

Section 8 Special Claims

July 2022





Our Mission

Housing is the foundation for success, so we collaborate with individuals, communities and partners to create, preserve and finance affordable housing.

Agenda

Topic

- Purpose of Special Claims
- Types of Claims
- Eligibility for Special Claims
- Submission Requirements
- Notification and Timelines

Special Claims - Purpose

- To reduce potential financial risk to owners
- Limits on security deposits
- Adherence to waiting list requirements

Special Claims - Purpose

Reminder:

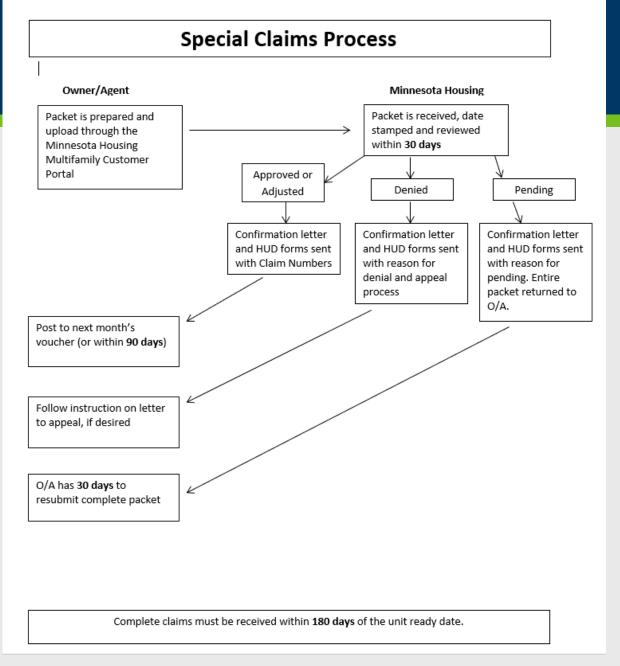
- A claim <u>Will Not</u> exceed 80% of the contract rent
- A property will only get reimbursed for up to 60 days of vacancy

Special Claims – Eligibility

- Minnesota Housing reviews three types of claims for project-based Section 8 contracts:
 - Vacancy
 - Unpaid Rent and
 - Tenant Damages

Special Claims – Eligibility

- If a TRACS Data Analyst is assigned to the property, the special claim will be submitted to Minnesota Housing.
- Any properties that has TRACS files submitted directly to HUD, the special claims package should be sent to HUD as well.



Owners must:

- Take all feasible actions to fill the vacancy.
- Not have rejected applicants (except for good cause, per the Tenant Selection Plan).
- Must have timely TRACS submissions.

Claim submission should occur:

- If unit is re-rented:
 - After submission of Move-In Certification via TRACS.
- If not re-rented:
 - Submit 60 days from unit ready date.
 - Submission prior to this 60 days will result in a pending packet.

- Submit all claims for a property at the same time.
 - Avoid sending in multiple packets for the same property each month.

If a unit qualifies for multiple special claims the claims should be submitted <u>TOGETHER</u> whenever possible:

- Vacancy Loss
- Unpaid Rent
- Tenant Damages

Ensure all HUD forms contain:

- Section 8 Contract number
- Unit number
- Sign, print name and date ALL HUD forms
- Verify the contract rent amount is correct

Special Claims – Vacancy Loss Claims

 A special claim for vacancy loss after rent-up is compensation to the property owner for the loss of rental income of a unit that was previously occupied by an assisted tenant but has been vacant for circumstances beyond the owner's control.

Required Documents

- Special claims checklist
- HUD-52670-A
- HUD-52671-C
- Signed 50059 from move in
- Documentation that the security deposit was collected in full
- Security deposit disposition form
- Unit reconditioning log
- Wait list OR marketing material

Special Claims – Vacancy Loss

Required Documents - Special claims checklist

Sample form can be found at:

http://www.mnhousing.gov/sites/multifamily/tracs

- Confirm all necessary paperwork is included with the packet.
 - One checklist for <u>each unit</u> with a special claim
 - Note that the checklists for vacancy loss are different than for damages/unpaid rent

Following the checklist ensures all required documents are included and helps avoid unnecessary paperwork

Minnesota Housing

Checklist for Section 8 REGULAR VACANCY Special Claims

All claims must be received within 180 calendar days after the unit becomes available for occupancy.

Claims over 180 days will be denied.

Property Name:		Contract Number:					
Tenant Name:			Unit Number:				
Name of Per	Name of Person Submitting Claim:						
Email:			Phone:				
Each claim package must include this checklist and the following required items, in the order listed. Please do not include other documents not listed below, such as work order, pictures, etc.							
O/A Minnesota Housing Item			Description				
		HUD-52670-A Part 2 (Special Claims Schedule)	One completed, <u>signed</u> and <u>dated</u> form listing <u>all units</u> in the package. (If submitting by mail, include one original and one copy)				
		HUD-52671-C (Special Claims for Regular Vacancy)	One completed, <u>signed</u> and <u>dated</u> form for each unit. (If submitting by mail, include one original and one copy)				
		Copy of the original signed move in 50059	Include both pages to show the TTP and amount of deposit for the former tenant. (if the MI 50059 à not available contact your Data Analyst for instruction)				
		Documentation that the correct security deposit was collected	Select one: A copy of the original move in lease (first, deposit, and signature pages only) A copy of the tenant's ledger A copy of the receipt(s) for deposit collected				
		Security Deposit disposition	Must include: move out date, amount of deposit collected, amount of deposit returned, any charges withheld from the deposit for unpaid rent, damages or other allowable charges.				
		Unit ready documentation (Le. reconditioning log)	Must include: move out date, start and finish dates of each turnover task, and the date unit is ready. (The unit ready date is the date <u>after</u> all turnover tasks have been completed.)				
		Copy of the waiting list from which the new tenant was selected	Whit list must tell the story of the vacancy and describe contact with new tenant and all applicants contacted for the unit. Do <u>not</u> include the entire wait list, only relevant pages. Wait list must contain the following: 1) Name of the new tenant 2) Date and time of application 3) Dates of contact and outcomes for all those contacted 4) Move in date				
		Advertising/marketing materials	If there is no wait list or the wait list has been exhausted, provide copy of marketing efforts. Marketing materials must be dated and have occurred during the vacancy period, for the correct unit size and in accordance with the AFHMP.				
		Transfers	If the former tenant transferre applicable reason: Reasonable accommoda Change in household me				
Did the resident give a proper notice?			□Yes □No	Date of Death:			
If re-rented, is the MI/UT viewable in TRACS?			□ Yes □No				
If assistance was terminated, was eligibility verified?			□ Yes □No				

Required Documents

HUD-52670-A, Part 2

"Schedule of Section 8 Special Claims"

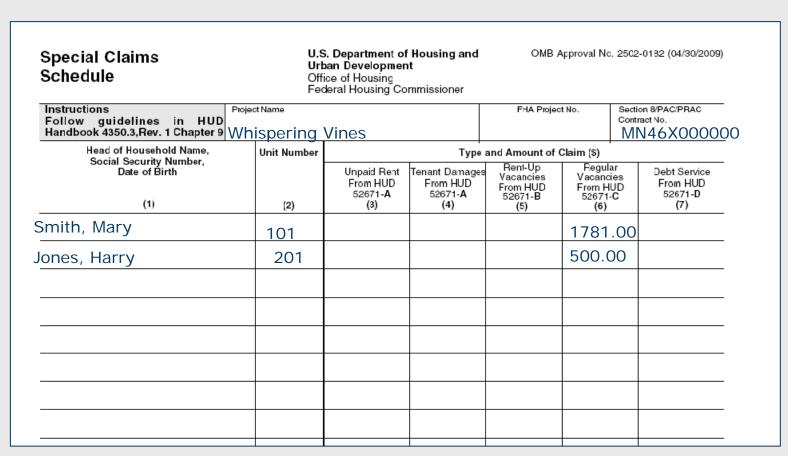
One document listing each claim type for every unit being submitted.

Special Claims – Vacancy Loss

Special Claims Schedule	U.S. Department of Housing and Urban Development Office of Housing Federal Housing Commissioner			d OMB Approval No. 2502-0162 (01/90/20)			
Instructions Follow guidelines in HUD Handbook 4950.3,Rev. 1 Chapter 9				FHA Project No.		Section 8/PAC/PRAC Contract No.	
Head of Household Name,	Unit Number	Type and Amount of Claim (S)					
Social Security Number, Date of Birth (1)	(2)	Unpaid Rent From HUD 52671-A (3)	Tenant Dama; From HUD 52671-A (4)	Perit-Up Vacanciès From HUD 52671-B (6)	Regul Vacano From H 52671 (6)	uo l	Debt Service From HUD 52671-D (7)
	+						
	+						
	+						
	+						
	Totals						
certify: (a) the above amounts have bee and requirements prescribed by HUD and ib) all prerequisites to and conditions for the artificial formation will be retained benefit printed more, signature, date, & phone no.	the applicable Se he assistance cla	action 8/PRC/PRA iimed have been i	C Contract; met; and (c)	HUD/Contract Ad Claim approv Claim adjuste Claim denied Official's name, signal	ed. d. Reason: .Reason:		ow.

52670-A Part 2

7/21/2022



All claims submitted in the package must be listed on ONE HUD 52670-A Part 2.

Required Documents

HUD-52671-C

"Section 8 Special Claims for Regular Vacancies"

One for each unit

One HUD-52671-C for EACH unit in the package

Special Claims for Regular Vacancies

U.S. Department of Housing and Urban Development Office of Housing Federal Housing Commissioner OMB Approval No. 2502-0182 (04/30/2009)

Instructions Follow guidelines in HUD Handbook			S	SMITH,	Sec 8/PAC/PRAC cont # MN46000000	
4350.3, Rev. 1, Chapter 9		-		Table 1 on an		101
Part A	1. Tenant's move-out date 10/31/18	2. No. days taken to clean / repair unit 16	3. Date unit ready for occupancy 11/17/18	4. Date unit ready fo occup. + 59 days 1/18/19	5. Date unit was re-repted 1/31/2019	6. No. of days vacant (Not to exceed 60. Include day in line 3 but not day in line 5.)
(applies to the	Contract rent/ope	7. Contract rent/operating rent at move-out				
following) 880: Section 8 New Construction	8. Enter daily contract rent/operating rent (Divide contract rent/operating rent in effect on move-out date by actual no. days in move-out month) 9. Multiply lines 6 and 8 (Contract rent/operating rent for days vacant) 10. Multiply line 9 by 0.80 for Section 8/PAC units or 0.50 for Section 202/811 PRAC units (This is the most HUD will pay)			49.06		60
881: Substantial Rehabilitation				2944.00		
884: Rural Housing ⁻ Services					2355.00	
886: LMSA Subpart A- 891: Elderly Housing	11. Enter amounts pa (Security deposit	aid by other sources , Title I, etc.)		(—)		
_	12. Subtract line 11 f	from line 9			2944.00	
-	13. Compare line 10 Enter in column (with line 12 & enter th 6 on HUD 52670-A Pa	ne lesser amount rt 2.			2355.00

I certify: (a) Units are in decent, safe, and sanitary condition, and are available for occupancy during the vacancy period in which the payments are claimed. (b) The Owner / Agent did not cause the vacancy by violating the lease, the contract, or any applicable law. (c) I notified HUD or the contract administrator immediately upon learning of the vacancy, or prospective vacancy, and the reasons for it. (d) I complied with all HUD requirements on termination of tenancy (Chapter 8, Section 3 of Handbook 4350.3 Rev.1) if the vacancy was caused by an eviction. (e) All documentation will be retained in the project's file for 3 years. Owner's printed name, signature, & date	HUD/Contract Administrator Review Claim approved. Claim adjusted. Reason: Claim denied. Reason: Official's name, signature, & date
Jane M. Doe 1/27/16 HUD will prosecute false claims & statements. Conviction may result in criminal and/or civil penalties (18 U.S.C. Sections 1001, 1010, 1012; 31 U.S.C. Sections 3729, 3802).	Claim ID:

Required Documents

- Copy of the HUD 50059 signed at move in
 - Must have signature page
 - Page 2 to reflect the amount of Security Deposit

Special Claims – Vacancy Loss

Security Deposit Documentation

- ONE of the following:
 - Copy of tenant rent ledger card
 - Copy of security deposit receipts
 - Copy of original lease
 - First page
 - Page listing security deposit
 - Signature page

If security deposit was not collected in full the difference between the collected amount and required amount MUST be deducted from vacancy claim.

Security deposit required	\$500.00
Security deposit collected	\$200.00
Amount deducted from claim	\$300.00

- Security deposit disposition notice provided to the tenant who vacated.
 - Notice should include:
 - Move out date
 - Amount of security deposit collected
 - Amount of security deposit returned
 - All charges withheld from the deposit

Unit Reconditioning Log must include:

- 1. Move out date.
- 2. Start and finish date of **each** step in making the unit ready.
- 3. Date unit was ready for tenancy. NOTE: this is **ONE** day AFTER last make ready steps are completed.
 - Common error that results in adjustments
- 4. Date unit was re-rented (if applicable).

Sample Unit Reconditioning Log can be found at: http://www.mnhousing.gov/sites/multifamily/tracs

UNIT RECONDITIONING LOG

Property Name:		
Unit Number:		
Date of death:		
Move Out/unit transfer date: (if the tenant transferred units, include documentation regarding the reason for the transfer)		
	START DATE	DATE COMPLETED
Painting		
Maintainance		
Plumbing		
Carpenters		
General		
Carpet Cleaned/Replaced		
Other Flooring		
Housekeeping		
Other (please specify)		
Date unit ready for ocupancy (day following last date of unit turn)		
Date Unit Re-rented (move in should be submitted to TRACS prior to sending claims package to Minnesota Housing)		
Owner/Agent cignature		Date

7/21/2022 ventor 10 -1-18

Waiting List

 Include the pages that show the new tenant's name and all applicants contacted for renting the specific unit.

DO NOT UPLOAD THE ENTIRE WAITLIST!

Helpful to highlight or * mark new tenant on waiting list

Wait list must:

 Reflect all dates of applicant contact, reason for contact and outcomes of those contacts.

Lack of details on the wait list is a common reason claims are pending or denied

- Show applicants in order of date/time received
- Be legible

Sample of electronic format waiting list can be found at: http://www.mnhousing.gov/sites/multifamily/tracs

If the unit is not filled from a waiting list, documentation of marketing efforts must be submitted.

Marketing Materials

- Copies of advertisements
 - Advertisements should show date to confirm they were run during the months of vacancy
 - Property name and correct unit type
- Invoices for advertisement expenses
- Copies of the property's brochures or print offs from company website alone may not be sufficient.

- Additional documentation
 - Must supply a reason for the transfer in/out of a unit.
 - Examples: Reasonable accommodation or change in household composition

- Documents being submitted must refer to the unit that the tenant vacated.
- All of the required documents MUST be included in the package.
- If any document is missing the claim(s) will be returned as pending.

Special Claims- Unpaid Rent and Damages

• A special claim for unpaid rent, tenant damages and other charges due under the lease is reimbursement to a property owner for a former tenant's failure to pay the monthly rent, other charges due under the lease, or for damages caused by the negligence or abuse of the former tenant.

Required Documents

- ✓ Special claims checklist specific to unpaid rent/damages
- ✓ HUD-52670-A
- ✓ HUD-52671-A

Required Documents for Unpaid Rent

- ✓ Checklist
- ✓ Move in 50059
- ✓ Documentation of security deposit collected
- ✓ Copy of certified letter to tenant
- ✓ Collection Agency documentation
- ✓ Documentation of other HUD-approved charges

In <u>addition</u> to documentation for unpaid rent

Required Documents for Tenant Damages

- ✓ Move in/out inspection form
- ✓ List of damages
- ✓ Breakdown of costs
- ✓ Security deposit disposition notices
- ✓ Owner/Agent certification that damages are above normal wear and tear

Required Documents

HUD-52670-A, Part 2

"Schedule of Section 8 Special Claims"

One document listing each claim type for every unit being submitted.

Special Claims Schedule	Ur l Off	S. Department of ban Developmen fice of Housing deral Housing Co	it	OMB Approval No. 2502-0132 (04/30/2009)			
E-U	ect Name Whisperir	ng Vines		FHA Рюјес	t No.	Section 8/PAC/PRAC Contract No. MN46X0000	00
Head of Household Name,	Unit Number	Type and Amount of Claim (\$)					
Social Security Number, Date of Birth (1)	(2)	Unpaid Rent From HUD 52671- A (3)	Tenant Danages From HUD 52671- A (4)	Rent-Up Vacancies From HUD 52671-B (5)	Regula Vacancie From HU 52671-0 (6)	es From HUD	
Smith, Mary	101				1781.0	00	
Jones, Harry	201	85.00	550.00	500.0		00	
		_					
ALL claims for A	LL Uni	ts subi	mitted	in the	e pa	ckage are	9
isted on ONE 52	670-4	Part 2					

Required Documents

HUD-52671-A

"Section 8 Special Claims for Unpaid Rent"

One for each unit

U.S. Department of Housing and Urban Development Office of Housing

OMB Approval No. 2502-0182 (04/30/2009)

10,000.00

550.00

	B. d. d	FILA			0	
Instructions	Project name	FHA project no.			Section 8/PAC/PRA	
Follow guidelines in HUD Handbook 4350.3, Rev. 1		Vacated Tenant name Jones, Harry			MN46X00000 Unit No. 201	
Chapter 9	Whispering Vines			New Ter	02/01/2019	
Total amount collected from tenant	 Enter the security deposit you collected. Warn the required security deposit from the tenan stop! You cannot file this special claim. 	250.00				
	2. Enter the interest you earned on the security	15.00				
	Enter the money you collected for unpaid re (from tenant, insurance, etc.)	nts & damages	0			
	4. Total amount collected. Add lines 1-3	265.00				
HUD's maxi- mum liability	 Enter monthly contract rent at move-out for sor the monthly operating rent for Section 202 	900.00				
	Subtract line 4 from line 5 (equals maximu amount is 0 or negative, stop! You have exceed you cannot file a claim for unpaid rent or date.)			635		
Unpaid rent claim	7. Enter rent charged but unpaid at move-out	350.00				
	8. Subtract line 4 from line 7 (not less than 0)	85.00				
	 Enter the lesser of lines 6 & 8. Also, enter in a A, Part 2. 				85.00	
HUD's remaining liability appli- cable to dam- ages	 Subtract line 9 from line 6. If this amount is have exceeded HUD's maximum. You cann ages. 	550.00				
	11. Enter cost to repair damage		10,000.00			
	12. Enter the remaining amount of the security of 7) This cannot be less than 0					
				000000		

13. Amount of damage exceeding the remaining security deposit (line 11

14. Enter the lesser of lines 10 & 13. Also, enter in column 4 on HUD

minus line 12) This cannot be less than 0

52670-A, Part 2.

Required Documents

- Checklist documenting all necessary paperwork is included with the packet.
- One checklist for each unit in package.
- This is a separate checklist from the vacancy checklist.

Sample checklist can be found at: http://www.mnhousing.gov/sites/multifamily/tracs

Minnesota Housing

Checklist for Section 8 Unpaid Rent and Tenant Damages Special Claims

All claims must be received within 180 calendar days after the unit becomes available for occupancy.

Claims over 180 days will be denied.

Property Name:	Contract Number:					
Tenant Name:	Unit Number:					
Name of Person Submitting Claim:						
Email:	Phone:					

Each claim package must include this checklist and the following required items, in the order listed.

Please do not include other documents not listed below, such as work order, pictures, etc.

If the claim is for both Unpaid Rent and Tenant Damages , all must be calculated on the same 52670-A

O/A	Minnesota Housing	İtem	Description			
For all claims (except Vacancy)						
		HUD-52670-A Part 2 (Special Claims Schedule)	One completed, <u>signed</u> and <u>dated</u> form listing <u>all units</u> in the package. (If submitting by mail, include one original and one copy)			
		HUD-52671-A (Special Claims for Unpaid Rent/Tenant Damages)	One completed, <u>signed</u> and <u>dated</u> form for each unit. (If submitting by mail, include one original and one copy)			
	For Unpaid Rent and Other Charges					
		Copy of the original signed move-in 50059	Include both pages to show the TTP and amount of deposit for the former tenant. (If the MI 50059 is not available contact your Data Analyst for instruction)			
		Documentation that the correct security deposit was collected	Select one: A copy of the original move in lease (first, deposit, and signature pages only) A copy of the tenant's ledger A copy of the receipt(s) for deposit collected			
		Copy of the certified letter sent to the tenant	Letter <u>must</u> detail the unpaid rent or other charges, the disposition of the security deposit, and advise the tenant that the account will be turned over to a collection agency.			
		Documentation that the matter was turned over to a collection agency and that they have attempted to collect	Copy of the agency's first demand letter.			
		Documentation for other charges that were due under the lease that demonstrate the charges were beyond normal wear and tear	See Special Claims Guide book for examples of other allowable charges.			
For Tenant Damages: in addition to the documentation for Unpaid Rent and Other Charges						
		Copies of the move in and move out inspection forms	The forms must be signed and dated.			
		Security Deposit Disposition	<u>Must</u> include: move out date, amount of deposit collected, amount of deposit returned, any charges withheld from the deposit for unpaid rent, damages or other allowable charges.			
		Itemized list of damages	Include the breakdown of the cost to repair the damages, including details if the life expectancy of the item was taken into consideration. Clearly indicate each damage that is included in the claim.			
		Owner certification of normal wear and tear	Owner/Agent <u>must</u> certify the submitted claim is beyond normal wear and tear.			

7/21/2022

Required Documents

- Copy of the signed HUD 50059 completed at move in for the tenant who vacated.
- Documentation that appropriate security deposit was collected
 - ONE of the following:
 - Copy of original lease
 - Copy of tenant rent ledger card
 - Copy of security deposit receipts

Required Documents

- Security deposit disposition notice sent to the tenant who vacated
- Dated, CERTIFIED letter to former tenant detailing:
 - Charges
 - Demand for payment
 - Advising that failure to pay will result in it being turned over to a collection agency
 - That the tenant has the right to discuss the charges

Required Documents

- Documentation that debt was turned over to a collection agency
 - The collection agency attempted to collect the debt (i.e. the agency's first demand letter)
- Documentation of other HUD-approved charges, as applicable

Note: Legal fees, collection agency fees, and utility bills are not allowable "other charges"

In addition, tenant damage claims must also include the following:

- Copy of the signed and dated Move In/Move Out Inspection
- Owner/Agent certification that damage is not due to normal wear and tear
- Owner/Agent must determine the useful life expectancy of replaceable items

- 4. Itemized list of damages.
- 5. Breakdown of cost to repair damage, which may include:
 - Invoices
 - Receipts
 - Copies of work orders
 - Maintenance records

Special Claims

Timelines and Notification of Status

Special Claims Timelines

- HUD timelines to note
 - Minnesota Housing has 30 days to review
 - O/A have 30 days to resubmit materials for pending packets
 - O/A have 90 days to add approved/adjusted claim to their voucher
 - Claims must be fully processed within 180 days of unit ready date

Special Claims Timelines

 Claims must be submitted no later than 180 days from the date the unit is ready for occupancy.

• EXAMPLE:

Move out date 9/30/2021

Unit ready date 11/1/2021

11/1/21 plus 180 days 04/29/2022

Complete packet must be received by 4/29/22

Special Claims Timelines

 Do not wait until the 179th day to submit your special claims!

Claims uploaded through the Multifamily Portal-Special Claims are:

- System dated on the date received
- Claims are reviewed within 30 days of receipt by Minnesota Housing

- Claim Statuses
 - Approved with Claim ID number(s)
 - Adjusted (including the reason for adjustment and corrected amount) with Claim ID number(s)
 - Denied including the reason for denial

Approved/Adjusted claims

- Owner/Agent will receive notice by email
 - Confirmation letter
 - HUD forms that will include:
 - Minnesota Housing staff signature
 - Claim number(s)
 - Deadline for submitting request for payment on voucher
- Submit on next month's voucher

Pending claims:

- Owner/Agent will receive notice by email
 - Email letter notification will state:
 - What documentation is missing
 - Deadline in which the missing documentation MUST be uploaded to the Multifamily Portal – Special Claims

Pending claims:

- MUST be uploaded to the Multifamily Portal –
 Special Claims within 30 days
- Pending packages MUST remain within the 180 day timeframe, including all resubmissions
- Missing documentation can be uploaded multiple times but must still remain within this window or they will be denied.

HUD's 180 day completion timeframe is not extended for any reason.

HUD's 180 day completion timeframe is not extended for any reason.

- Denied claims:
 - Owner/Agent will receive notice by email
 - Email letter notification will state:
 - The reason for denial
 - Information on how to appeal the denied claim

The claim will automatically be DENIED:

- If pending package is not returned complete within stated 30-day timeframe.
- If submitted or resubmitted outside of the 180 day timeframe allowed by HUD.
- Approved claim is not reported on your voucher within 90 days of approval.

To ensure timely payment...

- When notification of an approved claim is received by the property:
 - Post to the next month's voucher
 - Use ALL assigned Claim ID numbers
 - Remember that different claim types will have different claim numbers.



For questions on Special Claims please contact the TRACS Data Analyst assigned to your property.

Special Claims information, and fillable forms can be found at: http://www.mnhousing.gov/sites/multifamily/tracs

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