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## Chapter 7 Verification

[24 CFR 982.516, 24 CFR 982.551, 24 CFR 5.230, Notice PIH 2018-18]

### Introduction

The PHA must verify all information that is used to establish the family's eligibility and level of assistance and is required to obtain written authorization from the family in order to collect the information. Applicants and program participants must cooperate with the verification process as a condition of receiving assistance. The PHA must not pass on the cost of verification to the family.

The PHA will follow the verification guidance provided by HUD in Notice PIH 2018-18 and any subsequent guidance issued by HUD. This chapter summarizes those requirements and provides supplementary PHA policies.

- Part I describes the general verification process.
- Part II provides more detailed requirements related to family information.
- Part III provides information on income and assets, and Part IV covers mandatory deductions.

Verification policies, rules and procedures will be modified as needed to accommodate persons with disabilities. All information obtained through the verification process will be handled in accordance with the records management policies of the PHA.

## Part I: General Verification Requirements

### 7-I.A. Family Consent to Release of Information [24 CFR 982.516 AND 982.551, 24 CFR 5.230]

The family must supply any information that the PHA or HUD determines is necessary to the administration of the program and must consent to PHA verification of that information [24 CFR 982.551].

#### **Consent Forms**

It is required that all adult applicants and participants sign form HUD-9886, Authorization for Release of Information. The purpose of form HUD-9886 is to facilitate automated data collection and computer matching from specific sources and provides the family's consent only for the specific purposes listed on the form. HUD and the PHA may collect information from State Wage Information Collection Agencies (SWICAs) and current and former employers of adult family members. Only HUD is authorized to collect information directly from the Internal Revenue Service (IRS) and the Social Security Administration (SSA). Adult family members must sign other consent forms as needed to collect information relevant to the family's eligibility and level of assistance.

#### **Penalties for Failing to Consent [24 CFR 5.232]**

If any family member who is required to sign a consent form fails to do so, the PHA will deny admission to applicants and terminate assistance of participants. The family may request an informal review (applicants) or informal hearing (participants) in accordance with PHA procedures (Chapter 16).

### 7-I.B. Overview of Verification Requirements

#### **HUD's Verification Hierarchy [Notice PIH 2018-18]**

HUD mandates the use of the Enterprise Income Verification (EIV) system and offers administrative guidance on the use of other methods to verify family information and specifies the circumstances in which each method will be used. In general HUD requires the PHA to use the most reliable form of verification that is available and to document the reasons when the PHA uses a lesser form of verification. In order of priority, the forms of verification that the PHA will use are:

- Up-front Income Verification (UIV) using HUD's EIV system
- UIV using a non-HUD system
- Written Third-Party Verification (may be provided by applicant or participant)
- Written Third-party Verification Form
- Oral Third-party Verification
- Self-Certification
- Each of the verification methods is discussed in subsequent sections below.

#### **Requirements for Acceptable Documents**

##### **Commerce Policy**

**Any documents used for verification may be originals or photocopies and must be dated within 60 calendar days of the Field Agent request. Documents must also be dated consecutively. The**

**documents must not be damaged, altered or in any way illegible.**

**Print-outs from web pages are considered original documents.**

**Any family self-certifications must be made in a format acceptable to Commerce.**

## **File Documentation**

The PHA must document in the family's file how the figures used in income and rent calculations were determined. All verification attempts, information obtained, and decisions reached during the verification process will be recorded in the family's file in sufficient detail to demonstrate that the PHA has followed all of the verification policies set forth in this plan. The record should be sufficient to enable a staff member or HUD reviewer to understand the process followed and conclusions reached.

### **Commerce Policy**

**Commerce will document, in the family file, the following:**

- **Reported family annual income,**
- **Value of assets,**
- **Expenses related to deductions from annual income, and**
- **Other factors influencing adjusted income.**

When the PHA is unable to obtain third-party verification, the PHA will document in the family file the reason that third-party verification was not available [24 CFR 982.516(a)(2); Notice PIH 2018-18].

## **7-I.C. Up-Front Income Verification**

UIV refers to the PHA's use of the verification tools available from independent sources that maintain computerized information about earnings and benefits. UIV will be used to the extent that these systems are available to the PHA.

There may be legitimate differences between the information provided by the family and UIV-generated information. If the family disputes the accuracy of UIV data, no adverse action can be taken until the PHA has independently verified the UIV information and the family has been granted an opportunity to contest any adverse findings through the informal review/hearing process of the PHA.

See Chapter 6 for the PHA's policy on the use of UIV/EIV to project annual income.

### **Upfront Income Verification Using HUD's Enterprise Income Verification System (Mandatory)**

PHAs must use HUD's EIV system in its entirety as a third-party source to verify tenant employment and income information during mandatory reexaminations or recertifications of family composition and income in accordance with 24 CFR 5.236 and administrative guidance issued by HUD. The EIV system contains data showing earned income, unemployment benefits, social security benefits, and SSI benefits for participant families. The following policies apply to the use of HUD's EIV system.

### **EIV Income and IVT Reports**

The data shown on income and income validation tool (IVT) reports is updated quarterly. Data may be between 3 and 6 months old at the time reports are generated.

### **Commerce Policy**

**Commerce will obtain income and IVT reports for annual reexaminations on a monthly basis. Reports will be generated as part of the regular reexamination process.**

**Income and IVT reports will be compared to family-provided information as part of the annual reexamination process. Income reports may be used in the calculation of annual income, as described in Chapter 6-I.C. Income reports may also be used to meet the regulatory requirement for third party verification, as described above. Policies for resolving discrepancies between income reports and family-provided information will be resolved as described in Chapter 6-I.C. and in this chapter.**

**Income and IVT reports will be used in interim reexaminations to identify any discrepancies between reported income and income shown in the EIV system, and as necessary to verify earned income, and to verify and calculate unemployment benefits, Social Security and/or SSI benefits. EIV will also be used to verify that families claiming zero income are not receiving income from any of these sources.**

**Income and IVT reports will be retained in participant files with the applicable annual or interim reexamination documents.**

**When Commerce determines through EIV reports and third-party verification that a family has concealed or under-reported income, corrective action will be taken pursuant to the policies in Chapter 14, Program Integrity.**

### **EIV Identity Verification**

The EIV system verifies tenant identities against SSA records. These records are compared to PIC data for a match on social security number, name, and date of birth.

PHAs are required to use EIV's *Identity Verification Report* on a monthly basis to improve the availability of income information in EIV [Notice PIH 2018-18].

When identity verification for a participant fails, a message will be displayed within the EIV system and no income information will be displayed.

### **Commerce Policy**

**Commerce will identify participants whose identity verification has failed by reviewing EIV's Identity Verification Report on a monthly basis.**

**Commerce will attempt to resolve PIC/SSA discrepancies by obtaining appropriate documentation from the participant. When Commerce determines that discrepancies exist due to Commerce errors such as spelling errors or incorrect birth dates, the errors will be corrected within 14 calendar days of discovery.**

### **Upfront Income Verification Using Non-HUD Systems (Optional)**

In addition to mandatory use of the EIV system, HUD encourages PHAs to utilize other upfront verification sources.

### **Commerce Policy**

Commerce and Field Agency may use UIV resources during the admission and reexamination process, such as:

**HUD's EIV system**  
**Montana Office of Public Assistance database**  
**Department of Labor database**  
**Child Support Enforcement database**

### **7-I.D. Third-Party Written and Oral Verification**

HUD's current verification hierarchy defines two types of written third-party verification. The more preferable form, "written third-party verification," consists of an original document generated by a third-party source, which may be received directly from a third-party source or provided to the PHA by the family. If written third-party verification is not available, the PHA must attempt to obtain a "written third-party verification form." This is a standardized form used to collect information from a third party.

#### **Written Third-Party Verification [Notice PIH 2018-18]**

Written third-party verification documents must be original and authentic and may be supplied by the family or received from a third-party source.

Examples of acceptable tenant-provided documents include, but are not limited to: pay stubs, payroll summary reports, employer notice or letters of hire and termination, SSA benefit verification letters, bank statements, child support payment stubs, welfare benefit letters and/or printouts, and unemployment monetary benefit notices.

The PHA is required to obtain, at minimum, two current and consecutive pay stubs for determining annual income from wages.

The PHA may reject documentation provided by the family if the document is not an original, if the document appears to be forged, or if the document is altered, mutilated, or illegible.

### **Commerce Policy**

**Third-party documents provided by the family must be dated within 60 calendar days of Commerce request date.**

**If Commerce determines that third-party documents provided by the family are not acceptable, Commerce will explain the reason to the family and request additional documentation.**

**As verification of earned income, Commerce will require the family to provide the two most current, consecutive pay stubs. At Commerce's discretion, if additional paystubs are needed due to the family's circumstances (e.g., sporadic income, fluctuating schedule, etc.), Commerce may request additional paystubs or a payroll record.**

### **Written Third-Party Verification Form**

When upfront verification is not available, and the family is unable to provide written third-party



documents, the PHA must request a written third-party verification form. HUD's position is that this traditional third-party verification method presents administrative burdens and risks which may be reduced through the use of family-provided third-party documents.

PHAs may mail, fax, or email third-party written verification form requests to third-party sources.

**Commerce Policy**

**Commerce will send third-party verification forms directly to the third party.**

**Third-party verification forms will be sent when third-party verification documents are unavailable or are rejected by Commerce.**

**Oral Third-Party Verification [Notice PIH 2018-18]**

For third-party oral verification, PHAs contact sources, identified by UIV techniques or by the family, by telephone or in person.

Oral third-party verification is mandatory if neither form of written third-party verification is available.

Third-party oral verification may be used when requests for written third-party verification forms have not been returned within a reasonable time—e.g., 10 business days.

PHAs should document in the file the date and time of the telephone call or visit, the name of the person contacted, the telephone number, as well as the information confirmed.

**Commerce Policy**

**In collecting third-party oral verification, Commerce will record in the family's file the name and title of the person contacted, the date and time of the conversation (or attempt), the telephone number used, and the facts provided.**

**When any source responds verbally to the initial written request for verification Commerce will accept the verbal response as oral verification but will also request that the source complete and return any verification forms that were provided.**

**When Third-Party Verification is Not Required [Notice PIH 2018-18]**

Third-party verification may not be available in all situations. HUD has acknowledged that it may not be cost-effective or reasonable to obtain third-party verification of income, assets, or expenses when these items would have a minimal impact on the family's total tenant payment.

**Commerce Policy**

**If the family cannot provide original documents and it is not cost effective to pay a service charge, Commerce will accept a self-certification as verification.**

Third-party verification is not required when legal documents are the primary source, such as a birth certificate or other legal documentation of birth.

## *Imputed Assets*

HUD permits PHAs to accept a self-certification from a family as verification of assets disposed of for less than fair market value [Housing Choice Voucher Guidebook (HCV GB), p. 5-28].

### **Commerce Policy**

**Commerce will accept a self-certification from a family as verification of assets disposed of for less than fair market value. Assets disposed of for less than \$1,000 will not be counted as an asset disposed of for less than fair market value.**

### **Value of Assets and Asset Income [24 CFR 982.516(a)]**

For families with net assets totaling \$5,000 or less, the PHA may accept the family's declaration of asset value and anticipated asset income. However, the PHA is required to obtain third-party verification of all assets regardless of the amount during the intake process and at least every three years thereafter.

### **Commerce Policy**

**Commerce will obtain third-party verification for all family assets upon admission to the program and then at least every three years thereafter, for assets under \$5,000.**

**For assets over \$5,000, a family must provide verification annually. The family's declaration must show each asset and the amount of income expected from that asset.**

## **7-I.E. Self-Certification**

When HUD requires third-party verification, self-certification or "tenant declaration," is used as a last resort when the PHA is unable to obtain third-party verification.

Self-certification, however, is an acceptable form of verification when:

- A source of income is fully excluded
- Net family assets total \$5,000 or less and the PHA has adopted a policy to accept self-certification at annual recertification, when applicable
- The PHA has adopted a policy to implement streamlined annual recertifications for fixed sources of income (See Chapter 11)

When the PHA was required to obtain third-party verification but instead relies on a tenant declaration for verification of income, assets, or expenses, the family's file must be documented to explain why third-party verification was not available.

### **Commerce Policy**

**When information cannot be verified by a third party or by review of documents, family members will be required to submit self-certifications attesting to the accuracy of the information they have provided to Commerce.**

**Commerce may require a family to certify that a family member does not receive a particular type of income or benefit.**

**The self-certification must be made in a format acceptable to Commerce and must be signed by the family member whose information or status is being verified.**

## Part II: Verifying Family Information

### 7-II.A. Verification of Legal Identity

#### **Commerce Policy**

**Commerce may request additional information for purposes of identification verification.**

### 7-II.B. Social Security Numbers [24 CFR 5.216, Notice PIH 2018-24]

The family must provide documentation of a valid social security number (SSN) for each member of the household, with the exception of individuals who do not contend eligible immigration status. Exemptions also include existing program participants who were at least 62 years of age as of January 31, 2010, and had not previously disclosed an SSN.

Note that an individual who previously declared to have eligible immigration status may not change their declaration for the purpose of avoiding compliance with the SSN disclosure and documentation requirements or penalties associated with noncompliance with these requirements. Nor may the head of household opt to remove a household member from the family composition for this purpose.

The PHA must accept the following documentation as acceptable evidence of the social security number:

- An original SSN card issued by the Social Security Administration (SSA)
- An original SSA-issued document, which contains the name and SSN of the individual
- An original document issued by a federal, state, or local government agency, which contains the name and SSN of the individual

The PHA may only reject documentation of an SSN provided by an applicant or participant if the document is not an original document or if the original document has been altered, mutilated, is illegible, or appears to be forged.

#### **Commerce Policy**

**Commerce will explain to the applicant or participant the reasons the document is not acceptable and request that the individual obtain and submit acceptable documentation of the SSN to Commerce within 20 calendar days.**

#### **Commerce Policy**

##### *Applicants*

**Commerce will deny admission to the program for the applicant and all household members that do not disclose and provide documentation of their SSN. If the family is otherwise eligible to participate in the program, the family will be able to maintain their position on the waiting list pursuant to requirements in Chapter 4.**

##### *Participants*

**Addition of a New Household Member With SSN Assigned – When a participant requests to add a new household member (regardless of age) who has a SSA-assigned SSN, the participant must disclose the SSN and provide the documentation of the SSN. If the participant is unable to disclose the SSN and provide the required documentation, the new household member cannot be added until the family provides the required documentation.**

Commerce will allow the participant family a period not to exceed 90 calendar days from the date the family requested to add a new member to comply with the requirement to provide the documentation if Commerce determines the failure to meet the SSN disclosure and documentation requirements are due to circumstances that could not have been foreseen and were outside the control of the family and there is a reasonable likelihood that the family will be able to disclose the SSN and provide such documentation of the SSN by the deadline. If the participant family is unable to comply with the above requirement by the specified deadline, the entire family's assistance will be terminated.

**Addition of a New Household Member Under Age 6 Without Assigned SSN** - The new household member without a SSN is to be added to the household and will remain in the household during the allotted time (90 calendar days from date household member is added) to provide the documents. If the family is unable to disclose the documentation within the 90 calendar days, Commerce will grant the family an additional 90-day period only if Commerce determines the family was unable to comply due to circumstances that could not have reasonably been foreseen and were outside the control of the family. Examples include but are not limited to delayed processing of SSN application by SSA, natural disaster, fire, death in family, etc. Commerce will terminate the entire family's assistance upon expiration of the provided time period if the family has failed to comply with the SSN disclosure and documentation requirements.

Commerce will generate an ALT ID pursuant to instructions contained in PIH Notice 2018-24 when adding the new household member without an assigned SSN.

Social security numbers must be verified only once during continuously-assisted occupancy.

#### **Commerce Policy**

Commerce will verify each disclosed SSN by:

- Obtaining documentation from applicants and participants that is acceptable as evidence of social security numbers
- Making a copy of the original documentation submitted, returning it to the individual, and retaining a copy in the file folder

Once the individual's verification status is classified as "verified," the PHA may, at its discretion, remove and destroy copies of documentation accepted as evidence of social security numbers. The retention of the EIV Summary Report or Income Report is adequate documentation of an individual's SSN.

#### **7-II.C. Documentation of Age**

A birth certificate or other official record of birth is the preferred form of age verification for all family members. For elderly family members an original document that provides evidence of the receipt of social security retirement benefits is acceptable.

Age must be verified only once during continuously-assisted occupancy.

#### **7-II.D. Family Relationships**

Applicants and program participants are required to identify the relationship of each household member

to the head of household. Definitions of the primary household relationships are provided in the Eligibility chapter.

### **Commerce Policy**

Family relationships are verified only to the extent necessary to determine a family's eligibility and level of assistance. Certification by the head of household normally is sufficient verification of family relationships. Commerce may require additional documentation as needed on a case-by-case basis.

## **Marriage**

### **Commerce Policy**

Certification by the head of household is generally sufficient verification; however, Commerce may require additional forms of verification on a case-by-case basis.

In the case of a common law marriage, the couple must demonstrate that they hold themselves to be married, which can be evidenced by, but not limited to, telling the community they are married, calling each other husband and wife, using the same last name, and/or filing joint income tax returns.

## **Separation or Divorce**

### **Commerce Policy**

Certification by the head of household is normally sufficient verification. If the PHA has reasonable doubts about a separation or divorce, Commerce will require the family to provide documentation of the divorce or separation. Acceptable documentation would include:

- A certified copy of a divorce decree, signed by a court officer,
- A copy of a court-ordered maintenance or other court record.

## **Foster Children and Foster Adults**

### **Commerce Policy**

Third-party verification from the state or local government agency responsible for the placement of the individual with the family is required.

## **7-II.E. Verification of Student Status**

### **General Requirements**

#### **Commerce Policy**

Commerce requires families to provide information about the student status of all students who are 18 years of age or older. This information will be verified only if:

The family reports full-time student status for an adult household member.

The family reports childcare expenses to enable a family member to further their education.

The family includes a student enrolled in an institution of higher education.

## **Restrictions on Assistance to Students Enrolled in Institutions of Higher Education**

This section applies only to students who are seeking assistance on their own, separately from their parents. It does not apply to students residing with parents who are seeking or receiving HCV assistance.

### **Commerce Policy**

**In accordance with the verification hierarchy described in section 7-1.B, Commerce will determine whether the student is exempt from the restrictions in 24 CFR 5.612 by verifying any one of the following exemption criteria:**

**The student is enrolled at an educational institution that does not meet the definition of institution of higher education in the Higher Education Act of 1965 (see section Exhibit 3-2).**

**The student is at least 24 years old.**

**The student is a veteran, as defined in section 3-II.E.**

**The student is married.**

**The student has at least one dependent child, as defined in section 3-II.E.**

**The student is a person with disabilities, as defined in section 3-II.E, and was receiving assistance prior to November 30, 2005.**

**If the PHA cannot verify at least one of these exemption criteria, the PHA will conclude that the student is subject to the restrictions on assistance at 24 CFR 5.612. In addition to verifying the student's income eligibility, the PHA will then proceed to verify either the student's parents' income eligibility (see section 7-III.J) or the student's independence from their parents (see below).**

## **Independent Student**

### **Commerce Policy**

**Commerce will verify a student's independence from their parents to determine that the student's parents' income is not relevant for determining the student's eligibility by doing all of the following:**

- **Either reviewing and verifying previous address information to determine whether the student has established a household separate from their parents for at least one year, or reviewing and verifying documentation relevant to determining whether the student meets the U.S. Department of Education's definition of independent student (see section 3-II.E),**
- **Reviewing the student's prior year income tax returns to verify the student is independent or verifying the student meets the U.S. Department of Education's definition of independent student (see section 3-II.E), and**
- **Requesting and obtaining written certification directly from the student's parents identifying the amount of support they will be providing to the student, even if the amount of support is \$0, except in cases in which Commerce determines that the student is a vulnerable youth (see section 3-II.E).**

## **7-II.F. Documentation of Disability**

The PHA must verify the existence of a disability in order to allow certain income disallowances and deductions from income. The PHA is not permitted to inquire about the nature or extent of a person's

disability [24 CFR 100.202(c)]. The PHA may not inquire about a person's diagnosis or details of treatment for a disability or medical condition. If the PHA receives a verification document that provides such information, the PHA will not place this information in the tenant file. Under no circumstances will the PHA request a participant's medical record(s). For more information on health care privacy laws, see the Department of Health and Human Services' website at <http://www.hhs.gov/ocr/privacy/>.

The above cited regulation does not prohibit the following inquiries, provided these inquiries are made of all applicants, whether or not they are persons with disabilities [HCV GB, p. 24]:

- Inquiry into an applicant's ability to meet the requirements of ownership or tenancy
- Inquiry to determine whether an applicant is qualified for a dwelling available only to persons with disabilities or to persons with a particular type of disability
- Inquiry to determine whether an applicant for a dwelling is qualified for a priority available to persons with disabilities or to persons with a particular type of disability
- Inquiring whether an applicant for a dwelling is a current illegal abuser or addict of a controlled substance
- Inquiring whether an applicant has been convicted of the illegal manufacture or distribution of a controlled substance

### **Family Members Receiving SSA Disability Benefits**

Verification of the receipt of disability benefits from the Social Security Administration (SSA) is sufficient verification of disability for the purpose of qualifying for waiting list preferences (if applicable) or certain income disallowances and deductions [HCV GB, p. 23].

#### **Commerce Policy**

**For family members claiming disability who receive disability benefits from the SSA, Commerce will attempt to obtain information about disability benefits. Commerce will request SSA benefit verification letter from each family member claiming disability status. If the family is unable to provide the document(s), Commerce will ask the family to request a benefit verification letter by either calling SSA at 1-800-772-1213, or by requesting it from [www.ssa.gov](http://www.ssa.gov). Once the applicant or participant receives the benefit verification letter they will be required to provide it to the PHA.**

### **Family Members Not Receiving SSA Disability Benefits**

Receipt of veteran's disability benefits, worker's compensation, or other non-SSA benefits based on the individual's claimed disability are not sufficient verification that the individual meets HUD's definition of disability in 24 CFR 5.403.

#### **Commerce Policy**

**For family members claiming disability who do not receive disability benefits from the SSA, a knowledgeable professional must provide third-party verification that the family member meets the HUD definition of disability. The knowledgeable professional will verify whether the family member does or does not meet the HUD definition.**

## 7-II.G. Citizenship or Eligible Immigration Status [24 CFR 5.508]

### Overview

Housing assistance is not available to persons who are not citizens, nationals, or eligible immigrants. Prorated assistance is provided for "mixed families" containing both eligible and ineligible persons. A detailed discussion of eligibility requirements is in the Eligibility chapter. This verifications chapter discusses HUD and PHA verification requirements related to citizenship status.

The family must provide a certification that identifies each family member as a U.S. citizen, a U.S. national, an eligible noncitizen or an ineligible noncitizen and submit the documents discussed below for each family member. Once eligibility to receive assistance has been verified for an individual it need not be collected or verified again during continuously-assisted occupancy. [24 CFR 5.508(g)(5)]

### U.S. Citizens and Nationals

HUD requires a declaration for each family member who claims to be a U.S. citizen or national. The declaration must be signed personally by any family member 18 or older and by a guardian for minors.

The PHA may request verification of the declaration by requiring presentation of a birth certificate, United States passport or other appropriate documentation.

#### **Commerce Policy**

**Family members who claim U.S. citizenship or national status will not be required to provide additional documentation unless Commerce receives information indicating that an individual's declaration may not be accurate.**

### Eligible Immigrants

#### *Documents Required*

All family members claiming eligible immigration status must declare their status in the same manner as U.S. citizens and nationals.

The documentation required for eligible noncitizens varies depending upon factors such as the date the person entered the U.S., the conditions under which eligible immigration status has been granted, age, and the date on which the family began receiving HUD-funded assistance. Exhibit 7-1 at the end of this chapter summarizes documents family members must provide.

#### *PHA Verification [HCV GB, pp. 5-3 and 5-7]*

For family members age 62 or older who claim to be eligible immigrants, proof of age is required in the manner described in 7-II.C. of this plan. No further verification of eligible immigration status is required.

For family members under the age of 62 who claim to be eligible immigrants, the PHA must verify immigration status with the United States Citizenship and Immigration Services (USCIS).

The PHA will follow all USCIS protocols for verification of eligible immigration status.



## 7-II.H. Verification of Preference Status

The PHA must verify any preferences claimed by an applicant that determined placement on the waiting list.

### **Commerce Policy**

**Preference verification requirements are included in Chapter 4.PART III: Verifying Income and Assets**

Chapter 6, Part I of this plan describes in detail the types of income that are included and excluded and how assets and income from assets are handled. Any assets and income reported by the family must be verified. This part provides PHA policies that supplement the general verification procedures specified in Part I of this chapter.

## Part III: Verifying Income and Assets

### 7-III.A. Earned Income

#### Tips

##### **Commerce Policy**

Unless tip income is included in a family member's W-2 by the employer, persons who work in industries where tips are standard will be required to sign a certified estimate of current tips received.

#### Wages

##### **Commerce Policy**

For wages other than tips, the family must provide the two most current, consecutive full pay stubs. A third-party employment verification will be required for new employment or when two consecutive full pay stubs are not available.

### 7-III.B. Business and Self Employment Income

##### **Commerce Policy**

Business owners and self-employed persons will be required to provide:

Most recently submitted IRS federal tax return or state tax return.

If no IRS federal tax return was filed, the Field Agency will accept the following as verification of self-employment income:

- An audited financial statement for the previous fiscal year if an audit was conducted,
- A profit and loss statement,
- Documentation of income and expenses to calculate net income, OR
- Self-certification of net income, if an audited financial statement, profit and loss statement, or documentation of income and expenses is unavailable.

Commerce may request documents that support submitted financial statements such as manifests, appointment books, cash books, receipts or bank statements.

### 7-III.C. Periodic Payments and Payments in Lieu of Earnings

For policies governing streamlined income determinations for fixed sources of income, please see Chapter 11.

#### **Social Security/SSI Benefits**

To ensure consistency in the determination of annual Social Security and SSI income, PHAs are required to use EIV-reported Social Security and SSI benefit amounts unless the tenant disputes the EIV-reported amount [Notice PIH 2018-24].

##### **Commerce Policy**

To verify the SS/SSI benefits of applicants, Commerce will request a current (dated within the

last 60 calendar days) SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s), Commerce will help the applicant request a benefit verification letter from SSA's Web site at [www.ssa.gov](http://www.ssa.gov) or ask the family to request one by calling SSA at 1-800-772-1213. Once the applicant has received the benefit verification letter, they will be required to provide it to Commerce.

To verify the SS/SSI benefits of participants, Commerce will obtain information about social security/SSI benefits through the HUD EIV System and confirm with the participant(s) that the current listed benefit amount is correct. If the participant disputes the EIV-reported benefit amount, or if benefit information is not available in HUD systems, Commerce will request a current SSA benefit verification letter from each family member that receives social security benefits. If the family is unable to provide the document(s) Commerce will help the participant request a benefit verification letter from SSA's Web site at [www.ssa.gov](http://www.ssa.gov) or ask the family to request one by calling SSA at 1-800-772-1213. Once the participant has received the benefit verification letter, they will be required to provide it to Commerce.

#### 7-III.D. Alimony or Child Support

##### **Commerce Policy**

The methods Commerce will accept to verify alimony and child support payments differ depending on whether the family declares that it receives regular payments.

If the family declares that it receives regular payments, verification will be obtained in the following order of priority:

1. Divorce decree or court order;
2. Copies of the receipts and/or payment stubs for the 60 calendar days prior to request;
3. Third-party verification form from the state or local child support enforcement agency;
4. Third-party verification form from the person paying the support;
5. Family's self-certification of amount received;

If the family declares that it receives irregular or no payments (less than 4 payments received within the last 12 months), they may be required to provide supporting documentation.

**Note:** Families are not required to undertake independent enforcement action.

#### 7-III.E. Assets and Income from Assets

##### **Assets Disposed of for Less than Fair Market Value**

The family must certify whether any assets have been disposed of for less than fair market value in the preceding two years. The PHA needs to verify only those certifications that warrant documentation [HCV GB, p. 5-28].

##### **Commerce Policy**

**Commerce will verify the value of assets disposed of only if:**

**Commerce does not already have a reasonable estimation of its value from previously collected information, or  
The amount reported by the family in the certification appears obviously in error.**

#### 7-III.F. Net Income from Rental Property

##### **Commerce Policy**

**The family must provide:**

- **A current executed lease for the property that shows the rental amount or certification from the current tenant.**
- **A self-certification from the family members engaged in the rental of property providing an estimate of expenses for the coming year and the most recent IRS Form 1040 with Schedule E (Rental Income). If schedule E was not prepared, Commerce will require the family members involved in the rental of property to provide documentation of income and expenses for the last 12 months including but not limited to: tax statements, insurance invoices, bills for reasonable maintenance and utilities, and bank statements or amortization schedules showing monthly interest expense.**

#### 7-III.G. Retirement Accounts

##### **Commerce Policy**

**Commerce will accept written third-party documents supplied by the family as evidence of the status of retirement accounts.**

**The type of original document that will be accepted depends upon the family member's retirement status.**

**Commerce will accept an original document from the entity holding the account with a date that shows it is the most recently scheduled statement for the account but in no case earlier than 12 months from the effective date of the examination.**

#### 7-III.H. Income from Excluded Sources

A detailed discussion of excluded income is provided in Chapter 6, Part I.

HUD guidance on verification of excluded income draws a distinction between income which is fully excluded and income which is only partially excluded.

For fully excluded income, the PHA is **not** required to follow the verification hierarchy, document why third-party verification is not available, or report the income on the 50058. Fully excluded income is defined as income that is entirely excluded from the annual income determination (for example, food stamps, earned income of a minor, or foster care funds) [Notice PIH 2013-04].

PHAs may accept a family's signed application or reexamination form as self-certification of fully excluded income. They do not have to require additional documentation. However, if there is any doubt that a source of income qualifies for full exclusion, PHAs have the option of requiring additional verification.

For partially excluded income, the PHA is required to follow the verification hierarchy and all applicable regulations, and to report the income on the 50058. Partially excluded income is defined as income where only a certain portion of what is reported by the family qualifies to be excluded and the remainder is included in annual income (for example, the income of an adult full-time student, or income excluded under the earned income disallowance).

**Commerce Policy**

**Commerce will accept the family's self-certification as verification of fully excluded income.**

**Commerce will verify the source and amount of partially excluded income as described in Part 1 of this chapter.**

7-III.I. Zero Annual Income Status

**Commerce Policy**

**Commerce will check UIV sources and/or request information from third-party sources to verify that certain forms of income such as unemployment benefits, TANF, SS, SSI, and earnings are not being received by families claiming to have zero annual income.**

7-III.J. Student Financial Assistance [Notice PIH 2015-21]

Any financial assistance, in excess of amounts received for tuition, fees, and other required charges that a person attending an institution of higher education receives under the Higher Education Act of 1965, from private sources, or from an institution of higher education must be considered income unless the student is over the age of 23 with dependent children or is residing with parents who are seeking or receiving HCV assistance [24 CFR 5.609(b)(9) and FR 4/10/06].

For students over the age of 23 with dependent children or students residing with parents who are seeking or receiving HCV assistance, the full amount of student financial assistance is excluded from annual income [24 CFR 5.609(c)(6)]. The full amount of student financial assistance is also excluded for students attending schools that do not qualify as institutions of higher education (as defined in Exhibit 3-2). Excluded amounts are verified only if, without verification, the PHA would not be able to determine whether or to what extent the income is to be excluded (see section 7-III.H).

**Commerce Policy**

**For a student subject to having a portion of their student financial assistance included in annual income in accordance with 24 CFR 5.609(b)(9), COMMERCE will request written third-party verification of both the source and the amount. Family-provided documents from the educational institution attended by the student will be requested, as well as documents generated by any other person or entity providing such assistance, as reported by the student.**

**In addition, COMMERCE will request written verification of the student's tuition, fees, and other required charges.**

**If COMMERCE is unable to obtain third-party written verification of the requested information, COMMERCE will pursue other forms of verification following the verification hierarchy in section 7-I.B.**

### 7-III.K. Parental Income of Students Subject to Eligibility Restrictions

If a student enrolled at an institution of higher education is under the age of 24, is not a veteran, is not married, does not have a dependent child, and is not a person with disabilities receiving HCV assistance as of November 30, 2005, the income of the student's parents must be considered when determining income eligibility, unless the student is determined independent from their parents or a *vulnerable youth* in accordance with Commerce Policy [24 CFR 5.612, FR Notice 4/10/06, p. 18146, and FR Notice 9/21/16].

This provision does not apply to students residing with parents who are seeking or receiving HCV assistance. It is limited to students who are seeking or receiving assistance on their own, separately from their parents.

#### **Commerce Policy**

**If Commerce is required to determine the income eligibility of a student's parents, Commerce will request an income declaration and certification of income from the appropriate parent(s) (as determined in section 3-II.E). Commerce will send the request directly to the parents, who will be required to certify to their income under penalty of perjury. The parents will be required to submit the information directly to Commerce. The required information must be submitted (postmarked) within 14 calendar days of the date of Commerce's request or within any extended timeframe approved by Commerce.**

**Commerce reserves the right to request and review supporting documentation at any time if it questions the declaration or certification. Supporting documentation may include, but is not limited to, Internal Revenue Service (IRS) tax returns, consecutive and original pay stubs, bank statements, pension benefit statements, benefit award letters, and other official and authentic documents from a federal, state, or local agency.**

## Part IV: Verifying Mandatory Deductions

### 7-IV.A. Dependent and Elderly/Disabled Household Deductions

The dependent and elderly/disabled family deductions require only that the PHA verify that the family members identified as dependents or elderly/disabled persons meet the statutory definitions. No further verifications are required.

#### **Dependent Deduction**

See Chapter 6 (6-II.B.) for a full discussion of this deduction. The PHA must verify that:

- Any person under the age of 18 for whom the dependent deduction is claimed is not the head, spouse, or cohead of the family and is not a foster child
- Any person age 18 or older for whom the dependent deduction is claimed is not a foster adult or live-in aide, and is a person with a disability or a full-time student

#### **Elderly/Disabled Family Deduction**

See Eligibility chapter for a definition of elderly and disabled families and Chapter 6 (6-II.C.) for a discussion of the deduction. The PHA must verify that the head, spouse, or cohead is 62 years of age or older or a person with disabilities.

### 7-IV.B. Medical Expense Deduction

Policies related to medical expenses are found in 6-II.D. The amount of the deduction will be verified following the standard verification procedures described in Part I.

#### **Amount of Expense**

##### **Commerce Policy**

**Commerce will use IRS Publication 502, Medical and Dental Expenses, for determining allowable medical expenses. Medical expenses will be verified through:**

**Written third-party documents provided by the family, such as pharmacy printouts or receipts.**

**Medical allowances are not intended to give allowances equal to last year's expenses, but to anticipate regular ongoing anticipated expenses in the coming year, for this reason we are using current out of pocket medical expenses to anticipate the next 12 months. Commerce will accept evidence of monthly payments or total payments that will be due for medical expenses during the upcoming 12 months.**

**Written third-party verification forms, if the family is unable to provide acceptable documentation.**

**In addition, Commerce must verify that:**

- **The household is eligible for the deduction.**

- **The costs to be deducted are qualified medical expenses.**
- **The expenses are not paid for or reimbursed by any other source.**
- **Costs incurred in past years are counted only once.**

### **Eligible Household**

The medical expense deduction is permitted only for households in which the head, spouse, or cohead is at least 62, or a person with disabilities. The PHA must verify that the family meets the definition of an elderly or disabled family provided in the Eligibility chapter and as described in Chapter 7 (7-IV.A.) of this plan. The medical allowance is limited to expenses that exceed 3% of the family's annual income.

### **Qualified Expenses**

To be eligible for the medical expense deduction, the costs must qualify as medical expenses. See Chapter 6 (6-II.D.) for the PHA's policy on what counts as a medical expense.

### **Unreimbursed Expenses**

To be eligible for the medical expense deduction, the costs must not be reimbursed by another source.

#### **Commerce Policy**

**The family will be required to certify that the medical expenses are not paid or reimbursed to the family from any source. If expenses are verified through a third party, the third party must certify that the expenses are not paid or reimbursed from any other source.**

### **Expenses Incurred in Past Years**

#### **Commerce Policy**

**When anticipated costs are related to on-going payment of medical bills incurred in past years, Commerce will verify:**

**The balance of the accumulated medical bills. The regular monthly payment that is being made or expected to be made**

**Whether the medical costs to be repaid have been deducted from the family's annual income in past years**

### **7-IV.C. Disability Assistance Expenses**

Policies related to disability assistance expenses are found in 6-II.E. The amount of the deduction will be verified following the standard verification procedures described in Part I.

### **Amount of Expense**

#### *Attendant Care*

#### **Commerce Policy**

**Commerce will accept written third-party documents provided by the family.**

**If family-provided documents are not available, Commerce will provide a third-party verification form directly to the care provider requesting the needed information.**

**Expenses for attendant care will be verified through:**



Written third-party documents provided by the family, such as receipts or cancelled checks.

Third-party verification form signed by the provider, if family-provided documents are not available.

If third-party verification is not possible, written family certification as to costs anticipated to be incurred for the upcoming 12 months.

#### *Auxiliary Apparatus*

##### **Commerce Policy**

Expenses for auxiliary apparatus will be verified through:

Written third-party documents provided by the family, such as billing statements for purchase of auxiliary apparatus, or other evidence of monthly payments or total payments that will be due for the apparatus during the upcoming 12 months.

Third-party verification form signed by the provider, if family-provided documents are not available.

If third-party verification is not possible, written family certification of estimated apparatus costs for the upcoming 12 months.

In addition, Commerce must verify that:

- The family member for whom the expense is incurred is a person with disabilities (as described in 7-II.F above).
- The expense permits a family member, or members, to work (as described in 6-II.E.).
- The expense is not reimbursed from another source (as described in 6-II.E.).

#### **Family Member is a Person with Disabilities**

To be eligible for the disability assistance expense deduction, the costs must be incurred for attendant care or auxiliary apparatus expense associated with a person with disabilities. The PHA will verify that the expense is incurred for a person with disabilities (See 7-II.F.).

#### **Family Member(s) Permitted to Work**

The PHA must verify that the expenses claimed actually enable a family member, or members, (including the person with disabilities) to work.

##### **Commerce Policy**

Commerce will request third-party verification from a rehabilitation agency or knowledgeable medical professional indicating that the person with disabilities requires attendant care or an auxiliary apparatus to be employed, or that the attendant care or auxiliary apparatus enables another family member, or members, to work (See 6-II.E.). This documentation may be provided by the family.

**If third-party verification has been attempted and is either unavailable or proves unsuccessful, the family must certify that the disability assistance expense frees a family member, or members (possibly including the family member receiving the assistance), to work.**

### **Unreimbursed Expenses**

To be eligible for the disability expenses deduction, the costs must not be reimbursed by another source.

#### **Commerce Policy**

**The family will be required to certify that attendant care or auxiliary apparatus expenses are not paid by or reimbursed to the family from any source.**

### **7-IV.D. Child Care Expenses**

Policies related to childcare expenses are found in Chapter 6 (6-II.F). The amount of the deduction will be verified following the standard verification procedures described in Part I of this chapter. In addition, the PHA must verify that:

- The child is eligible for care (12 or younger).
- The costs claimed are not reimbursed.
- The costs enable a family member to work, actively seek work, or further their education.
- The costs are for an allowable type of childcare.
- The costs are reasonable.

### **Eligible Child**

To be eligible for the childcare deduction, the costs must be incurred for the care of a child under the age of 13. The PHA will verify that the child being cared for (including foster children) is under the age of 13 (See 7-II.C.).

### **Unreimbursed Expense**

To be eligible for the childcare deduction, the costs must not be reimbursed by another source.

#### **Commerce Policy**

**The family (and the care provider) will be required to certify that the childcare expenses are not paid or reimbursed to the family from any source.**

### **Pursuing an Eligible Activity**

The PHA must verify that the family member(s) that the family has identified as being enabled to seek work, pursue education, or be gainfully employed, are actually pursuing those activities.

#### **Commerce Policy**

##### ***Information to be gathered:***

**Commerce will verify information about how the schedule for the claimed activity relates to the hours of care provided, the time required for transportation, the time required for study (for students), the relationship of the family member(s) to the child, and any special needs of the**

child that might help determine which family member is enabled to pursue an eligible activity.

***Seeking Work***

Whenever possible Commerce will use documentation from a state or local agency that monitors work-related requirements (e.g., welfare or unemployment). In such cases Commerce may request family-provided verification from the agency of the member's job seeking efforts to date, and require the family to submit to Commerce any reports provided to the other agency.

Commerce will review this information at each subsequent reexamination for which this deduction is claimed.

***Furthering Education***

Commerce will request third-party documentation to verify that the person permitted to further their education by the childcare is enrolled and provide information about the timing of classes for which the person is registered. The documentation may be provided by the family.

***Gainful Employment***

Commerce may seek third-party verification of the work schedule of the person who is permitted to work by the childcare. In cases in which two or more family members could be permitted to work, the work schedules for all relevant family members may be verified. The documentation may be provided by the family.

**Allowable Type of Child Care**

The type of care to be provided is determined by the family, but must fall within certain guidelines, as discussed in Chapter 6.

**Commerce Policy**

Commerce will verify that the type of child care selected by the family is allowable, as described in Chapter 6 (6-II.F).

Commerce will verify that the fees paid to the childcare provider cover only childcare costs (e.g., no housekeeping services or personal services) and are paid only for the care of an eligible child (e.g., prorate costs if some of the care is provided for ineligible family members).

Commerce will verify that the childcare provider is not an assisted family member. Verification will be made through the head of household's declaration of family members who are expected to reside in the unit.

**Reasonableness of Expenses**

Only reasonable childcare costs can be deducted.

**Commerce Policy**

The actual costs the family incurs will be compared with the Montana Department of Health and Human Services' standards of reasonableness for the type of care in the locality to ensure that the costs are reasonable.

**If the family presents a justification for costs that exceed typical costs in the area, the Field Agency may request additional documentation, as required, to support a determination that the higher cost is appropriate.**

**Exhibit 7-1: Summary of Documentation Requirements for Noncitizens [HCV GB,**

**pp. 5-9 and 5-10]**

<ul style="list-style-type: none"> <li>• <b>All</b> noncitizens claiming eligible status must sign a declaration of eligible immigrant status on a form acceptable to the PHA.</li> <li>• Except for persons 62 or older, all noncitizens must sign a verification consent form</li> <li>• Additional documents are required based upon the person's status.</li> </ul>	
<p><b>Elderly Noncitizens</b></p> <ul style="list-style-type: none"> <li>• A person 62 years of age or older who claims eligible immigration status also must provide proof of age such as birth certificate, passport, or documents showing receipt of SS old-age benefits.</li> </ul>	
<p><b>All other Noncitizens</b></p> <ul style="list-style-type: none"> <li>• Noncitizens that claim eligible immigration status also must present the applicable USCIS document. Acceptable USCIS documents are listed below.</li> </ul>	
<ul style="list-style-type: none"> <li>• Form I-551 Alien Registration Receipt Card (for permanent resident aliens)</li> <li>• Form I-94 Arrival-Departure Record annotated with one of the following:             <ul style="list-style-type: none"> <li>• "Admitted as a Refugee Pursuant to Section 207"</li> <li>• "Section 208" or "Asylum"</li> <li>• "Section 243(h)" or "Deportation stayed by Attorney General"</li> <li>• "Paroled Pursuant to Section 221 (d)(5) of the USCIS"</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Form I-94 Arrival-Departure Record with no annotation accompanied by:             <ul style="list-style-type: none"> <li>• A final court decision granting asylum (but only if no appeal is taken);</li> <li>• A letter from a USCIS asylum officer granting asylum (if application is filed on or after 10/1/90) or from a USCIS district director granting asylum (application filed before 10/1/90);</li> <li>• A court decision granting withholding of deportation; or</li> <li>• A letter from an asylum officer granting withholding or deportation (if application filed on or after 10/1/90).</li> </ul> </li> </ul>
<ul style="list-style-type: none"> <li>• Form I-688 Temporary Resident Card annotated "Section 245A" or Section 210".</li> </ul>	<ul style="list-style-type: none"> <li>• Form I-688B Employment Authorization Card annotated "Provision of Law 274a. 12(11)" or "Provision of Law 274a.12".</li> </ul>
<ul style="list-style-type: none"> <li>• A receipt issued by the USCIS indicating that an application for issuance of a replacement document in one of the above listed categories has been made and the applicant's entitlement to the document has been verified; or</li> <li>• Other acceptable evidence. If other documents are determined by the USCIS to constitute acceptable evidence of eligible immigration status, they will be announced by notice published in the <i>Federal Register</i></li> </ul>	