

Subject: RHIIP Listserv #139 - New Federal Register Postings of Interest; and RHIIP Tip (Tenant's Refusal to Sign Consent Forms)
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RHIIP Listserv Posting #139

Wednesday, February 11, 2009

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.

NEW FEDERAL REGISTER POSTINGS OF INTEREST

- On February 11, 2009, a Notice of Proposed Delay in Effective Date of the Final Rule entitled, "Rent Refinement and Income Determination Requirements in Public and Assisted Housing" was published. The Notice requests public comment on a 60-day delay in the March 30, 2009, effective date and the already delayed September 30, 2009, effective date for the Enterprise Income Verification (EIV) system to be mandatory for multifamily housing program users. The Notice also solicits comments generally on the final rule itself.

In addition, clarification is made in the Notice that the final rule requirements on the use of social security numbers for determining program eligibility do not apply to individuals in mixed families who do not contend eligible immigration status under HUD's noncitizen regulations.

Although the effective date may be delayed, owners and management agents are encouraged to begin informing applicants and tenants who have not disclosed their social security number, or the social security number of a child under the age of 6, or who have certified they do not have a social security number, of this upcoming revision to the regulations and their need to begin the process of obtaining a social security number.

In addition to the above, owners and management agents who have access to the Enterprise Income Verification (EIV) system should be verifying and correcting social security numbers for individuals listed on the Failed EIV Pre-screening and the Failed Verification Report as having invalid social security numbers.

- On January 22, 2009, a Notice of Information Collection: Supplemental Information to Application for Assistance Regarding Identification of Family Member, Friend or Other Person or Organization Supportive of a Tenant for Occupancy in HUD Assisted Housing, was published. The Notice requires owners/management agents to give an individual or family applying for assisted housing the option to provide as part of their application for occupancy the name, address, phone number, and other relevant information of a family member, friend or person associated with a social, health, advocacy, or similar organization, who is familiar with and may assist with the services and special care needed by the individual or family, and assist in resolving any tenancy issues arising during the tenancy of such tenant. This implements Section 644 of the Housing and Community Development Act of 1992 (42 U.S.C. 13604). Comments on the Notice are due March 23, 2009. A copy of the Federal Register is located at:

<http://edocket.access.gpo.gov/2009/pdf/E9-1165.pdf>

- On January 15, 2009, the Final Rule on Civil Money Penalties: Certain Prohibited Conduct was published. This Final Rule revises HUD's regulations that govern the imposition of civil money penalties. A copy of the Final Rule is located at:

<http://edocket.access.gpo.gov/2009/pdf/E9-851.pdf>

- On January 12, 2009, a Notice of the Revised Contract Rent Annual Adjustment Factors (AAFs) for 2009 was published. The AAFs are used to adjust the contract rents on the anniversary date of the assistance contract for some multifamily projects. The AAFs are effective January 12, 2009. A copy of the Federal Register containing the revised AAFs is located at:

<http://edocket.access.gpo.gov/2009/pdf/E9-374.pdf>

RHIIP Tip: Tenant's Refusal to Sign Consent Forms

If the applicant or tenant, or any adult member of the applicant's or tenant's family, does not sign and submit the consent form as required in 24 CFR 5.230, the following statements apply:

1. The owner must deny assistance and admission to the applicant; or
2. The owner must terminate assistance to the tenant (see paragraph 8-5 regarding terminations).

For more information on consent and verification forms, please refer to Chapter 3, Paragraph 3-11 of HUD Handbook 4350.3 REV-1 *Occupancy Requirements of Subsidized Multifamily Housing Programs*.

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

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>.

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