

EIV Webcast Questions December 16 and 17, 2008

EIV

1. How do I get to the EIV homepage?

Answer: The EIV home page for Multifamily housing program users can be found at: www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm

2. When will there be another web based training?

Answer: There is another web-based training **tentatively** scheduled for October 21 and 22, 2009.

EIV ACCESS

3. How do I apply for access to EIV?

Answer: How you apply for access to EIV depends on whether you are applying to be an EIV Coordinator or EIV User and whether you are an internal or external user. Instructions for applying for access and the access authorization forms can be downloaded from the EIV Homepage at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivapps.cfm>.

4. If I am using EIV how do I know if I am an EIV Coordinator or an EIV User?

Answer: Whether you are an EIV Coordinator or EIV User depends on the role assigned to you at the time you were given access to EIV.

If you are an EIV Coordinator you would have completed the Coordinator Access Authorization Form (CAAF), requested and received access from the Multifamily EIV Helpdesk, assigned the HSC role to your projects/contracts, and have the administrative rights to provide access to individuals in your organization as EIV Users.

If you are an EIV User you would have completed the User Access Authorization Form (UAAF) and requested and received assignment of the HSU role and projects/contracts from the EIV Coordinator in your organization. You do not have any administrative rights.

5. I have not received any email correspondence (as a coordinator) from HUD? Am I approved?

Answer: Coordinator applicants must submit a Coordinator Access Authorization Form (CAAF) to the Multifamily Helpdesk by fax at: 202-401-7984 or by email at MF_eiv@hud.gov. The CAAF is available on HUD's Multifamily EIV webpage at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivapps.cfm>. If the CAAF passes the WASS validation process, the Multifamily Helpdesk will send the applicant an email notifying the applicant of the following:

1. The applicant's application for Coordinator access has been approved.

2. The EIV “HSC” or “CAC” EIV role has been assigned to the approved Coordinator’s User ID in WASS;
3. The approved Coordinator needs to assign the “HSC” or “CAC” EIV role to the property(ies) or contract(s) listed on his/her approved CAAF and for which he or she has received prior approval from the owner; and
4. The approved Coordinator must complete and submit an electronic CAAF request, within EIV, to HUD’s Multifamily Helpdesk for certification of such contract(s) and/or property(ies) in EIV in order to complete the process for gaining access.

If you submitted your CAAF to the helpdesk, but have yet to receive an email such as the one described above, you can contact them by telephone at 800-767-7588, or by email at MF_eiv@hud.gov to make sure that they have received your information with the correct email address.

6. My password doesn’t work. What do I do?

Answer: Call the Real Estate Assessment Center (REAC) at 1-888-245-4860 for assistance

7. What is a WASS ID number? How do I get one?

Answer: A Web Access Secure System (WASS) ID number is used to log into HUD’s secure systems such as EIV. It begins with an “M” for non-HUD staff. The External (Non-HUD Coordinator/User) instructions for applying for EIV access for Multifamily Housing Programs available at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivapps.cfm> contains instructions beginning on page 4 on how to apply for a WASS ID.

8. How can an existing EIV User get upgraded to an EIV Coordinator? Can a user be a user on six projects and a coordinator on four projects? If a user terminates employment and the coordinator expires the user, does that automatically terminate the user from access to all of the contract/projects?

Answer: The EIV User must first be upgraded to a WASS Coordinator role before they can apply to be an EIV Coordinator. The instructions for upgrading to a WASS Coordinator role can be found beginning on page 4 of the External (Non-HUD Coordinator/User) Instructions for applying for EIV access for Multifamily Housing Programs located at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivapps.cfm>. Once the EIV User has the WASS Coordinator role they will then follow the guidance in the instructions for applying to be an EIV Coordinator.

Yes, an individual can be an EIV User on six projects and/or contracts, and an EIV Coordinator on four projects and/or contracts. However, a person cannot be both an EIV User and an EIV Coordinator on the same project or contract.

Yes, if an EIV User terminates employment and the EIV Coordinator expires the User, the User will no longer have access to the EIV system.

9. If another coordinator recertifies the user, are all the former authorizes reset or does the user have to reapply for certification to each contract/project?

Answer: Yes, all of the former authorizes are reset. No, the user does not have to reapply for certification to each contract/project.

10. How many EIV Coordinators can a management company have?

Answer: In order to be an EIV Coordinator, an individual must be a WASS Coordinator. Although there is no limit on the number of EIV Coordinators an organization can have, the maximum amount of WASS Coordinators per organization is five. Therefore, the maximum number of EIV Coordinators is also five.

11. The EIV Coordinator for our company left their position in August. The new EIV Coordinator is in the process of being approved. During the interim period, several of our EIV Users were due for their quarterly certification. Since we do not have a Coordinator to certify the Users, the Users EIV Access has been terminated. What process do we need to take to get the Users back on line?

Answer: Once the new EIV Coordinator is approved, he/she will be able to recertify the EIV Users whose quarterly certification has expired. The EIV Users will send an electronic UAAF to the EIV Coordinator requesting their projects/contracts be re-certified. It is a good business practice for an organization to have more than one EIV Coordinator so that this situation does not occur.

12. Can a HUD Field Office EIV user determine, simply by looking in EIV, if an O/A has enrolled a particular project or contract in EIV? As the CA, is there a place that we are to go to verify that the O/A has current access to EIV, or are we to just ask the contact if they have access?

Answer: With the release of EIV 9.0 scheduled for September 2009, there will be a report, O/A Cert Report, that will provide users the ability to view the EIV certification status of a contract(s) and/or project(s) that has at least one EIV user with the HSC or HSU role assigned to the contract(s) and/or project(s).

13. How do I recertify my residents? The system is not up!!

Answer: If the EIV system is down, you will not be able to use it as a third party verification source. You will have to use direct written third party verification as described in Section 3 of Chapter 5 of the Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs. However, the EIV system is never down for an extended period of time. If you can delay sending out direct written third party verification requests for a few days, the EIV system will more than likely be functioning again. You can check with the MF Help Desk, to find out the status of the system, and when the system will be up and running again. HUD will also use its Multifamily RHIIP Listserv to post notifications regarding the EIV system. If you have not signed up for the RHIIP Listserv the link is:

<http://www.hud.gov/subscribe/signup.cfm?listname=HMIS.INFO%20Listserv&list=HMIS-INFO-L>

COMPUTER MATCHING AGREEMENTS (CMAs)

14. What is a Computer Matching Agreement (CMA)?

Answer: A CMA is an agreement that federal agencies and states enter into to obtain certain computerized information on individuals. Currently, HUD has a CMA with the Social Security Administration (SSA) to obtain Social Security (SS) income, Supplemental Security Income (SSI), Medicare premium and disability status information, and with the Department of Health and Human Services (HHS) to obtain wage, unemployment insurance (UI) compensation, and new hires (W-4) data from its National Directory of New Hires (NDNH) database. SSA and HHS are the only two federal agencies with which HUD has executed a CMA.

Available on the “Multifamily Housing Program Requirements and Guidance for Using EIV” web page at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/regnguide.cfm>, see the Federal Register Notices: 73 FR 10046, Privacy Act of 1974; Notice of Matching Program Between the Department of Housing and Urban Development (HUD) and the Department of Health and Human Services (HHS): Matching Tenant Data in Assisted Housing Programs <and> 74 FR 10605, Privacy Act of 1974; Notice of a Computer Matching Program Between the Department of Housing and Urban Development (HUD) and the SSA: Matching Tenant Data in Assisted Housing Programs for complete information.

HUD does not have an executed CMA with any state to obtain third party verification information on tenants, and Multifamily (MF) Housing Program administrators cannot enter into CMAs with states for such information.

- 15. Does HUD have plans to renegotiate its CMA with HHS to obtain and re-disclose Temporary Assistance to Needy Families (TANF) information on tenants and pursue a CMA with the Internal Revenue Services (IRS) to obtain and re-disclose tax return information on tenants reporting pension and annuity income information?**

Answer: No. At this time, there are no plans to re-negotiate HUD’s existing CMA or pursue a new CMA with HHS and the IRS, respectively, for these purposes.

SECURITY

- 16. When you log off from the EIV System, it was stated that we should not go back to secure systems but to click the “x”. I have sometimes, accidentally, clicked the “x” and could not get back into secure systems.**

Answer: When a user clicks the “x” in their internet browser, that window is completely closed and a user cannot navigate back to secure systems without reopening their internet browser and opening the secure systems webpage. When a user opens the secure systems webpage, they will need to enter their log in information. Clicking the “x” is the most secure way of exiting secure systems.

- 17. You mentioned that the EIV information cannot be viewed until a signed form HUD-9887 is in the file for each adult household member. If the form HUD-9887 is not signed until the annual recertification process, how can we view EIV information?**

Answer: Form HUD-9887 states:

“Who Must Sign the Consent Form: Each member of your household who is at least 18 years of age and each family head, spouse or co-head, regardless of age, must sign the

consent form at the initial certification and at each recertification. Additional signatures must be obtained from new adult members when they join the household or when members of the household become 18 years of age.”

Form HUD-9887 covers 15 months from the date of signature in order to cover the recertification process. There should be no instance in which an assisted tenant is not covered by a signed form HUD 9887.

By having a tenant sign form HUD-9887, the tenant is providing the O/A his/her consent to obtain income information from certain public agencies. Because of this, the only reports that **cannot** be viewed without a signed form HUD-9887 on the file are the income reports found within EIV.

18. What do we do with the EIV income reports that are in the file folders on properties and the property is sold. Do we pull the reports from all of the files, send for 3rd party verification, and shred the report so that new ownership cannot view the EIV income reports?

Answer: All EIV data/reports remain with the property. The previous O/A is not responsible for removing and destroying any EIV reports. When EIV becomes mandatory on September 30, 2009, the new owner will be required to obtain access to EIV and then destroy the EIV reports in accordance with HUD policies.

19. How many times during the year do users have to complete the Security Awareness Training Questionnaire?

Answer: The Security Awareness Training Questionnaire must be completed at initial access to the system and annually thereafter. This annual period is determined on a 12-month calendar cycle beginning on the user's initial access date.

20. We have external auditors coming in to look at our files. Is it okay to let the auditors view the files if they have EIV information located in them?

Answer: Yes, Independent Auditors (IAs) hired by O/As to perform a financial audit of a project are authorized to view EIV reports for determining the O/As compliance with verifying income and calculating rent as long as the IA follows all of the following criteria:

- They will access NDNH information only within hard copy files and only within the offices of the O/A.
- They will not transmit or transport NDNH information in any form.
- They will not enter NDNH information on any portable media.
- They will sign non-disclosure oaths (or similar documentation) that the NDNH information will be used only for the purpose of the audit, and
- They will not duplicate NDNH information or re-disclose NDNH information to any user not authorized by 435(j)(7) and identified within the CMA.

HUD will be providing a non-disclosure oath (Rules of Behavior) on its Multifamily EIV webpage at <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm> in the near future.

21. Is it permissible for an EIV authorized O/A to run EIV reports, print them, and provide them to staff members at the property? Is it necessary to assign these staff members as EIV users?

Answer: Authorized EIV Coordinators or EIV Users are permitted to run EIV reports, print them out, and provide to staff members at the property who need the reports to perform their job function(s). Staff members who view EIV reports on printouts do not need to be an EIV user. They must, however, be required to sign a Rules of Behavior form that will be available on HUD's Multifamily EIV webpage at <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm> in the near future.

22. Is it permissible to send EIV data/reports to service bureaus?

Answer: Yes, service bureaus are authorized to have access to the EIV system and also view any printed EIV reports. If they do not have access to the EIV system but will be viewing/using EIV reports, they must sign a Rules of Behavior form that will be available on HUD's Multifamily EIV webpage at <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm> in the near future.

EIV MODULES

23. In regard to annual recertifications, when is the best time within the 120 days before the annual recertification effective date to run the EIV reports for the specific tenants?

Answer: The O/A must establish procedures for obtaining and using the EIV reports at the time of initial (not move-in), interim or annual recertification. However, at the start of the recertification process would probably be the best time, or at least prior to the recertification interview.

24. Is the use of EIV only at annual recertification or can it be used during interim recertifications as well?

Answer: Yes, EIV can be used for initial, interim and annual recertifications. EIV can be used at times other than recertification as long as the type of use is defined in the O/A's Policies and Procedures. The type of use must be used consistently among all subsidized tenants at the project. An example of using an EIV report at times other than recertification would be the use of the New Hires Report. An O/A may develop the procedure to check the New Hires Report on a quarterly basis to ensure newly admitted tenants reported income correctly and existing tenants have reported changes in income over \$200 a month.

25. When we begin using EIV and the report modules you have outlined, do we need to outline the reports and their uses in our Tenant Selection Plan?

Answer: The Existing Tenant Search is the only report that must be described in the Tenant Selection Plan. Use of other EIV reports must be described in the O/A's policies and procedures.

26. I was under the impression a HUD-50059 had to be completed and transmitted in order to obtain information about a tenant. However, it was alluded that an applicant can be screened using the EIV system. Is that correct?

Answer: Yes, as a part of the applicant screening process, the Existing Tenant Search may be used to assist the O/A to verify whether or not the applicant or individuals in the applicant's household are receiving HUD rental assistance at another location. This is the only report in EIV that can be run, using a social security number, on an individual that is not a current resident in a property you are associated with. If the O/A decides to use the Existing Tenant Search as part of the applicant screening process, the use of this report must be described in the Tenant Selection Plan.

27. We found some discrepancies in EIV. One had the SSN wrong and the other had the name wrong. These were both wrong in the TRACS system. We corrected these in TRACS and sent the file to them, but when looking in EIV again, these discrepancies were still there. How do we get them corrected?

Answer: Once the corrected information has been transmitted to TRACS, the information will be included in the TRACS file transmitted to EIV for SSA validation. If the information passes the SSA validation, the tenant information will be matched in the next matching cycle and the discrepancies should no longer appear in EIV.

If the tenant information record continues to fail the SSA validation, you should check the tenant data in your TRACS software to ensure extra spaces, a comma, an extra period, etc., are not present. In many instances, items like these cause the information to fail the SSA verification. You may also need to contact your software developer to assist you in resolving the problem. You should make notes in the tenant file of every effort made to correct the discrepant data.

28. Does EIV contain income data on tenants who receive SS retirement benefits, or received prior wages from employers overseas? For example, will the system display a tenant's SS retirement benefits administered by a program in China, or wages from a prior employer based in China?

Answer: No. EIV only contains and displays income information on tenants receiving retirement (SS) or disability (SSI) benefits from federal and State programs administered here in the United States (U.S.), and wage-related income information from employers based in the U.S.

29. If EIV does not contain or display benefit and wage-related information from overseas programs and employers, how can the private owner or management agent (O/A) verify this information with the tenant?

Answer: O/As can request tenants provide a copy of their tax returns to verify benefit and wage-related information from overseas. O/As can institute a policy whereby all tenants will be required to provide a copy of their tax returns to verify income not displayed in EIV or disclosed by the tenant.

30. Can information obtained or derived from EIV be used to verify SS or SSI benefits, employment, and wages of tenants residing in Low Income Housing Tax Credit (LIHTC) or Rural Housing Services (RHS) Section 515 program units?

Answer: No. Since neither the Internal Revenue Service (IRS) nor RHS are party to the CMAs that HUD has with SSA and HHS, O/As cannot use any information obtained or derived from EIV, as this would be a violation of the CMAs.

31. If the O/A cannot use the information obtained or derived from EIV, how does an O/A of a Section 8 and LIHTC property handle the following situation: The O/A recertifies a Section 8 tenant using EIV and discovers that the tenant has unreported income. The O/A is now aware of the unreported income, but cannot use this knowledge for the LIHTC certification process.

Answer: That is correct; the knowledge obtained or derived from EIV cannot be used by the O/A for the LIHTC certification process.

O/As should conduct an interview for the LIHTC certification separate from the interview conducted for the HUD recertification, keeping in mind that they cannot use the knowledge they obtain or derive from EIV for LIHTC certification purposes. O/As cannot conduct separate interviews only for those tenants where EIV has disclosed unreported or under-reported income by a tenant, but must apply this policy consistently for all tenants covered by both the LIHTC and HUD programs. O/As can ask tenants more detailed questions about their income and remind tenants that willful non-disclosure of income is a violation of their lease agreement. Good interview techniques should result in disclosure of all income by tenants for use in the certification processes. See "A Guide to Interviewing for Owners of HUD-Subsidized Multifamily Housing Programs" for conducting a successful interview. This document is located at:

http://www.hud.gov/offices/hsg/mfh/rhijp/casestudy/app_4.pdf.

32. Do the CMAs that HUD has with HHS and SSA permit for the disclosure of benefit and wage-related information on tenants not receiving Section 8, Rental Assistance Payments (RAP), or Rent Supplement at Section 236 and 221(d)(3) BMIR properties?

Answer: Yes. However, there was a period when EIV did not display benefit and wage-related information in EIV for such tenants. With the EIV 8.1 October 24, 2008 Fix Release, benefit and wage-related information, including SS, SSI, wage, UI compensation, and new hires (W-4) information was made available in EIV for tenants not receiving Section 8, Rental Assistance Payments (RAP), or Rent Supplement at Section 236 and 221(d)(3) BMIR properties.

33. SSA has indicated that it will not verify SS and SSI benefits of beneficiaries participating in HUD multifamily housing rental assistance programs, since this information is available in the EIV System. If SSA refuses to provide third party verification of tenant benefits information, how are O/As to verify this information on tenants?

Answer: O/As should first use EIV to determine any SS benefit information reported by SSA. If the tenant agrees with the information reported in EIV, the O/A will use this information for verification and income calculation purposes.

If the tenant reports he/she is receiving SS benefits but no information is reported in EIV, O/As may:

- Accept current SSA benefit or award letters, dated within the last 120 days, from tenants to verify the tenant benefit information. However, in accordance with HUD regulations at 24 CFR 5.659, O/As must document in the tenant file why third party verification was not available; and that is, because SSA is no longer providing third party verification of SS

and SSI benefits on tenants participating in HUD multifamily housing rental assistance programs, unless benefit amounts are under dispute.

- SSA Form 7004 may be used by the tenant, or a person authorized to represent the tenant, to request the tenant's Social Security Earnings Statement, provided the form is signed by the tenant. The tenant may have the benefits statement mailed directly to the O/A to satisfy the independent third party verification requirement.

If the tenant disputes the information in EIV, the guidance in the second bullet above should be followed.

INCOME REPORT

34. In order to show tenant income from third party income sources on the EIV Income Report, what does "passed pre-screening" mean?

Answer: "Passed pre-screening" means the tenant's personal identifier combination (last name, date of birth (DOB), and SSN) was recognized by HUD as a valid tenant record, and thus the tenant record was approved to be sent to SSA for SSA verification of the personal identifiers. If the tenant's personal identifier combination passes the SSA verification, the tenant record is sent to SSA and HHS for computer matching against HUD records. When the match between agencies is complete, the results of the match are reflected on the EIV Income Report for the tenant.

In cases where the tenant "failed pre-screening," the EIV Income Report will not reflect the tenant's income information, because HUD did not recognize the tenant's personal identifier combination as a valid record, and therefore, could not perform the income match with SSA and HHS.

35. Can O/As use the EIV Income Report, alone, to satisfy family income verification requirements in Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*?

Answer: Yes. As the EIV Income Report displays benefit and wage-related income data from independent third-party income sources, the report data can serve as third party verification of family annual household income. EIV data, however, must only be used to verify the employment and income of tenants participating in the following multifamily housing programs:

- Section 8 Project-Based Assistance
- Section 202/8 Direct Loan
- Section 202 Project Assistance Contract (PAC)
- Section 202 Project Rental Assistance Contract (PRAC)
- Section 811 Project Rental Assistance Contract (PRAC)
- Section 236
- Section 236 Rental Assistance Program (RAP)
- Section 221(d)(3) Below-Market Interest Rate (BMIR)
- Section 101 Rent Supplement

In cases where the tenant disputes the benefit and wage-related amounts reflected on the report, the O/A must seek and obtain third party verification of such amounts with the third

party income source, in accordance with the Privacy Act (5 U.S.C. 552a). In these instances the Income Report from EIV cannot be used as the third party verification.

36. If O/As are unable to obtain written third party verification from the third-party income source, how are O/As to accurately determine the family's annual household income?

Answer: To calculate the family's annual household income, O/As should use original, most recent (four to six) pay stubs, original benefit award letter dated within the last 120 days from SSA, etc., in accordance with Chapter 5, Paragraphs 5-13 and 5-17, Determining Income and Calculating Rent, of Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs.

37. If a household member turned 18 years of age, since the last annual re-certification, will that 18-year old household member's income be included on the EIV Income Report?

Answer: Yes. The EIV Income Report will display benefits, wage-related, and disability status information for household members who are 18 years of age or older and who currently receive or previously received benefit and wage-related income the next time the household is scheduled for matching against the SSA and NDNH data.

38. What should O/As do when the tenant reports that he or she is not employed, and has not been employed for two or more years, but the EIV Income Report displays employer and income from wages in EIV?

Answer: O/As must discuss this with the tenant first and then investigate and confirm employer and income amounts on the EIV Income Report; they must contact the third-party income sources listed on the report and request written verification of employer and wage amounts reflected in EIV (24 CFR 5.236). If the O/A has made several attempts to verify the EIV data, however, is unsuccessful in its attempts to verify the income information, the O/A should request the tenant to come into the office and certify that the employer and employment information displayed in EIV is invalid and has been wrongly attributed to his or her personal identifiers (SSN, Last Name, and DOB). The O/A should then advise the tenant to contact the third-party income source(s), and if unsuccessful, contact the State Workforce Agency (SWA) to have that employer or agency remove the invalid income information from his or her records. HUD cannot remove the information from EIV for the tenant. In the meantime, the O/A should use tenant-provided documentation to verify tenant income.

The O/A must note the tenant file, attaching (1) a copy of the letters sent to the third-party income source attempting to verify the EIV information (24 CFR 5.659); (2) a copy of the certification that the tenant signed disputing the employer and income from wages reflected in EIV for the tenant; and (3) documentation to show the O/A advised the tenant to contact the third-party income source, and if unsuccessful, the SWA in his or her State to request the information be removed from his or her record.

39. How can O/As verify tenant employment and wage income with the employer when the employer no longer exists?

Answer: In lieu of obtaining this third party verification, O/As can request tenants to provide a copy of their tax returns reflecting employer and wage information for the tenant. Tenants

must supply information requested by the O/A or HUD in ensuring that assisted tenants pay rents commensurate with their ability to pay, as required by Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs.

- 40. Some O/As are under the impression that they have to count what the tenant received on his or her “pay check” as income in the determination of family annual household income. However, the instructors in the EIV 8.1.1 Instructional Course, conducted via Webcast on December 16-17, 2008, stated O/As are to obtain four to six consecutive pay stubs from the tenant and count the “gross” amount, not the “net” amount of payments received, in the determination of family annual household income. Please clarify.**

***Answer:** HUD regulations require that the gross amount be used when calculating annual income. 24 CFR 5.609(b)(1) states that annual income includes “the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation for personal services.”*

O/As should obtain four to six consecutive “pay stubs” from the tenant, not “paychecks” and count the “gross” amount, not the “net” amount on the pay stub in calculating the family’s annual household income. HUD Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, states, “Owners may not accept pay stubs to document employment income unless the applicant or tenant provides the most recent four to six pay stubs to illustrate variations in hours worked. Actual paychecks or copies of paychecks should never be used to document income because deductions are not shown on the paycheck.”

- 41. If the “Disability” status indicator on the EIV Income Report shows “yes,” are O/As to give the \$400 deduction for disabled families, as required by 24 CFR 5.611 and implemented in Chapter 5, Section 2: Determining Adjusted Income, of Handbook 4350.3 REV-1, without further documentation?**

***Answer:** No. The “Disability” status indicator on the EIV Income Report is not 100 percent accurate and should not be used for determining whether or not a tenant qualifies as disabled for eligibility for the \$400 elderly/disabled household deduction. However, receipt of social security disability benefits is adequate verification of an individual’s disability for some of HUD’s programs. See Chapter 3, paragraph 3-28.B of Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs. Also see Appendix 3: Acceptable Forms of Verification of the Handbook for further guidance on verifying a disability.*

- 42. In future EIV releases, will the EIV Income Report provide more specific information relative to deductions such as Medicare Part D or garnishments from gross benefit payments from SSA?**

***Answer:** No. At this time, it is not anticipated that more specific information relative to deductions from gross benefit payments will be provided on future versions of the EIV Income Report. However, as this is a desirable enhancement, the Department is working to have more specific information displayed on the Report.*

- 43. Will new hires (W-4) data appear on the EIV Income Report before the quarterly wage data?**

Answer: Ideally, yes, but not necessarily. This is because new hires (W-4) and wage (W-2) data for one individual are sent to HHS' NDNH database from two different sources – State Directory of New Hires (SDNH) and SWAs – and employers have different reporting requirements for each. Some states are better about reporting new hires data before wage data than others, which is why, on occasion, O/As will find that new hires data on a tenant is missing, but wage data on that tenant is available on the Report. For complete guidance and new hires and wage reporting requirements, see slides 33-44 of Day Two, Part One of the EIV 8.1.1 Instructional Course, conducted via Webcast, on December 16-17, 2008.

44. Where do O/As go to verify UI compensation income displayed in EIV?

Answer: O/As must contact the SWA to verify UI compensation income displayed in EIV.

45. Will EIV ever display SS/SSI benefit data for tenants receiving such benefits under a different SSN? Some tenants receive benefits under their spouses' SSNs.

Answer: EIV will only display benefits, wage-related, and disability status information associated with the tenant's SSN. Therefore, if the tenant is receiving SS/SSI benefits under another individual's SSN, then EIV will not capture this income information on the reports for that tenant.

46. Is there a way to determine, through EIV, which SWA reported a tenant's quarterly wage data?

Answer: Yes. The EIV Income Report provides address information, including the city and state of where the tenant was reportedly employed and received quarterly wages. Using the employer address information for reported quarterly wages, O/As can investigate the validity of income amounts reflected in EIV.

47. Since EIV does not reflect the Cost-of-Living Adjustment (COLA) for tenant SS/SSI benefit amounts or other increases for the coming year, how should an O/A calculate a tenant's annual benefit amount for the next re-certification period?

Answer: Referenced during the EIV 8.1.1 Instructional Course, conducted via Webcast on December 16-17, 2008, the Housing Notice H-2008-3, Enterprise Income Verification (EIV), Section V. Schedule for Updating EIV Data, D. Social Security Benefits provides complete guidance on how to calculate a tenant SS/SSI benefits in anticipation of the COLA. Housing Notice H-2008-3, Enterprise Income Verification (EIV) is available on the "Multifamily Housing Program Requirements and Guidance for EIV Users" web page at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/reqnguide.cfm>.

INCOME DISCREPANCY REPORT AND CASE STUDIES

48. If there is a discrepancy between the information obtained from written third party verification and EIV, which income verification source should O/As use?

Answer: If there is a discrepancy between the two income verification sources, O/As should use the written verification information obtained from the third party income source.

49. What is the formula for the period of income (POI) and does it ever change?

Answer: The formula for the POI is the 12-month period, starting 15 months prior to the family's annual re-certification date and ending three months prior to the family's annual re-certification date. The formula for the POI never changes; it is constant.

50. Why does Case Study 2 for “Wages” not include income for August of 2007?

Answer: The Case Study for “Wages” does not include income for August 2007 because August 2007 is outside of the POI. Again, when trying to manually calculate or validate discrepancy amounts reflected on the EIV Income Discrepancy Report, O/As must only consider benefit and/or wage-related amounts received during the POI; in this case, the POI is May 01, 2006 thru April 30, 2007. “Examples of Invalid Income Discrepancies” are provided in the comprehensive version of the presentation delivered on Day Two, Part One, of the EIV 8.1.1 Instructional Course, December 16-17, 2008.

51. The three case studies provided with the EIV 8.1.1 Instructional Course, conducted via Webcast on December 16-17, 2008, only covered full-time tenant income; they did not address the effects of seasonal or intermittent wages. Can HUD develop a case study exemplifying how to calculate and resolve income discrepancies for tenants with seasonal or intermittent income?

Answer: Yes. MF Housing Program staff is anticipated to deliver another EIV instructional course via Webcast in October 2009. For the next EIV Webcast, instructors will provide a case study exemplifying tenant income discrepancy resolution when the tenant has seasonal or intermittent employment. In the meantime, O/As may refer to Chapter 5, paragraph 5-5,C, under Methods for Projecting and Calculating Annual Income, of HUD Handbook 4350.3, REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, for guidance on how to estimate anticipated income. This is the first step in determining whether or not discrepancies reflected on the EIV Income Discrepancy Report are valid discrepancies. Please see slides 84-90 of Day Two, Part One for “Examples of Invalid Income Discrepancies.”

RESOLVING TENANT INCOME DISCREPANCIES

52. If the tenant does not dispute the income and discrepancy amounts reflected on the EIV Income Report and Income Discrepancy Report, respectively, does the O/A still have to seek and obtain third party verification of income and discrepancy amounts reflected on the reports?

Answer: No. In this case, the O/A does not need to seek and obtain third party verification of amounts reflected on the reports. The Privacy Act (5 U.S.C. 552a) requires that the income information received from computer matching programs be “investigated” and “confirmed.” Thus, in cases where the O/A has “investigated” the computer matching program information, displayed on the EIV Income Report, by asking the tenant whether the information is true and accurate, and the tenant does not dispute the information on the EIV Income Report, then the tenant has effectively “confirmed” the computer matching program information. The requirement, as established by the Privacy Act, has been satisfied.

53. Is written third party verification necessary, if the tenant disputes the benefit and wage-related amounts reflected on the EIV Income Report?

Answer: Yes. In cases where the tenant disputes the benefit and wage-related amounts reflected on the report, the O/A must seek and obtain third party verification of such amounts with the third party income source, in accordance with the Privacy Act (5 U.S.C. 552a). The Privacy Act provides that program administrators such as O/As must “investigate” and “confirm” the validity of information (contained in EIV) resulting from a computer matching program in order to take any adverse action against the tenant.

54. Can O/As use the EIV Income Report and Income Discrepancy Report in a court eviction proceeding for unreported or underreported tenant income?

Answer: If the subject reports are not accompanied by written independent third party verification and/or the tenant has not “confirmed” the information on the reports as being true and accurate, O/As cannot use the reports in a court eviction proceeding for unreported or underreported tenant income.

55. If a tenant moves out of the unit (“skips”) before unreported or underreported income amounts reflected on the EIV Income Report can be verified with the third party income source, and the O/A has not executed a repayment agreement with the tenant to recover discrepancy amounts due to unreported or underreported tenant income, can the O/A take action to collect subsidies paid in error through a collection agency?

Answer: No. Unless the O/A is able to “confirm” with the third party income source that income amounts reported on the EIV Income Report for the tenant are true and accurate, or the tenant has “confirmed” with the O/A that amounts reflected on the report are true and accurate and a repayment agreement has been executed, O/As cannot take any adverse action against the tenant, in accordance with the Privacy Act (5 U.S.C. 552a).

56. How can O/As, who do not have access to the Tenant Rental Assistance Certification System (TRACS), view what has been transmitted through TRACS?

Answer: O/As who do not have access to TRACS can apply for “Read Only” access to TRACS in order to view the data in TRACS for their tenants. O/As can apply for access to TRACS at:

https://hudapps.hud.gov/public/wass/public/participant/partreg_page.jsp

Otherwise, they should contact their performance based contract administrator (PBCA) or traditional contract administrator (TCA), collectively known as contract administrators (CAs), or their service bureau for transmission information. These entities are responsible for transmitting form HUD-50059 information through TRACS.

57. If we destroy the EIV HHS NDNH portion of the file, and we are attempting to prove fraud for the Office of Inspector General’s (OIG’s) investigation, what are O/As to provide as evidence to the OIG?

Answer: As mentioned during the EIV 8.1.1 Instructional Course, conducted via Webcast on December 16-17, 2008, in pursuing and proving cases of tenant “fraud,” O/As must use the written verification they obtained from the third party income source as evidence of tenant “fraud.” The Privacy Act (5 U.S. C. 552a) prohibits any adverse action be taken against individuals, as a result of information obtained from a computer matching program such as the ones HUD has with SSA and HHS, without investigating and confirming “specific

information relating to an individual that is used as a basis for an adverse action against the individual...”

REPAYMENT AGREEMENTS

58. Can management do anything to pursue fraud besides having tenants pay back the money owed?

Answer: In cases where it can be proven that a tenant committed fraud (knowingly provided inaccurate information), the O/A must follow the procedures set forth in HUD Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, Chapter 8, paragraphs 8-13 through 8-18. The O/A must exercise care not to confuse tenant error with tenant fraud. Once fraud has been substantiated and documented, termination of tenancy for material noncompliance of the lease should be pursued. Once tenancy is terminated the O/A must file a civil action against the tenant for the recovery of improper subsidy payments. In many cases, the O/A should notify their local HUDs Office of Inspector General (OIG).

59. When an O/A creates a correction to account for unreported income, it creates an adjustment on the voucher. O/As are given permission to reverse that adjustment and pay back HUD as the resident pays HUD. Can a CA refuse to pay the OA (allow the OA to adjust the voucher) if the resident refuses to enter into a repayment agreement?

Answer: No, a CA cannot refuse to pay the O/A if the resident refuses to enter into a repayment agreement. The O/A must follow Chapter 8 of Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, for procedures in termination of tenancy as a mean to enforce HUD program requirements.

60. If a resident skips, is the O/A required to try to collect subsidy paid in error via a collection agency?

Answer: No, O/As are not required to hire collection agencies. If applicable, a judicial action may be filed by the O/A to recover overpaid subsidy.

61. The O/A's policy is to check the New Hire Report every other month. When a tenant appears on the New Hires Report, the tenant is contacted to come in to discuss; the tenant calls and sets up a meeting in two weeks, then calls in again and postpones the meeting due to illness; finally the meeting takes place five weeks after the tenant appeared on the New Hire Report. At the meeting the tenant confirms the new job and a letter is sent to obtain third party verification for the income. When the verification comes back the certification is processed and the tenant notified to come in to sign the required paperwork and advised of their new rent. This process takes three months, and it's nearly six months since the date of hire. Since the tenant did not advise the O/A of the change of employment/income on their own, what effective date should we use for the IR? Would it be the date of hire or thirty days later? Are we still required to provide them with a 30 day notice of rent increase?

Answer: In the example provided, the O/A must follow the procedures in Chapter 7, paragraph 7-12.B of HUD Handbook 4350.3 REV-1, Occupancy Requirements of

Subsidized Multifamily Housing Programs, for notifying the tenant that the O/A has learned the tenant has the new job. To determine the effective date of the recertification, see paragraph 7-13. If the tenant does not comply with the provisions of their lease regarding interim recertifications, a 30-day notice is not required since the effective date of the recertification will be retroactive to the first of the month following the date that the action occurred.

- 62. Are there any criteria for a reasonable repayment agreement? For example, is a repayment plan of \$10 per month for 10 years acceptable? What do we do if a resident doesn't pay according to the agreement or if the checks bounce? How many months does the resident have to repay money back?**

Answer: Many O/As have established repayment agreements. They should be reasonable with the expectation that the overpaid subsidy will be recovered in as short a period as possible. Once a repayment agreement has been executed, any default on the part of the tenant to repay the agreed upon amounts owed will be deemed a lease violation and procedures for termination of tenancy should be initiated as described in Chapter 8, paragraph 13 of HUD Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs.

When considering a repayment agreement, if the matter has been referred to the HUD OIG you need to coordinate recovery efforts with the OIG so that any repayment agreements the O/A and tenant enter, or any court action filed, does not circumvent efforts being made by OIG.

- 63. Can we ask a zero-income tenant to show us the contents of their wallet?**

Answer: No, viewing the contents of a tenant's wallet would serve no purpose in establishing annual income. Good interview techniques should result in disclosure of any income received by tenants for use in the certification processes. See Part VIII Special Situation: Zero-Income Families of "A Guide to Interviewing for Owners of HUD-Subsidized Multifamily Housing Programs" for guidance on conducting a successful interview for tenants reporting zero-income. This document is located at http://www.hud.gov/offices/hsg/mfh/rhiip/casestudy/app_4.pdf

- 64. We have a household that moved in during 2005; six total members (two adults & four children); Mr. was and is receiving SS Disability payments. Mrs. didn't report she was employed at move in or any time thereafter. EIV shows she has been employed the entire time. She has earned approximately \$30,000 annually. When we spoke to her about the discrepancy she admitted that she had been working and is still working. If we submit an adjustment or corrected certification over \$15,000 in subsidy will be repaid. The tenant does not have \$15,000 to pay back. If we enter into a repayment agreement with her are we (O/A) expected to pay HUD back all of it at once? Most likely they will skip out and the O/A will incur the loss.**

Also we just discovered that two of the three kids are listed as living with their father at another Section 8 property!

Answer: You will need to verify the correct domicile of the children and for what periods of time. Once verified, factor in corrections on the number of dependents when completing corrective recertifications for the household. In your example, you may go back to 2005 to

determine any rent due from the tenant, as long as the tenant has been assisted during this time period (see the 5-year limitation on the HUD-9887 for requesting information on a tenant). Once the corrected recertifications have been transmitted through TRACS, you should complete a manual adjustment on the HAP voucher to reverse the payment of \$15,000.

You will enter into a repayment agreement with the household and remit payments received from the tenant to HUD in accordance with Chapter 8, paragraph 8-20.B, Owner's Obligation to Repay, of HUD Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs. If the tenant defaults on payments under the repayment agreement, the tenant is in non-compliance with his/her lease and tenancy should be terminated in accordance with Chapter 8 of the Handbook.

DATA RETENTION

65. Can you clarify the EIV retention requirements for income reports?

Answer: HUD is in the process of finalizing negotiations with the Department of Health and Human Services (HHS) for retention of the NDNH employment and income data obtained from the EIV system. HHS has agreed to allow retention of the EIV printed reports for the term of tenancy plus three years after termination of tenancy, the same requirements for retention of social security benefits data received from the SSA. With this change, O/As will no longer need to worry about destroying the EIV printed reports containing NDNH data in the tenant files when the reports are two years old. This change will be incorporated in a revision to Notice 2008-3, Enterprise Income Verification (EIV) System.

66. Do you need to maintain the HHS data for 2 years or can you destroy it as soon as you are done using it? Is an O/A required to keep the information for the indicated period? If an O/A destroys EIV printouts every year, is that OK?

Answer: See the answer to Question 65. HHS data is considered income verification data and is required to be in the tenant file until the retention period has ended.

67. If we destroy the HHS data and put a note in the file with the date destroyed, what will we have if we need to prove fraud? This document would show how we became aware of the income that the resident did not disclose?

Answer: See the answer to Question 65. In addition to the EIV printed reports, the O/A must retain in the tenant file any third party verifications and any tenant supplied documentation such as pay stubs that provide evidence of how rent was calculated for a particular recertification.

68. Is it okay to keep the EIV reports that only contain Social Security information in the tenant file? Social Security information doesn't come from HHS right? We are an elderly project and we will run the reports but most of the tenants are over 80 and don't have any new hire income.

Answer: See the answer to Question 65. Yes, Social Security Benefit data should be retained in the tenant file for the term of tenancy plus three years.

69. After the EIV report is run to verify a tenant's income, what needs to be kept in the tenant's file? Should these files be kept separately and in a locked file cabinet?

Answer: See the answer to Question 65. In addition to retaining the EIV printed reports, the O/A must retain in the tenant file any third party verifications and any tenant supplied documentation such as pay stubs that provide evidence of how rent was calculated for a particular recertification. The tenant files must be stored in a locked, authorized access, filing cabinet.

MONITORING

70. It was stated that EIV access will be terminated if during an MOR it was observed that the Security Awareness Questionnaire is not on file. How do we get the access terminated?

Answer: If appropriate access documentation is not provided, an Observation should be noted on the MOR and the reviewer should e-mail HUD Headquarters immediately to terminate the coordinators and/or users roles in EIV at: mfeiv_alert@hud.gov. When contacting HUD Headquarters by e-mail, be sure to include the following information in your communication:

- Your name, contact information
- The observation
- User's name, contact information, M-ID#
- Project name

Once the project/user has mitigated the observation, e-mail HUD Headquarters referencing the observation and requesting access be restored.

Following is a list of EIV Access documents the O/A must have available during a MOR:

- a. Original approved CAAF and UAAF for users authorized to access EIV for that property.
- b. Current approved CAAF and UAAF for users authorized to access EIV for that property.
- c. Owner Approval Letter(s)
- d. Current completed Security Awareness Training Questionnaire(s)

71. When an MOR is performed by a contract administrator, are they allowed to view the EIV information in the files?

Answer: Yes, contract administrators have full access to tenant files and EIV data. Contract administrators, as well as HUD and O/As, are named on the form HUD-9887, Notice and Consent for the Release of Information.

72. During a MOR, why do we need to obtain the M-ID of the individuals using EIV and how is that obtained?

Answer: The EIV system is in the process of being enhanced to enable HUD/CA to verify the status of a property's M-ID number(s). This will ensure that M-ID numbers have been terminated for those O/A staff at the end of employment or use of EIV data.

73. Will CAs run into trouble for providing EIV verification reports to management during MORs?

Answer: CAs can provide verification reports to O/As without EIV access, but not income reports. Once EIV becomes mandatory and the O/A has obtained EIV access, both verification and income reports will be accessible through the EIV system. Examples of verification reports that can be provided now are:

1. Failed Verification Report
2. Identity Verification Report -Failed Pre-screening Report
3. Deceased Tenants Report
4. Multiple Subsidy Report

74. In addition to your comments on what to do if a file is copied and reviewed off-site (destroy documents, etc), what is your instruction to contract administrators where EIV reports/docs are submitted to the contract administrator as a part of the Management and Occupancy Review response?

Answer: The EIV printouts may be provided to the contract administrator as part of the MOR response because the contract administrator is an authorized entity in the computer matching agreement. EIV reports that are electronically saved must also be destroyed in accordance with the data retention requirements

75. When making findings for EIV, what are the citations for the findings?

Answer: The Rent and Income Determination Quality Control Monitoring Guide for Multifamily Housing Programs posted at: <http://www.hud.gov/offices/hsg/mfh/rhiip/qcguide.pdf> has been updated to include information on monitoring compliance with EIV. Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, and form HUD-9834, Management Review for Multifamily Housing Projects, will be updated in future revisions to include more information on using EIV and O/As compliance.

76. When EIV becomes mandatory, what happens if the O/A is not able to clean up the Failed Verification Report within 30 days? How is this monitored?

*Answer: Once EIV becomes mandatory, review of the Pre-Screening and Failed Verification Reports will be a part of the MOR. Should it be found that an O/A has not addressed the failed tenant records on these reports, it will become a finding on the MOR report. The O/A will have 30 days to respond to this finding; **not** 30 days to clean up the failed tenant records. Once it becomes a finding during an MOR, the corrective action will be monitored in the same manner in which corrective actions relating to other findings are monitored.*

77. We have been receiving notices on our sites requesting certain information in the MOR inspection. Part of this request is for copies of the UAAF and CAAF forms and a copy of owner's letter for authorization of CAAF to be sent to the contract administrator before the MOR.

Since the user and coordinator are not allowed to show/use another users ID, why would these letters be sent to the managers on the properties? Shouldn't these

letters be sent to the coordinator of each property or to the managing agent for them to disclose this information? Otherwise, the CAAF and letter of owner authorization has to be sent under separate cover as the manager may not review this information.

Answer: Letters requesting documentation relating to a MOR are typically sent to the properties established MOR contact, in most cases this would be the site manager. Should the EIV User authorization documentation, such as the CAAFs, UAAFs, owner approval letters and Security Awareness Questionnaires not be maintained at the site, the site manager should forward the request to the appropriate staff of the O/A. It is permissible for an O/A to send to the site manager copies of the EIV authorization documentation for a MOR review. A user's M-ID number is password protected and therefore would not in and of itself permit another user to gain access to any secured system. Passwords must not be shared with other users.

EIV FUNCTIONALITY AND TOOLS/RESOURCES

78. Is the RHIP Listserv Message #55 with respect to O/As and CAs not using the User Maintenance function in EIV still applicable?

Answer: No. The User Maintenance function is no longer available or visible in EIV to O/As or CAs. Thus, the RHIP Listserv Message #55 is no longer applicable to O/As or CAs.

79. Do new versions of the User and User Administration manuals completely replace old versions of manuals or do O/As have to retain them all as reference sources?

Answer: No. It is not necessary to retain old versions of these manuals, since the EIV manuals are updated to include new and delete obsolete functionality with new versions of manuals.

80. Will the EIV system ever show a listing of former residents who have been evicted for fraud, non-payment of rent, or drug activity?

Answer: This functionality is being considered for future releases. MF Housing program users will be notified of upgrades through RHIP Listserv Message and the EIV website located at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm>.

81. What is the name and reference number for the EIV Notice that was referenced during the EIV 8.1.1 Instructional Course, conducted via Webcast, on December 16-17, 2008?

Answer: The name of the EIV Notice is "Enterprise Income Verification System" and the reference number is H-2008-3. The Notice was issued on June 25, 2008 and will expire on June 30, 2009. This Notice is currently under revision. For other EIV-related guidance and reference material, please see the "Multifamily Housing Program Requirements and Guidance for Using EIV" web page at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/reqnquide.cfm>

MISCELLANEOUS

82. We have some mixed families on our properties. One or more household members are legal non-citizens, while there may be one or more household members who are

not (no SSN or Alien Registration #). How will the requirement for SSNs affect mixed families and non-citizens?

83. How do we handle the new social security number requirement in regards to newborn babies entering the household?
84. Will ALL applicants and/or residents (i.e. prorated families) be required to obtain SSNs in order to remain residents or applicants on the waiting lists?
85. How can we do an existing tenant search on children if the SSN isn't required until they are six years old?

Answer to 82, 83, 84, and 85:

These questions all pertain to the Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs; Final Rule, published January 27, 2009. The effective date of the Final Rule was delayed to September 30, 2009. Guidance for these questions will be provided in a Housing Notice implementing the regulatory changes.

The final rule can be found at: <http://edocket.access.gpo.gov/2009/pdf/E9-1248.pdf>. The Final Rule delayed effective date can be found at: <http://edocket.access.gpo.gov/2009/pdf/E9-6942.pdf>