the family’s total family share and/or unit size, the effective date on line 2b should be the effective date of the new total family share in accordance with PHA-established policies.

14. **Removal of Personal Belongings from Public Housing Unit (Applicable to the Public Housing program only):** Upon notification of the death, either by HUD’s EIV system or a third party, the family or designee of the deceased tenant’s estate should be allotted a minimum of fourteen (14) consecutive days to remove personal belongings from the unit in accordance with the guidance below. This guidance is designed to afford families a reasonable time frame to remove personal belongings from the public housing unit and enable the PHA to prepare the unit, as quickly as possible, for occupancy by the next eligible family in need of affordable housing.

While there is no HUD requirement for the time frame allotted to the family or designee of the deceased tenant’s estate, HUD recommends an allotted time frame of fourteen (14) consecutive days, beginning the day after the date of notification, for the family or designee of the descendant’s estate to remove personal belongings from the public housing unit unless:

1. There is a state or local law which requires a shorter or longer time frame to remove personal belongings. In those instances, the PHA must comply with local and/or state law; or
2. The rent has been paid for the month in which the death occurs, in advance of the date of death. In those instances, the family or designee of the deceased tenant’s estate should be allotted time through the end of the month in which the rent has been paid, or fourteen consecutive days from the date the PHA is notified of the death, whichever is greater.
 - a. Example 1: As of August 1, 2011, Joe Jones has paid rent through August 31, 2011. Mr. Jones died on August 22, 2011, and the PHA is notified of the death by Mr. Jones’ sister on August 23, 2011. The family or designee of the deceased tenant’s estate has until September 6, 2011, to remove personal belongings from the unit, unless state or local landlord laws authorize a shorter or longer time period.

- b. Example 2: As of August 1, 2011, Mary Smith has paid rent through September 30, 2011. Ms. Smith died on August 22, 2011, and the PHA is notified of the death by a 3rd party on August 24, 2011. The family or designee of the deceased tenant's estate has until September 30, 2011, to remove personal belongings from the unit, unless state or local landlord laws authorize a shorter or longer time period.
- c. Example 3: As of August 1, 2011, John Doe has not paid rent for August 2011. Mr. Doe died on August 10, 2011, and the PHA is notified of the death by Mr. Doe's friend on August 12, 2011. The family or designee of the deceased tenant's estate has until August 26, 2011, to remove personal belongings from the unit, unless state or local landlord laws authorize a shorter or longer time period.

PHAs are reminded to comply with local and state established tenant-landlord laws with respect to lease termination, possession of premises upon death and removal of personal belongings from the public housing unit.

15. **Retroactive Repayment of HAP by Owners:** If an owner receives HAP for any month in which the owner is ineligible to receive HAP because of a deceased tenant, the PHA must immediately notify the owner in writing of the ineligible HAP and require the owner to repay the overpayment to the PHA within 30 days. If the owner does not comply, the PHA may deduct the amount due to the PHA from any amounts due to the owner under any other HAP contract. If there is no other HAP contract with the owner, the PHA may seek and obtain additional relief by judicial order or action in accordance with state and local laws.

Example: The Deceased Tenants Report dated December 17, 2011, indicates that Mr. Robert died on March 9, 2011. The landlord/owner is not eligible for HAP in any month following March 2011. The PHA erroneously paid the landlord/owner HAP of \$500 each month during the period of April 2011 through December 2011. The landlord/owner must repay the PHA \$4,500 (\$500 X 9 months).

In instances where a deceased single member household has been deceased for a period greater than one (1) month and the owner received HAP, the PHA may determine that the owner has breached the HAP contract. As such, the PHA may exercise any of its rights and remedies under the HAP contract, or any other available rights and remedies for such breach.

The PHA must notify the owner of such determination, including a brief statement of the reasons for the determination. The notice by the PHA to the owner may require the owner to take corrective action, as verified or determined by the PHA, by a deadline prescribed in the notice.

The PHA's rights and remedies for owner breach of the HAP contract may include recovery of overpayments, suspension of HAP, abatement or other reduction of HAP, termination of HAP, and termination of all HAP contracts. The PHA may seek and obtain additional relief by judicial order or action, including specific performance, other injunctive relief or order for damages.

16. **HUD Recognition of PHAs' Compliance with Effective Use of EIV's Deceased Tenants Report:**

Report: HUD may publicly recognize all PHAs with zero deceased tenants on the report as of December 31st, March 31st, June 30th, and September 30th by publishing the HUD-Designated EIV Stars online at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/rhiip/uivsystem#stars, and distributing this list to the subscribers of the PIH.RHIIP.TA mailing list.

17. **Penalties for Non-Compliance with Use of EIV's Deceased Tenants Report:**

Section 8 Programs: If the PHA overpaid HAP on behalf of a single member deceased household and fails to collect the overpayment from the owner, the PHA is required to reimburse 100 percent of the overpayment to the HCV HAP account from the Administrative Fee Equity account, Central Office Cost Center (COCC) account, or other non-Federal funds. In addition, if such errors impacted any funding baseline determinations, funding for the affected renewal periods may be adjusted.

Note: A PHA cannot reimburse prior year HAP costs with current year HAP funding because the funding carries forward but does not carry back.

HUD will monitor each PHA's Deceased Tenants Report on a quarterly basis and notify affected PHAs of the need to correct deficiencies and provide HUD with documentation of such corrections. PHAs may be subject to monetary sanctions for failure to 1) recover or attempt to recover improper subsidy payments made in error; 2) reimburse the Housing Choice Voucher (HCV) housing assistance payment (HAP) account for any unrecovered HAP overpayment; 3) correct noted deficiencies identified on the Deceased Tenants report in accordance with HUD regulations and/or administrative guidance; or 4) provide HUD-requested documents in response to a HUD notice.

If at any time HUD determines that the PHA has not taken the necessary corrective action(s) within 60 days of the date EIV received the death information, the PHA may be subject to a withholding of its monthly administrative fee each month that the number of single deceased household members is greater than zero.

Public Housing Program: HUD will monitor each PHA's Deceased Tenants Report on a quarterly basis. If at any time HUD determines that the PHA has not taken the necessary corrective action(s) within 60 days of the date EIV received the information, the PHA may be subject to a monetary penalty, as determined by the Assistant Secretary, each month that the number of single deceased household members is greater than zero. HUD may offset the PHA's monthly operating subsidy by the amount of the imposed penalty or require the PHA to pay the amount of the penalty from non-Federal funds, directly to HUD.

For any imposed penalty, HUD will notify the PHA in writing of such penalty and afford the PHA a 30-day period to appeal HUD's decision. Appeals must be postmarked no later than 30 days from the date of the penalty notice and sent by certified mail or carrier service (UPS, FEDEX, DHL, etc.) to:

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Real Estate Assessment Center
 Attention: Nicole Faison
 451 7th Street, SW, Room PCFL1
 Washington, DC 20410

Appeals by fax or email will not be processed. HUD will provide a written response to your appeal request within 30 days of receiving the appeal request.

18. **EIV System Training:** HUD offers free EIV system training via webcast and You Tube videos which can be viewed by staff at any time at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/rhiip/piheivwebcasts. Past and future training opportunities, including training materials are available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/rhiip/training#3. As a condition of initial and continued EIV system access, all system users are required to view HUD Headquarters-provided EIV system training and complete annual *Federal Information Systems Security (ISS) Awareness* training offered online at: <http://iase.disa.mil/eta/index.html#onlinetraining>. Click on the **Federal ISS Awareness (for non-DOD Personnel)** icon to begin and complete the training. This training is not owned by HUD, therefore all inquiries or assistance with this training, must be obtained by visiting: <http://iase.disa.mil/eta/iaetafaq.html#answer6>. Once the individual has completed the online *Federal ISS Awareness* training, s/he must print and retain the certificate of completion, which may be subject to inspection and/or audit.
- EIV system users must self-certify within the EIV system at the log-in page that the training has been completed. Staff is not required to possess a Certificate of Completion for EIV training in order to gain or continue accessing the EIV system, or be certified by the User Administrator on a semi-annual basis.
19. **For inquiries about this notice contact:** your local HUD field office or Nicole Faison of HUD Headquarters' Office of Public and Indian Housing: Real Estate Assessment Center at (202) 475-7963, or via email at PIH.RHIIP.TA@HUD.GOV. Persons with hearing or speech impairments may access the aforementioned number via TTY by calling the Federal Information Relay Service at (800) 877-8339.
20. **Paperwork Reduction Act:** The information collection requirements contained in this Notice have been approved by the Office of Management and Budget (OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3520) and assigned OMB control number(s) 2577-0083. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

/s/

 Sandra B. Henriquez, Assistant Secretary for
 Public and Indian Housing