

CHAPTER 12

RECERTIFICATIONS

[24 CFR 982.516]

INTRODUCTION

In accordance with HUD requirements, the HA will reexamine the income and household composition of all families at least annually. Families will be provided accurate annual and interim rent adjustments. Recertifications and interim examinations will be processed in a manner that ensures families are given reasonable notice of rent increases. All annual activities will be coordinated in accordance with HUD regulation. It is a HUD requirement that families report all changes in household composition. This Chapter defines the HA's policy for conducting annual recertifications and coordinating annual activities. It also explains the interim reporting requirements for families, and the standards for timely reporting.

A. ANNUAL ACTIVITIES [24 CFR 982.516, 982.405]

There are three activities the HA must conduct on an annual basis. **These activities may be coordinated or conducted independently of one another:**

- Recertification of Income and Family Composition
- HQS Inspection
- Rent to Owner Adjustment (following HUD requirements [Regular Tenancy Certificate only])

The HA produces a monthly listing of units under contract to ensure that timely reviews of rent to owner, housing quality, and factors related to Total Tenant Payment/Family Share can be made. Requests for rent adjustments and other monetary changes will be transmitted to the **appropriate personnel**.

Reexamination of the family's income and composition must be conducted at least annually.

Annual inspections: See "Housing Quality Standards and Inspections" chapter.

Rent Adjustments: See "Owner Rents, Rent Reasonableness and Payment Standards" chapter.

B. ANNUAL RECERTIFICATION/REEXAMINATION [24 CFR 982.516]

Families are required to be recertified at least annually. At the first interim or annual certification on or after June 19, 1995, family members must report and verify their U.S. citizenship/eligible immigrant status.

Pre-Merger Reexamination Issues

For all pre-merger tenancies the rent calculation methods will not change until the effective date of the second regular reexamination of family income and composition, following the merger date, unless the family moves or accepts a new lease from the owner.

If there has been an increase in the payment standard prior to the effective date of the first regular reexamination of a premerger Voucher or Over Fair Market Rent Tenancy Certificate following the merger date, the family will receive the benefit of the higher payment standard, provided there has not been a change in family size or composition that would require the HA to adjust the family unit size.

Moves Between Reexaminations

When families move to another dwelling unit:

An annual recertification will be scheduled (unless a recertification has occurred in the last 60 calendar days and the anniversary date will not be changed.

Income limits are not used as a test for continued eligibility at recertification.

Reexamination Notice to the Family

The HA will maintain a reexamination tracking system and the household will be notified by mail of the date and time for their interview at least **90 to 120 calendar days** in advance of the anniversary date. If requested as an accommodation by a person with a disability, the HA will provide the notice in an accessible format. The HA will also mail the notice to a third party, if requested as reasonable accommodation for a person with disabilities. These accommodations will be granted upon verification that they meet the need presented by the disability.

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Procedure

The HA's procedure for conducting annual recertifications will be to permit the family to schedule the date and time of appointments by telephone.

Completion of Annual Recertification

The HA will have all recertifications for families completed before the anniversary date. This includes notifying the family of any changes in rent at least 30 days before the scheduled date of the change in family rent.

Persons with Disabilities

Persons with disabilities who are unable to come to the HA's office will be granted an accommodation by conducting the interview **at the person's home**, upon verification that the accommodation requested meets the need presented by the disability.

Collection of Information [24 CFR 982.516(f)]

The HA must conduct a reexamination of family income and composition at least annually. The HA utilizes the Personal Declaration Form procedure to gather client information so that the HA has information in the family representative's own handwriting.

The HA has established appropriate recertification procedures necessary to ensure that the income data provided by families is complete and accurate.

The HA representative will interview the family and enter the information provided by the family on the recertification form, review the information with the family and have them sign the form.

Requirements to Attend

The following family members will be required to attend the recertification interview, the head of household, and wherever possible, spouse or co-head

If the head of household is unable to attend the interview, the appointment will be rescheduled

Failure to Respond to Notification to Recertify

The written notification must state which family members are required to attend the interview. The family may call to request another appointment date up to twenty-four hours prior to the interview.

If the family does not appear for the recertification interview, and has not rescheduled or made prior arrangements with the HA, the HA may reschedule a second appointment, under extenuating circumstances (*see "Exceptions"*).

If the family fails to appear for the second appointment, and has not rescheduled or made prior arrangements, the HA will send family notice of termination and offer them an informal hearing

The Housing Programs Manager may make exceptions to these policies if the family is able to document an emergency situation that prevented them from canceling or attending the appointment or if requested as a reasonable accommodation for a person with a disability.

Documents Required From the Family

In the notification letter to the family, the HA will include instructions for the family to bring the following:

- ✓ Documentation of all income and assets
- ✓ Documentation of any deductions/allowances
- ✓ Personal Declaration Form completed by head of household (in situations where necessary to mail out in advance).
- ✓ Other documents as specified

Verification of Information

The HA will follow the verification procedures and guidelines described in this Plan. Verifications for reexaminations must be less than **60 calendar days** old.

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Tenant Rent Increase

Note: HUD says "reasonable notice." It is suggested that State law be followed and there be provided at least a 30-day notice on rent increases (also decreases) for annual reexamination.

If tenant rent increases, a **thirty-day** notice is mailed to the family prior to the scheduled effective date of the annual recertification.

If less than thirty days are remaining before the scheduled effective date of the annual recertification, the tenant rent increase will be effective on the first of the month following the **thirty-day** notice.

If there has been a misrepresentation or a material omission by the family, or if the family causes a delay in the reexamination processing, there will be a retroactive increase in rent to the scheduled effective date of the annual recertification.

Tenant Rent Decreases

If tenant rent decreases, it will be effective on the anniversary date.

If the family causes a delay so that the processing of the reexamination is not complete by the anniversary date, rent change will be effective on the first day of the month following completion of the reexamination processing by the HA.

C. REPORTING INTERIM CHANGES [24 CFR 982.516]

Program participants must report all changes in household composition to the HA between annual reexaminations. This includes additions due to birth, adoption and court-awarded custody. The family must obtain HA approval prior to all other additions to the household. Changes in family composition must be reported to the HA within 30 calendar days of the change, addition or deletion to family composition.

If any new family member is added, family income must include any income of the new family member. The HA will conduct a reexamination to determine such additional income and will make the appropriate adjustments in the housing assistance payment and family unit size.

The U.S. citizenship/eligible immigrant status of additional family members must be declared and verified as required at the first interim or regular recertification after moving into the unit.

Increases in Income

Note: HUD permits HAs to decide if increases in income and assets must be reported by the family, when increases must be reported, and whether or not interim adjustments will be done when there is an increase in income. Even if the HA does not do interim adjustments when families have an increase in income, the HA can still require families to report any increases.

Interim Reexamination Policy

The HA **will** conduct interim reexaminations when families have an increase in income.

Families will be required to report all increases in income/assets within 30 calendar days of the increase.

If amount of increase determined to be less than \$300/mo, HA reserves right to defer recalculation of total tenant payment (TTP) until time of annual recertification, and to require that change be made (effective first of month following 30 days' notice) if greater than \$300.

Decreases in Income

Participants may report a decrease in income and other changes that would reduce the amount of tenant rent, such as an increase in allowances or deductions. The HA must calculate the change if a decrease in income is reported.

HA Errors

If the HA makes a calculation error at admission to the program or at an annual reexamination, an interim reexamination will be conducted, if necessary, to correct the error, but the family will not be charged retroactively. Families will be given decreases, when applicable, retroactive to when the decrease for the change would have been effective if calculated correctly.

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D. OTHER INTERIM REPORTING ISSUES

An interim reexamination does not affect the date of the annual recertification.

An interim reexamination will be scheduled for families with “**zero income**” every **90 calendar days**.

If there is a change from benefit income to employment income, the HA will defer the family's rent increase for six months in order to encourage families to move to self-sufficiency.

- ✓ This incentive will only be provided once to any family member.
- ✓ If the family member leaves the job without good cause after six months and before twelve months, the rent will be calculated retroactively to include the employment income.
- ✓ This incentive is not provided to persons who work seasonally.

In the following circumstances, the HA may conduct the interim recertification by mail:

- ✓ Changes that will not result in a change in tenant rent or voucher size.
- ✓ Changes in income that are normal for the family, such as seasonal employment.
- ✓ As a reasonable accommodation when requested. (See "Statement of Policies and Objectives" chapter)

Any changes reported by participants other than those listed in this section will be noted in the file by the staff person but will not be processed between regularly scheduled annual recertifications.

E. INCOME CHANGES RESULTING FROM WELFARE PROGRAM REQUIREMENTS

Note: The QHWRA establishes new requirements for the treatment of income changes resulting from welfare program requirements. These requirements are effective immediately. However, before implementation of the new requirements, the HA must revise operating procedure to effectuate these provisions.

The HA will not reduce the family share of rent for families whose welfare assistance is reduced specifically because of:

1. fraud; or
2. failure to participate in an economic self-sufficiency program; or
3. noncompliance with a work activities requirement

However, the HA will reduce the rent if the welfare assistance reduction is a result of:

1. The expiration of a lifetime time limit on receiving benefits; or
2. A situation where the family has complied with welfare program requirements but cannot or has not obtained employment

The HA will notify affected families that they have the right to an informal hearing regarding these requirements. (See "Verification Procedures" chapter.)

Cooperation Agreements

The HA and Albemarle County Department of Social Services (ACDSS) have mutually agreed to exchange information regarding economic self-sufficiency and other programs or services of benefit to Section 8 families.

F. NOTIFICATION OF RESULTS OF RECERTIFICATIONS [HUD Notice PIH 98-6]

The HUD form 50058 will be completed and transmitted as required by HUD.

The Notice of Rent Change is mailed to the owner and the tenant. Signatures **are not** required by the HA. If the family disagrees with the rent adjustment, they may request an informal hearing.

G. TIMELY REPORTING OF CHANGES IN INCOME (AND ASSETS) [24 CFR 982.516(c)]

Standard for Timely Reporting of Changes

The HA requires that families report interim changes to the HA within 30 calendar days of when the change occurs. Any information, document or signature needed from the family that is needed to verify the change must be provided within 30 calendar days of the change.

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An exception will be made for TANF recipients who obtain employment. In such cases, families will have to report within 60 calendar days of receipt of the Notice of Action from TANF that shows the full adjustment for employment income.

If the change is not reported within the required time period, or if the family fails to provide documentation or signatures, it will be considered untimely reporting.

Procedures when the Change is Reported in a Timely Manner

The HA will notify the family and the owner of any change in the Housing Assistance Payment to be effective according to the following guidelines:

Increases in the Tenant Rent are effective on the first of the month following at least thirty days' notice.

Decreases in the Tenant Rent are effective the first of the month following that in which the change is reported. However, no rent reductions will be processed until all the facts have been verified, even if a retroactive adjustment results.

The change will not be made until the third party verification is received.

Procedures when the Change is Not Reported by the Family in a Timely Manner

If the family does not report the change as described under Timely Reporting, the family will have caused an unreasonable delay in the interim reexamination processing and the following guidelines will apply:

- * Increase in Tenant Rent will be effective retroactive to the date it would have been effective had it been reported on a timely basis. The family will be liable for any overpaid housing assistance and may be required to **sign a Repayment Agreement/make a lump sum payment**.
- * Decrease in Tenant Rent will be effective on the first of the month following the month that the change was reported.

Procedures when the Change is Not Processed by the HA in a Timely Manner

"Processed in a timely manner" means that the change goes into effect on the date it should when the family reports the change in a timely manner. If the change cannot be made effective on that date, the change is not processed by the HA in a timely manner.

In this case, an increase will be effective after the required thirty days' notice prior to the first of the month after completion of processing by the HA.

If the change resulted in a decrease, the overpayment by the family will be calculated retroactively to the date it should have been effective, and the family will be credited for the amount.

H. CHANGES IN VOUCHER SIZE AS A RESULT OF FAMILY COMPOSITION CHANGES [24 CFR 982.516(c)] (See "Subsidy Standards" chapter.)

I. CONTINUANCE OF ASSISTANCE FOR "MIXED" FAMILIES [24 CFR 5.518]

Note: If the HA implemented the Noncitizens Rule on or after November 29, 1996, mixed families may receive prorated assistance only.

Under the Noncitizens Rule, "Mixed" families are families that include at least one citizen or eligible immigrant and any number of ineligible members.

The Noncitizens Rule was implemented on or after November 29, 1996, and mixed families may receive prorated assistance only.

J. MISREPRESENTATION OF FAMILY CIRCUMSTANCES

If any participant deliberately misrepresents the information on which eligibility or tenant rent is established, the HA may terminate assistance and may refer the family file/record to the proper authorities for appropriate disposition. (See Program Integrity Addendum.).