




# The CA Quarterly Review

North Tampa Housing Development Corporation

Spring 2021

Inside this Issue...		From the Desk of Layla Hartz, NTHDC Director and Contract Administrator	
From the Desk of Layla Hartz	1		<p>As the newly appointed Director and Contract Administrator for NTHDC, I would like to introduce, or rather re-introduce myself to the Owners and Agents in Florida and the USVI. Having spent eleven years as the Training and Compliance Manager for NTHDC, it really is good to be back working with everyone.</p>
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Special Claims and the Proper Handling of PII	6		We are all muddling our way through this new reality and I want to thank each and every one of you for your dedication to your residents, employees, and their safety. I recognize that it is not easy to be a front-line employee during a global pandemic, but I urge all of you to get a COVID-19 vaccine so that we can slow the spread of the virus and its variants and most importantly keep you from being hospitalized.
REMINDER: EIV Existing Tenant Search	6		To find a vaccine near you text your zip code to 438829
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## CDC Eviction Moratorium Extended

A federal judge recently ruled that the CDC is not authorized to issue a nationwide eviction moratorium. This decision is currently under appeal by the Department of Justice. Property owners and managers should monitor the appeal for a final ruling while ensuring ongoing compliance with all state and local residential eviction rules and regulations. Regardless of the final outcome, landlords and tenants who are subject to state or local eviction bans must continue to abide by them.

The Centers for Disease Control and Prevention (CDC) extended its [eviction moratorium](#), further preventing the eviction of tenants who are unable to make rental payments. The moratorium that was scheduled to expire on March 31, 2021 is now extended through June 30, 2021. You can read the [revised order](#) and the [White House press release](#) with additional resources.

The CDC has also provided an FAQ document to help navigate the eviction moratorium. The full FAQ can be found [here](#) and a summary of the document is outlined below.

### What does the Order do?

The Order temporarily halts residential evictions of covered persons for nonpayment of rent during September 4, 2020, through June 30, 2021. This means that covered persons cannot be evicted for nonpayment of rent from any residential property in any U.S. state or U.S. territory where the Order applies.

### Who is a “covered person” for purposes of the Order?

A “covered person” is any tenant, lessee, or resident of a residential property who provides to their landlord, the owner of the residential property, or other person with a legal right to pursue eviction or a possessory action, a declaration under penalty of perjury that:

1. The individual has used best efforts to obtain all available government assistance for rent or housing;
2. The individual either (i) earned no more than \$99,000 (or \$198,000 if filing jointly) in Calendar Year 2020, or expects to earn no more than \$99,000 in annual income for Calendar Year 2021 (or no more than \$198,000 if filing a joint tax return) (ii) was not required to report any income in 2020 to the U.S. Internal Revenue Service, or (iii) received an Economic Impact Payment (stimulus check);
3. The individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses;
4. The individual is using best efforts to make timely partial payments that are as close to the full payment as the individual's circumstances may permit, taking into account other nondiscretionary expenses; and

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## **CDC Eviction Moratorium Extended (continued)**

5. Eviction would likely render the individual homeless— or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options.

### **How do I use this protection?**

A tenant, lessee, or resident of a residential property must provide a completed and signed copy of the declaration, as described above, to their landlord, owner of the residential property where they live, or other person who has a right to have them evicted or removed from where they live. This may include the property managers and attorneys or agents for the landlord or owner, or other person with a legal right to carry out the eviction.

The declaration can be signed and transmitted electronically or by hard copy.

Each adult listed on the lease, rental agreement, or housing contract should complete the declaration. In certain circumstances, such as individuals filing a joint tax return, it may be appropriate for one member of the residence to provide an executed declaration on behalf of other adult residents party to the lease, rental agreement, or housing contract at issue.

### **If you are eligible for protection under the CDC Order, do you still owe rent to your landlord?**

Yes. The CDC Order does not cancel rent. You must still fulfill your obligation to pay rent and follow all the other terms of your lease and rules of the place where you live. You must use best efforts to make timely partial payments that are as close to the full payment as their individual circumstances permit, considering other nondiscretionary expenses.

This Order temporarily halts residential evictions. When the Order expires, consistent with the applicable landlord-tenant or real-property laws, you will owe your landlord any unpaid rent and any fees, penalties, or interest as a result of your failure to pay rent or make a timely housing payment during the period of the Order.

### **Do landlords have to make their tenants aware of the CDC order and Declaration?**

The Order itself does not require landlords to make tenants aware of the Order and Declaration. But other relevant law, for instance the Fair Debt Collection Practices Act and the Federal Trade Commission Act, may require landlords, or their agents, to do so. Under these statutes, evicting tenants in violation of the CDC, state, or local moratoria, or evicting or threatening to evict them without apprising them of their legal rights under such moratoria, may violate prohibitions against deceptive and unfair practices. Landlords must



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## Spring Cleaning – Records Retention Requirements

Since more tenants move in during the spring and summer months, this gives property managers and landlords a perfect reason to conduct a thorough spring cleaning of files. This article will discuss retention requirements as well as purging of documentation.

### **Applicant File Retention** – HUD Handbook 4350.3 Rev-1, Change 4, Chapter 4, Paragraph 4-22

Applicant Files must be maintained from the time the application is accepted, through the waiting list period, and for three years after the applicant is removed from the waiting list.

- The current application must be retained as long as applicant is active on the waiting list.
- If the applicant was removed from the waiting list, then the application, supplement to application (HUD 92006), initial rejection notice, applicant reply, copy of the owners final response and all documentation supporting the reason for removal must be retained for three years.
- After an applicant moves in to the property the application and supplement to application (HUD 92006) must be maintained in the tenant file for the term of tenancy plus three years.

### **Resident File Retention** – HUD Handbook 4350.3 Rev-1, Change 4, Chapter 5, Paragraph 5-23

Resident files (all documentation) must be maintained for the term of tenancy plus three years thereafter.

- Owners must keep the following documentation in the resident file:
  - ◊ All original, signed HUD 9887s and 9887As;
  - ◊ A copy of signed consent forms;
  - ◊ A copy of the EIV Income Report, the HUD 50059 and any other documentation obtained supporting rent and income determinations; and
  - ◊ Any third party verifications

### **Retention of EIV Reports** – HUD Handbook 4350.3 Rev-1, Change 4, Chapter 9, Paragraph 9-14

- The Income Report, Summary Report and the Income Discrepancy Report along with any supporting documentation must be retained in the resident file for the term of tenancy plus three years.
- Any tenant provided documentation to supplement the Social Security Administration or National Database of New Hires data must be retained in the resident file for the term of tenancy plus three years.
- Results of the Existing Tenant Search must be retained with the application:
  - ◊ If the applicant was not admitted, it must be retained with the application for three years.
  - ◊ If the applicant was admitted, it must be retained in the resident file for the term of tenancy plus three years.
- The master file containing the New Hires Report, Identity Verification Reports, Multiple Subsidy Report and Deceased Tenant Report must be retained for three years

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## Spring Cleaning – Records Retention Requirements

Once the retention period has expired for all of the above listed requirements, owners must dispose of the data in a manner that will prevent any unauthorized access to personal information (shred, burn, pulverize, etc.). It is recommended to review the above requirements once a year to ensure unnecessary documentation is being kept and stored on-site.

Many residents may reside at a property for multiple years and this will cause the resident file to become quite large. Owners may choose to divide tenant files into several small files to reduce the size of the files located at the property. It is recommended that all move-in documentation along with the most recent five certifications are maintained in the most current tenant file. If the remaining file documentation is removed from the property, it must be kept in secure storage and cannot be destroyed. It is recommended to include this policy in an owner/agents written management procedures.

## FY2021 Income Limits Effective 4/1/2021

HUD has published 2021 income limits Effective 4/1/2021. Owner/Agents must ensure that they utilize these income limits for files with certifications dated 4/1/2021 and after. Click [here](#) to see new limits.

Please keep in mind the RHIP Listserv #293 - Timing of Income Eligibility Determinations - Clarification to Existing Policy Published on 12/19/2012.

The RHIP guidance specifically states: if a unit becomes available and an applicant is selected from the waiting list, is processed for eligibility, and meets all eligibility requirements at the time of processing, the applicant is eligible to move-in to the project even if new income limits have been published.

## Updated HUD COVID-19 FAQ

On April 26, 2021 HUD updated the COVID FAQ document. Updated topics include:

- Eviction moratorium
- Vaccination Information
- CARES Act
- Financial and Audits

[Click here](#) to review the document that highlights the changes.



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## Special Claims and the Proper Handling of PII

What is PII (Personally Identifiable Information)? It is information that can be used to identify an individual, either by itself or when combined with other information that is linked or able to be linked to a specific individual.

For example, your social security number is unique and sufficient by itself to identify you. Your full name may not distinguish you from other people with the same name, but when used in combination with your mother's maiden name or your date of birth, it may be sufficient to identify you.

The following are examples of types of PII that may be present in tenant documents:

- SS #
- Date of birth
- Mother's maiden name
- Medical information
- Financial information
- Bank account numbers
- Passport numbers
- Criminal history
- Driver's license number

Privacy is important at all times when handling PII. When submitting Special Claims to your CA for processing, HUD requires specific documentation which may contain PII. For example, a copy of the original Move-In 50059 for the tenant who has vacated the unit is required. The 50059 may contain, a Social Security Number, Date of Birth, Financial information, etc.

In order to safeguard this PII, Owner/Agents must redact all PII on documentation prior to transmitting it to your CA for processing. Redact is defined as: obscuring or removing text (sensitive information) from a document prior to publication or release. Common practices of redacting include: covering with tape or post-it note, white out, Black marker line etc. As long as the PII is not visible to outside reviewers it is considered safe.

### REMINDER: EIV Existing Tenant Search

The O/A must run the EIV Existing Tenant search prior to move-in. This report identifies applicants that may already be assisted under a HUD rental assistance program at another location.

The Existing Tenant Search is to be run at the time of applicant processing. The O/A should run this report before establishing an effective date for the MI 50059 but not too far in advance so that the data is not current by the time the move-in occurs. Retain the search results with the application along with any documentation obtained as a result of contacts with the applicant and the PHA and/or owner at the other location.

Owners must establish written procedures in their Tenant Selection Plan for using the EIV Existing Tenant Search. All screening criteria must be outlined in the TSP and consistently applied to all applicants.





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## Reporting Changes between Annual Recertifications

To ensure that assisted tenants pay rents appropriate with their ability to pay, tenants must report changes of family income and composition for use in interim recertifications of family income and composition in accordance with HUD requirements.

This article provides a brief summary of interim certifications. The HUD Handbook [4350.3, Rev-1, Chg-4, Chapter 7](#), Section 2, provides a full description of the program requirements and procedures for performing interim recertifications when a tenant experiences a change in income or family composition between annual recertifications.

### Tenant Responsibilities

Tenants **must** notify the O/A when:

- A family member moves out of the unit;
- The family proposes to move a new member into the unit;
- An adult member of the family who was reported as unemployed on the most recent certification or recertification obtains employment; or
- The family's income cumulatively increases by \$200 or more per month.

Tenants **may** request an interim recertification due to any changes that may affect the TTP or tenant rent and assistance payment:

- Decreases in income (i.e. loss of employment, reduction in hours, loss /reduction of welfare income);
- Increases in allowances (i.e. medical expenses, child care costs); and
- Other changes affecting the calculation of a family's annual or adjusted income (i.e. family member turning 62 years old, becoming a full-time student or, becoming a person with a disability).

Tenants **are not required to report** when:

- A family member turns 18 years of age between annual recertifications.
  - ✓ Tenants must follow the requirements in their lease for reporting changes in the household income.
  - ✓ However, when a tenant turns 18 and has not signed the form HUD-9887, the O/A must not use the EIV income reports until the form is signed. Owners must address in their policies and procedures notification requirements and timeframes for tenants who turn 18 between annual recertifications to sign the consent forms HUD-9887 and HUD9887-A and/or lease. If the tenant fails to sign the consent form(s) the household is in non-compliance with their lease and assistance to, and the tenancy of, the household may be terminated.

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## Reporting Changes between Annual Recertifications (continued)

**NOTE:** Section 236 and BMIR cooperatives must enforce the interim recertification procedures only for members who executed occupancy agreements after February 15, 1984. Cooperatives may impose interim recertification requirements on members who executed occupancy agreements prior to February 15, 1984, only if the cooperative amended its by-laws to make such requirements binding on all members or a member voluntarily agreed to include such clauses in his/her occupancy agreement.

### Owner Responsibilities

When processing an interim recertification, the O/A must ask the tenant to identify all changes in income, expenses, or family composition since the last recertification. The O/A only needs to verify those items that have changed.

Upon receiving a tenant request for an interim recertification, the O/A must process a recertification of family income and composition within a reasonable time, which is only the amount of time needed to verify the information provided by the tenant. Generally, this should not exceed 4 weeks.

The O/A **must** process an interim recertification if a tenant reports:

- A change in family composition;
  - ✓ The O/A must screen the proposed additional person(s), including live-in aides, for drug abuse and other criminal activity, including a State lifetime sex offender registration check.
  - ✓ The O/A must also obtain the new household member's SSN, unless the household member does not contend eligible immigration status or is an individual age 62 or older as of January 31, 2010, and does not have a SSN but was receiving HUD rental assistance at another location on January 31, 2010. (See Chapter 3, Paragraph 3-9.D.7, Adding New Household Members.)
  - ✓ The O/A must apply additional owner established screening outlined in the property's Tenant Selection Plan. In the case of live-in aides, the owner established screening criteria may also be applied, except for the criteria to pay rent on time.
- An increase in a family's cumulative income of \$200 or more a month;
  - ✓ If a tenant reports any other change along with an increase in income that does not increase the household's cumulative income by \$200 or more a month, the owner should not include the increase in income in processing the interim recertification.
- An increase in allowances;
- A change in citizenship or eligible immigration status of any family members, or
- Most decreases in income except in the circumstance described in the next paragraph.

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## Reporting Changes between Annual Recertifications (continued)

The O/A **may refuse** to process an interim recertification when the tenant reports a decrease in income only if the following apply:

- The decrease was caused by a deliberate action of the tenant to avoid paying rent (e.g. O/A receives documented evidence that a tenant quit a job in order to qualify for a lower rent).
- The O/A has confirmation that the decrease will last less than one month (e.g. O/A receives confirmation from the tenant's employer that the tenant will be laid off for only two weeks).
  - ✓ If the O/A determines that the decrease in income will last less than one month, the O/A may choose, but is not obligated, to process an interim recertification.
  - ✓ The O/A must, however, implement this policy consistently for all tenants in the property who experience a decrease in income that will last for less than one month.
- Owners do not have to perform interim recertifications for individual tenants who are paying market rent.

The O/A **may delay, but not refuse**, to process an interim recertification if they have confirmation that a tenant's income will be partially or fully restored within two months. Processing may be delayed only until the new income is known.

- When owners decide to delay processing, the following apply:
  - ✓ May require the tenant to pay the current amount of rent until the interim recertification is complete.
  - ✓ Must not evict the tenant for nonpayment of rent.
  - ✓ Must not charge the tenant a late fee for paying rent after the 5th of the month because the owner elected to delay processing, knowing the tenant has experienced a change in income.
- Once owners are able to verify the tenant's new income, they must do as follows:
  - ✓ Recertify the tenant, as described in paragraph 7-12.
  - ✓ Retroactively apply any reduction in rent to the first day of the month after the date of the action that caused the decrease in income.
  - ✓ Notify the tenant in writing of any rent due for the period of delay. If the tenant fails to pay this amount within 30 days of notification, the owner may pursue eviction for nonpayment of rent.

The O/A **should not** recertify a tenant receiving welfare assistance in an as-paid welfare program when the Public Assistance Agency reduces the tenant's shelter and utility allowance because it is greater than the tenant's actual rent.

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If you are not already receiving this publication via e-mail, or if you have ideas, suggestions or questions for future publications, we'd like to hear from you.

Please visit the [NTHDC website](#)

OR send an email to

[michelle.thomas@cgifederal.com](mailto:michelle.thomas@cgifederal.com)



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## Reporting Changes between Annual Recertifications (continued)

### Processing Interim Recertifications

When processing an interim recertification, the O/A must conduct an interview with the tenant to obtain information on the reported change and review and ask if there have been other changes to family composition, income, assets, or allowances since the most recent certification. The O/A will obtain third-party verification of the income or other facts reported as changed since the last recertification and maintain documentation in the tenant file. The EIV system must be used at the time a tenant reports a change in employment or income to determine if any information has been provided by the employer or if the tenant had unreported income. Changes in the tenant's rent and assistance payment will be documented by obtaining required signatures on the HUD-50059 and maintaining the original copy in the tenant file. The tenant information will be updated when the certification is transmitted to TRACS.

### Effective Date of Interim Recertifications

The O/A must provide the tenant with written notice of the effective date and the amount of the change in TTP or tenant rent resulting from the interim recertification.

If the tenant complies with the interim reporting requirements, rent changes must be implemented as follows:

- Rent increases. The O/A must give the tenant 30 days advance notice of the increase. The effective date of the increase will be the first of the month commencing after the end of the 30-day period.
- Rent decreases. The rent change is effective on the first day of the month after the date of action that caused decrease. A 30-day notice is not required for rent decreases.

If the tenant does not comply with the interim reporting requirements as described in the HUD Handbook 4350.3, Chapter 7, Paragraph 7-10, most likely this results in a repayment agreement and the O/A initiates an interim recertification and implements rent changes as follows:

- Rent increases. O/A must implement the increase retroactive to the first of the month following the date that the action occurred.
- Rent decreases. Rent decrease must be implemented effective the first rent period following completion of the recertification.

Be sure to update NTHDC's address on form HUD-9887.

New address:

4300 West Cypress Street Suite 300  
Tampa, FL 33607



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## Member Spotlight Introducing Safrone Presley

Safrone Presley has over 20 years of housing industry experience. In 2004, she began her Housing career as an Assistant Property Manager for the St. Petersburg Housing Authority. In 2004, she transitioned to CGI/NTHDC PBCA contract as a Central Contract Specialist and was promoted to her current role as Central Service Manager. She currently oversees a team of Central Contract Specialists who process vouchers, contract renewals, rent adjustments and special claims. In addition to those duties, she has assisted in the NTHDC processing during all three rounds of the HUD Coronavirus Supplemental Payments Program in 2020 and 2021.

While being born in Brooklyn, New York and raised in Manhattan, she is an Island Girl at heart who spent many years in Jamaica with her family. She obtained a Degree in Business Management from Eckerd College in St. Petersburg Florida. Safrone has two children. Her son Jordan, who is attending FAMU and daughter Jada, graduating High School this year. Safrone and her family love to travel, go to the beach, and visit museums. In Safrone's spare time, she exercises with her dog Nala and loves to draw & paint.

### Please continue to direct electronic submissions as follows:

Vouchers: [voucher@cgifederal.com](mailto:voucher@cgifederal.com)

Special Claims: [specialclaim@cgifederal.com](mailto:specialclaim@cgifederal.com)

MOR Responses: [tampageneralmailbox@cgifederal.com](mailto:tampageneralmailbox@cgifederal.com)

**Fax Numbers:** 813 - 877 - 1412 and 813 - 877 - 1434

**Office:** 4300 West Cypress Street, Suite 300

Tampa Florida 33607

Phone: 813 - 873 - 8200



## **ALL RESIDENTS OF H.U.D. SUBSIDIZED PROPERTIES**

North Tampa Housing Development Corporation (NTHDC) is the HUD Contract Administrator and is responsible for responding to resident concerns. NTHDC Call Center has a team of Customer Relation Specialist (CRS) that will receive, investigate and document concerns such as, but not limited to the following:

- ◆ Questions or concerns regarding work order follow-up.
- ◆ Questions regarding the calculation of your rent.
- ◆ Address health & safety and HUD Handbook 4350.3 concerns.

### **Call Center Purpose:**

- ◆ Call Center aids in ensuring HUDs mission of providing Decent, Safe and Sanitary Housing.
- ◆ Serve as a neutral third party to residents, owners and the public.
- ◆ Assist with clarifying HUD Occupancy Handbook 4350.3 requirements.

### **Call Center Contact Information and Business Hours:**

- ◆ Hours of Operation: Monday – Friday, 8:30am to 5:30pm
- ◆ Contact Numbers: 800-982-5232 fax: 614-985-1502
- ◆ Written Summaries: 8760 Orion Place, Suite 110, Columbus, Ohio 43240
- ◆ Email: [PBCAContactCenter@cgifederal.com](mailto:PBCAContactCenter@cgifederal.com)
- ◆ Website: [www.nthdc.org](http://www.nthdc.org)

### **Concerns can be submitted by the following:**

- ◆ Phone
- ◆ Fax
- ◆ Mail
- ◆ Email
- ◆ Voicemail
- ◆ FOIA- Freedom of Information Act request must be submitted directly to HUD

### **Required Information to open an inquiry:**

- ◆ Property name
- ◆ Caller's name (anonymous calls accepted)
- ◆ Caller's telephone number with area code
- ◆ Caller's address including apartment number
- ◆ A brief, detailed description of the caller's concern(s)

## **EQUAL HOUSING OPPORTUNITY**

4300 West Cypress Street, Suite 300, Tampa Florida 33607

Tele: (813) 877-1434 | Fax: (813) 877-1412 | TTY English: (800) 955-8771 | TTY Español: (877) 955-8773 |  
Contact Center (800) 982-5232