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HUD Contract Administration Section

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SECTION 8 PROGRAM UPDATES

DELEGATION OF WAIVER AUTHORITY FOR CERTAIN PORTIONS OF THE SECTION 8 RENEWAL POLICY GUIDE

Attached is a memo regarding the *Delegation of Waiver Authority for Certain Portions of the Section 8 Renewal Policy Guide*. This memo details the waiver process & implementation of five waivers that can now be issued at HUD field offices instead of requiring HUD Headquarters approval. The document is also available on the [Section 8 Renewals web page](#) under *What's New!*.

NEW VAWA VICTIM CERTIFICATION FORM

As part of the Violence Against Women Act (VAWA) Reauthorization of 2013, HUD recently issued form HUD-91600 to assist PHAs, owners or managers in obtaining written evidence from an applicant/tenant seeking protection under VAWA to demonstrate that domestic violence, dating violence or stalking occurred.

This is an optional form. The victim has the option of either submitting this form or submitting third-party documentation. If this form is used by the victim, the victim must complete and submit it within 14 business days of receiving it from the PHA, owner or manager.

Some of you may have recently received a different HUD certification (form 50066) through NAHMA. This form is only for those properties that participate in programs through the Office of Public and Indian Housing.

HUD Form 91066 can be accessed at:

http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/forms/hud9. Scroll down to Form HUD-91066 where the form can be accessed in

English or in other languages.

NEW HUD FORM 92006

HUD updated the expiration date on HUD Form 92006 SUPPLEMENT TO APPLICATION FOR FEDERALLY ASSISTED HOUSING. The form is accessed at <http://portal.hud.gov/hudportal/documents/huddoc?id=92006.pdf>. This form was introduced in 2009 via HUD Notice 09-13 and additional clarification was provided by HUD in HUD Notice 12-11.

Change 4 to the Handbook 4350.3 REV-1 included the requirements from the two HUD Notices.

Paragraph 4-14 A:

A. Key Requirements:

3. *Supplemental Information to Application for Assistance. The application must include as an attachment, form HUD-92006, Supplement to Application for Federally Assisted Housing. See D below for instructions on use of this form.*

Paragraph 4-14-D (Instructions on use of the form):

D. ***Supplement to Application for Federally Assisted Housing**

Section 644 of the Housing and Community Development Act of 1992 requires owners to provide applicants, as a part of their application for housing, the option to include information on an individual or organization that may be contacted to assist in providing any delivery of services or special care to applicants who become tenants and to assist with resolving any tenancy issues arising during tenancy.

1. At time of application:

a. Owners must provide applicants the opportunity to complete the information on form HUD-92006, Supplement to Application for Federally Assisted Housing. This form gives applicants the option to identify an individual or organization that the owner may contact and the reason(s) the individual or organization may be contacted. The applicants, if they choose to provide the additional contact information, must complete, sign and date the form.

b. Owners **cannot** require that applicants provide the contact information, as providing contact information is optional on the part of the applicant. Those applicants who choose not to provide

the contact information should check the box indicating that they “choose not to provide the contact information” and sign and date the form.

c. Owners should provide applicants the opportunity at time of admission to update, remove or change contact information provided at the time of application, particularly if a long period of time has elapsed between the time of application and actual admission.

d. If the applicant chooses to have more than one contact person or organization, the applicant must make clear to the owner the reason each person or organization may be contacted. The owner should accommodate the applicant by allowing them to complete a form HUD-92006 for each contact and indicate the reason the owner may contact the individual or organization. For example, the applicant may choose to have a relative as a contact for emergency purposes and an advocacy organization for assistance for tenancy purposes.

2. After admission:

a. Owners should provide tenants who were not provided the opportunity to provide contact information at the time of application and admission, the option to complete form HUD-92006 and provide contact information at the time of their annual recertification.

b. Owners **cannot** require tenants who have not provided contact information to provide the contact information, as providing this information is optional on the part of the individual or family.

c. Tenants may request to update, remove or change the information provided on form HUD-92006 at any time and owners must honor this request.

d. Owners should provide tenants who have provided contact information using form HUD-92006 the opportunity to update, remove or change the information at the time of annual recertification to ensure that current information is on file. This includes allowing tenants who originally chose not to provide contact information the opportunity to provide contact information if they request to do so. Remember, providing contact information is optional on the part of applicants and tenants.

3. Owners use of the contact information.

Owners will contact the individual or organization provided only for the use or uses indicated by the applicant or tenant on form HUD-92006.

This contact information will assist the owner in providing the delivery of services or special care to the tenant and assist in any tenancy issues arising during the term of tenancy of the tenant.

4. Retention and confidentiality of contact information.
 - a. If the applicant does not become a tenant, the owner will retain the form HUD-92006 with the application for three years. (See Paragraph 4-22.B)
 - b. If the applicant becomes a tenant, the owner will retain the form HUD-92006 with the application for the term of tenancy plus three years. (See Paragraph 4-22.C)
 - c. Owners must keep the contact information confidential. Owners are allowed to release the information for the stated statutory purpose only: To assist the owners in providing services or special care for such tenants, and in resolving issues that may arise during the tenancy of such tenants.*

SPECIAL CLAIMS TIP #3 – MOVE-OUT DATE AND DATE UNIT READY FOR OCCUPANCY

Appendix 3B in the Special Claims Processing Guide, the Sample Checklist for Regular Vacancies special claims, lists:

6. Documentation that verifies the date the unit was ready for occupancy

Along with the ready-to-rent date (the day after the final inspection to verify unit readiness), the move-out date is necessary for processing the Regular Vacancy claim. A very good tool for reporting both dates, and documentation of the date the unit was ready for occupancy, is the sample Vacancy Reconditioning Log (Appendix 3-C).

Special Claim Processing Guide is located at:

<http://www.hud.gov/offices/adm/hudclips/guidebooks/HSG-06-01/HSG-06-01gHBGUID.pdf>.

PBCA CONTRACT UPDATE

The PBCA contract with HUD is still on hold. Following is an update of the events surrounding the lawsuit:

- In March 2012, HUD solicited applications for the PBCA contracts as a cooperative agreement under the NOFA (Notification of Funding Availability) process. Applications were due 6/11/2012, with award announcement set for August 2012. The NOFA was protested, which resulted in a lawsuit being filed in the U.S. Court of Federal Claims.
- On 4/19/2013, the U.S. Court of Federal Claims upheld HUD's use of a NOFA for the PBCA contract bid.
- On 3/25/2014, the U.S. Court of Appeals for the Federal Circuit ruled in favor of the PBCA plaintiffs. The court ruled that the PBCA contracts are procurement contracts and not cooperative agreements (a grant category). The case was remanded back to the U.S. Court of Federal Claims.
- On 6/23/2014, HUD filed a petition with the U.S. Court of Appeals for the Federal Circuit to have a rehearing by the original panel of three judges and for a rehearing by the full panel.
- On 8/8/2014, the U.S. Court of appeals for the Federal Circuit denied HUD's petition for a rehearing and remanded the case back to the lower court to reverse their ruling.
- HUD has 90 days from 8/15/2014 to decide if they will file a petition for review by the Supreme Court. The Supreme Court is not obligated to agree to review the case. To date, HUD has not announced their plan of action.

HUD REGION X WEBSITES

The HUD Region X website has lots of good information that pertains to Oregon affordable housing owners. There have been many updates since the last OHCS memo was sent. To keep up on the latest information, click the links below:

<http://portal.hud.gov/hudportal/HUD?src=/states/shared/working/r10/mf/whatsnew>

<http://portal.hud.gov/hudportal/HUD?src=/states/shared/working/r10/mf/xmfhsgmanageinfo>

INDUSTRY TRAINING OPPORTUNITIES

- Many training opportunities can be found online by using one of the search engines. Examples include but are not limited to: Oregon AHMA Bootcamps and Conference, Quadel Consulting, and NCHM.
- The following link will take you to a Calendar of Events on the HUD RHIIP website (go to RHIIP Support and Training at the bottom of the page):
http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/rhiip/mfhrhiip

If you have problems with any of the links in this memo, try the following:

- 1. First, hold down the Ctrl key and click on the link, or***
- 2. If #1 did not work, highlight the link and copy/paste it into the browser address bar.***
- 3. OHCS Section 8 memos are posted to the OHCS website at:
<http://www.oregon.gov/ohcs/Pages/hca-communication-memos.aspx>
(There is a delay in posting the new memos.)***