Re: [Docket No. FR 5743-I-04] Streamlining Administrative Regulations for Multifamily Housing Programs and Implementing Family Income Reviews Under the Fixing America's Surface Transportation (FAST) Act: Interim Final Rule

To Whom It May Concern:

On behalf of the National Association of Housing and Redevelopment Officials (NAHRO), I am pleased to offer the following comments in response to the request for information (FR 5743-I-04) entitled “Streamlining Administrative Regulations for Multifamily Housing Programs and Implementing Family Income Reviews Under the Fixing America's Surface Transportation (FAST) Act,” published in the Federal Register on December 11, 2017. Formed in 1933, NAHRO represents over 20,000 individual and agency members. Collectively, our membership manages over 970,000 public housing units, or approximately 83 percent of the entire public housing inventory, as well as 1.7 million Housing Choice Vouchers. Many of NAHRO’s members are also involved in the administration of federal community development programs. NAHRO works to support policies that help local housing and community development officials best meet the needs of their local communities.

HUD’s interim final rule resulted from language that permitted triennial recertifications for families with 90 percent or more of their income coming from fixed sources included in the Fixing America’s Surface Transportation (FAST) Act, signed into law by President Obama on December 4, 2015. The interim final rule expands the Streamlining Final Rule, issued in 2016, that streamlined income determination for any fixed source of income. Under this interim rule, PHAs and owners in the Housing Choice Voucher (HCV), Public Housing (PH), and Project-Based Rental Assistance (PBRA) programs may determine a family’s fixed income by using a verified Cost of Living Adjustment (COLA) or rate of interest on the individual sources of fixed income for each of the two years after a full income review, however they are not required to undertake a full recertification. Furthermore, in the case of a family where 90 percent or more of the unadjusted income comes from a fixed income, a PHA or owner using streamlined income verification has the option of adjusting the non-fixed income. PHAs and owners must still verify and adjust non-fixed sources annually for families if less than 90 percent of their income stems from a fixed source. PHAs or owners are also still required to undertake a full recertification every three years, and families must continue to certify that all the information they submit for income verification, including the sources of income, is accurate at these recertifications.

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NAHRO applauds Congress and HUD’s efforts in reducing the burden that local administrators and their customers face through the release of this interim final rule, and believe the interim final rule accurately reflects Congress’s intent to allow triennial recertifications for fixed-income families of federally subsidized housing programs. As NAHRO understands the interim final rule, families and individuals subsidized via Project-Based Vouchers (PBVs), alongside those with HCVs, would be allowed to undergo triennial recertifications if the household qualifies under the specifications contained within this interim final rule. This understanding is based upon the fact the rule changes 24 CFR Part 982.516 (“family income and composition: annual and interim examinations”), and 24 CFR 983.2 (“when the tenant-based voucher rule applies”) explicitly states that 24 CFR 982.516 applies to PBV assistance. As written, however, the rule is unclear and does not explicitly state that families with PBV assistance qualify for triennial recertifications. NAHRO recommends including specific language after Housing Choice Vouchers that states Project-Based Voucher assisted households are also eligible for these triennial recertifications.

As always, NAHRO is appreciative of the opportunity to comment on this important matter. NAHRO has long advocated for efforts to allow HCVP administrators to reduce the frequency of reexaminations for fixed-income families. Reducing the number of administratively intensive income recertifications performed allows reduced administrative fee resources to be directed towards other tasks. And, very importantly, it also provides participants of the program, particularly seniors, a reprieve from what could be an exhausting process. Language permitting triennial recertifications was a hard-earned and significant win for HCVP participants and administrators alike.

Thank you,

Eric Oberdorfer

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