



EIV Policies and Procedures Effective August 1, 2017

Casa De Los Arcos

We do not discriminate on the basis of disability status in the admission or access to, or treatment or employment in, our federally assisted programs and activities. If you are disabled and would like to request an accommodation or if you have difficulty understanding English, please request our assistance and we will ensure that you are provided with meaningful access based on your individual needs.

Federal civil rights laws addressing fair housing prohibit discrimination against applicants or tenants based on one or more of the following classifications: race, color, national origin, sexual orientation, gender identification, disability, religion, and familial status.



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EIV Policies and Procedures

Privacy Act Compliance

- When Coordinators or Users request information through EIV, Tenant data will only be used:
 - 1) As a third party source to assist in the verification of tenant employment and income to determine a household's eligibility for participation in the property's HUD rental assistance program;
 - 2) As a third party source to assist in the verification of tenant employment and income to determine the level of assistance that the household is entitled to receive;
 - 3) To identify and correct prior subsidy overpayments and/or underpayments;
 - 4) For administrative monitoring/quality control during supervision/training of employees who perform tenant certifications; and
 - 5) To determine whether an applicant or current tenant is currently living in another HUD-assisted property.

- The data will not be disclosed in any way that would violate the privacy of the individuals whose data is included in the system.

- The tenant will be notified of the following, via his/her acceptance, by signature, of the HUD-9887 Form, which gives our property permission to verify income data by checking records kept by other government agencies:
 - 1) HUD's and management's authorization to collect income data,
 - 2) The purpose of the data collection and the ways in which the data will be used,
 - 3) Tenant protections and rights, and
 - 4) The consequences of failing to provide the information or consent to data collection.

- During recertification interviews, each tenant will be provided with visual access to records pertaining to him/herself and an opportunity to dispute the contents of the records.
 - 1) A tenant may request assistance during his/her recertification interview. In this case, s/he must sign a release allowing the person(s) assisting (i.e. Service Coordinator, relative, social worker, translator) to view his/her EIV data during the interview process.
 - 2) Management cannot provide copies of any EIV data to any third party, even upon tenant request. However, the tenant may request his/her own EIV data from management. A record showing which EIV data was released to the tenant will be signed and dated by both the tenant and management, and kept in the tenant file. Security of this data then becomes the tenant's responsibility.

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- During the review and tenant discussion of Income Reports and/or Income Discrepancy Reports, the tenant may dispute EIV information. Incorrect EIV information could mean that the tenant has been the victim of identity theft.
 - 1) If a tenant suspects that someone else is using his/her SSN or has otherwise stolen his/her identity, management will advise him/her to:
 - a. Check his/her Social Security records to ensure they're correct, by contacting the Social Security Administration, and
 - b. File an Identity Theft Complaint with the Federal Trade Commission, and
 - c. Request his/her credit reports, monitor credit reports, and place a fraud alert on all credit reports, with the three national credit reporting agencies.
 - 2) Documentation that this advice was provided will be kept in the tenant file.

Assigning Staff Roles and System Access

- Owner/Managing Agent will:
 - 1) Authorize the EIV Coordinator(s).
 - 2) Ensure that all authorized Coordinators and Users are using EIV data in accordance with HUD regulations, and that they are appropriately safeguarding EIV information. This includes but is not limited to ensuring that the Coordinator and/or management are:
 - a. Requiring and documenting that all Coordinators and Users receive EIV training, including security training, prior to using EIV and again at least annually.
 - b. Distributing appropriate updates of user guides, updated HUD requirements and security procedures to EIV Coordinators and Users.
 - c. Recording and reporting improper disclosures in accordance with HUD's improper disclosure procedures.
 - d. Monitoring the use and confidentiality of EIV reports.
 - e. Monitoring the security of EIV data storage areas.
 - f. Monitoring the proper retention and disposal of EIV data.
 - 3) Ensure that there is an on-site EIV file on file at the site, which includes:
 - a. For each Coordinator:
 - Owner authorization letter
 - Initial and current approved Coordinator Access Authorization Form

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b. For each User:

- Initial and current approved User Access Authorization Form

c. Anyone whose job responsibilities require viewing EIV data, but who does not have EIV computer access, must sign and date a Rules of Behavior for Use of EIV Information for Individuals Without Access to the EIV System.

Completion of this ROB will be required before s/he can view EIV data printouts, or files which contain them. A copy of each ROB will be kept in the on-site EIV File.

- d. List of all authorized Coordinators and Users, which will be kept up to date, documenting the dates that authorized Coordinator(s) and User(s) are added and/or removed.
- e. Documentation of all Coordinator and User training, including the name, position and date of the person trained, as well as the type of training received. Property/management company staff who do not have access to EIV but who use EIV reports to perform their jobs are required to complete security training annually.
- f. Current (dated within one year) certificate of completion from the IA (Information Assurance) Cyber Awareness Challenge course for each Coordinator, User and any employee of the property, owner or managing agent who has signed the EIV Rules of Behavior.
- g. This file must be made available upon request for auditing and review purposes.

□ EIV Coordinator(s) will:

- 1) Assign access rights to EIV Users appropriately, based on their job responsibilities at specific sites.
- 2) Ensure that each EIV User has submitted an initial manual UAAF, submitted an online UAAF twice per year for reauthorization purposes, and printed the certificate of completion from the online IA (Information Assurance) Cyber Awareness Challenge course annually.
- 3) Recertify Users and their access to contracts twice annually.
- 4) Recertify him/herself as Coordinator annually.
- 5) Pass the online IA (Information Assurance) Cyber Awareness Challenge course annually and print the certificate of completion.

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- **EIV Users/Coordinators** may, in order to implement the policies outlined in this document, access the EIV system on line, and view/use its data in printed form for the purposes of:
 - 1) Determining whether any member of an applicant household, or person applying to be added to a current household, is currently living in another HUD-assisted property
 - 2) Verifying tenant income in order to determine eligibility for participation in the property's HUD subsidy program(s)
 - 3) Verifying tenant income in order to determine the level of assistance that the household is entitled to receive
 - 4) Identifying and/or correcting identified subsidy payment errors
 - 5) Monitoring the accuracy of the determination of tenant eligibility and/or level of HUD assistance, and that HUD-required procedures are being followed.

Disclosure and Consent for Release of Information

- At Move-In and at each Annual Recertification, management will disclose the following information to the tenant:
 - 1) That management is required by HUD to verify income information used to determine eligibility for subsidy, and the amount of rent the tenant pays,
 - 2) That management may verify information by checking with records kept by public agencies, including the Social Security Administration, state agencies and the Dept. of Health and Human Services' National Directory of New Hires,
 - 3) That management must keep this information in tenant files in a location that ensures confidentiality,
 - 4) That any employee who fails to keep tenant information confidential is subject to the enforcement provisions of the State Privacy Act and enforcement actions by HUD,
 - 5) That any applicant or tenant affected by negligent disclosure or improper use of information may bring civil action for damages and other relief against the employee,
 - 6) That reasonable accommodation will be made for individuals who cannot read and/or sign a consent form due to a disability, in accordance with Section 504 of the Rehabilitation Act of 1973,
 - 7) That tenants who fail to sign individual verification consent forms may have their assistance denied or terminated.

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- These disclosures are provided to tenants by use of the HUD-9887 Consent Form, which must be signed and dated by each household member age 18 and older (as well as by any adjudicated minors, Head, Spouse or Co Head under 18), except for live-in aides.
- A copy of the signed Consent Form must be given to the tenant household, and the original kept in the tenant file, in order for EIV income data for each household member to be used by property management.
- A signed 9887 is not required for access or use of the Existing Tenant Search at the time of application processing and/or tenant screening.
- When a household member attains 18 years of age between Annual Recertifications, s/he must report to management within 14 days or by the time of the next recertification (whichever is earlier) and sign the household's Form HUD-9887 so that the data from the Income Reports for that household member can be used for the family's next recertification. Management will provide written notice of this requirement to each household with a 17-year old member, at the time of any Annual or Interim certification.
- Failure to sign within this timeframe will constitute lease non-compliance, and the household's assistance and/or tenancy may be terminated. This notification requirement will be part of the property's House Rules.
- Each household is provided with an Initial Notice of Recertification at move-in and at each Annual Recertification, as well as a 120-Day Recertification Reminder Notice (and 90-day and 60-day follow-up notices, if needed). These notices include a list of items the household is required to bring to the recertification interview, in order to document income and deductions.
- At each Annual Recertification, each household receives a copy of the "EIV and You" brochure published by HUD. In addition, a copy of the "EIV and You" brochure will be provided to each applicant household as part of the final processing procedure before the family is offered a unit.
 - 1) This brochure is available in several languages, and every attempt will be made to provide it in the recipient's native language, upon request from a person who is limited in English proficiency.
 - 2) If an individual with a handicap or disability requests this brochure in an alternate format (i.e. large print, verbal reading), every attempt will be made to provide it.

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Security Measures and Safeguards

- EIV information will be kept confidential and will only be used for HUD-approved purposes. All EIV data is subject to the provisions of the Federal Privacy Act (5 U.S.C. § 552, as amended by Public Law No. 104- 231, 110 Stat. 3048).

- EIV data will be secured and protected at all times by implementing a variety of safeguards: 1) **Technical Safeguards**, which refer to access to the EIV system, including:
 - a. Each individual with EIV access must have and use only his/her own WASS ID and password. These IDs and passwords must not be shared.
 - b. Coordinator(s) will be certified by HUD at initial access, and be recertified annually to avoid termination of access.
 - c. Coordinator(s) will certify Users at initial access, and twice each year after that to avoid termination of access.
 - d. All Coordinators and Users, as well as employees of the property, owner and/or agent who have signed the Rules of Behavior for Use of EIV Information for Individuals Without Access to the EIV System, will complete the online IA (Information Assurance) CyberAwareness Challenge course at initial access and annually after that.
 - e. Coordinators will ensure that each EIV user (whether accessing EIV data electronically or viewing paper printouts) has a legitimate need to use EIV data for a particular site/contract.
 - f. Coordinators will ensure that an individual Coordinator or User's EIV rights are modified or revoked as needed, based on changes in employment or job responsibilities.
 - g. Coordinators will ensure that all employees of the owner/agent, as well as anyone else needing access to EIV data for job-related purposes who does not have online EIV access, sign and date the Rules of Behavior for Use of EIV Information for Individuals Without Access to the EIV System, prior to viewing any EIV data.

- 2) **Administrative Safeguards**, which refer to the use of EIV data, including:
 - a. Maintaining and following written EIV Policies and Procedures which clarify the timing and use of all EIV reports as well as security procedures.
 - b. When EIV data is destroyed at the end of the file retention period, it will be by shredding, burning or pulverizing.

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- c. All Coordinators and Users will be trained either internally, via external training classes, or a combination of these.
 - Initial training will be completed before or upon the use of the EIV system or its data. This training will include a review of EIV security requirements, how to use EIV data and reports, and the requirements of these Policies and Procedures. This training may take the form of viewing current (within past year) HUD-presented EIV webcasts, review of EIV manuals and HUD policies, and/or audio, webinar or in- person training programs offered by reputable consulting/training organizations.
 - On an annual basis, at a minimum, all authorized Coordinators and Users will review the property's EIV Policies and Procedures, pass the online IA (Information Assurance) CyberAwareness Challenge course and review all updated HUD/EIV requirements.
- d. In addition, all staff (employed by the site or the managing agent) who do not have access to the EIV system on line, but who use EIV reports as part of their jobs and have signed the Special Rules of Behavior, must complete the online IA (Information Assurance) CyberAwareness Challenge course annually.
- e. HUD's Annual Security Training requirement must be met by completing the online IA (Information Assurance) CyberAwareness Challenge course. A current (dated within one year) certificate will be kept in the on-site EIV file.
- f. A log or other documentation of all personnel who have attended EIV training, along with the training dates, will be maintained in the EIV on-site file.
- g. Any employee who detects improper disclosure of, unauthorized access to, or security breaches involving EIV data must report them to his/her EIV Coordinator. The Coordinator should contact his/her supervisor, and the HUD HITS Helpdesk at (888) 297-8689, immediately, regarding any suspected violation or breach of system security. Any supervisor receiving such a report should inform the management agent or owner, who will be responsible for handling the immediate situation, and revising procedures to avoid any future occurrences.
- h. Physical Safeguards, which refer to EIV documents, including:
 - i. Printed reports:
 - j. Will immediately be removed from printer trays and will not be left unattended at any time
 - k. Will not be in viewing distance of unauthorized personnel or visitors
 - l. When not in use, will immediately be placed in the appropriate file and/or placed in a secure, locked storage location in a secure area. Only authorized EIV users may be given keys and/or access to files containing EIV data.
 - m. The EIV data of an adult household member will not be shared with (i.e. data will not be displayed to or discussed with) another adult household member, or to anyone assisting the tenant during the recertification process or interview, unless the individual has provided written consent to disclose the EIV information. Printed EIV data will not be provided to anyone other than the individual whose data it is.

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- n. Note that HUD allows management to show and discuss, with the Head of Household, how the family's income and rent were determined, based on the total income reported and verified.
- o. Electronically stored EIV data on in-office hard drives will be stored only in restricted-access, password-protected directories. EIV data on portable media must be labeled "Confidential" or "For Official Use Only", and encrypted using a NIST compliant vendor. Independent Public Auditors are not permitted to download any EIV data.
- p. All emails that contain EIV data must be encrypted. The full 9-digit SSN for a tenant will not be included in emails or other electronic communications.
- q. When faxing EIV data, the faxer will ensure that the person receiving the fax is waiting and ready to retrieve it as soon as it is printed.
- r. Any Independent Public Auditor (IPA) hired by the owner to perform a financial audit of the property, and to determine the owner's compliance with income verification requirements and accuracy of rent and subsidy calculation is subject to the following restrictions:
 - Can only use printed EIV documents when auditing compliance. They must be viewed only inside property offices.
 - Cannot transmit or transport EIV income information in any form
 - Cannot enter or download EIV data to any mobile device or portable media
 - Must sign the Rules of Behavior for Non-System Users and abide by its non-disclosure oaths
 - Cannot duplicate any EIV income information or re-disclose it to any unauthorized individual
 - Mailed EIV data must be sent to the office of the owner, managing agent or property, and cannot be mailed to the offices of the IPA
- s. EIV data displayed on computer monitors will only be active when the information is being utilized, and only when no unauthorized persons are within viewing distance.
- t. Coordinators and Users will properly log out of the EIV system (by clicking the x at the upper right corner of the screen) whenever they leave their computers.

Retention of EIV Data

- No EIV data will be shared or co-mingled in files for LIHTC (Low Income Housing Tax Credit), Rural Housing, or any other projects that are subject to file inspections by other agencies than HUD.
- EIV data will be maintained in the tenant file for a period of the term of tenancy plus three years, and destroyed at the time the tenant file is destroyed by shredding, burning or pulverizing.
- EIV printouts kept in master report files will be destroyed by burning, shredding or pulverizing after three years. As each new report is added to a master file, any report that is older than three years will be removed and destroyed.
- EIV Existing Tenant Search reports for applicants who did not move in will be retained for three years and will then be destroyed by burning, shredding or pulverizing.

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Guidelines for EIV Report Printing Frequency and Usage

- During initial EIV use, or for the purpose of internal Owner/Agent quality control checks, confirming data availability and/or accuracy may be done by printing any EIV reports solely for the purpose of fixing required input documents to ensure that proper tenant EIV data is present.

Income Summary Report

- **The Income Summary Report** will be used to document that each household member's identity has been verified by the Social Security Administration (SSA) and that each member's Social Security Number has been validated by EIV.
- This Report will be visually checked when other Income Reports are printed for every recertification (Annual, Interim). If the Report on file shows all household members (who are required to have a Social Security Number) as Verified, and there have been no changes in household composition or Identity Verification Status, no new Report is required to be filed.
- For new admissions, this Report will be printed within 90 days of the date the Move-in Certification or Initial Certification was transmitted to TRACS (either via the CA or directly to TRACS). Any necessary action, as described below, will be taken. If the Report is not available, the property will continue to check availability each month until the Report is retrieved. If for any reason the 90 day timeframe has passed, the property will print the Report to document that it was retrieved.
- This current Report will be kept in the tenant file for the term of tenancy plus three years.
 - 1) When all household members show Identity Verification Status as Verified, the report will be stored in the tenant file, and no action is needed.
 - 2) When any household member shows Not Verified, the report will be stored in the tenant file, and no action will be taken.
 - 3) When any household member shows a status of Failed or Deceased, the tenant's identifiers (name, SSN, date of birth) will be checked, and invalid data will be fixed by submitting a Correction or Interim certification with the correct information. Any correspondence/documentation received to resolve the invalid data will be kept in the tenant file for the term of tenancy plus three years.
 - 4) When the Identity Verification Status changes, a new Summary will be printed to replace the obsolete Summary, and will be kept in the tenant file.

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- 5) Household members who are exempt from having SSNs will have the reason for the exemption, along with any appropriate documentation, noted in the tenant file.
 - a. If there have been such changes, an updated Report will be printed to replace the obsolete Summary in the tenant file. Appropriate action, as described above, will be taken to correct Failed or Deceased identity statuses.
 - b. All related correspondence and documentation will be kept in the tenant file for the term of tenancy plus three years.

Income Detail Report

- The Income Report (Detail)** will be used as third-party verification of income sources reported by the Social Security Administration and the National Directory of New Hires, for all recertifications (Annuals, Interims), for all tenants participating in the site's HUD subsidy program.
- Income Reports will be printed from EIV for all tenants whose Annuals are due in 120 days, whether EIV shows any income for the tenant or not.
- In addition, Income Reports will be printed for tenants whose reports should have been printed for Annuals due within the next 120 days, but whose reports were unavailable due to their appearance on the Failed EIV Prescreening or Failed Verification Reports, and whose data has since been corrected.
- For new admissions, this Report will be printed within 90 days of the date the Move-in Certification or Initial Certification was transmitted to TRACS (either via the CA or directly to TRACS). If for any reason the 90-day timeframe has passed, the property will print the Report to document that it was retrieved.
- Income reported in EIV but not on a certification will be discussed with the family within 30 days of the Income Report date. Management must check differences in income between the Income Report and the Move-In certification or Initial Certification, since amounts on the Income Report may include those that are excluded from 50059s based on HUD regulations. Such items cannot be the basis for a Correction to the Move-In certification.
- After full resolution and necessary third party documentation of apparent unreported or underreported income have been completed, an appropriate Correction to the Move-In certification will be made if needed.
- Wage and unemployment income amounts from the Income Report will not be used for 50059 calculations. Calculations will be made by averaging the most recent, consecutive 4-6 pay stubs provided by the tenant as required, or by using Unemployment Award Letters provided by the tenant as required, or by using other allowable verification documentation.

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- 1) Copies of the pay stubs used will be kept in the tenant file, and the originals returned to the tenant.
 - 2) When the tenant disputes employment data, third party verification will be attempted. If that verification shows that the EIV information is not accurate, management will advise the tenant to contact the employer directly, in writing, to dispute the information and to request that the employer correct erroneous information. The tenant will be advised, in writing, to provide management with a copy of the written correspondence and any responses, which will be kept in the tenant file.
 - 3) When the tenant disputes unemployment data, third party verification will be attempted. If that verification shows that the EIV information is not accurate, management will advise the tenant to contact the State Workforce Agency directly, in writing, to dispute the unemployment benefit information and to request that the SWA correct erroneous information. The tenant will be advised, in writing, to provide management with a copy of this written correspondence and any responses, which will be kept in the tenant file.
 - 4) When a tenant's income cannot be reported because a current 50059 was not located by EIV, third party verification will be attempted. When there is no EIV Income Report available because a current 50059 was not located by EIV, management will determine whether the 50059 is absent due to a timing issue. If that is not the case, management will re-transmit the certification (working with the CA as appropriate), and will follow up to ensure that the current cert reaches the TRACS database.
- Social Security, SSI and Medicare income and expense amounts from the EIV Income Report will be used for 50059 calculations, unless the data is incomplete or is disputed by the tenant.
- 1) When the tenant disputes Social Security data, the Income Report will be annotated to show that the tenant disputed and the award letter was used instead, and tenant-provided documentation (dated not more than 120 days prior to the date of management receiving the document) will be collected and used to calculate income. In this case, both the Income Report and the item(s) used for income calculation will be kept in the tenant file.
 - 2) In cases of disputed data, if the tenant does not have the required Award (or Proof of Income) Letter at the time of the recertification interview, management will ask the tenant to request it from the SSA using its website or toll-free number, and may assist the tenant as needed.
 - 3) When EIV data is incomplete, management will collect and use the Award/Proof of Income letter for the item(s) missing from EIV. This document must be dated within 120 days of being presented to management. Management will note that EIV was Incomplete and the Award Letter used instead on the EIV Income Report. Both the Income Report and the item(s) used for income calculation will be kept in the tenant file.
 - 4) Third party verification provided by the source will be used to verify income, when:
 - a. The tenant disputes the EIV data. In this case, the Income Report will be annotated to show that the tenant disputed, and it will be kept in the tenant file along with the verification documents used to calculate income, or

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- b. EIV income information is missing or incomplete, or
 - c. The tenant is unable to provide acceptable, current income or SSA medical deduction documentation to use for 50059 calculations. Documents must be originals which are legible, unaltered and do not appear to be forged.
- 5) The Income Report will be examined (back 5 years or to the move-in, whichever is less) for evidence of unreported or underreported income on past certifications. Management must check differences in income between the Income Report and appropriate certifications, since amounts on the Income Report may include those that are excluded from 50059s based on HUD regulations. Such items cannot be the basis for Correction certifications or retroactive inserted certifications.
- 6) When previous unreported income (not excluded by HUD regulation) has been identified and verified, the tenant will receive a 10-day notice to discuss this income with management.
- a. When the tenant responds, appropriate retroactive certifications will be completed.
 - b. If the tenant fails to respond, subsidy for the household will be terminated effective the last day of the month following the end of the notice period.
 - c. After documented attempts to obtain third party verification of disputed income have been made, and no third party verification could be obtained, if the tenant does not dispute the source and the amount of the income, the income can be used for appropriate retroactive inserted Interim certifications, or corrections to prior certifications.
 - d. Without documented attempts to obtain third party verification, in cases of tenant disputes no retroactive certifications can be processed.
 - e. All related correspondence and documentation will be kept in the tenant file for the term of tenancy plus three years

Income Discrepancy Report

- The Income Discrepancy Report** will be obtained for each recertification (Annual, Interim), and printed at the same time as the Income Report, in order to identify potential unreported or misreported income.
- For new admissions, this Report will be printed within 90 days of the date the Move-in Certification or Initial Certification was processed in TRACS (either via the CA or directly to TRACS). Any necessary action, as described below, will be taken.
- Discrepancy Reports will be resolved within 30 days of the date they are printed, or at the time of recertification. (Note: as HUD allows, this is not “whichever comes first”, it is “either-or”). Appropriate investigation and action, as described below, including required retroactive certifications and necessary Repayment Agreements (or refunds), will be completed to pursue the repayment of any excess subsidy owed (or insufficient subsidy collected) by all tenants with discrepancies exceeding HUD’s \$2400/year threshold, where the excess subsidy was not due to management error.

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□ The following steps will be taken when discrepancies are found:

- 1) The Effective Date of Action on the Discrepancy Report, which identifies the current certification in TRACS used by EIV for income comparison purposes, will be visually checked against the current tenant certification in the file, to ensure that TRACS has the current certification. If TRACS does not have the current certification, it will be transmitted and management will verify, by visually checking the site's Tenant Certification Query in HUD's Secure Systems, that the certification is present on the TRACS database.
- 2) The Income Report, printed at the same time as the Discrepancy Report, will be reviewed and its information compared to the discrepant certification(s) on file. As HUD requires, Discrepancy Reports are only permitted to be reviewed when printed at the same time as Income Reports, since these reports are updated at different times and cannot be properly resolved when printed on different dates.
- 3) If the reason for the discrepancy can be identified, and there is no need for a retroactive certification, the explanation of the resolution will be written on (or with) the Income Discrepancy Report.
- 4) If a review of the tenant file does not explain/resolve the discrepancy, management will discuss the Income Discrepancy and Income Reports with the tenant. When the EIV Income Report includes income that is excluded by HUD regulation, the Discrepancy Report will be marked as Resolved, and an explanation will be written on it.
 - 5) If it is determined that the tenant did not report an income decrease, and had over-reported income (that is, did not collect enough subsidy), management will process an Interim Certification, effective the first of the month following the resolution of the Discrepancy Report, showing the proper income.
- 6) If the tenant did report an income decrease, but, due to management error a proper certification was not processed, management will process appropriate retroactive certifications.
- 7) If it appears that the tenant has unreported or underreported income:
- 8) Management will notify the tenant that a Discrepancy Report has been found in EIV, and that s/he must meet with management within ten (10) days to discuss it. The tenant will be required to bring all relevant documentation (i.e. pay stubs, award letters) to this meeting. During this meeting, the tenant will be given the opportunity to agree with, or dispute the data.
- 9) If the tenant does not dispute the income source(s), but does dispute the income amount(s), s/he will be given an opportunity to provide tax returns, pay stubs, employer documentation or other verification of the proper amount(s). Those amount(s) will be used for income calculations for all appropriate retroactive certifications.
- 10) In either case, management will request third party verification directly from the source of the income reported on the EIV Income Report that created the Discrepancy Report.
- 11) When third party verification has been received, the tenant will receive a 10-day notice (HUD Handbook 4350.3, Exhibit 7-7) to discuss this income with management.
- 12) When the tenant responds, appropriate retroactive certifications will be completed.

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- 13) If the tenant fails to respond, subsidy for the household will be terminated, effective the last day of the month following the end of the notice period.
- 14) Once it has been determined that the tenant failed to report income, or under-reported income, management will go back (up to five years, but not further back than the household's move-in date) to the point that the unreported or underreported income began, to determine the amount the tenant owes HUD to repay overpaid assistance.
- 15) All appropriate retroactive Correction and/or Interim certifications will be processed, and all of those certifications, as well as all inserted or corrected certifications from that point forward, including the current active certification, will be transmitted to TRACS sequentially.
 - a. Management will give the tenant a copy of the calculations and certifications, showing how amounts were determined. These calculations, as well as all documentation to support them, the annotated Income Discrepancy Report, and any related correspondence to/from the tenant, will be kept in the tenant file for the term of tenancy plus three years.
- 16) If third party verification cannot be obtained, all attempts will be documented in the tenant file, explaining what occurred and why third party verification could not be obtained.
- 17) If, after unsuccessful verification attempts have been documented, the income sources and/or amounts are still disputed by the tenant, the tenant must come to the office and certify that the EIV information is invalid and has been incorrectly attributed to his/her identifiers (SSN, last name and date of birth). This statement must be signed and dated by the tenant, and kept in the tenant file, along with the Discrepancy Report.
 - b. If the tenant disputes wage data, management will advise the tenant to contact the employer to remove the erroneous information from their records. Management will also advise the tenant, in writing, to provide copies of all written correspondence, to be kept in the tenant file.
 - c. If the tenant disputes unemployment data, management will advise the tenant to contact the State Workforce Agency (SWA) to remove the invalid unemployment information from its records. Management will also advise the tenant, in writing, to provide copies of all written correspondence, to be kept in the tenant file.
 - d. If the tenant disputes Social Security benefits, management will advise the tenant to contact the Social Security Administration and request that the invalid information be corrected.
- 18) When unreported/under-reported income cannot be verified, and is disputed by the tenant, no retroactive certifications can be processed.
- 19) Tenants are obligated to return subsidy overpayments to HUD, either in a lump sum, via a Repayment Agreement with management, or a combination of these.
- 20) When overpayments were due to management error, all appropriate retroactive certifications must be completed and transmitted. However, tenants are not obligated to return subsidy overpayments to HUD. The amount of the overpayments cannot be recouped from the tenant, and must be absorbed by the property.
- 21) All related correspondence and documentation will be kept in the tenant file for the term of tenancy plus three years.

EIV Policies and Procedures

No Income Reported on 50059 Report

- The “No Income Reported on 50059” Report:** This report will not be printed or filed.
 - 1) This report will be visually reviewed at the time we are printing Income reports for households due to recertify in 120 days.
 - 2) Management will cross-reference this report with the recertification list to confirm that they have printed an income detail and income discrepancy report for the household and will be placed in its tenant file.
 - 3) A zero income questionnaire will be completed during the recertification process.

No Income Reported by HHS or SSA Report

- The “No Income Reported by HHS or SSA” Report:** This report will not be printed or filed but it will be used as follows:
 - 1) This report will be visually reviewed at the time we are printing Income reports for households due to recertify in 120 days.
 - 2) We will cross-reference this report with our recertification list to confirm that we have printed an income detail and income discrepancy report for the household.

Certification Page

- The “Certification Page”:** Note: HUD does not require the use of the certification page. This property will not print or file this report at any time.

New Hires Report

- The New Hires Report** will be printed monthly, starting calendar year, for All Tenants, to identify households with members who have begun new employment within the last six months, so that necessary recertifications can be completed.
- Management will contact tenants who have not already reported the new employment shown, to confirm the place of employment and obtain tenant-provided 4-6 current, consecutive pay stubs to use for income calculations.
- If the tenant has not worked long enough to accumulate at least 4 pay stubs, does not receive payment via check, disputes the information, or does not provide the pay stubs within two weeks, third party verification will be obtained from the employer(s) listed on the New Hires Report.

EIV Policies and Procedures

- If third party verification cannot be obtained from the employer(s) within two weeks, the tenant file will be properly documented, and management will move on to other acceptable forms of verification.
- If no verification of the employment listed on the New Hires Report is obtained, no certifications showing that employment can be created.
- If needed, after proper verification, an Interim and/or appropriate retroactive certification(s) will be completed and transmitted.
- If the tenant did not report new employment, or an increase in income of \$200/month or more in a timely manner, as required under the provisions of the property's House Rules, the tenant will not receive a 30-day notice of rent increase, and the Interim will be effective on the first of the month following the employment start date.
- If a tenant has already reported the new employment shown and the necessary certifications were processed, an explanation will be written on (or with) the New Hires Report master report and on (or with) the New Hires detail report stored in the tenant file.
- New Hires Summary Reports, with supporting notes, will be kept in the Master New Hires Report file for three years. Detail Reports, along with documentation of actions taken, will be kept in the tenant file for the term of tenancy plus three years.

Existing Tenant Search Report

- The Existing Tenant Search Report** will be printed for each member of the applicant family (including Live- In Aides) when processing the applicant for admission to see if any member is listed as currently living in another HUD-assisted site (either Public and Indian Housing or Multifamily).
- In addition, an Existing Tenant Search Report will be printed for any prospective household member (including Live-In Aides) that an existing household wishes to move into the unit.

EIV Policies and Procedures

- 1) Results will be compared to the current address on the Application, and discussed with the applicant household to identify the status of the applicant's residence there.
- 2) The other property(ies) will be contacted so that Move-Out and Move-In dates can be coordinated to avoid double subsidy billing for the same tenant occupying multiple units in multiple sites.
- 3) All discussions with tenants and landlords (names, dates and results) will be recorded on (or with) the Existing Tenant Search Report.
- 4) For tenants who move in, the Reports/documentation will be kept with the application in the tenant file for the term of tenancy plus three years. For applicants who do not move in, the Reports/documentation will be kept with the application for three years.

Multiple Subsidy Report

- The Multiple Subsidy Report** will be printed monthly, starting calendar year, for All Tenants, searching both the PIH and MF databases.
- When a tenant is listed as living in other HUD-assisted sites (either Public and Indian Housing or Multifamily), management will meet with him/her to provide an opportunity for the tenant to explain the circumstances relative to being assisted at the other location. In addition, the other property(ies) on the Report will be contacted to ascertain whether the tenant is still receiving assistance there.
- When a child living in multiple households receives a dependent deduction in multiple households, management will work with the households and/or management in the other properties, to ensure that only one household receives the deduction.
- When multiple subsidies were discussed and resolved, results will be documented on (or with) the Multiple Subsidy Report and no further action will be taken.
- If it is determined that any household members are receiving multiple subsidies from HUD, prompt action will be taken to pursue repayment of overpaid subsidy, subsidy termination and/or eviction, as appropriate.
- Multiple Subsidy Summary Reports, with supporting notes, will be kept in the Master Multiple Subsidy Report file for three years. Detail Reports, along with documentation of actions taken, will be kept in the tenant file for the term of tenancy plus three years.

EIV Policies and Procedures

Pending Verification Report (Verification in Process)

- The Pending Verification Report will not be printed or filed.

Failed EIV Pre-Screening

- The Failed EIV Pre-Screening Report will be printed for monthly, in the first week, for All Tenants.
- Personal identifiers (name, date of birth and/or Social Security number) noted as invalid will be checked against the tenant file, and corrections made as needed, via a Correction or Interim certification, within 30 days of the Report date. If valid information cannot be located in the tenant file, the tenant will be contacted to get accurate data.
- In cases where the information in the tenant file/50059 is accurate, and the Social Security Administration data appears to be incorrect, tenants will be provided with an SS-5 Form (Application for a Social Security Card) to submit corrections to the SSA.
- Status notes will be made on (or with) the Report to show actions taken. If people who are exempt from SSN disclosure appear, a notation will be made on (or with) the Report that the tenant is exempt from SSN requirements. If a tenant's information was already corrected, reference to that certification will be noted on the Report, and no further action will be taken.
- Reports will be kept in the Master Failed EIV Pre-Screening Report file for three years. When a tenant has been shown with incorrect personal identifiers, documentation of the verifications/corrections will be kept in the tenant file for the term of tenancy plus three years.

Failed Verification Report

- The Failed Verification Report will be printed for monthly, in the first week, for All Tenants.
- Personal identifiers (name, date of birth and/or Social Security number) noted as invalid will be checked against the tenant file, and corrections made as needed, via a Correction or Interim certification, within 30 days of the Report date. If valid information cannot be located in the tenant file, the tenant will be contacted to get accurate data.
- In cases where the information in the tenant file/50059 is accurate, and the Social Security Administration data appears to be incorrect, tenants will be provided with an SS-5 Form (Application for a Social Security Card) to submit corrections to the SSA.

EIV Policies and Procedures

- Status notes will be made on (or with) the Report to show actions taken. If people who are exempt from SSN disclosure appear, a notation will be made on (or with) the Report that the tenant is exempt from SSN requirements. If a tenant's information was already corrected, reference to that certification will be noted on the Report, and no further action will be taken.
- Reports will be kept in the Master file for three years. When a tenant has been shown with incorrect personal identifiers, documentation of the verifications/corrections will be kept in the tenant file for the term of tenancy plus three years.

Deceased Tenants Report

- The Deceased Tenants Report** will be printed monthly, starting calendar year, for All Tenants.
- In cases where deceased status was unknown and proper move-outs or recertifications have not already been transmitted to TRACS, written confirmation as to whether the person is deceased or not will be obtained from the individual, head of household, next of kin (or if none of these persons exist, another appropriate contact).
- If the tenant is not deceased, s/he will be advised to contact the Social Security Administration to correct the error.
- If the deceased tenant was already removed from subsidy via a Move-Out or Interim certification, the Report will be documented. Management will visually check the Tenant Certification Query to see whether the Move Out or Interim certification is in the TRACS database. If so, no further action will be taken. If not, management will re-transmit and re-check the Query to ensure that the action/certification appears in the TRACS database.
- If appropriate removal from subsidy has not yet occurred, a Move-Out or Interim, effective on the appropriate retroactive date, will be transmitted within 30 days of the Report date and overpaid subsidy will be returned to HUD.
- Deceased Tenant Reports, with supporting notes, will be kept in the Master Deceased Tenants Report file for three years. When action was needed to resolve this Report, all documentation will be kept in the tenant file for the term of tenancy plus three years.

EIV Policies and Procedures

Repayment Agreements

- The tenant and management must both agree on the terms of the Agreement.
 - 1) If the amount of the repayments cannot be agreed upon, management will advise the tenant to consult with a HUD-approved Housing Counseling Agency, and both parties will accept the amount recommended by that agency.
 - a. Management will provide the tenant with contact information for such agencies in the local area. The tenant must meet with the Agency within 30 days. This requirement will be noted in the property's House Rules.

- The monthly payment must be what the tenant can afford to pay based on the family's income. The monthly payment plus the total tenant payment (TTP) should not exceed 40% of the monthly adjusted income. However, there are no HUD-required minimum or maximum payment amounts, and if the family wishes to pay a higher amount, they may do so.
 - 1) If both management and the tenant agree that the household cannot afford to pay anything at the time the repayment agreement is signed, the Agreement may show a payment amount of zero per month. When the household's financial situation changes, the monthly payment amount will be renegotiated to an amount the household can afford.

- Repayment Agreements must:
 - 1) Include:
 - a. the total retroactive amount owed
 - b. the amount of any lump sum paid when the Agreement is executed
 - c. the monthly payment amount
 - 2) Refer to the specific lease paragraphs noting that the tenant is in non-compliance and may be subject to lease termination.
 - 3) Contain a clause stating that the terms of the Agreement will be renegotiated if the family's income increases or decreases \$200 or more per month.
 - 4) Include a statement that the monthly retroactive rent repayment amount is in addition to the monthly rent payment, and is payable to the owner/agent.
 - 5) State that late and missed payments constitute default of the Repayment Agreement, and may result in termination of subsidy and/or tenancy.
 - 6) Be signed and dated by both the head of household and, if applicable, the family member who had the unreported/underreported income, as well as the owner/agent.

EIV Policies and Procedures

- The site will reimburse funds collected from the tenant to HUD via the monthly voucher, entering appropriate transactions on the Repayment Agreements for Schedule of Tenant Assistance Payments Due- HUD Form 52670-A Part 6. The transaction will document any payments and note the documented collection costs retained, noting zero retained if no collection costs have been deducted from the actual tenant payment.

Note: If the tenant pays the entire amount due in a lump sum within 30 days, no transactions on the HUD Form 52670-A Part 6 are needed, since the voucher will reflect the full repayment to HUD on the next voucher.

- 1) The property may choose to retain up to 20% of monthly amounts collected, to reimburse the site for any documented collection costs. Each month, the property may retain the lesser of the actual costs, or 20% of the repayment amount.
 - 2) Collection costs may include staff time for verifying unreported income, meetings with tenants, drafting Repayment Agreements, generating and sending monthly invoices to tenants, generating manual voucher adjustments, consulting costs, collection agency fees and meeting state requirements.
- The property will keep records of the receipt and disbursement of all amounts collected from the tenant for audit purposes, including:
 - 1) Dates and amounts received from the tenant
 - 2) Expenses (documented collection costs) incurred
 - 3) Amounts retained from the tenant repayments to reimburse expenses
 - 4) Voucher date(s) and amount(s) reimbursed to HUD
 - If a tenant is in lease non-compliance for fraud, or if a tenant defaults on payments required under a Repayment Agreement, management will begin proceedings to terminate tenancy, file a civil action to recover improper payments and report suspected fraud to the HUD OIG (Office of Investigation) connected to the site's HUD Field Office.

EIV Policies and Procedures

Schedule of EIV Reports

| EIV Reports for the Master Files | Frequency |
|--|---|
| No Income Reported on 50059 | Will not be printed |
| No Income Reported by HHS or SSA | Will not be printed |
| New Hires Summary Report | Every month, for All Tenants (January-December) |
| Multiple Subsidy Summary | Every Month, for All Tenants (January-December) |
| Pending Verification Report | Will not be printed |
| Failed EIV Pre-Screening Report | Every month, for All Tenants (January-December) |
| Failed Verification (SSA ID Test) Report | Every month, for All Tenants (January-December) |
| Deceased Tenant Report | Every Month, for All Tenants (January-December) |

| EIV Reports for the Tenant Files | Frequency |
|---|---|
| Income Summary Report | At time of every AR, within 90 days of MI and IC |
| Income Report (Detail) | At every time of every AR and IR, within 90 days of MI and IC |
| Discrepancy Report | At time of every AR and IR (same time Income Report (Detail) is printed) Printed within 90 days of MI and IC |
| Certification Page | Will not be printed |
| Existing Tenant Search | For all members, including Live-In Aides |

EIV Reports for AR due in 120 Days Schedule

| For Annuals due in month of: | Income Summary/Detail/Discrepancy Report is printed in month of: |
|-------------------------------------|---|
| January | September |
| February | October |
| March | November |
| April | December |
| May | January |
| June | February |
| July | March |

| | |
|-----------|--------|
| August | April |
| September | May |
| October | June |
| November | July |
| December | August |