

Subject: RHIIP Listserv #127 - Housing & Economic Recovery Act of 2008 Notice; Emergency Capital Repair Grants; & RHIIP Tip
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Date: Wed, 26 Nov 2008 11:34:26 -0500
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RHIIP Listserv Posting #127

Wednesday, November 26, 2008

Welcome to the MULTIFAMILY HOUSING RENTAL HOUSING INTEGRITY IMPROVEMENT PROJECT (RHIIP) LISTSERV that brings you up-to-date RHIIP related publications, news, information and occupancy tips in an effort to help reduce errors in rent determinations and subsidy calculations.

Housing and Economic Recovery Act of 2008 (HERA) Notice

On November 24, 2008, a Notice was published in the Federal Register providing information about the applicability of certain provisions of the HERA to HUD Public Housing, Section 8 Tenant-Based Voucher and Section 8 Project-Based Voucher Programs. **This Notice also identifies a provision of the law applicable to project-based assisted housing programs administered by the Office of Housing.**

Section 2608 of Title VI of Division B of HERA amends the definition of "annual income" in section 3(b)(4) of the U.S. Housing Act of 1937 to exclude any deferred Department of Veterans Affairs (VA) disability benefits that are received in a lump sum amount or in prospective monthly amounts. As of the effective date of HERA, July 30, 2008, such benefits are not to be included for purposes of determining the annual income of an applicant for or recipient of benefits under the 1937 Act. The full amount of VA disability benefit payments will continue to be included in annual income pursuant to 24 CFR 5.609(b)(4), but the deferred amount resulting from the delayed start of the disability payments will not be included in annual income.

A payment qualifies as a VA disability benefit if it is identified as a disability benefit in the VA benefit award letter, regardless of whether or not the family member that is the beneficiary of the award would qualify as a person with disabilities under HUD's regulations. For existing residents or tenants, the new exclusion for deferred payments will be made applicable at the time of annual recertification of income, or at interim recertification.

This provision is self-implementing without further regulatory action by HUD. HUD will later publish a conforming rule to include this exclusion with the exclusion of income for deferred Social Security benefits at 24 CFR 5.609(c)(14).

A copy of the Federal Register Notice is located at: <http://edocket.access.gpo.gov/2008/pdf/E8-27871.pdf>

Emergency Capital Repair Grants for Multifamily Housing Projects

Designated for Occupancy by the Elderly

On November 24, 2008, a Notice was published in the Federal Register announcing the availability of \$9.5 million in grant funds to make emergency capital repairs to eligible multifamily projects owned by private nonprofit entities that are designated for occupancy by elderly tenants. The Notice provides instructions for owners to request funding and instructions for the HUD field offices to process such requests.

A copy of the Federal Register Notice is located at: <http://edocket.access.gpo.gov/2008/pdf/E8-27663.pdf>

RHIIP TIP: Moving Tenants Who Require Special Features into Accessible Units

If a member of a tenant household becomes disabled with an impairment that requires special accessibility features and the tenant requests an accessible unit, an owner may move that tenant into an accessible unit in lieu of making the tenant's existing unit accessible and usable. (See Chapter 4 for more information.) However, if a tenant needs only minor modifications to his or her unit, and does not need a fully accessible unit, the landlord should make the modifications and leave the project's fully accessible units available for tenants who need such units.

For more information on moving tenants who require special features into accessible units, please refer to Chapter 2, Paragraph 2-33 of HUD Handbook 4350.3 REV-1 *Occupancy Requirements of Subsidized Multifamily Housing Programs*.

Please encourage others to sign-up for the Listserv, so they too can receive current RHIIP related information from HUD <http://www.hud.gov/subscribe/maillinglist.cfm>.

You can view the RHIIP Tips Archives, under "Listserv-Multifamily RHIIP Tips" at <http://www.hud.gov/offices/hsg/mfh/rhiip/mfhrhiip.cfm>

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