

*Happy  
New Year!*

# UHA Bulletin

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#### **UHA Is On The Web!**

Visit our website to:

- Learn about Housing Quality Standards (HQS) inspections
- Get a Change of Status Form, Certified Statement packet, or application form
- Find your worker's e-mail address
- See our Utility Allowances, Payment Standards, and Income Limits
- Owners can fill out a listing form for rental properties
- View past editions of the UHA Bulletin and upcoming events at UHA
- Report suspected fraud
- Find links to other agencies

**www.uplandhousing.com**

## **A MESSAGE FROM THE EXECUTIVE DIRECTOR**

As we welcome in the new year, we have much to be thankful for. The struggling economy was perhaps the biggest story of 2009, having a great impact on the need for affordable housing and the livelihoods of individuals around the country. I am thankful that funding to our agency allows us to support families in need and that we will be able to continue our service to the community in 2010.

As an agency, UHA had many accomplishments to be proud of in 2009. Our Public Housing site, Los Olivos, saw its first major landscaping overhaul since the project was built in 1943. Our Section 8 program earned a high performer rating for the fourth year in a row, and the Coy D. Estes Senior Housing apartments, managed by UHA, successfully passed six site-inspection/file audits.

I would like to thank those who contributed to the success of UHA in 2009, including our participants, property owners and managers, and community leaders. By arriving on time for appointments, opening your units to Section 8 participants, and helping to maintain the integrity of the programs, you have helped us to achieve our mission of providing affordable housing to those in need. Thank you for your support of the Upland Housing Authority and your commitment to the community we serve.

I'm looking forward to 2010. While there is much work to do, we have another exceptional year to look forward to.

Happy New Year!

*Don Swift*

Don Swift

Executive Director

## **THE SECTION 8 WAITING LIST IS CLOSING**

The waiting list for UHA's Housing Choice Voucher program (Section 8) will close on March 1, 2010. **Applications must be received on or before February 28, 2010.**

Applications will be available on the UHA website, [www.uplandhousing.com](http://www.uplandhousing.com), until February 28, 2010.

Please feel free to share this information with anyone who may be interested in applying for Section 8 assistance through UHA.

## IMPORTANT REMINDER ABOUT REPORTING YOUR INCOME

If you are a participant of the Section 8 program, it is very important that you report your income to the Upland Housing Authority. In order to insure that a household is eligible for assistance, UHA must verify the household's income. Participants of the Section 8 program are required to report their income, including any changes to income, to UHA as part of the household obligations. Changes to income must be reported in writing using the "Change of Income" form within ten (10) days of the change. The form is available on the "forms" page of the UHA website, [www.uplandhousing.com](http://www.uplandhousing.com).

Failure to report income or changes in income can result in unfortunate consequences, including:

- Being required to repay the Housing Authority;
- Termination from the Section 8 program;
- Prosecution for fraud

To protect your housing assistance, always report income from all sources, including (but not limited to):

- Employment;
- Child Support;
- Social Security;
- Money received from family or friends, including bills paid by anyone outside of your household.

If you have any questions about whether or not you need to report something, contact your worker. Your worker will be able to answer your question, and you'll insure that you don't lose your assistance for failure to report income.

## WHAT YOU NEED TO KNOW IF YOU WANT TO MOVE

One of the benefits of the Section 8 program is that it allows participants to relocate and still keep their assistance. There are some restrictions that limit when a participant can move, and it's important to be aware of those restrictions if you are planning on moving.

### Restrictions on Moving

HUD regulations allow a PHA to deny a participant the ability to move in certain situations. UHA will not allow a participant to move if:

- The participant has already moved once in the last twelve (12) months;
- The participant is still within the first year of the initial lease;

Some limited exceptions to these rules are allowed. For example, the participant may be allowed to move as a reasonable accommodation for a disability or to protect the health or safety of a family member. Please contact your worker to find out if you are eligible to move.

### The Moving Process

Moving with assistance requires action by the participant and the Housing Authority. If you wish to move:

1. Notify UHA and your landlord before you move out of your assisted unit. If you want to move to an area outside of UHA's jurisdiction, known as "porting", you must notify UHA of the location you want to move to so UHA can contact the Housing Authority in that area. UHA will determine if you are eligible to move. Please note that UHA will not issue a voucher to allow a participant to move if:
  - The participant has vacated their assisted unit before the lease expired;
  - The participant has vacated their assisted unit without a voucher.
2. UHA will conduct a reexamination of your household's income and composition to determine if your household is still eligible for assistance.
3. If your household is eligible to move, UHA will issue a new voucher.
4. Your voucher will be valid for sixty (60) days. If you are porting to another Housing Authority, extensions to this term will be given only for very limited reasons. If you are staying within UHA's jurisdiction, you must submit a Request for Tenancy Approval and proposed lease within the 60-day period unless UHA grants an extension to your voucher. If you need an extension, you must request it before your voucher expires. UHA will grant a maximum of two (2) 60-day extensions to the voucher. Additional extensions of the voucher term may be available as a reasonable accommodation to persons with disabilities.

Please remember that the first step in moving is to contact UHA to determine if you are eligible to move. Once your worker has informed you that you are eligible to move, you can plan to move knowing that you'll be able to take your assistance with you.

# PROTECTING TENANTS AT FORECLOSURE

In 2009 new federal laws protecting the rights of renters became effective. The laws, known as the Protecting Tenants at Foreclosure Act (PTFA), and the American Recovery and Reinvestment Act (ARRA), provide new protection to tenants regarding eviction from units that have been foreclosed upon. These new laws also protect participants of the Section 8 program.

## **What the New Laws Mean For Landlords and Tenants**

The new laws are intended to protect tenants who are living in a unit, including a single-family home, that is being foreclosed upon. Under the new laws, the reasons that an existing lease of a foreclosed home can be terminated are limited, and special notice must be given before the lease can be terminated. Below is a summary of the changes.

### Protection of Lease Term

If the tenant living in the foreclosed unit has a lease for a fixed term, such as one year, and the lease has not expired, the tenant has a right to remain in the unit until the end of the lease term. The owner may only terminate the lease for actions that the tenant or their guests take which constitute good cause (serious or repeated violations of the lease, violation of Federal, State or local law).

If the existing lease ends in less than 90 days the new owner may not terminate the lease without providing at least 90 days notice to the tenant.

The owner cannot terminate the lease only because he or she wishes to have the unit vacant prior to sale.

The new law provides one exception under which the new owner can terminate the lease for a reason other than good cause. If the new owner will occupy the unit as his or her primary residence, the owner may terminate the lease after giving 90 days notice to the tenant, even if the lease runs longer than 90 days.

### Changes to the HAP Contract

When a unit occupied by a Section 8 participant is sold through foreclosure, the new owner becomes subject to the HAP contract already in place. The new owner will receive the HAP payments made on behalf of the tenant, and will be expected to comply with the terms of the HAP contract. The protections of the lease term listed above will also apply to the new owner.

## **What Should Do if Your Unit Is Being Foreclosed Upon**

### Landlords

It is important for the Upland Housing Authority to be made aware if the unit you own is being foreclosed upon. Please send UHA a copy of any notices that you send to your tenant.

### Tenants

Send UHA a copy of any notice you receive from your landlord. If the new owner tells you that you have to leave, offers you money to leave or gives you a notice of eviction, contact your worker immediately.

## **Additional Information**

To learn more, please visit the following websites:

Protecting Tenants at Foreclosure Act: <http://www.govtrack.us/congress/bill.xpd?bill=h111-1247>

American Recovery and Reinvestment Act: [www.recovery.gov](http://www.recovery.gov)

Federal Register Notice, Vol. 74, No. 120, Wednesday, June 24, 2009: Protecting Tenants at Foreclosure: <http://edocket.access.gpo.gov/2009/pdf/E9-14909.pdf>

## **NEW TOOL FOR TRACKING DEBTS OWED BY PARTICIPANTS**

Last month UHA published an article in *The Bulletin* about a new database intended to help insure that only eligible individuals are assisted through the Section 8 and Public Housing programs. Since that article was published HUD has provided additional information and guidance about the new database. The information on the following page was prepared by the U.S. Department of Housing and Urban Development (HUD) for applicants and participants of the Public Housing and Housing Choice Voucher programs. Text in *italics* has been added by UHA.

## DEBTS OWED TO PUBLIC HOUSING AGENCIES AND TERMINATIONS

The U.S. Department of Housing and Urban Development maintains a national repository of debts owed to [Public Housing Authorities] PHAs and adverse termination of former participants of the above-listed HUD rental assistance programs. This information is maintained within HUD's Enterprise Income Verification (EIV) system, which is used by Public Housing Agencies (PHAs) to verify employment and income information of program participants, as well as to reduce administrative and rental assistance payment errors. The EIV system is designed to assist PHAs and HUD in ensuring that families are eligible to participate in HUD rental assistance program and determining the correct amount of rental assistance a family is eligible for. All PHAs are required to use this system.

HUD requires PHAs, which administer the above-listed rental housing programs, to report certain information at the conclusion of your participation in a HUD rental assistance program. This notice provides you with information on what information the PHA is required to provide HUD, who will have access to this information, how this information is used and your rights. PHAs are required to provide this notice to all applicants and program participants.

### **What information about you and your tenancy does HUD collect from the PHA?**

The following information is collected about each member of your household (family composition): 1) Full Name; and 2) Date of Birth; and 3) Social Security Number.

The following information is collected once your participation in the housing program has ended or you move out of an assisted unit: 1) Amount of any balance you owe the PHA (up to \$500,000); and 2) Whether or not you have entered into a repayment agreement for the amount that you owe the PHA; and 3) Whether or not you have filed for bankruptcy; and 4) The negative reason for your end of participation in the housing program (for example: abandoned unit, fraud, criminal activity, failure to comply with lease, etc.)

### **Who will have access to the information collected?**

This information will be available to HUD employees, PHA employees, and contractors of HUD and PHAs.

### **How will this information be used?**

PHAs will have access to this information during the time of application for rental assistance. PHAs will be able to access this information to determine a family's suitability for rental assistance, and avoid providing limited Federal housing assistance to families who have previously been unable to comply with HUD program requirements. If the reported information is accurate, your future request for HUD rental assistance may be denied for a period of up to ten years from the date you moved out of an assisted unit or were terminated from a housing program.

### **What are my rights?**

In accordance with the Federal Privacy Act of 1974, as amended (5 USC 552a) and HUD regulations pertaining to its implementation of the Federal Privacy Act of 1974 (24 CFR Part 16), you have the following rights: 1) To have access to your records maintained by HUD. 2) To have an administrative review of HUD's initial denial of your request to have access to your records maintained by HUD. 3) To have incorrect information in your record corrected upon written request. 4) To file an appeal request of an initial adverse determination on correction or amendment of record request within 30 calendar days after the issuance of the written denial. 5) To have your record disclosed to a third party upon receipt of your written and signed request.

### **What do I do if I dispute the debt or termination information reported about me?**

*If you are denied assistance due to information obtained from the database, the PHA that obtained the information will provide you with a copy of the report. The report will include the name of the PHA that reported the debt owed and/or termination information. If you dispute the information, you should contact the PHA in writing. Inform the PHA why you dispute the information and provide any documentation that supports your dispute. Your filing of bankruptcy will not result in the removal of debt owed or termination information from HUD's EIV system. However, if you have included this debt in your bankruptcy filing and/or this debt has been discharged by the bankruptcy court, your record will be updated to include the bankruptcy indicator. The PHA will notify you of its action regarding your dispute. If the PHA determines that the disputed information is incorrect, the PHA will update or delete the record. If the PHA determines that the disputed information is correct, the PHA will provide a written explanation as to why the information is correct.*

### **Important Information:**

- Upon your request, the PHA must give you the information that pertains to you and maintained in HUD's EIV system.
- All PHAs that administer the Public Housing and Housing Choice Voucher (HCV) programs have access to debts owed and termination information of all former program participants.
- If you tell the PHA that your record contains inaccurate information, the PHA must promptly investigate the matter and inform you in writing the outcome of their investigation.
- The PHA must correct or, as the case may be, delete inaccurate debt owed or termination information contained in the EIV system.
- Debt owed and/or termination information will be maintained in EIV for a period of ten (10) years from the end of participation date.