

**PIH HOTMA Section 102 and 104 Implementation FAQs for PHAs**  
**February 22, 2024**

**Q1: Must PHAs stop enrolling families into the Earned Income Disregard (EID) on January 1, 2024 (regardless of the PHA's HOTMA compliance date)?**

**A1:** Yes. As the preamble to the HOTMA Final Rule states, "HOTMA...removed the statutory authority for EID, so HUD cannot retain the disallowance once the statutory change is in effect, which will be upon the effective date of this final rule." Therefore, the EID will not apply to any family that was not eligible for and already participating in the disallowance as of December 31, 2023 (pursuant to 24 CFR 5.617 and 24 CFR 960.255 of the HOTMA final rule). Further, PHAs are able to stop enrolling families in EID before transitioning to HIP.

**Q2: Can a PHA transition to HOTMA requirements prior to migrating to HIP using the revised Form HUD-50058?**

**A2:** No, except for a few exceptions discussed in Q3 below. Currently, the majority of HOTMA policies cannot be implemented until the Housing Information Portal (HIP) is ready. [Notice PIH 2023-27](#) indicates that PHAs must select a HOTMA compliance date based on when their software is able to submit to HIP.

**Q3: Which policies from PIH Notice 2023-27 may a PHA implement before they migrate to the Housing Information Portal (HIP) with the ability to submit the revised HUD-50058?**

**A3:** The following HOTMA policies may be implemented now. HUD has determined that these policies are not dependent on systems and easily isolated from other HOTMA policy changes.

- **Consent Form.** Section J.1 (24 CFR 5.230) of Notice PIH 2023-27 (Authorization for the Release of Information (Forms HUD-9886-A) provides that PHAs may begin having families sign the new HUD-9886-A on January 1, 2024.
- **Safe Harbor Income Verifications.** Section J.4 (24 CFR 5.609(c)(3)) of Notice PIH 2023-27 allows PHAs to use income determinations from other means-tested federal public assistance programs to verify annual income. PHAs that choose to adopt this policy before migrating to HIP must list the annual income from the other program's determination in Section 7 of the HUD-50058 for the Head of Household using the "Other Non-Wage Sources" income code.

Additionally, there are a few new options related to verifications made available by [Notice PIH 2023-27](#) that do not depend on regulatory changes created by HOTMA or HIP availability, and PHAs may begin to take advantage of such policies prior to HOTMA compliance.

- **Verification Hierarchy.**
  - In Section J.5, HUD updated the guidance for Level 4 documentation (Written, Third-Party Verification) to include an original or authentic document generated by a third-party source dated within 120 days of the date received by the PHA.
  - PHAs may accept a statement dated within the appropriate benefit year for fixed income sources (Section J.5).

## PIH HOTMA Section 102 and 104 Implementation FAQs for PHAs

February 22, 2024

- **Verification of Social Security Number (SSN).** In Section J.6, HUD noted that it is adjusting what the Department considers acceptable documentation of SSN under 24 CFR 5.216(g)(1). If the individual is not able to provide documentation of SSN, the PHA may accept a self-certification of SSN along with a third-party document displaying the name of the individual.
- **Zero Income Reviews.** In Section J.8, HUD clarified that PHAs are not required to conduct periodic zero income reviews. HUD also clarified that PHAs may accept self-certification as the highest form of verification for zero income.