

November 2019 General Management Review Discussion Points:

- **Housing Opportunity Through Modernization Act of 2016 (HOTMA)**

HOTMA was enacted on July 29, 2016. HUD published a [proposed rule](#) on September 17, 2019 that will implement sections 102, 103 and 104 of HOTMA. This rule will have a great impact on income calculations and reviews for the Project Based Section 8 program. **HUD is requesting comment on this proposed rule by November 18, 2019.** Directions on the submission of comments can be found in the [Federal Register](#).

- **Special Diets**

If a family has a household member receiving a special diet allowance, should this income be included or excluded from the rent calculation?

- It should be included. Special diet income does not fall under any exclusion listed in HUD Handbook 4350.3 Exhibit 5-1. Food items are not considered a medical expense under HUD's guidelines, so special diets don't qualify for the exclusion:
 - (4) Amounts received by the family that are specifically for, or in reimbursement of, the cost of medical expenses for any family member
- Special diet income is paid through State funds and does not fall under the Food Stamp Act of 1977, so the following exclusion also does not apply:
 - The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7U.S.C. 2017 [b])

Even if a family member has documentation from a medical professional that they have a prescribed special diet, this income must be included.

If a family claims that the amount they need to spend to meet their special diet requirements exceeds the amount provided in the monthly cash allowance, should the owner/agent treat the amount above the allowance as an additional medical expense?

- No. Properties can't use the cost of food necessary for a special diet as part of the medical expense deduction.

- **Printing and retaining EIV Income and Income Discrepancy Reports**

For all new admissions, including Initial Certifications (IC), the owner must:

- Print, review & retain the Income Report within 90 days after transmission of the certification to TRACS to confirm/validate the income reported by the household.
- Resolve any income discrepancies with the household within 30 days of the Income Report date. Retain any documentation received to resolve income discrepancies, if applicable.
- Print the Income Discrepancy Report at the same time they print the Income Report (if both Income and Income Discrepancy Reports are not in the file it is a 50059 finding that could be attributable to a 100% file review).

Note: It is important that the Income Discrepancy Report be printed at the same time as the Income Report as each week a completely new report is generated based on the current information in the system for a tenant. The old report is overwritten with the current data.

References: HUD Handbook 4350.3 R1 C4 Par. 9-11B.5 and Par. 9-11C.3



Calling for Ideas!

Minnesota Housing is looking into the possibility of hosting a PBCA training next year. We would like to incorporate all aspects of PBCA work by covering TRACS, Contract and Funding Renewals and Management and Occupancy Reviews (MORs). We are interested in hearing what topics you would like to receive training on. Please submit your suggestions with “Training Topic” in the subject line to cassie.gordon@state.mn.us



Properties with the program type of Loan Management Set-Aside (LMSA) and Property Disposition Set-Aside (PDSA) must have a lease renewal term of the lesser of one year, or the remaining term of the HAP contract. This one year renewal term should be reflected when completing Paragraph 2, Field H of the HUD Model Lease 90105a for properties under these program types. Please contact your assigned Housing Management Officer if you have any questions regarding your property’s program type or how to fill out the HUD Model Lease.



During the recertification process, third reminder notices must be sent at least 60 days prior to the anticipated AR effective date if a tenant has not responded. Because this 60 day notice also serves as notice to terminate assistance, VAWA forms HUD 5380 and HUD 5382 must accompany the notice (see HUD Notice H 2017-05). Remember to document the tenant file to show this requirement has been met. Please contact your assigned Housing Management Officer with questions.



When preparing for the Management and Occupancy Review (MOR) the tenant file must contain the most current HUD 50059 certifications transmitted to TRACS. If the most current HUD 50059 on file was not transmitted via TRACS or the most recently transmitted HUD 50059 is not in the file; it is a HUD 50059 Finding and may attributable a 100% Review. To avoid this, make sure all HUD 50059s to be reviewed are transmitted via TRACS and in the file at the time of the MOR.

HH 4350.3 R1 C4 P5-31 & TRACS MAT User Guide. A HUD 50059 effective in the voucher month must be on file and transmitted to receive assistance payments.

Upcoming 2019 Events:

November 12-14, 2019

Assisted Housing Manager: HUD Program Requirements and Compliance

Minnesota Multi Housing Association, Bloomington

<https://www.mmha.com/Education/Education-Calendar/ArtMID/118640/ArticleID/277/Assisted-Housing-Manager>

To view past issues of *MOR Hot Topics*, visit www.mnhousing.gov/multifamily/section8.