



Winter 2012

The CA Quarterly Review

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North Tampa Housing Development Corporation

From the Desk of Cedric Hernandez,
State Program Manager

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The NTHDC team would like to wish everyone a Merry Christmas and Happy New Year. This is a wonderful time of year to spend with family and friends. I speak for all our staff when I say it has truly been a pleasure working as your PBCA in 2012. I am excited to succeed Shawn Steen in the role of State Manager and look forward to what is ahead. As State Manager I will be responsible for the day-to-day operations of the PBCA. Shawn Steen will remain involved in the Florida PBCA engagement as Director of Operations and will continue to work closely with me and Don Shea, Director. Since starting with NTHDC in 2005, I have had the pleasure of

working with many of you. For those who I have not met, I look forward to that opportunity.

While things are going well, the continued uncertainty of the PBCA landscape cannot be ignored. NTHDC received a three month extension which extends the current PBCA term to March 31, 2013. In addition, there are seven additional extension for three months each available to HUD. If HUD chooses to exercise all seven extensions the current PBCA contract would run through December 31, 2014. We fully expect further delays as the legal process runs its course. We will keep you informed of any further developments.

I hope everyone gets the opportunity to relax and enjoy this time of the year. Best wishes to all for a wonderful Holiday Season.

Happy Holidays.

Cedric Hernandez
NTHDC State Manager, Florida & U.S. Virgin Islands

What's New on HUDClips

Posted Date

12/06/2012	HUD Form 9834	Management Reviews of Multifamily Projects
12/04/2012	FY 2013 Income Limits	FY 2013 Income Limits — <i>Reposted on 12/11/2012</i>
12/04/2012	HUD-1686-1-FHEO	Fair Housing Equal Opportunity for All Booklet
11/30/2012	FR-5677-N-01	Regulatory and Administrative Waivers granted for Multifamily Housing Programs to Assist With Recovery and Relief in Sandy Disaster Areas
11/28/2012	HUD Form 92006	Supplement to Application for Application for Federally Assisted Housing (New Expiration Date)
11/28/2012	Housing Notice 2012-26	Extension of housing Notice H 2011-25, EIV & You Brochure- Requirements for Distribution and Use
11/28/2012	Housing Notice 2012-25	Policy for Amended and Restated Use Agreement for Multifamily Projects Subject to LIPHRHA of 1990
11/28/2012	Housing Notice 2012-24	Collection Procedures for Delinquent 202 Direct Loans
11/23/2012	FR-5603-N-86	Previous Participation Certificate
11/23/2012	FR-5603-N-85	Multifamily Housing Mortgage and Housing Assistance Restructuring Program (Mark to Market)
11/21/2012	Housing Notice 2012-22	Further Encouragement for O/As to Adopt Optional Smoke Free Housing Policies

Clarification of Homeless Preferences in Assisted Properties

Under the leadership of Secretary Donovan, a Department-wide initiative has been formed to reduce chronic homelessness by one-third in 5 years. Multifamily Housing (MFH) has joined Field Policy and Management (FPM), Public and Indian Housing (PIH), Community Planning and Development (CPD), and Fair Housing and Equal Opportunity (FHEO) to create and implement community-driven plans, designed to end homelessness in your community, that draw on local data and dedicate housing and service resources accordingly. Throughout this process, new partnerships have been forged across Federal agencies, in order to focus on cross-cutting initiatives to capitalize on resources and experience. Through this effort, HUD and the United States Interagency Council on Homelessness (USICH) will engage mainstream housing providers and community stakeholders to generate a commitment to dedicate significant resources to homelessness efforts.

One impediment recognized in implementing this initiative within MFH was a regulatory interpretation that allowed an admission preference for “homeless individuals.” The Office of Multifamily Housing has strictly interpreted 24 CFR §5.655(c)(1) - (c)(5) *Section 8 project-based assistance programs: Owner preferences in selection for a project or unit*, to mean that Owners are limited in adopting preferences to those specifically cited in the regulation. As a result, it was understood that the provision would not allow for an Owner to adopt a preference for homeless families as Owners could not adopt preferences outside of 5.655(c)(1) – (c)(5). However, the Office of General Counsel has revisited this issue and has broadened its interpretation indicating that silence within the provision does not preclude Owners from adopting preferences outside of those cited. In addition, HUD Handbook 4350.3, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, Section 4-6.C, expressly states:

“Owners are permitted to establish other preferences for assisted properties as long as they are subordinate to any program-specific preferences discussed in subparagraph B above, and comply with applicable fair housing and civil rights statutes. Some of these owner-adopted preferences require prior HUD approval (as noted below) and some do not. The types of preferences that may be implemented by owners to serve unique groups of needy applicants include:...”

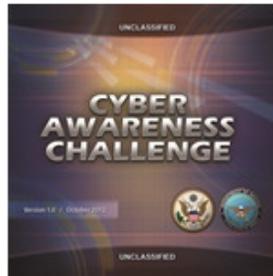
Therefore, Owners can adopt preferences outside of 5.655(c)(1) – (c)(5) with HUD approval. Note that Owner adopted-preferences listed at 5.655(c)(2)-(5) do not require HUD approval since these examples are permissible preferences. The Multifamily Hub Director or the Multifamily Program Center Director may provide such approval to Owners wishing to adopt a preference for homeless families. The Office of Housing Assistance and Grant Administration will provide further clarification in the form of a notice to owners with regard to waiting list issues and adoption of admissions preferences.

Owners are encouraged to develop a preference for homeless families in accordance with Handbook 4350.3 and submit their requests to their HUD project Manager for review and approval.

HUD Makes Change to Online Security Training for EIV and TRACS

Recently, HUD made a change to the security requirements for TRACS and EIV. The module for online security training for EIV and TRACS has changed. To complete the online security training, please follow the revised steps below.

- Open your internet browser
- Type <http://iase.disa.mil/eta/index.html#onlinetraining>
- Press Enter
- Click on CyberAwareness Challenge (for DoD and Federal Personnel) icon on the IA Education, Training and Awareness screen



CyberAwareness
Challenge
(for DoD and Federal
Personnel)
October 2012

- Click on Launch CyberAwareness Challenge Federal Version to proceed with the training

A screenshot of the Cyber Awareness Challenge landing page. The top section has a dark background with the text "UNCLASSIFIED" at the top and bottom, and "CYBER AWARENESS CHALLENGE" in large, bold, metallic letters in the center. Below this, there are three blue links: "Launch CyberAwareness Challenge Department of Defense Version", "Launch CyberAwareness Challenge Federal Version" (which is circled in black), and "Troubleshooting Guide". At the bottom, there is a section titled "Testing support for..." with a list of browser requirements, all of which are marked as "Meets the criteria to run this courseware". The final line of text says "Your browser meets the criteria to run this courseware."

System for Award Management (SAM) Goes Live



The System for Award Management (SAM) is a Federal Government owned and operated free website that consolidates the capabilities in CCR/ FedReg, OCRA and EPLS.

Two key points for Users registering DUNS numbers in the SAM system:

- CCR no longer exists
- SAM (System for Award Management) has replaced CCR

SAM went live on July 29, 2012. If you had an account in CCR, all your information is now in SAM -- but your CCR login info will not work in SAM. Unless you opted out of the public search, you should be able to see your record by logging into SAM at <http://sam.gov> and doing a public search on your DUNS.

Unless a change in your business circumstances requires a change in order for you to be paid, or to be awarded a contract or a grant, you should not have to update your records right away (check your expiration date). If you need to update/renew/change your record, start by going to <http://sam.gov>, click on Create an Account, and follow the prompts to create an individual account and migrate your records/roles from CCR. The attached migration roles document will tell you how to do so. Then, log in, click on Register/Update Entity, find your record in the Complete Registrations section and begin your update. The attached updating or renewing document provides instructions. This document and other help options are available on the Help tab of sam.gov.

Should you encounter any issues in the process, please submit a ticket via the SAM help desk, which is called the Federal Service Desk (FSD) (<http://fsd.gov>). It is recommended you do so online, rather than wait on the phone on hold. If you don't have an account with FSD already, you'll need to create one on the "Your Account" page in order to submit a ticket.

Please note that SAM is completely free of charge, both to register and to use.

**Register Now for HUD's Green Academy
Tampa January 7-11, 2013**

Registration is now open for HUD's Green Academy in Tampa, January 7-11, 2013. HUD's Green Academy is an exciting pilot initiative that offers green building training to HUD grantees and other affordable housing organizations. For more information or to register, visit [www.sustainable-performance.org/ HUDGreenAcad](http://www.sustainable-performance.org/HUDGreenAcad).

**For HUD's Green Academy in Tampa, all training will take place at:
Tampa Housing Authority
5301 West Cypress Street
Tampa, FL 33607
1st floor training room**

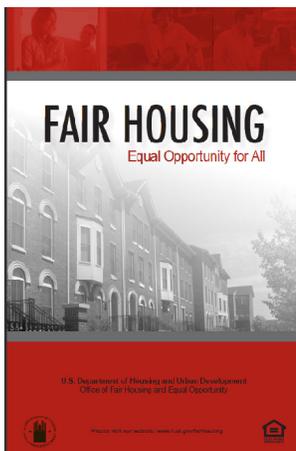
HUD Releases Corrected List of Federally Mandated Exclusions from Income

On July 24, 2012, HUD published a Federal Register notice announcing amendments, removals and additions to the Federally-Mandated Income Exclusions notice published on April 20, 2001. On December 14, 2012, HUD issued a corrected notice identifying errors and an omission in the July, 24, 2012 notice. The list below represents the income exclusions that were added in the July 24, 2012 notice, as well as the additional exclusion (#6) identified in the notice issued on December 14, 2012:

1. Assistance received under the School Lunch Act and the Child Nutrition Act of 1966;
2. Payments received under the Seneca Nation Settlement Act of 1990;
3. Payments from any deferred Department of Veterans Affairs disability benefits that are received in a lump sum amount or in prospective monthly payments;
4. Compensation received by or on behalf of a veteran for service-connected disability, death, dependency or indemnity compensation in programs authorized under the Native American Housing Assistance and Self-Determination Act of 1996 and Administered by the Office of Native American Programs;
5. Lump sum or periodic payments received by an individual Indian pursuant to the Class Action Settlement Agreement in the United States District Court case entitled *Elouis Cobell et al. V. Ken Salazar et al*; and
6. Amounts received under the Robert T. Stafford Disaster Relief and Emergency Assistance Act and comparable disaster assistance provided by States, local governments, and disaster assistance organizations.

While other minor corrections in the December 14, 2012 notice do not represent significant material changes to the July 24, 2012 notice, we encourage you to review the updated notice in its entirety here: [Federal Register, Volume 77, No. 241](#).

HUD Publishes Fair Housing Booklet



HUD recently published a Fair Housing Booklet in an effort to educate the industry regarding such topics as housing discrimination, equal access to housing, and enforcement of the Fair Housing Act.

Equal access to rental housing and homeownership opportunities is the cornerstone of this nation's federal housing policy. Housing providers who refuse to rent or sell homes to people based on race, color, national origin, religion, sex, familial status, or disability are violating federal law, and HUD will vigorously pursue enforcement actions against them. Housing discrimination is not only illegal, it contradicts in every way the principles of freedom and opportunity we treasure as Americans. HUD is committed to ensuring that everyone is treated equally when searching for a place to call home.

You can find a copy of the Booklet at : <http://portal.hud.gov/huddoc/1686.pdf>

Veterans Affairs Aid and Attendance Payments

Due to numerous inquiries, HUD recently issued clarification on how VA Aid & Attendance payments are to be treated relative to annual income and the regulation for medical expense exclusion (24 CFR 5.609 (c)(4)). According to the U.S. Department of Veteran Affairs, Aid and Attendance (A&A) is an enhanced or special monthly payment pension benefit paid in addition to basic pension. The individual must first be eligible for a basic VA pension before eligibility for A&A can be determined. However, because there is no statutory or regulatory exclusion for the A&A benefit, the benefit must be included as a source of income.

The VA indicates the following four instances that may deem a veteran eligible for A&A:

- ◆ The veteran requires the aid of another person in order to perform his or her activities of daily living, such as bathing, feeding, dressing, attending to the wants of nature, adjusting prosthetic devices, or protecting himself/herself from the hazards of his/her daily environment, OR,
- ◆ The veteran is bedridden, in that his/her disability or disabilities requires that he/she remain in bed apart from any prescribed course of convalescence or treatment, OR,
- ◆ The veteran is a patient in a nursing home due to mental or physical incapacity, OR,
- ◆ The veteran has corrected visual acuity of 5/200 or less, in both eyes, or concentric contraction of the visual field to 5 degrees or less.

◇

HUD reminds Owners that, pursuant to 24 CFR 5.609(c)(4), any money received by the family that is specifically for, or in reimbursement of, the cost of medical expenses for any family member, is excluded from annual income. ***Because of this, the owner must verify any amount provided for Aid and Attendance which is used for medical expenses and exclude the verified amount.*** Any portion of the benefit not being used for medical expenses must be included as income.

Tampa Housing Authority wins \$30M Choice Neighborhoods Grant



On December 13, 2012 the Tampa Housing Authority announced that it will receive a \$30 million grant from the U.S Department of Housing and Urban Development. The grant will provide funding for continued re-development of the once-blighted area of Central Park Village in downtown Tampa. The redeveloped area, Encore, will include a mixed use/mixed income neighborhood with housing, business and cultural centers.

“This grant will take Encore to the next level, a truly mixed use, integrated and flourishing community,” Jerome Ryans, President/CEO of the Tampa Housing Authority said of the grant award.

The Tampa Housing authority is one of only four other recipients of the grant. Other award winners include: Cincinnati, OH; San Antonio, TX and Seattle, WA.

HUD Issues FY 2013 Income Limits

The FY2013 income limits published by the HUD on December 4, 2012, and identified in RHIP Listserv #290, were replaced with revised income limits on December 11, 2012. Because of the revision, the policy for implementing the FY2013 income limits is as follows:

- If an owner has not yet implemented the FY2013 income limits published either on 12/4/2012 or on 12/11/2012, the owner has 45 days from 12/11/12 to implement the 2013 income limits published on 12/11/2012.
- If an owner implemented the FY2013 income limits published on 12/4/2012, but not yet implemented the FY2013 income limits published on 12/11/2012, the owner must either:
 - Immediately implement the 2013 income limits published on 12/11/2012; or
 - Revert back to the 2012 income limits and implement the 2013 income limits published on 12/11/2012 within 45 days.
- If an owner has implemented the FY2013 income limits published on 12/11/2012, continue to use these income limits.

The data displayed on the website between 12/11/12 and 12/13/12 was accurate even though it may have indicated “Data file last updated Nov. 30, 2012.” This notation has now been corrected to read “Data file last updated Tues., Dec. 11, 2012.”

Important Note: Any applicant that was determined to be ineligible by using the FY2013 income limits published on 12/4/2012 must be contacted and, because they fall within the appeal timeframe of 14 days (HUD Handbook 4350.3 REV-1, paragraph 4-9.C.2.b), have their eligibility re-determined. The applicant’s eligibility is to be re-determined using the FY2012 income limits.

HUD has clarified that an applicant eligible to be housed from the waiting list if they have been determined to be eligible based on the prior year’s income limits and, just prior to the applicant being housed, new income limits are published which would make the applicant ineligible? HUD Handbook 4350.3 REV-1, paragraph 3-6.C.2 states “Owners determine income eligibility prior to approving applicants for tenancy. Owners compare the family’s annual income to the appropriate income limit prior to placing an applicant on the waiting list. However, owners may wait until a unit is available to verify the applicant’s income eligibility.” Following this guidance in the Handbook, 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.



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