



The CA Quarterly Review

Winter 2009

December 21, 2009

North Tampa Housing Development Corporation

From the Desk of Shawn Steen, NTHDC State Program Manager



“It is difficult to say what is impossible, for the dream of yesterday is the hope of today and the reality of tomorrow” – Robert H. Goddard

This is the final NTHDC newsletter of 2009 and what a year it has been. The industry faced challenges this year, but we have worked individually and collectively to meet them. We can look back at the ARRA reporting requirement that applied to many Owners and Agents this year as one of those challenges. When ARRA funds were used to augment general HUD funds for your monthly HAP voucher payments, you suddenly inherited a new obligation. This was a challenge for many of our partners, but through the active lobbying of individuals and industry groups this requirement was waived. This is just one small example of what was faced and overcome in 2009. I am certain that 2010 will bring new experiences, but I know we will successfully resolve them as we always do.

I want to take this opportunity to briefly look back at the past year for NTHDC, and lay out our plans for next year. Our main objective is to be a resource and a partner to all of you, and I am hopeful our goals and initiatives next year will help to facilitate this. NTHDC will continue to offer our free Owner/Agent information sessions in 2010 to provide training opportunities in locations throughout the state. We conducted four regional meetings (Miami, Tallahassee, Jacksonville and Orlando) and our state-wide meeting in Tampa in 2009. These five sessions collectively attracted approximately 400 attendees. This program was a success based on the tremendous participation and positive feedback. This also allowed a larger number of owner and management representatives to receive training with minimal costs to your properties. The 2010 schedule will be finalized soon and posted on our website. Please feel free to share your suggestions and recommendations on ways we can improve the 2010 sessions.

NTHDC implemented major changes to our systems to increase efficiency and provide more resources to our partners. NTHDC introduced a revamped website providing a more robust offering of services including our discussion forum, email notification of HUD policy changes for registered users, and general guidance for the multi-family program just to name a few. We also implemented the CAVS vouchering system (a proprietary product created by our IT development team). CAVS allows the NTHDC staff to process your voucher requests faster and provide you feedback quickly. You can provide your feedback on the new website and vouchering system to your Contract Specialist or any member of the NTHDC team.

NTHDC will strive to continue to be a resource for you in the upcoming year. I encourage you to let me know what we are doing well, and what we can do better. I wish all of you a safe and happy holiday season with hopes for a great new year.

Best Wishes,

Shawn D. Steen
State Manager

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Refinement of Income and Rent Determination Final Rule Implementation Deadline Looms

This issue of the CA Quarterly Review focuses on several important HUD initiatives that will impact Owners and Agents in the coming months. First and foremost among these is the Refinement of Income and Rent Determination Final Rule, which is to become mandatory on January 31, 2010. This rule includes required use of the Enterprise Income Verification System (EIV) as well as procedural changes to intake and application processing steps owners follow. Previous issues of our newsletter have provided instructions to Owners and agents to get access to the EIV system. This issue provides guidance on how to use the system.

Impact of the Final Rule at the Property Level

The final rule will require changes to some of the policies and procedures Owners and Agents employ during the application and screening process at the property site as well as required record-keeping for staff security.

Application Processing Changes

During application processing, new requirements for Social Security Number disclosure and verification will be implemented. New requirements are:

- Disclosure of social security numbers by all individuals applying for or participating in HUD's rental assistance programs. Once the Final Rule is in effect, applicants will be required to disclose and provide verification of the social security number for all members of their household before they can be admitted.
- Current residents will be required to disclose and provide verification of social security numbers for all members of their household, where disclosure and verification has not occurred, at the time of their next interim or annual recertification.
- Owners must obtain verification of a signed declaration of U.S. citizenship or U.S. nationality

Rules of Behavior

Owners and Agents are now required, per HUD Housing Notice 09-20, to have on record signed "Rules of Behavior" forms for all staff at the site who may access/review or handle any EIV reports but do not have security clearance to the system.

"The Refinement of Income and Rent Determination Final Rule is to become mandatory on January 31, 2010."

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Refinement of Income and Rent Determination Final Rule Implementation Deadline Looms Continued.

Using the EIV System

Beginning on January 31, 2009 Owners and Agents will use the EIV system as the primary verification system for employment, wages, when *recertifying existing tenants* and *to check for double subsidy when processing applicants who are ready to move into a unit*. At this time all Owners and Agent should have gotten access to the EIV system. On **December 7, 2009** the RHIIP published ListServ #195 that provided the timeline below as a guide for owners who had not yet gotten access. The language from the notice is quoted below:

“Use of the EIV system for Multifamily Housing Program users will become mandatory on January 31, 2010, the effective date of the "Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs - Final Rule" published in the Federal Register on January 27, 2009 (FR-4998-F-02).

In order to meet the deadline for using EIV and to avoid penalties relating to non-compliance with the Final Rule, owners and management agents who do not have access to EIV must act now by taking the steps outlined below.

Step 1: Determine EIV Role

When applying for initial EIV access rights, applicants must first decide what their role will be in EIV; whether they will be an EIV Coordinator (HSC) or an EIV User (HSU), as the application process is different depending on their role. An EIV Coordinator has the same functionality in EIV as an EIV User but also has the administrative functions of assigning access rights to EIV Users and recertifying their EIV Users on a biannual basis.

Step 2: Application Process for Coordinators

When applying for EIV access rights as an EIV Coordinator (HSC), an applicant must:

1. Be a WASS Coordinator and have an active WASS ID (M-ID) that was assigned to them by HUD, based on owner authorization;
2. Have a written owner authorization (letter of approval) to access EIV on the owner’s behalf for their property(ies);

“In order to meet the deadline for using EIV... owners and management agents who do not have access to EIV must act now by taking the steps outlined below.”

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Refinement of Income and Rent Determination Final Rule Implementation Deadline Looms Continued.

3. Complete and submit a hardcopy Coordinator Access Authorization Form (CAAF) to HUD's Multifamily Helpdesk by fax at 202-401-7984 or by email at MF_eiv@hud.gov. You need only fax pages 1, 2, and 5 of the CAAF. Do not fax the owner letters of approval with your request. Note, only one CAAF needs to be submitted per Coordinator. A separate CAAF should not be submitted for each property. The deadline for submission in order to have access to EIV by January 31, 2010, is December 15, 2009;
4. Complete property assignments in EIV after receiving an approval email from the Helpdesk; and
5. Complete the EIV on-line certification process by January 15, 2010.

Step 3: Application Process for EIV Users

Users must have an active WASS ID (M-ID) in order to apply for access authorization rights to EIV. To apply for EIV access, Users will need to complete the User Access Authorization Form (UAAF) in hardcopy and submit it to their assigned EIV Coordinator for approval. The EIV Coordinator can approve and certify the EIV User and make the appropriate property assignments. UAAFs are not to be faxed to the Multifamily Helpdesk.

Detailed instructions for the application process which include how to apply for a WASS ID, upgrade to a WASS Coordinator role (necessary if applying as a Coordinator) and application forms for EIV Coordinators and EIV Users are located at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/applyforeivaccess.pdf> If you have any questions related to getting access to EIV, you may contact Kevin Garner on 202-402-2057 or Zeljko Jovanovic on 202-402-3157.”

Using EIV When Processing an Annual Recertification

Once Owners and Agents have access to the system, they should use specific reports during the Annual Recertification process for existing tenants. It is a good practice to let tenants know that you will be using the system to verify income. Below are the general steps that should be used when using the system:

Owners and Agents MUST have a valid, signed 9887/9887A on file for each

- Head, co-head and spouse no matter what their age
- All adult household members—18 years or older
- Any adult added to the unit

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Refinement of Income and Rent Determination Final Rule Implementation Deadline Looms Continued.

Verifying Income

1. Owners and Agents can log on to the system and run several Income Verification Reports on the tenant/household. Reports available include the following:
 - Income Report
 - Income Discrepancy Report
 - No Income Report
 - New Hires Report
2. It is important to note that New Hires, Wage and Unemployment Compensation data is not immediately available in the system. In general these types of data are available approximately 6 months after each quarter’s end. For example, Wage data from Jan/Feb/Mar will be available in the system around August 15; Wage data from April/May/June will be available in the system around November 15, and so on.
3. Please note: W-4, Wage and Unemployment Compensation information from EIV *is not to be used to calculate tenant income without obtaining additional verification documentation from the resident. If EIV information does not match the amount supported by documentation provided by the resident or the resident disagrees with the information from EIV, the Owner/Agent MUST obtain third party verification to determine tenant income.* Owners should follow the steps below when using EIV:
 - a. When the resident reports employment/employment income:
 - i. Owner/Agent checks EIV and employment data is a match
 - ii. Owner/Agent requests documentation from resident supporting income amount (See 4350.3 REV1, CHG 3 for acceptable documentation)
 - iii. If amounts match EIV and there is NO difference in income, the verification is complete.
 - iv. If there is a difference in income, third party verification should be requested. When it is received, third party verification amounts should be used in the final calculation of tenant income.

“EIV is not to be used to calculate tenant income without obtaining additional verification documentation from the resident. “



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Refinement of Income and Rent Determination Final Rule Implementation Deadline Looms Continued.

Verifying SSA and SSI

EIV includes information on Medicare premiums, but not on additional deductions for prescription drugs, premiums, etc. These amounts will have to be provided by the tenant during the recertification process. Owners and Agents may also have residents provide a current Award Letter from SSA.

If the Social Security Benefit information in EIV agrees with resident reported amounts, the EIV data may be used for third party verification for determining income.

Owners and Agents **MUST** obtain third party verification to support EIV data IF:

- Resident disputes the EIV data
- The resident cannot provide acceptable income documentation
- EIV has no data for the resident, or data is not complete
- The current award letter can be used for third party verification.

Using EIV When Processing an Applicant for Move In

EIV includes features that successfully provide owners with information to avoid Double Subsidy problems when moving in new tenants. The primary feature of the program that addresses this issue is the *Existing Tenant Search Report*.

NOTE: If an owner is using the Existing Tenant Search Report it MUST be included/explained in the owner's Tenant Selection Plan.

Using the report is simple:

- Log on to the system
- Select the *Existing Tenant Search* option
- Enter the applicant's social security number

The results may indicate one of two possibilities: a message indicating "No Match", which means no double subsidy issue was found or ***Alert: the individual may be currently assisted***. The instructions further direct Owners and Agents to follow up to confirm the applicant's participation and receipt of subsidy before admission into the program.

Finally, after the Move In record is forwarded to TRACS, it is a good practice for Owners/Agents to run the Identity Verification Report, which compares resident information in TRACS against the Social Security Administration's records. This report helps identify Social Security Number errors if the result after running the report is a "***failed verification***". Any resident who fails this check will have NO employment or income information provided by SSA for Health and Human Services in the EIV system. Any discrepancies should be brought to the attention of the tenant.

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Refinement of Income and Rent Determination Final Rule Implementation Deadline Looms Continued.

EIV Requirements: Resolving Discrepancies

O/As are required to obtain written independent verification of disputed EIV data such as that provided by SSA and HHS, and NDNH, in accordance with 24 CFR 5.236.

Resolving Income Discrepancies

NOTE: O/As must compare the SSA, SSI, wage and unemployment compensation information reported on the HUD-50059s contained in the tenant file that were in effect during the POI and, if applicable, third party verifications, with the employment and income information reported in EIV to determine whether or not there is a valid discrepancy.

- Notify and discuss any discrepancy with the tenant. Just because the system identifies a discrepancy *does not mean it is correct*.
- Request current documents from the tenant (i.e., original, most recent (four to six) consecutive pay stubs; original SSA benefit award letter dated within the last 120 days; etc.), in accordance with Chapter 5, Paragraphs 5-13 and 5-17, Determining Income and Calculating Rent, of Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs.
- Request written third party verification of any income source that the tenant disputes.
- Confirm effective dates of unreported income.
- Provide the tenant the right to contest the findings.
- Determine any retroactive rent due to the O/A in cases where the O/A confirms that the tenant failed to report income.
- Execute a repayment agreement with the tenant, when the tenant is unable to pay the amount due in full, in accordance with Chapter 8, Paragraph 8-20.A, Department of Housing and Urban Development (HUD) Office of Housing (Housing) Office of Multifamily Housing Programs Resolving Income Discrepancies between Tenant-Provided Income Information and EIV System Data, May 2008: Reimbursement to HUD for Overpayment of Assistance, of Handbook 4350.3 REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs.
- Adjust the rent, as necessary, in accordance with Chapter 7, Recertifications, Unit Transfers, and Gross Rent Changes of Handbook 4350.3, REV-1, Occupancy Requirements of Subsidized Multifamily Housing Programs, to reduce the occurrence of improper subsidy payments.

Social Security Administration (SSA) Form 7004 form may be used by O/As to request a tenant's Social Security Earnings Statement. The statement provides a record of the tenant's Social Security earnings history, year-by-year and provides an estimate of benefit payments that the tenant and the tenant's family may qualify for now or in the future. See <http://www.ssa.gov/mystatement> for more information.

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Refinement of Income and Rent Determination Final Rule Implementation Deadline Looms Continued.

O/As may not suspend, terminate, reduce, or make a final denial of any financial assistance or payment under a federal benefit program against an individual, or take other adverse action against such individual, as a result of information produced by the EIV system without properly verifying the information and notifying the tenant in writing of any adverse findings in the same manner as applies to other information and findings related to eligibility factors.

O/As must re-evaluate their policies and practices and review applicable regulations at 24 CFR 5.236 in light of availability of quarterly wage, unemployment compensation, and new hires employment information, and the possibility of a major increase in the number of cases of unreported and underreported tenant income.

For more information on how to resolve income discrepancies between EIV system data and tenant-provided income information, check the websites below.

How Mandatory Use of EIV Impacts Management and Occupancy Reviews

Beginning with those management reviews scheduled February 1, 2010 or later, your PBCA will include in Addendum C, the list of documents to be made available, an expanded list, which includes the following:

- EIV Coordinator Access Authorization Form(s) (CAAFs)
- EIV User Access Authorization Form(s) (UAAF)
- EIV Owner Approval Letters
- Rules of Behavior Form
- EIV Usage Policy

Reviewers will look at these documents to ensure Owner/Agents are compliant with the provisions set out for EIV access and use.

Helpful Web Addresses:

EIV HUD NOTICE: H 2008-03- Issued 6/25/2008:

<http://www.hud.gov/offices/adm/hudclips/notices/hsg/files/08-03HSGN.doc>

EIV Training and Outreach Presentation Dec 16-17, 2008:

<http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivtraining.cfm> EIV Webcast Questions- Dec 16-17, 2008:

<http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/training/eivwebcastqna.pdf>

Enterprise Income Verification (EIV) Security Awareness Training questionnaires for Multi-Family Housing Programs- Issued May 2008:

<http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/securityawareness.pdf>

New EIV & You Brochure- July 2009

<http://www.hud.gov/offices/hsg/mfh/rhiip/eivbrochure.pdf>

New Rules of Behavior Acknowledgement form: 9/09

<http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/rulesofbehavior.pdf>

Tenants who need to request a current Award Letter may request a new letter from SSA by calling 1-800-772-1213 (TTY 1-800-325-0778) or by requesting it over the internet at: <https://secure.ssa.gov/apps6z/iss/main.html>.

O/As should refer to the EIV User Manual for Multifamily Housing Program Users for information on accessing the reports and for further descriptions of the reports. The manual is posted at: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivhome.cfm>

Vouchering Tips- Maximizing Your Dollars

When vouchering Owners and Agents should take the following steps to maximize your dollars requested each month.

“If the tenant has failed to recertify on time, HUD has clarified that all money paid from the 13th-15th month must be paid back.”

- ◇ **Repayment Agreements-** Once EIV becomes mandatory cases of unreported/ under reported income may be discovered. Please review the 4350.3, Change 3 Chapter 8 Section 4: Discrepancies, Errors and Fraud. Take the time to establish protocols/ procedures to handle these cases as they arise. In some cases, these amounts can add up to large amounts so be prepared for all scenarios you may encounter.
- ◇ **Process Annual Certifications (AR) timely-** It is imperative that the AR certifications are processed timely. If the tenant has failed to recertify on time, HUD has clarified that all money paid from the 13th-15th month must be paid back. This is accomplished by submitting a Termination certification (TM) effective the last day of the month prior to the AR due date. Subsidy can be re-established by submitting the Initial Certification (IC) once the tenant becomes compliant with the HUD rules.
- ◇ **Process all other certifications timely-** Due to the changes with the Appendix H guidelines, in most cases certifications will be delayed from being applied to a voucher for at least 1-2 months. These certifications will produce adjustments on the following voucher. By processing and sending all certifications at the time of completion, Owners and Agents can minimize the number of adjustment necessary for each HAP submission. The following link will allow you to view the MAT User Guide Appendix H for further details- <http://www.hud.gov/offices/hsg/mfh/trx/trxmatg.cfm>.
- ◇ **Preliminary/Draft vouchers-** Most software can create a Preliminary or Draft version of the voucher. Owners and Agents can review the voucher prior to submission for payment. A thorough review ensures that all certifications for the vouchering period have posted correctly and that correct adjustments were made. If errors are identified on the draft voucher, Owners/ Agents should review and correct them either manually or with the assistance of your software vendor. Taking the time to review your voucher submission ensures the best possible product is produced for payment.
- ◇ **Past Due Vouchers-** can cause a potential loss of HAP payment. They also have a negative impact on the TRACS database. TRACS will HQ terminate all tenants once the most recent AR has expired. This causes the TRACS compliance percentages to drop. HUD will not release any vouchers for payment if the property has a less than 90% TRACS Compliance rate.
- ◇ **Communication-**When discrepancies occur between the PBCA and OA amounts for any tenant your Contract Specialist will forward a Draft Reconciliation Report (RR) to the site. The Draft version of this report provides a basis for communication between the PCBA and OA to resolve all issues that exist. Emails and phone calls can also assist in this process.

Following Up on REAC Inspections

PBCA's are required, by their Annual Contributions Contract, to conduct follow up activities after a REAC inspection has been performed for a property in their portfolio. Once the inspection has been completed, PBCA's confirm correction of non-compliant physical conditions during the annual Management and Occupancy Review. PBCA's also follow-up on EH&S citations from the inspection. The PBCA does this by notifying the Owner of deficiencies and collecting and retaining an Owner's certification that the EH&S items were mitigated. Each morning, the PBCA staff searches HUD's website to download all EH&S events in which deficiencies were posted by inspectors. The PBCA then notifies the O/A via phone that deficiencies were cited during and sends the following documents to aid the O/A in documenting mitigation of the cited items:

1. A letter providing the name, phone number, and fax number for return of the certification and any other correspondence;
2. A copy of the citations listed in iREMS so that the Owner knows exactly what is to be repaired;
3. A certification form with the approved language;
4. A recommended format to be used to list the date of completion, location, and action taken for each citation; and,
5. Instructions for completing the documents.

The following conditions must be met in order for the PBCA to close the inspection:

1. The certification must be on the letterhead of the signing authority. The Owner may delegate signatory responsibilities to the duly authorized representative;
2. The certification must contain a list of all items corrected. The list may be an attachment (see number 4 above) indicating the location and date of the repair, or it may be contained in the body of the certification. However, in no case may the date that the Owner certifies repairs are mitigated be prior to any date shown on the attachment that the repair was completed;
3. The certification form with HUD approved language must be used word-for-word. No alterations can be accepted. A copy of the approved certification form is provided to the O/A at the time of the inspection and again with the notification provided by the PBCA. Failure to provide a completed Owner's Certification of Mitigation can lead to referral to Departmental Enforcement Center (DEC).

More information may be obtained in the Final Rule, 24 CFR Part 5, Uniform Physical Condition Standards and Physical Inspection Requirements, and 24 CFR Part 200, Assessment of Insured and Assisted Properties. In addition, REAC may be contacted directly at:

The Real Estate Assessment Center
550 12th St. SW
Washington, DC 20410

Update: HUD Forms, Notices, and Requirements

Over the past three months, HUD has issued HUD Housing Notices 09-15, 09-16, 09-20, issued the FY 2010 OCAF Factor, and clarified that the ARRA Reporting Requirements are no longer applicable to Owner's of Section 8 multi-family projects who received ARRA funds through their monthly HAP. But what would our lives be, if not for change right?

Housing Notice 09-15

This notices acts to re-authorize, clarify and define terms related to VAWA as referenced in Housing Notice 08-07. VAWA provides legal protection to victims of domestic violence, dating violence and/or stalking. These protections prohibit Owner/Agents from evicting or terminating the assistance of individuals claiming protection under VAWA. Owner/Agents can bifurcate the lease if one of the members on the lease is determined to be in violation of the VAWA act. The remaining member (the victim) is allowed to stay in the unit. Owner/ Agents are encouraged to include VAWA policies and procedures in their tenant selection plans and House Rules.

“The FY 2010 OCAF Factor for Florida is 1.8%.”

Owner/Agents are required to attach the HUD-approved Lease Addendum Form HUD 91067 to each existing or new lease. For new admissions, this must be attached to all new leases going forward. For existing tenants, the owner/ agent must expeditiously begin to notification process. This can be done by sending a copy of the lease to the tenant; sending a letter explaining that the tenant can either accept or reject the modification, but the response is due in 30 days.

Housing Notice 09-16

Exclusion from Annual Income of Temporary Employment for the U.S Census Bureau

Pursuant to Section 24 CFR §5.609(c)(9), owners and management agents of housing occupied by tenants who receive Section 8 benefits are to exclude from the calculation of annual income any temporary income payments received by those tenants from the U.S. Census Bureau. Temporary is defined as employment lasting no longer than 180 days and not culminating in permanent employment. Employer verification of both the employment dates and income amount must be maintained in the tenant's file.



Housing Notice 09-20

The Enterprise Income Verification notice issued December 7, 2007 replaces the previously issued EIV notice H08-03.

OCAF Factor

The OCAF Factor was published in the Federal Register on November 12, 2009 and becomes effective on all OCAF's where the rent effective date is February 11, 2010 and later. The FY 2010 OCAF Factor for Florida is 1.8%.

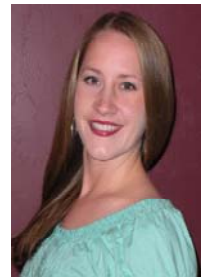
Use of HUD Form 92006 Becomes Mandatory

Owners and management agents must implement the requirements of Section 644 and begin using form **HUD-92006**, Supplement to Application for Federally Assisted Housing, by December 14, 2009.

Owner/agents must notify applicants at the time of application of their right to include as part of their application the name, address, telephone number and other relevant information of a family member, friend, or social, health, advocacy or other organization. This individual or organization may be contacted by the O/A or PHA to help in resolving issues that may arise during the applicant's tenancy or to assist in providing special care or services the applicant may require as a tenant. Form HUD-92006 must be included as an attachment to the O/A's application. You can find the form at: <http://www.hud.gov/offices/adm/hudclips/forms/hud9.cfm#group2>

Member Profile: Rhanda McKown

Rhanda started her career in housing approximately seven years ago as a Housing and Program Development Coordinator for a statewide non-profit, elderly housing association. Since that time, she has progressed through various aspects of the housing spectrum. This includes serving as Director of the Governor's Affordable Housing Study Commission [Florida], then working at the state's housing finance agency as an OnBase[®] software liaison, records retention trainer, and Records Manager. Her employment as a Local Contract Specialist, through a contract between North Tampa Housing Development Corporation and CGI, began three years ago and has proved to be both fulfilling and rewarding. She is married with two step-children and works remotely to provide service to the Section 8 subsidized properties located primarily in the Florida panhandle area.



Pictured Above: Rhanda McKown, LCS
Tallahassee region

Did You Know?

The NTHDC website features RSS feeds! You can set up the feeds to update you via email each time there is a new announcement, discussion topic or newsletter posting. To set up an RSS feed in Outlook, On the **Tools** menu, click **Account Settings**.

On the **RSS Feeds** tab, click **New**.

In the **New RSS Feed** dialog box, type or press CTRL+V to paste the URL of the RSS Feed. For example, <http://www.example.com/feed/main.xml>.

Click **Add**.

Click **OK**.

Use the following web addresses:

http://www.nthdc.org/feeds_Ann.asp - Announcements

http://www.nthdc.org/feeds_Newsletters.asp - Newsletters

http://www.nthdc.org/Forum/RSS_topic_feed.asp - Forums

