

Practical Points

By **PMCS** - Services and Solutions for Properties of All Sizes

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PBCA NOFA STATUS UPDATE

On August 6, 2013, HUD announced the 2-year PBCA awards, as decided under the NOFA. The list of all 42 previously-contested states can be found on HUD's website under PBCA NOFA. Many states will have different CAs than they have right now – and many states will have different CAs than those announced under the RFP in 2011.

The 90-day transition is scheduled to begin on October 1, 2013 for the 42 newly-awarded PBCAs, and full implementation is planned for January 1, 2014. By mid-December of this year, incoming PBCAs must submit their work plan for MOR schedules, contract renewals and rent adjustments, which HUD will approve by December 31, 2013.

MORs will be done following the risk-based method in the NOFA: Properties that scored Above-Average or Superior during their last MOR will not have a MOR during the 2-year contract. Properties scoring Satisfactory will have one MOR, and those scoring below that will have a MOR in each year of the contract.

Just a reminder – there is still an appeal of the NOFA, to be decided by the court. However, the court ruled that HUD could go ahead and make the announcement of awards while the appeal is still pending.

Online EIV Security Exam Temporarily Disabled

Normally, both new and existing EIV users must pass an online Security Exam to be able to see EIV data for their properties. For new users, the exam pops up the first time they go into EIV; existing users see it on their screens approximately one year from the date they previously passed the test.

However, this questionnaire has been temporarily suspended for all users. For now, EIV will show that the person logging in has passed the Security Exam. Watch for a RHIP Listserv with details.

This test is totally separate from the online CyberAwareness Course, required for all EIV and TRACS users. That course must be passed (as evidenced by printing a certificate upon completion) each year, and within 30 days for new TRACS users signing the TRACS Rules of Behavior.

New Multifamily Deputy Assistant Secretary

On July 25, 2013 Carol Galante (Assistant Secretary – FHA Commissioner) announced that Marie Head has resigned from her position as Multifamily's Deputy Assistant Secretary due to medical issues in her family. She will remain at HUD to lead the Multifamily Transformation, as HUD offices are closed and reorganized.

The new Multifamily Deputy Assistant Secretary will be Ben Metcalf. Ben has a background in developing award-winning mixed-use and mixed-income properties for BRIDGE Housing Corporation in California. BRIDGE is the largest non-profit developer of affordable and mixed developments in that state. He has also served as a Senior Advisor to HUD, helping to inform the industry of HUD's major policy initiatives this year.

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Q&A

Question:

The only allowable reasons for a unit transfer in our property are for a different size unit because of a change in who lives there, medical and handicap reasons. So if someone else wants to transfer, I move them out and then move them back into a different apartment. Recently I was told that TRACS won't allow this, and it will be a Finding on my next MOR if I continue to do it. Is that right?

~ Jack in GA

Answer:

Technically, TRACS will accept the Move-Out/Move-In transactions, but it's not compliant to do them. Since these residents are already living in the property, a Unit Transfer must be done. If you feel that people should be allowed to transfer for other reasons, you can broaden (or ask your management company to broaden) the property's unit transfer policy to include these other reasons.



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Applicant Percentages in the Fair Housing Marketing Plan

Affirmative Fair Housing Marketing Plans require race and ethnicity percentages. Even though this information should not appear on the waiting list, it must be collected as part of your application process.

Section 4-14 of the 4350.3 Handbook addresses applications. 4-14(3) requires that applicant households complete Form 27061-H, the Race and Ethnicity Form, for each family member. Providing race and ethnicity is optional, and there's no penalty for not selecting a response.

In this case, the applicant should note on the form that they refuse, or choose not to share that information. If the applicant refuses to give the information to you, you will need to only calculate the percentage from those that have been released.

It is very important to document race and ethnicity separate from your waitlist. The 4350.3, in Section 4-16(4), notes that, although race and ethnicity is collected on applications, "it is good practice to avoid including these types of data on the property waiting list. This information is not directly relevant to tenant selection and might result in discrimination against some applicants."

Following these procedures will allow us to calculate the percentages needed for the AFHMP, and at the same time guard ourselves against any allegations of discrimination.

TRACS 202D Training

Based on the current timeline, HUD and PBCA/TCAs are to be ready to accept TRACS202D transmissions beginning in September 2013. However, many site (O/A) software vendors are tentatively scheduling the release of their 202D software in October and November 2013. Unless the date is changed, all Owners and Agents must be submitting their tenant certifications (50059/50059A) and vouchers files in TRACS202D format no later than March 1, 2014 (for the April 2014 voucher).

It is **important that you schedule training before you start your 202D transition** planning at your site or management company. Our interactive **phone training classes for TRACS 202D are filling up quickly**, so don't delay registering! View our class schedule at: www.pmcscap.com/training/phone-training to find a course time that works for you.

PMCS Phone Training takes place right from your desk! Our 90-minute phone classes are inexpensive, convenient and include certificates of completion. The interactive format allows for discussion and Q&A. If **Private Training** for your management company is preferred, please call or email us, we are happy to assist you.

Q&A

Question:

I just had an applicant ask an interesting question that I could not find the answer for. Who needs to fill out the Disability Verification form? Can a Nurse Practitioner do it? Does it have to be an MD? Can it be a DO, or a PsyD or PhD depending upon the disability? Nowhere on HUD's sample verification form does it ask for a license number or anything of that sort. Should I be getting a copy of licensure with the verification?

~ Lynne in FL

Answer:

According to the 4350.3, 3-28(B), the form should go to a source "including but not limited to the individual's physician, care worker of the elderly, social worker, psychiatrist or Veterans Administration." Appendix 3 says notes Verification of Disability Status should be obtained from a "medical professional".

Some management companies add a paragraph to the Sample Verification in Appendix 6-B that says something like, "I agree to testify as to the truth of these statements in a court of law if necessary", to ensure that the person verifying the disability takes it seriously. If you believe that a source isn't licensed, you can ask for a copy of the licensure, but you're not required to on a routine basis.



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New SAVE Code 33

SAVE (Systematic Alien Verification for Entitlements) is the online system that site managers use to verify the validity of immigration documents for applicants under age 62 who claim to be Eligible Non-Citizens. This is not required for PRAC properties.

An applicant/tenant with a SAVE verification code 33 (Deferred Action for Childhood Arrivals) is NOT eligible to receive HUD subsidy, and the code does NOT give a person lawful immigration status. Code 33 means that an individual's deportation is being deferred under a 2-year program, which may be renewed.

The program allows certain immigrants to apply for this status, which will delay their deportation for at least two years. Because these people are low priority for the DHS to deport, the U.S. government is allowing them to stay for this period of time. In order to apply for this status, a person must:

- Be under age 31 as of June 15, 2012
- Have entered the U.S. before the

age of 16 and have continuously lived here from June 15, 2007 through the present time

- Currently be in school, have graduated high school or earned a GED, or be an honorably discharged veteran of the U.S. Coast Guard or Armed Forces, and
- Have not been convicted of any significant crime or repeated misdemeanors, and do not pose a threat to national security or public safety.

For more information, see RHIP Listserv Posting #301, issued on June 25, 2013 and/or visit the Code 33 FAQ (Frequently Asked Questions) entry on the USCIS – Frequently Asked Questions website.

Did You Know?

Did you know that PMCS is one of the largest independent training and consulting organizations in the Affordable Housing industry, serving the growing needs of the industry in many creative and cost effective ways for over 24 years?

Discover Our Services:

Our services are designed to save you time and money. Let us do the work for you!

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- Service Bureau Compliance Processing
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- Contract Renewals
- 50059 Verification Review
- Tenant File Reviews

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- EIV Policies and Procedures
- Personalized HUD Compliance Forms Package
- Tenant File Compliance Package
- Tenant Selection Plans
- Affirmative Fair Housing Marketing Plans
- Travel Size 4350.3

Our AHM/COS/STAR certified staff includes leading industry trainers, all of whom have thorough knowledge of HUD regulations and systems.

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