

Housing



BULLETIN

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AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING

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HUD Management Update

This edition of the HUD Management Update features hot topics and new releases, technology and systems updates, tidbits from the latest TRACS Industry meeting, and a compilation of other recent releases.

Specifics of what you will find include the 2009 OCAFs; new Social Security cost of living adjustments; latest information on model leases; a new final rule on Pet Ownership in Senior Housing; and a new rule - including yet another new lease addendum (and a certification form)- for implementing the Violence Against Women Act (VAWA); rescheduling of the next comprehensive EIV training, expectations for when EIV will become mandatory, initial implementation of TRACS 202C and iMAX coming in December; and recent notices including economic incentives exclusion, Section 202 operating cost standard, new Section 202 development and selection policies, fair market rents; REAC physical inspection resources; and more. Fact Sheets offer expanded coverage of certain topics here, too.

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HOT TOPICS and RECENT RELEASES:

Operational Cost Adjustment Factors Now Available

Operational Cost Adjustment Factors (OCAFs) are annual factors used to adjust Section 8 rents renewed “subject to annual appropriations” under MAHRA. The 2009 OCAFS were published in the Federal Register on November 10, 2008, and do not go into effect until February 11, 2009. The U.S. average OCAF is 4.3%. The state-level OCAFs can be found online at <http://edocket.access.gpo.gov/2008/pdf/E8-26655.pdf>

Social Security Administration Announces Cost of Living Increase for 2009

The Social Security Administration (SSA) announced that for 2009, Social Security and Supplemental Security Income beneficiaries will receive a 5.8 percent benefit increase -- the largest since 1982. For more details see <http://www.ssa.gov/cola/>

Are You Using the Right Version of the Model Lease?

There has been a lot going on this year behind the scenes regarding use of new, minimally revised model leases and use of OMB approval numbers or not. In an effort to provide up-to-date and comprehensive information, HUD posted a new “Question and Answer” document and a table showing which version(s) of the lease should be used in which circumstances at <http://www.hud.gov/offices/hsg/mfh/rhiip/mfhrhiip.cfm>.

Or go directly to the new “HUD Model Leases Questions and Answers” at <http://www.hud.gov/offices/hsg/mfh/rhiip/qnaonmodelleases.pdf> and the matrix “What Lease do I use?” at <http://www.hud.gov/offices/hsg/mfh/rhiip/whichlease.pdf>.

Violence Against Women Act (VAWA) Notice Requires New Lease Addendum, Includes New Self-Certification Form

Notice H 08-07, *Implementation of the Violence Against Women and Justice Department Reauthorization Act (VAWA) of 2005 for the Multifamily Project-Based Section 8 Housing Assistance Payments Program* was issued on September 30, 2008, and provides guidance on implementation of VAWA by owners and management agents administering one of Multifamily Housing’s project-based Section 8 programs¹

VAWA provides legal protections to victims of domestic violence, dating violence or stalking. These protections prohibit O/As from evicting or terminating assistance from individuals being assisted under a project-based Section 8 program if the asserted grounds for such action is an instance of domestic violence, dating violence or stalking.

VAWA provides that O/As may request a tenant to certify that he/she is a victim of domestic violence, dating violence or stalking and that the incidence(s) of threatened or actual abuse are bona fide in determining whether the protections afforded under the VAWA are applicable.

This Notice also transmits the HUD-approved Lease Addendum (Form HUD-91067) (Attachment 2) for use with the applicable HUD model lease for the covered project-based Section 8 program. This addendum revises the lease to reflect the statutory requirements of the VAWA that are related to the project-based Section 8 assistance programs. While more guidance may be made available in the future, HUD staff indicated during the recent TRACS Industry meeting (held October 22 and 23) that **owner/agents are expected to use the lease addendum immediately for all residents and to implement the new addendums with existing residents as expeditiously as possible.** and is now posted on HUDCLIPS at: <http://www.hud.gov/offices/adm/hudclips/notices/hsg/files/08-07HSGN.doc>.

In addition to the Notice, the new forms were also recently posted to HUDClips:

- Form HUD-91066, [Certification of Domestic Violence, Dating Violence or Stalking](#) Certification of Domestic Violence, Dating violence or Stalking

¹ technically, 202/PRAC, 811/PRAC and other non-Section 8 programs are not included, but owners could opt to utilize these provisions if they choose

- Form HUD-91067, [Lease Addendum – Violence Against Women and Justice Department Reauthorization Act of 2005](#)

According to a recent RHIIP Tip, it is important to note that VAWA applies to all Section 8 programs regardless of whether a specific reference to a program is included in the Notice. The Applicability section of the Notice will be revised to clarify this and include additional programs

Notify Residents: Social Security Numbers To Be Required for ALL Family Members

According to a recent RHIIP Tip, a final rule is expected out shortly that will require documentation of Social Security numbers for all family members. This is part of HUD's Proposed Rule on Upfront Income Verification (UIV) published last year. The current rule provides that family members age 6 and older must document Social Security numbers or certify that they've never had a Social Security number.

Once the Final Rule is in effect, applicants will be required to disclose and provide verification of the social security number for all members of their household before they can be admitted. Current residents will be required to disclose and provide verification of social security numbers for all members of their household, where disclosure and verification has not occurred, at the time of their next interim or annual recertification.

Owners and management agents are encouraged to begin informing applicants and residents who have not disclosed their social security number, or the social security number of a child under the age of 6, or who have certified they do not have a social security number, of this upcoming revision to the regulations and their need to begin the process of obtaining a social security number.

Pet Ownership Final Rule Conforms Language, Permits Owners to Have Policies Concerning Assistance Animals

HUD published a final rule conforming pet ownership requirements in HUD-assisted public housing and multifamily housing for the elderly and persons with disabilities. The final rule excludes assistance animals from pet ownership requirements, removes the training and tenant certification requirements in order for an animal to qualify for the exclusion, and it also clarifies certain understandings and practices and authorized owners to have assistance animal policies.

The final rule was published in the Federal Register on October 27, 2008 and goes into effect on November 26, 2008. The final rule can be found at <http://edocket.access.gpo.gov/2008/pdf/E8-25474.pdf> and a new AAHSA fact sheet entitled “Assistance Animal Policies and Pet Ownership Requirements” can be found at <http://www.aahsa.org/article.aspx?id=3462>

TECHNOLOGY and SYSTEMS UPDATES

EIV Training Rescheduled; Mandatory Use Requirement Approaches

Webcast: A new training date has been announced for Dec 16 and 17, 2008. This was the earliest possible reschedule opportunity for the much-touted and abruptly cancelled webcast training planned for earlier this year. HUD staff apologized for the proximity to the holidays, but point out that the webcast will be archived and available for review online shortly following the actual broadcast.

Model Policy and Procedure: Hopefully all AAHSA members have by now obtained the right to access and established user and coordinator authorizations necessary for use of the online Enterprise Income Verification program. If you are not already using the system, you still have some time to develop the required use policies and system security measures. Candi Atkins has developed a sample EIV policy and procedures document, available at <http://www.aahsa.org/article.aspx?id=3462>

The final rule requiring use of EIV system use is expected to be published around the end of the year, with up to 6 months for full implementation at the site, meaning mandatory use requirement will likely go into effect by summer 2009.

For more information on EIV issues, see the HUD Multifamily EIV homepage at <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm>.

TRACS 202C and iMAX Are (Finally) Here!! Are You Ready?

Presumably your TRACS software provider has already been communicating lots of detail on changes that are coming to your site-based Tenant Rental Assistance Certification System software and the method by which you will be transmitting tenant certifications and requests for payment of subsidy vouchers, etc. However, here are the highlights:

iMAX implementation will begin December 1, 2008 and implementation must be complete no later than February 28, 2009. Contract administrators may establish a owner submission deadline a few days earlier, in order to complete review and the transmission in a common format before the Feb 28 end date.

TRACS 2.0.2.C implementation will begin December 1, 2008 and implementation must be complete no later than March 31, 2009. Between December 1, 2008 and March 31, 2009, TRACS will accept both 2.0.2 B and 2.0.2.C files (this is referred to as “dual tracking”). Contract administrators may again establish a deadline as early as March 20 for owner submissions in order to complete the review and transmission before the March 31 end date.

And here are some of the new TRACS 202C documents posted on HUDClips as of Nov 6

- Form HUD-50059-A: Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures - Partial Certification at <http://www.hud.gov/offices/adm/hudclips/forms/files/50059-a.pdf>

- Form HUD-52670-A Part 3: Adjustment to Schedule of Tenant Assistance Payments Due at <http://www.hud.gov/offices/adm/hudclips/forms/files/52670a-3.pdf>
- Form HUD-52670-A Part 4: Misc. Accounting Requests for Schedule of Tenant Assistance Payments Due at <http://www.hud.gov/offices/adm/hudclips/forms/files/52670a-4.pdf>
- Form HUD-52670-A Part 5: Approved Special Claims for Schedule of Tenant Assistance Payments Due at <http://www.hud.gov/offices/adm/hudclips/forms/files/52670a-5.pdf>

We have developed a new fact sheet with lots of information and links to several resources for finding out more about the changes. Check out AAHSA fact sheet “TRACS 202 and iMAX” at <http://www.aahsa.org/article.aspx?id=3462>.

Non-citizen Eligibility (SAVE) Verifications Now Web-based Only

When a non-citizen applicant/resident - under 62 years of age - claims eligible status, owner/agents are required to verify their eligibility for all Section 8 programs using the Systematic Alien Verification for Entitlement Program (SAVE). (AAHSA Note: This does not apply to PACs, PRACs or 221(d)(3) BMIR properties)

Starting October 1, 2008, access to the SAVE Program administered by the Department of Homeland Security to verify the immigration status of non-citizens applicants/residents under age 62 was restricted solely to the web-based system. All users who had been accessing the SAVE Program through alternate methods (referred to as PC – 1 and PC – 2) must register with the Department of Housing and Urban Development for an ID and temporary password to the web-based SAVE.

Users of the SAVE Program for Multi-family’s Rental Assistance Programs (Section 8, 202/8, 236) should contact Kevin Garner at Kevin.X.Garner@HUD.gov. For general technical information, please call the Department of Homeland Security, Technical Assistance line at: 800-741-5023.

UPDATES and OTHER TIDBITS FROM THE OCTOBER TRACS Industry Meeting

APPS/2530/Previous Participation: A presentation was made by Bill Hill, the Director of the Office of Policy and Participation Standards, regarding the status of the online Previous Participation filings via the Automated Previous Participation System (APPS), including an outline of the ten (10) most common errors and omissions made during APPS data entry, which can be found at <http://www.hud.gov/offices/hsg/mfh/trx/meet/2008tenerrors.pdf>

Mr. Hill also discussed recent clarifications regarding organization roles – and required disclosure thresholds - <http://www.hud.gov/offices/hsg/mfh/trx/meet/2008orgtypes.pdf>. For more on the status of paper vs. electronic, new HUD staffers involved with APPS, and the timing/functions of the MPRC (multifamily performance review committee) – go to <http://www.hud.gov/offices/hsg/mfh/trx/meet/2008appsupdate.pdf>

Translated leases: HUD’s contractor is in the process of translating the leases into Ethiopian. And the remaining 12 leases are supposed to be completed by the end of January, and should be posted online shortly thereafter.

VA/Disability Benefits to be Excluded from Income: The definition of annual income has been amended to exclude VA disability benefits that are lump sum or monthly amounts. HUD staff are getting a rule ready and working on developing a notice. Look for the new rule early in the new year.

OTHER RECENT RELEASES

In case you haven't already seen them, following are a number of recent postings and notices, which have been covered previously in other communications vehicles (such as the *AAHSA Housing Report*, *AAHSA This Week* and/or the Housing Management listserv), but not yet in a *HUD Mgmt. Update*:

Notice Formally Excludes Economic Incentives from HUD Rental Assistance Calculations

Notice H 08-05 formalizes the exclusion of the Economic Stimulus payments (tax rebates) received by applicants for assisted housing and by tenants participating in HUD's rental assistance programs from all purposes of determining eligibility and rent. Read the notice at <http://www.hudclips.org/notices/hsg/files/08-05HSGN.doc>

HUD Posts New Operating Cost Standards for Section 202/811 Programs

The U.S. Department of Housing and Urban Development (HUD) updated Operating Cost Standards, which are used for calculating the annual per person/per unit amount of a Project Rental Assistance Contract (PRAC) when making Fiscal Year 2008 subsidy fund reservations for Capital Advance applications under the Section 202 and 811 programs. As in previous years, the reservations are being made for 3 instead of 5 years, and calculated based on 75 percent instead of 100 percent of the current OCS for approved units. Access the notice at <http://www.aahsa.org/article.aspx?id=5252>.

Notice Addresses Changes to Application and Section for FY2008 Section 202 and 811 Capital Advance Programs

Notice H 08-06, a 159-page document, outlines changes to the FY08 Section 202/811 application and selection process, including rating changes and electronic submission details, and includes a change to allow for the submission of mixed financed proposal for the development of additional units after the announcement of receiving funding. Find the notice at <http://www.hud.gov/offices/adm/hudclips/notices/hsg/files/08-06HSGN.pdf> or <http://www.aahsa.org/tag-single.aspx?id=908>

HUD Conforms Rule Regarding Section 8 Assistance and Disabled Students

The August 21 Federal Register featured an article from the Department of Housing and Urban Development which made a conforming amendment to a regulation by HUD that restricts individuals enrolled in an institution of higher education and who meet certain other requirements, from receiving assistance under section 8 of the U.S. Housing Act of 1937.

The regulation was enacted by HUD in 2005 and was then amended to exempt from the restriction

students with disabilities who were receiving section 8 assistance as of November 30, 2005. To read the FR article, go to <http://edocket.access.gpo.gov/2008/pdf/E8-19435.pdf>

REAC Posts Physical Inspection Scores by State; New Appeals Resource

Access updated Department of Housing and Urban Development (HUD) REAC Physical Inspection data for the last three Physical Inspection Scores for Multifamily Housing's portfolio. The physical inspection score data organized by project and by state can be downloaded as a Microsoft Excel spreadsheet or in a Portable Document Format at <http://www.aahsa.org/article.aspx?id=5280>

HUD has posted an appeals fact sheet of their own making which is particularly useful for the level of detail and examples provided for successful and unsuccessful appeal. It also modifies the appeal deadlines, specifying that appeals must be filed AND RECEIVED by REAC no more than 30 days from release of the electronic report. Find the new HUD fact sheet at <http://www.hud.gov/offices/reac/products/pass/PDFs/guidelines-adj.pdf>.

New Rent and Income Monitoring Guide Now Available

A new "Rent and Income Determination Quality Control Monitoring Guide" is now available for use by those doing Management and Occupancy Reviews, as well as those who will be on the receiving end of the MOR. The guide has been updated to be current with 4350.3 Change 2, has added monitoring issues related to EIV, and includes updated forms references, updated information about procedural changes, too. The 172 page guide is available at <http://www.hud.gov/offices/hsg/mfh/rhiip/qcguide.pdf>

FY09 Fair Market Rents Now Available

FY 2009 Fair Market Rents announced. See Federal Register, 9/29/08, pp. 56637-98 or <http://www.huduser.org/datasets/fmr.html>

AAHSA Housing-Management Listserv Offers Vast Resources –Members Like YOU!

The AAHSA Housing Management listserv is a terrific way to network and share information with fellow members around the country. Please note that there is a change in the listserv address. Be sure to use the following address housing-management@lyris.aahsa.org. Please invite your friends and interested staffers to join the group. They can send an e-mail to join-housing-management@lyris.aahsa.org to get started.

The latest preceding AAHSA Housing Bulletin is dated July 2008, with additional updates provided in the intervening e-newsletters "AAHSA Housing Report" monthly and "AAHSA This Week".

For more immediate operational alerts, and to leverage member experiences/resources, join your fellow AAHSA- member housing providers on the AAHSA Housing Management listserv at <http://www.aahsa.org/article.aspx?id=988>

For more information on these and other HUD management issues, contact Colleen Bloom, AAHSA Associate Director for Housing Operations, at (202) 508-9483 or cbloom@aaahsa.org.