



PIH.RHIIP.TA Message # 2011-43 Distributed on July 21, 2011

*****This message is applicable to program administrators of the
Public Housing and Housing Choice Voucher Programs *****

Attached is an advance copy of the HUD notice (scheduled for distribution beginning on July 22, 2011) to all Public Housing Agency (PHA) Executive Directors regarding noted deficiencies on the Enterprise Income Verification (EIV) system's Identity Verification Report. Specifically, errors related to:

1. PHA non-submission of a current form HUD-50058 (possible overdue annual reexam); and
2. Error in tenant-reported personally identifiable information (PII), such as surname, date of birth, and/or Social Security Number (SSN)

PHAs are required to certify that their agency has corrected all deficiencies noted on the EIV Identity Verification Report and/or provide HUD with justification for any deficiency which cannot be corrected by no later than **September 20, 2011**, to PIH.ImproperPayments@hud.gov. See page 3 of the attached file. PHAs are reminded to **not** email or fax copies of the form HUD-50058. HUD can review PHA-submitted form HUD-50058s online within HUD systems.

HUD Headquarters will distribute the attached notice to all affected PHAs via email from the PIH.ImproperPayments@hud.gov mailbox. Each PHA with a reported deficiency will receive a second email message which will contain a HUD Headquarters-generated Identity Verification Report (as of June 25, 2011) for the PHA. PHAs may be proactive in addressing deficiencies **now** by accessing their agency's current Identity Verification Report within the EIV system.

For any case in which the PHA has determined that the tenant PII reported on the form HUD-50058 is correct, the PHAs may use the Public and Indian Housing Information Center (PIC) Tenant ID Management tool to create alternate IDs for the affected tenants. However, the PHA is required to provide HUD with the following information:

1. PHA Code;
2. A legible copy of the SSA notice that the tenant PII is correct;
3. The head of household's first and last name; and
4. A copy of the tenant's SSN card (of affected household member)

HUD will accept this information **by secure fax only**: (202) 485-0288. HUD will use this information to resolve the discrepancy with the Social Security Administration (SSA).

For additional information regarding this notice or reduction of improper payments, please contact Nicole Faison via email at PIH.ImproperPayments@HUD.GOV or (202) 475-7963.



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

OFFICE OF PUBLIC AND INDIAN HOUSING
REAL ESTATE ASSESSMENT CENTER

July 22, 2011

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 June 25, 2011 (Quarter 3 of federal fiscal year 2011), 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

Late submission of forms HUD-50058, incorrect or invalid tenant personal identifiers may result in ineligible payments and/or assistance on behalf of the families identified in the attached report. In an effort to mitigate risk associated with improper payments or incorrect family data reported in PIC, the Department requires your agency to take the following actions no later than **September 20, 2011**, which demonstrates that your agency has corrected the identified deficiencies.

Required PHA Actions:

1. Review the attached report (the password to open the file is CITIQ311) and submit an updated form HUD-50058 for any household reported with a *Failed Effective Date Check* error description;
 - a. Ensure that your agency has completed a current annual reexamination of family income.

2. Review the attached report and determine whether the household members' reported PII matches the information provided at the end of the EIV error message or on the tenant-provided documents (i.e. SSN card, state-issued identification card, and/or birth certificate or marriage certificate).
 - a. If the PII reported in PIC matches the PII provided by the family, please provide the required documentation described below.
 - b. If the PII reported in PIC does not match the PII provided by the family, there is likely a PHA data entry or transcription error or tenant information disclosure error. Please submit a revised form HUD-50058 to PIC to correct the error.
 - i. For tenant information disclosure errors, it may be necessary to contact the family to confirm the discrepant PII and obtain current official documentation.
 - ii. Follow HUD guidance outlined on pages 13-16 of PIH Notice 2010-3, to correct information on the form HUD-50058. Make any needed correction to the PII reported on form HUD-50058, and successfully submit the updated form to PIC.
 - c. If the tenant confirms that the PII reported in PIC is correct, refer the family to SSA to have SSA records updated with the correct PII. **Only SSA can correct PII reported in SSA records, upon the written request of the tenant.**
 - i. Obtain and retain a copy of the SSA letter of corrected PII (or current disposition) from the tenant (See attached sample SSA letter).
3. If your agency determines that all household members have not disclosed a valid SSN in accordance with 24 CFR 5.216, and the family is not eligible for assistance, your agency is required to initiate action to terminate assistance and/or tenancy for the entire household, and submit an end of participation (EOP) action in PIC.
 - 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. Submit an EOP no later than 60 days from the effective date of the EOP action.

Required Documentation

1. Do **NOT** email or fax copies of the form HUD-50058 to HUD.

2. For any case in which your agency has determined that the tenant PII reported on the form HUD-50058 is correct, provide HUD with your PHA Code, a legible copy of the SSA notice that the information is correct, the head of household's first and last name, and a copy of the tenant's SSN card, **by fax only:** (202) 485-0288. HUD will use this information to resolve the discrepancy with the Social Security Administration (SSA).
3. By no later than **September 20, 2011**, submit the following certification statement to PIH.ImproperPayments@hud.gov, along with your PHA Code:
 - a. "I certify as of the date of this email message that the agency has corrected all required tenant PII and submitted updated form HUD-50058s to PIC and/or I have provided HUD with the justification and, if applicable, documentation for any uncorrected tenant PII."

The Department requires your agency's continued commitment and dedication to ensure that your available resources, including Federal funds, assist as many eligible families in your community, as possible. In accordance with the Improper Payments Elimination and Recovery Act of 2010 (enacted July 22, 2010), the Department has established a target fiscal year end goal of a 25% reduction in the number of invalid SSNs reported in PIC and improper payments made on behalf of ineligible families due to non-disclosure of a valid SSN.

If your staff has not already done so, they should review the attached PIH Notices (2011-02, 2010-03, 2010-25, and 2010-15), which outline reporting and monitoring requirements and provide guidance to assist your agency with correcting PII and minimizing improper payments on behalf of ineligible families due to non-disclosure of a valid SSN. Technical assistance for effective EIV access and utilization is available through the EIV Coordinators in the local HUD field offices and/or via the EIV_HELP@HUD.GOV mailbox.

For additional information regarding this notice or reduction of improper payments, please contact Nicole Faison via email at PIH.ImproperPayments@HUD.GOV or (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

Sample SSA Letter

*** REC 2011180 103219 HDFE02E0 BA7F CIPQYA6 PQA6 (F-BA7) ***

NUM1 DTE:06/29/11 SSN: - - XC: UNIT:M PG:001

SOCIAL SECURITY ADMINISTRATION
SOCIAL SECURITY NUMBER PRINTOUT

OUR RECORDS INDICATE THAT SOCIAL SECURITY NUMBER - -
IS ASSIGNED TO OI , I R , JO .

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.

Social Security Administration
1670 Pentops Mountain Plaza
Charlottesville, VA 22911



**U.S. Department of Housing & Urban Development
Office of Public and Indian Housing (PIH)
Real Estate Assessment Center (REAC)
Identity Verification Case Review
Documentation Checklist
All PIH Programs**

Public Housing Agencies (PHAs) may use this checklist to ensure complete and accurate documentation is submitted to PIH-REAC to close out identified tenant identity verification cases.

DO NOT SUBMIT FORM HUD-50058s TO HUD! INCLUDE YOUR PHA CODE ON YOUR SUBMISSION.

- Required Certification Statement:** “I certify as of the date of this email message that the agency has corrected all required tenant PII and submitted updated form HUD-50058s to PIC and/or I have provided HUD with the justification and, if applicable, documentation for any uncorrected tenant personally identifiable information (PII).” **Email Certification Statement to:**
PIH.IMPROPERPAYMENTS@HUD.GOV

- For any case in which your agency has determined that the tenant PII reported on the form HUD-50058 is correct, provide HUD with your PHA Code, a legible copy of the SSA notice that the information is correct, the head of household’s first and last name, and a copy of the tenant’s SSN card, **by fax only:** (202) 485-0288. HUD will use this information to resolve the discrepancy with the Social Security Administration (SSA).



**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; Applicants and Participants of Public Housing, Housing Choice Voucher and Project-Based Voucher Programs

Notice PIH 2011-2 (HA)

Issued: January 12, 2011

Expires: January 31, 2012

Cross References: 24 CFR 5.216, 24 CFR 5.218, 24 CFR 5.233, and PIH Notice 2010-03

SUBJECT: Extension: Guidance - Verification of Social Security Numbers (SSNs), Social Security (SS) and Supplemental Security Income (SSI) Benefits

1. **Extension:** This Notice extends Notice PIH-2010-03(HA), same subject, for another year until January 31, 2012.
2. **Purpose:** This Notice explains the procedures public housing agencies 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 assistance programs and during mandatory reexamination of household income, respectively. 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 Determinations in Public and Assistance Housing Programs*, effective January 31, 2010, as published at 74 FR 68924, on December 29, 2009.
3. **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.
4. **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. 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



**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;
Applicants and Participants of Public Housing, Housing
Choice Voucher and Project-Based Voucher Programs

Notice PIH 2010- 3 (HA)

Issued: January 21, 2010

Expires: January 31, 2011

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

SUBJECT: Guidance - Verification of Social Security Numbers (SSNs), Social Security (SS) and Supplemental Security Income (SSI) Benefits

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 assistance programs and during mandatory reexamination of household income. Similar guidance with respect to verification of SS and SSI benefits was issued under Notice PIH-2008-44. 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 Determinations 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. The December 29, 2009, final rule, supersedes the January 27, 2009, final rule, which would have taken effect 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 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) 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 was to afford the Department the opportunity to ensure that the level of benefits provided on behalf of the family was 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. This notice prescribes the procedures and clarifies the requirements for disclosure, documentation and verification of SSNs.

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 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 benefit information on all current participants and household members who have disclosed a valid social security number. HUD makes this information available to administrators of Public Housing and Section 8 programs through the Enterprise Income Verification (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 as of issuance date.

5. **SSN Disclosure:**

In accordance with 24 CFR 5.216, applicants and participants (including each member of the household) are required to disclose his/her 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). 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 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 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.
- 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, 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 law.

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 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:

1. 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:
 - U.S. citizens; or
 - 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).
2. 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.
3. 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:

1. The document is not an original document; or
2. The original document has been altered, mutilated, or not legible; or
3. 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 encouraged to transmit the form HUD-50058 within 30 calendar days of completing the form, to enable HUD to initiate its computer matching efforts. *Note: not applicable to 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**, **Not Verified**, or **Deceased** on the household *Summary Report*. Below is a summary of the action the PHA should 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 16 of this Notice for guidance on how to correct personal identifiers of individuals whose identity verification status is failed.
- c. Not Verified. If an individual's identity verification status is **Not Verified** (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. Deceased. If an individual's identity verification status is **Deceased** (see Exhibit 4 below), this means that SSA's records indicate the person is deceased. The PHA should 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 (single member household), the PHA should complete an End of Participation (EOP) action on form HUD-50058, and discontinue assistance and/or tenancy. If there are remaining household members, update the family composition accordingly, complete an Interim Reexamination action on form HUD-50058, and take any other action in accordance with HUD guidance and PHA-established policies.

See the *Computer Matching Schedule* in Section 14 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.

Once the individual's verification status is classified as **verified**, the PHA should remove and destroy, by no later than the next reexam of family income or composition, the copy of the documentation referenced in Section 6 of this Notice. Paper documentation should be destroyed by either shredding or burning. Electronic documentation should 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: *HUD Information Technology Security Policy*, dated October 1, 2008. The handbook is available online at: <http://www.hud.gov/offices/adm/hudclips/handbooks/admh/2400.25/index.cfm>.

The retention of the aforementioned EIV report in the tenant file is adequate. PHAs are permitted to maintain EIV reports in the tenant file for the duration of tenancy, and no longer than three years from the end of participation date. 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.

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
***-**-0078	David		XX/XX/1971	38	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
***-**-0080	SERGIA		XX/XX/1956	53	Head	Failed

Exhibit 3: Example of an individual with an EIV identity verification status of **Not Verified**.

Household Members						
Member SSN	Member First Name	Member Last Name	Date of Birth	Age	Relationship	Identity Verification Status
***-**-6768	tmls	vo	XX/XX/1968	41	Head	Not Verified
***-**-0194	mzig lzy	mlg	XX/XX/1995	14	Other youth under 18	Not Verified
***-**-4946	lzyrt	mlg	XX/XX/2001	8	Other youth under 18	Not Verified

Exhibit 4: 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
***-**-1165	CLYDE		XX/XX/1932	77	Head	Deceased

9. **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:

- a. Newborn children (these individuals will be issued a SSN upon SSA confirmation of birth)
- b. Noncitizens lawfully present in the U.S. (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 Social Security number to receive general assistance benefits that they already have qualified for)
- c. Noncitizens unlawfully present in the U.S. (these individuals cannot be assigned a SSN)

Citizens and lawfully present noncitizens who state that they have not been assigned a SSN by the SSA, should make such declaration in writing and under penalties of perjury to the PHA. The PHA should maintain the declaration in the tenant file.

PHAs may use the Alternate ID (ALTD ID) generator within the Public and Indian Housing information Center (PIC) to generate a unique identifier for those individuals who do not have or unable to disclose a SSN. Contact the PIC Coach in your local HUD office if you need assistance with PIC.

Once an individual discloses a SSN, the PHA should delete the ALT ID, enter the SSN on line 3n of the form HUD-50058, and transmit the form HUD-50058 to HUD within 30 calendar days of receipt of the SSN.

Note: An individual who has never been issued a SSN card or has lost their SSN card, may 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.

10. **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 assigned SSN, to the family, the participant must disclose the assigned SSN and provide the PHA with the documentation referenced in item 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 may not add the new household member until the family provides such documentation.

When a participant requests to add a new household member, who is under the age of six and does not have an assigned SSN, the participant must disclose the 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, 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 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 should generate an ALT ID as referenced in Section 9 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 family's tenancy or assistance, or both of the entire family.

11. **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 tenancy or assistance, or both of the individual.

- 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, 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 tenancy or assistance, or both of the entire family.

12. **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 EIV ***Income Report*** which displays the current social security benefit amount is third party verification. No additional verification is required by the PHA.

PHAs should **not** submit requests to SSA to verify that a family is **not** receiving social security benefits.

13. **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 should 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, select *What You Can Do Online* and follow the instructions for requesting a *Proof of Income Letter*. 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).

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 should 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 should use the listed gross benefit amount to calculate annual income from social security benefits.

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

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 should contact their local HUD field office to register for access to the EIV system. Information regarding HUD's EIV system is available at: www.hud.gov/offices/pih/programs/ph/rhiip/uivsystem.cfm.

- PHAs are required to print 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 will use the 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 benefit letter. If the tenant is unable to provide the requested document, the PHA should follow the instructions under *Third Party Verification of SS/SSI Benefits of Applicants and Household Members* (see section 13 of this Notice).
- If benefit information is not available in the EIV system, the PHA should follow the instructions under *Third Party Verification of SS/SSI Benefits of Applicants and Household Members* (section 13 of this Notice). **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 by 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. 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. On October 15, 2009, SSA announced that there will be no COLA applied to current SS/SSI benefits. As such, PHAs will simply annualize the current benefit amount for upcoming annual/interim reexams. PHAs are reminded that despite the fact that there will be no COLA in 2010, PHAs are still required to verify current SS/SSI benefits to ensure the most current income information is used to determine annual income from SS/SSI benefits. There could be an increases or decreases to the benefit amount based on income and other household factors. PHAs should follow the guidance outlined in this notice for verifying SS/SSI benefits. These verification procedures will save you time!

HUD-SSA Computer Matching Schedule	
PHA State	Month Matched
AL, FL, GA, ID, IL, KY, MD, MI, MO, ND, NY, VA	January, April, July, October
AR, AZ, CA, CO, CT, MA, MN, MS, MT, NM, OK, OR, PA, RQ, SC, WA, WI	February, May, August, November
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	March, June, September, December

15. 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, 2010, 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, 2010. 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 2010), 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, 2010, 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, 2010. 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.

16. 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. If a family's form HUD-50058 is not successfully submitted to PIC, 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 improve the availability of income information in EIV. This report contains two reports (*Failed SSA Screening Report and Failed EIV Pre-screening Report*), which can help the PHA improve the availability of income information and assist the PHA in identifying tenant personal identifiers that require correction. Below is a summary of how these reports can be beneficial to the PHA.

- Failed SSA Screening Report:** informs the PHA of any tenant whose identity can not be confirmed by the SSA due to incorrect personal identifiers (date of birth, surname, and/or SSN) recorded in section 3 of the form HUD-50058. PHA staff should review this report on a monthly basis, obtain appropriate documentation from the tenant, update section 3 of the form HUD-50058, accordingly, and transmit a revised form HUD-50058 into PIC.
- 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 more than 15 months ago). Staff should review this report on a monthly basis, obtain appropriate documentation from the tenant, update section 3 of the form HUD-50058, accordingly, and transmit a revised form HUD-50058 into PIC. For invalid form HUD-50058s, staff should review the error description and take appropriate action to correct the error and transmit a revised form HUD-50058 into PIC. The PIC Coach within the PHA's designated local HUD office is available to provide assistance.

Below is a summary of EIV failed verification error descriptions, explanations, and corrective actions PHAs should take in order to ensure the availability of social security benefit information in EIV and incorrect tenant personal identifiers are promptly corrected.

Failed Verification Report Error Messages			
	Error Message Description	Explanation	Corrective Action
1	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 is not the same DOB reflected in SSA's records.	Update line 3e of form HUD-50058 with the SSA-provided DOB.
2	SSN is verified; individual is deceased Or SSN is verified;	The tenant's SSN has been verified by SSA and the individual is deceased. If a date follows the error message, this is the date of	Contact tenant's adult family member or next of kin to confirm death. Upon confirmation of death, update family composition

Failed Verification Report Error Messages			
	Error Message Description	Explanation	Corrective Action
	individual is deceased MM/DD/YYYY	death as reflected in SSA records.	accordingly. If a single member deceased household, take appropriate action in accordance with program requirements and PHA-established policies, including termination of HAP contract (Section 8 only) and transmit an End of Participation (EOP) (action type) form HUD-50058. If applicable, recover HAP overpayment from landlord.
3	3 – Surname matched, but DOB did not match NUMIDENT	The date of birth recorded on line 3e of the form HUD-50058 is not the same DOB reflected in SSA's records.	Ask the tenant to provide documentation (birth certificate or state issued identification card) of his/her DOB. Update line 3e of form HUD-50058 with the correct DOB.
4	Verification failed - Date of birth matched, but surname did not match with SSA records or 5 - 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.
5	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 is incorrect. 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.
6	Verification failed –	The tenant is receiving SS/SSI	Request the tenant to provide

Failed Verification Report Error Messages			
	Error Message Description	Explanation	Corrective Action
	SS/ SSI benefits cannot be disclosed due to discrepancy in name	benefits; however, SSA can not disclose the benefit amount because the surname recorded on line 3b of the form HUD-50058 is not the same surname reflected in SSA records.	<p>a current SS/SSI benefit letter.</p> <p>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.</p> <p>Update line 3b of form HUD-50058 with the correct surname.</p>
7	<p>Verification failed - SSN not found in SSA records</p> <p>or</p> <p>1 – SSN is not in file</p> <p>or</p> <p>* The input SSN was not verified</p>	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.	<p>Request original SSN card from tenant.</p> <p>Confirm SSN displayed on the card matches the SSN reported on line 3n of form HUD-50058.</p> <p>If the numbers do not match, make the necessary correction on line 3n of form HUD-50058.</p> <p>For continued SSN failures, notify HUD OIG or other law enforcement agency.</p>
8	<p>Verification failed - SSN not found in SSA records</p> <p>XXXXXXXXXX</p>	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.
9	<p>Verification failed - Surname matched, but date of birth did not match with SSA records</p> <p>MM/DD/YYYY</p>	The date of birth recorded on line 3e of the form HUD-50058 is incorrect. 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.

Note: If the 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.

Failed EIV Pre-screening Report Error Messages			
	Error Message Description	Explanation	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 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.
3	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. An alternate ID should be generated for all household members without an SSN (using the alternate ID Generator Module in PIC).</p> <p>Note: This error message will occur for any individual with a PIC generated ALT ID. If individual is a U.S. Citizen/National or eligible noncitizen, the PHA should 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 ineligible noncitizen on the form HUD-50058), no further action is required by the PHA.</p>
4	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.

17. **For inquiries about this Notice contact:** your local HUD field office or Nicole Faison of HUD Headquarters' Office of Public Housing and Voucher Programs at (202) 402-4267, or via email at PIH.RHIIP.TA@HUD.GOV.
18. **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. 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



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

Special Attention:

Public Housing Agencies; Public
Housing Directors

NOTICE: PIH-2010-25 (HA)

Issued: July 7, 2010

Expires: July 31, 2011

Cross References:

Notice PIH 2007-29(HA)

Notice PIH 2006-24 (HA)

Notice PIH 2006-03 (HA)

Notice PIH 2005-17 (HA)

Subject: Timely Reporting Requirements of the Family Report (form HUD-50058 and form HUD- 50058 MTW) into the Public and Indian Housing Information Center

- 1. Purpose.** The purpose of this Notice is to establish timeframes for **timely** reporting of the form HUD-50058 into the Public and Indian Housing Information Center (PIC), explain PIC modifications and clarify Family Self-Sufficiency (FSS) reporting requirements. The Department places great importance on the data it receives from public housing agencies (PHAs) in PIC. The Department relies on PHAs to submit accurate, complete and **timely** data in order to administer, monitor and report on the management of its rental assistance programs. In order to fully justify its budget requests to Congress, the Department needs full cooperation from all PHAs in meeting their reporting requirements in a timely manner. The data from form HUD-50058 and form HUD-50058 Moving to Work (MTW) also assists the Department in responding to natural disasters and emergencies.
- 2. Applicability.** This Notice applies to PHAs administering Housing Choice Voucher (HCV) programs (including the project-based certificate, project-based voucher and homeownership programs), the Section 8 Moderate Rehabilitation (MR) program, the Public Housing (PH) program and the MTW program. This Notice does not apply to Tribally Designated Housing Entities.
- 3. Timely Reporting.** Prior to this Notice, PHAs were required to submit 100 percent of their Family Reports into PIC for their active program participants (see Notices referenced above); however, there was no deadline established by which to submit these forms. Through this Notice, HUD is establishing a requirement to submit form HUD-50058 and form HUD-50058 MTW in a timely manner. The Department has determined that reports must be submitted no later than **60 calendar days** from the effective date of **any** action recorded on line 2b of the form HUD-50058 or form HUD-50058 MTW. HUD will monitor timeliness of reporting and may sanction a PHA for late reporting. PHAs are also required to submit a form HUD-50058 **each time** the PHA takes an action (particularly an interim reexamination) that corresponds to an applicable code in Section 2a of form HUD-

50058 or form HUD-50058 MTW. Section 2a codes are basically the same on both forms and are as follows:

- 1 = New Admission
- 2 = Annual Reexamination
- 3 = Interim Reexamination
- 4 = Portability Move-in (HCV only)
- 5 = Portability Move-out (HCV only)
- 6 = End of Participation
- 7 = Other Change of Unit
- 8 = Family Self-Sufficiency/Welfare to Work Addendum Only
- 9 = Annual Reexamination Searching (HCV only)
- 10 = Issuance of Voucher (HCV only)
- 11 = Expiration of Voucher (HCV only)
- 12 = Flat Rent Annual Update (non-MTW PH only)
- 13 = Annual HQS Inspection Only (HCV only)
- 14 = Historical Adjustment
- 15 = Void

For an explanation of these codes, you may reference the *Form HUD-50058 Instruction Booklet* available at the following website:

<http://www.hud.gov/utilities/intercept.cfm?/offices/adm/hudclips/forms/files/50058i.pdf>.

4. Other PIC Reporting Issues

A. Issuance of Voucher (action code 10). In the next PIC release scheduled for September 2010, the Department intends to modify the PIC system to prevent (first by warning and then by fatal edit) the submission of an action code 1 (New Admission), action code 2 (Annual Reexamination) when line 12b or 21c = y indicating that the family is moving into a new unit, action code 3 (Interim Reexamination) where line 12b or 21c = y, action code 4 (Portability Move-in) and action code 7 (Change of Unit), without prior submission of a form HUD-50058 or form HUD-50058 MTW with action code 10 (Issuance of Voucher). This will enable the Department to track and monitor a PHA's success rate (number of voucher issuances to achieve leasing). In addition, exception payment standard requests for exception areas under 24 CFR § 982.503(c) will not be approved if the data in PIC on voucher issuance is not available or does not support the request.

B. Family Self-Sufficiency (FSS) Reporting Requirements. This Notice also intends to clarify the reporting requirements for the FSS program. There are three report categories for the FSS Addendum: (1) Enrollment; (2) Progress; and (3) Exit. The PHA must always indicate the type of FSS report by completing item 17b of form HUD-50058 or 23b of form HUD-50058 MTW. FSS reports of all types must also be submitted within **60 days** of the effective date of the FSS action reported in 17c or 23c, respectively. In addition to the Enrollment and Exit reports that are completed at the beginning and end of the family's participation in the FSS program, a Progress Report must be completed at least annually during each family's participation in the FSS program. FSS reports may be included in form HUD-50058 or form HUD-50058

MTW for a family's annual or interim reexamination (action codes 2 and 3). Until further notice, only non-MTW agencies may submit the addendum separately as FSS Addendum Only (action code 8). However, if the FSS report is submitted as part of an annual or interim reexamination, the effective date in line 2b of form HUD-50058 or form HUD-50058 MTW must be the same as the effective date in 17c or 23c, respectively. If the effective date in line 2b of the annual or interim reexamination is not the same as the effective date of 17c, the FSS report **must** be submitted as an action code 8 for non MTW-agencies. When the FSS report is submitted as a FSS Addendum Only, the effective date in 2b must be the same as the date reported in 17c. The following items must be completed as part of each FSS report: 17a or 23a; 17b or 23b and 17c or 23c; 17h or 23h (1) through (6) and 17i or 23i. Items 17k or 23k (1), (2) and (3) (FSS account information) must be completed for the Exit report and all Progress reports. For any part of 17k or 23k where there is no escrow credit to report, enter 0. Please note that reporting for the Welfare to Work (WtW) program is no longer required.

5. **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). 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. The following active information collection contained in this Notice has been approved under OMB Control Number 2577-0083.

6. **Information Contact.** For inquiries about this Notice regarding the HCV or MR programs, please contact Phyllis Smelkinson, Housing Program Specialist, Housing Voucher Management and Operations Division, at (202) 402-4138. For inquiries regarding the PH program, please call Lisa Floyd, Housing Program Specialist, Public Housing Management and Occupancy Division, at 202-402-6275. You may also contact your local PIC Coach.

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



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

SPECIAL ATTENTION OF:

Directors of HUD Regional and Field
Offices of Public Housing;
Public Housing Agencies that
Receive Funds under
Any Public and Indian Housing
Program

NOTICE PIH 2010- 15 (HA)

Issued: May 6, 2010

Expires: May 31, 2011

Cross References:

**Subject: U.S. Department of Housing and Urban Development (HUD) Privacy Protection
Guidance for Third Parties**

- 1) **Purpose:** This notice informs all Public Housing Authorities (PHAs) about their responsibilities for safeguarding personally identifiable information (PII) required by HUD and preventing potential breaches of this sensitive data. HUD is committed to protecting the privacy of individuals' information stored electronically or in paper form, in accordance with federal privacy laws, guidance, and best practices. HUD expects its third party business partners, including Public Housing Authorities, who collect, use, maintain, or disseminate HUD information to protect the privacy of that information in accordance with applicable law.
- 2) **Background:** Section 6 of the Housing Act of 1937, the Privacy Act of 1974, 5 U.S.C. § 552a (Privacy Act), The Freedom of Information Act (FOIA), 5 U.S.C. § 552, and Section 208 of The E-Government Act are the primary federal statutes that limit the disclosure of information about public housing residents and recipients of the Housing Choice Voucher program. In addition, the Housing and Community Development Act of 1987, 42 U.S.C. § 1437d(q)(4), 42 U.S.C. § 1437d (t)(2), 42 U.S.C. § 3543, and the Stewart B. McKinney Homeless Assistance Act of 1988, 42 U.S.C. § 3544, further regulate the treatment of this information.
 - a) General HUD program requirements are set forth in 24 C.F.R. Part 5. Compliance with the Privacy Act and other requirements for grants and contracts is spelled out in 24 C.F.R. § 5.212 which states:
 - i) *Compliance with the Privacy Act.* The collection, maintenance, use, and dissemination of SSNs, EINs, any information derived from SSNs and Employer Identification Numbers (EINs), and income information under this subpart shall be

conducted, to the extent applicable, in compliance with the Privacy Act (5 U.S.C. 552a) and all other provisions of Federal, State, and local law.

- ii) *Privacy Act Notice*. All assistance applicants shall be provided with a Privacy Act notice at the time of application. All participants shall be provided with a Privacy Act notice at each annual income recertification.

The Federal Acquisition Regulation (FAR), 48 C.F. R. Subpart 1524.1, sets forth that compliance with the requirements of the Privacy Act be included in HUD contracts at clause 52.224-2, which provides in part:

...(a) The Contractor agrees to—

- (1) Comply with the Privacy Act of 1974 (the Act) and the agency rules and regulations issued under the Act

Similar language is included in all HUD Grant Agreements requiring the Grantee to comply with the provisions of the Privacy Act of 1974 and the agency rules and regulations issued under the Act. (See Attachments 1 and 2 for the above provisions)

- b) Additional federal guidance on privacy protection is in OMB privacy-related memoranda, including:
 - i) OMB M-01-05, Guidance on Inter-Agency Sharing of Personal Data – Protecting Personal Privacy
 - ii) OMB M-03-22, OMB Guidance for Implementing the Privacy Provisions of the E-Government Act of 2002
 - iii) OMB M-04-26, Personal Use Policies and ? File Sharing? Technology
 - iv) OMB M-05-08, Designation of Senior Agency Officials for Privacy
 - v) OMB M-06-15, Safeguarding Personally Identifiable Information
 - vi) OMB M-06-16, Protection of Sensitive Agency Information
 - vii) OMB M-06-19, Reporting Incidents Involving Personally Identifiable Information and Incorporating the Cost for Security in Agency Information Technology Investments
 - viii) OMB Memo, September 20, 2006, Recommendations for Identity Theft Related Data Breach Notification Guidance
 - ix) OMB M-07-16, Safeguarding Against and Responding to the Breach of Personally Identifiable Information
 - x) OMB M-09-29, FY 2009 Reporting Instructions for the Federal Information Security Management Act and Agency Privacy Management

- c) Definitions

As used in this Notice, the following terms are defined as:

- i) Personally Identifiable Information (PII). Defined in OMB M-07-16 as “. . . information which can be used to distinguish or trace an individual’s identity, such as their name, social security number, biometric records, etc. alone, or when combined with other personal or identifying information which is linked or linkable to a specific individual, such as date and place of birth, mother’s maiden name, etc.”
 - ii) Sensitive Personally Identifiable Information. PII that when lost, compromised or disclosed without authorization could substantially harm an individual. Examples of sensitive PII include social security or driver’s license numbers, medical records, and financial account numbers such as credit or debit card numbers.
- 3) **Guidance on Protecting Sensitive Privacy Information:** The Privacy Act requires that federal agencies maintain only such information about individuals that is relevant and necessary to accomplish its purpose. The Privacy Act also requires that the information be maintained in systems or records – electronic and paper – that have the appropriate administrative, technical, and physical safeguards to protect the information, however current. This responsibility extends to contractors and third party business partners, such as Public Housing Authorities, who are required to maintain such systems of records by HUD.
- a) Contractors and third party business partners should take the following steps to help ensure compliance with these requirements:
 - i) **Limit Collection of PII**
 - (1) Do not collect or maintain sensitive PII without proper authorization. Collect only the PII that is needed for the purposes for which it is collected.
 - ii) **Manage Access to Sensitive PII**
 - (1) Only share or discuss sensitive PII with those personnel who have a need to know for purposes of their work. Challenge anyone who asks for access to sensitive PII for which you are responsible.
 - (2) Do not distribute or release sensitive PII to other employees, contractors, or other third parties unless you are first convinced that the release is authorized, proper and necessary.
 - (3) When discussing sensitive PII on the telephone, confirm that you are speaking to the right person before discussing the information and inform him/her that the discussion will include sensitive PII.
 - (4) Never leave messages containing sensitive PII on voicemail.

- (5) Avoid discussing sensitive PII if there are unauthorized personnel, contractors, or guests in the adjacent cubicles, rooms, or hallways who may overhear your conversations.
- (6) Hold meetings in a secure space (i.e., no unauthorized access or eavesdropping possible) if sensitive PII will be discussed and ensure that the room is secured after the meeting.
- (7) Treat notes and minutes from such meetings as confidential unless you can verify that they do not contain sensitive PII.
- (8) Record the date, time, place, subject, chairperson, and attendees at any meeting involving sensitive PII.

iii) Protect Hard Copy and Electronic Files Containing Sensitive PII

- (1) Clearly label all files containing sensitive PII by placing appropriate physical labels on all documents, removable media such as thumb drives, information systems, and application. Examples of appropriate labels might include ? For Official Use Only? or ? For (Name of Individual/Program Office) Use Only. ?
- (2) Lock up all hard copy files containing sensitive PII in secured file cabinets and do not leave unattended.
- (3) Protect all media (e.g., thumb drives, CDs, etc.,) that contain sensitive PII and do not leave unattended. This information should be maintained either in secured file cabinets or in computers that have been secured.
- (4) Keep accurate records of where PII is stored, used, and maintained.
- (5) Periodically audit all sensitive PII holdings to make sure that all such information can be readily located.
- (6) Secure digital copies of files containing sensitive PII. Protections include encryption, implementing enhanced authentication mechanisms such as two-factor authentication and limiting the number of people allowed access to the files.
- (7) Store sensitive PII only on workstations that can be secured, such as workstations located in areas that have restricted physical access.

iv) Protecting Electronic Transmissions of Sensitive PII via fax, email, etc.

- (1) When faxing sensitive PII, use the date stamp function, confirm the fax number, verify that the intended recipient is available, and confirm that he/she has received the fax. Ensure that none of the transmission is stored in memory on the fax

machine, that the fax is in a controlled area, and that all paper waste is disposed of properly (e.g., shredded). When possible, use a fax machine that uses a secure transmission line.

- (2) Before faxing PII, coordinate with the recipient so that the PII will not be left unattended on the receiving end.
- (3) When faxing sensitive PII, use only individually-controlled fax machines, not central receiving centers.
- (4) Do not transmit sensitive PII via an unsecured information system (e.g., electronic mail, Internet, or electronic bulletin board) without first encrypting the information.
- (5) When sending sensitive PII via email, make sure both the message and any attachments are encrypted.
- (6) Do not place PII on shared drives, multi-access calendars, the Intranet, or the Internet.

v) Protecting Hard Copy Transmissions of Files Containing Sensitive PII

- (1) Do not remove records about individuals with sensitive PII from facilities where HUD information is authorized to be stored and used unless approval is first obtained from a supervisor. Sufficient justification, as well as evidence of information security, must be presented.
- (2) Do not use interoffice or translucent envelopes to mail sensitive PII. Use sealable opaque solid envelopes. Mark the envelope to the person's attention.
- (3) When using the U.S. postal service to deliver information with sensitive PII, double-wrap the documents (e.g., use two envelopes – one inside the other) and mark only the inside envelope as confidential with the statement ? To Be Opened By Addressee Only.?

vi) Records Management, Retention and Disposition

- (1) Follow records management laws, regulations, and policies applicable within your jurisdiction.
- (2) Ensure all Public Housing Authority locations and all entities acting on behalf of the Authority are managing records in accordance with applicable laws, regulations, and policies.
- (3) Include records management practices as part of any scheduled oversight protocols.
- (4) Do not maintain records longer than required.
- (5) Destroy records after retention requirements are met.
- (6) Dispose of sensitive PII appropriately – use cross-cut shredders or burn bags for hard copy records and permanently erase (not just delete) electronic records.

vii) Incident Response

- (1) Supervisors should ensure that all personnel are familiar with reporting procedures.
- (2) Promptly report all suspected compromises of sensitive PII related to HUD programs and projects to HUD's National Help Desk at 1-888-297-8689.

- 4) **Information Contact.** Inquiries about this notice should be directed to Donna Robinson-Staton in the Office of the Chief Information Officer, at 708-5495 ext. 8073.
- 5) **Paperwork Reduction Act.** The information collection described in this Notice has been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C 3520). In accordance with the PRA, 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