# ENTERPRISE INCOME VERIFICATION POLICY

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# ACRONYMS AND ABBREVIATIONS

| | |
|---|---|
| CHFA | Colorado Housing and Finance Authority |
| DHA | Housing Authority of the City and County of Denver, Colorado |
| DOB | Date of Birth |
| EIV | Enterprise Income Verification |
| EOP | End of Participation |
| HAP | Housing Assistance Program |
| HUD | U.S. Department of Housing and Urban Development |
| IPA | Independent Private Auditors |
| LIHTC | Low Income Housing Tax Credit |
| MIS | Management Information Systems Department |
| NDNH | National Database of New Hires |
| NIST | National Institute of Standards and Technology |
| O/A | Owners/Agents |
| OARQ | Owner Agent Request |
| OIG | HUD Office of Inspector General |
| PHA | Public Housing Authority |
| PIC | Public Housing Information Center |
| PII | Personally Identifiable Information |
| RHIIP | HUD's Rental Housing Integrity Improvement Project |
| RHS | Rural Housing Service |
| ROB | Rules of Behavior |
| SSA | U.S. Social Security Administration |
| SSI | Supplemental Security Income |
| SSN | Social Security Number |
| SS-5 | Form that is used to apply for a Social Security Card |
| TANF | Temporary Assistance for Needy Families |
| TRACS | Tenant Rental Assistance Certification System |
| WASS | Web Access Secure Systems |
| 50058/50059 | HUD Family Report |
| 9886 | Multifamily Tenant Consent Form for the Release of Information |
| 9887/9887A | Public Housing Tenant Consent Form for the Release of Information |

# 1. Purpose

The purpose of this Policy is to ensure that all data provided by the Enterprise Income Verification ("EIV") System used for verifying the employment and income of individuals participating in a U.S. Department of Housing and Urban Development ("HUD") rental assistance program in housing owned or operated by the Housing Authority of the City and County of Denver, Colorado ("DHA") is being utilized according to HUD's Rental Housing Integrity Improvement Project (RHIIP) and the Housing Opportunity Through Modernization Act of 2016.

# 2. Procedure

## 2.1 Applicants

Because EIV reports only contain employment and income data for currently participating families, third-party verification must be obtained from the income source for determining an applicant's income for eligibility and rent calculation purposes. Only one report is available for applicants, the Existing Tenant report. EIV will provide DHA with information about the current status of the applicant and the entire household to determine if the applicant or anyone in the household is receiving HUD housing assistance. If the family is receiving assistance, DHA will verify with the owner of the family's current home and ensure that proper notice has been given and that no multiple subsidy is occurring. If the applicant or any member of the household fails to fully and accurately disclose receipt of HUD assistance or rental history on the application, the applicant will be denied based on "misrepresentation" of information. If DHA discovers a discrepancy, the applicant will be notified and given the opportunity to respond to the inquiry. A copy of the report will be maintained in the applicant/resident file. More information is available in Section 6.2.

## 2.2 Tenants

A form HUD 9887/9887A (multifamily) or a HUD 9886 (public housing) must be on file before DHA may access income reports in the EIV system. This form must be signed and dated by all household members who are at least 18 years of age or older.

## 2.3 Consent

The HUD 9887/9887A or HUD 9886 authorizes HUD and DHA to seek wage, new hire (W4) and unemployment claim information from current or former employers to verify information. The form authorizes use of data obtained from another agency for verifying income used for establishing eligibility and level of assistance under the Public Housing and Project Based Section 8 programs. The executed consent form will remain effective until the family is denied assistance, the assistance is terminated, or the family provides written notification to DHA to revoke consent. Additional information may be found in DHA's Tenant Selection Policy.

## 3. Disclosing an Individual's Information to Another Person or Entity

The Federal Privacy Act (5 USC 552a, as amended) prohibits the disclosure of an individual's information to another person without the written consent of such individual. However, DHA is not prohibited from discussing a household member's information with the head of household and showing the head of household how the household's income and rent were determined based on the total income reported and verified. A consent form is available for the resident to sign for release of the information.

DHA is required to provide reminder notices to tenants informing them of their responsibility to provide DHA with information about changes in family income or composition that are necessary to properly complete an annual recertification. The notification must be in writing and must include a list of information that tenants are required to bring with them to their recertification interview.

When the employment and income information in EIV is the same or within 10% of what the tenant reports, DHA can use the EIV Income Report for third-party verification and tenant provided documents for income calculation purposes.

Independent Third-Party verification must be obtained to complement EIV data when:

a) The tenant disputes the EIV data;
b) The tenant is unable to provide DHA with acceptable and current income documentation;
c) There is incomplete EIV data for a tenant;
d) There is no EIV data for a tenant; or
e) There is over a 10% discrepancy.

When DHA is unable to obtain additional third-party verification, e.g., the third party does not respond, the tenant file must document why third-party verification was not available.

DHA always has the discretion to obtain additional third-party verification of income or verification of other EIV data based on circumstances encountered during the recertification process.

At the time of recertification, interim, or unit transfer when there is a change in the household composition, DHA must use the EIV Reports to verify the employment and income of tenants participating in Public Housing and Multifamily Housing's rental assistance programs. In addition to recertification and redeterminations, reports such as the New Hires Report, Income Discrepancy Report, etc. may be used at any time.

## 4. Resident Reports

## 4.1 Summary Report

This report provides a summary of information taken from the current, active certifications contained in the TRACS/PIC file at the time of the income match. This report is generated for applications, recertifications, and redeterminations. It also provides the Identity Verification Status for each household member. The six verification statuses identified are:

1. Verified: TRACS/PIC verifies Last name, DOB and SSN match SSA database
2. Unverified: Waiting on verification from TRACS/PIC
3. Failed Verification: TRACS/PIC Last name, DOB and SSN does not match SSA database
4. Deceased: Person deceased
5. Multiple Subsidy: Identifies households who received assistance in multiple subsidized housing programs
6. Pending: Pending verification in TRACS/PIC

## 4.2 Income Report

DHA must use the Income Report at the time of recertification or redetermination. This report provides DHA with:

a) Employment Information (New Hire)
b) Wages
c) Unemployment Benefits
d) Social Security Benefits
e) Dual Entitlement
f) Medicare Premiums
g) SSI
h) SSA Disability Status

DHA must print and retain a copy of the Income Report(s) in the tenant file. In most cases, the printed report will serve as third-party verification. If the tenant disputes the information on the Income Report, DHA will note this in the report, in the tenant file, and in the notes screen. It must include verification obtained directly from a third-party source. DHA may use this report during an Interim Certification.

If identity theft is suspected, DHA will refer the tenant to SSA's website at www.ssa.gov for information on reporting identity theft or to local agencies who may assist the tenant in getting the matter resolved. It is the tenant's responsibility to contact the SSA to get information corrected. DHA cannot remove or correct the information in EIV reported by the SSA.

If DHA used Safe Harbor Verification, it may utilize this report.

## 4.3 New Hires Report

The National Database of New Hires ("NDNH") information is obtained from W-4 employment information and unemployment income, which is a part of the EIV system. NDNH information may only be used as third-party verification of the tenant's employment and is not to be used to calculate the tenant's income. DHA will use the documentation provided by the tenant, e.g., four current consecutive pay stubs, unemployment benefit award letter, etc., to calculate the tenant's income unless circumstances require DHA to obtain third-party verification directly from the employer or unemployment agency.

When no employment or income information is available in EIV and the tenant reports working, DHA must request third-party verification directly from the employer. There may be times when DHA will need to request third-party verification directly from the source in order to have all of the information needed to determine the tenant's income. For example, employers are not required to report the "Hire Date" when submitting their data to the state; therefore, DHA may need to obtain third party verification for new employment reported for a tenant in order to obtain this information. DHA will generate this report on a quarterly basis, at minimum. DHA may use this report during an Interim Certification.

If DHA discovers that the income reported for wages or unemployment compensation does not belong to the tenant, DHA should advise the tenant. It is the tenant's responsibility to contact the employer or state unemployment agency to get the information corrected. HUD cannot remove the information reported for the tenant from EIV. DHA must:

a) Attempt to obtain written third-party verification from the employer to verify the information;
b) Have the tenant certify that the employer and employment information displayed in the EIV is invalid and has been wrongly attributed to his or her personal identifiers; and
c) Advise the tenant to contact the third-party income source, and if unsuccessful, the State Wage Agency in his or her state to request the information be removed from his or her record.

DHA will keep documentation of the above in the tenant files. If DHA used Safe Harbor Verification, it may utilize this report.

## 4.4 Income Discrepancy Reports

At the time of recertification, the Housing Program Specialist/Assistant Manager/Manger is to review and resolve any discrepancies in income reported on the Income Discrepancy Report within 30 days. The Housing Program Specialist/Assistant Manager/Manger must identify any unreported or underreporting of income by the tenant and reported on current or historical form HUD 50058-50059s.

This report lists households whose wage, unemployment or social security benefits income reported in EIV is $2,400/annually or more than the wage, unemployment or social security benefit income reported by the family and transmitted to TRACS and PIC.

Income discrepancies reported in EIV are determined by comparing the reported time periods wage, unemployment, and social security benefits income reported by NDNH or SSA with the wage, unemployment and Social Security benefits income reported by the family and transmitted as a 50058-59 to the TRACS and PIC systems. It is DHA's responsibility to make sure the information in the income screen matches the codes (e.g. TANF coded as T, etc.) of the actual income received.

If income discrepancy is determined to be above $10,000, the Housing Program Specialist/Assistant Manager/Manger will forward the report to the Audit and Compliance Department for review.

All residents with income discrepancies will be notified and given the opportunity to dispute the report's findings. Third-party documentation must be acquired by Housing Program Specialist/Assistant Manager/Manger whether or not the resident disputes or acknowledges the discrepancies. The resident always has the right to dispute or contest the EIV information presented. Once third-party verification is received, DHA will determine any retroactive rent due and execute a repayment agreement, if necessary.

The Housing Program Specialist/Assistant Manager/Manger must print the Income Discrepancy Report at the time of recertification, if applicable, as a new report is generated each week based on updated income information. The previous report will be overwritten with the most recent data.

The Housing Program Specialist/Assistant Manager/Manger must retain a printed copy of the Income Discrepancy Report with detailed information of the resolution of the reported discrepancy in the tenant file. This includes information on resolution of the discrepancy regardless of whether the discrepancy was found to be valid or invalid.

If DHA used Safe Harbor Verification, it may utilize this report.

# 5. Reexamination Reports

## 5.1 Income Report

This report compares the annual recertifications from the Rent Re-exam Report by Month (DHA's system) against EIV's annual recertifications from TRACS/PIC systems. Any discrepancies will be researched and corrected.

## 5.2 New Hires Report

It is recommended DHA use this report no less than quarterly. This report provides employment information on tenants who have started new jobs within the last six months. The information in this report is updated the 16th of every month.

## 5.3 Income Discrepancy Report

This Report is used to identify income discrepancies. Once identified, the Manager should access the 'Head of Household' report and check the time period, 50058/59 amount submitted during that time period, and amount shown under Reported Annual Wages and Benefits from EIV Data, Actual. DHA will check the resident file for any possible calculation errors, exempt income, or disregarded income that could justify the discrepancy. If found, DHA will note it in the tenant file. If unreported income is found and cannot be justified, see Section 8 of this procedure.

## 5.4 Failed Verification Report

This report identifies household members who failed the SSA identity match due to invalid personal identifiers (SSN, last name, DOB). This report is generated on a monthly basis.

DHA must:

a) Use this report to identify those tenants that did not pass the SSA identity verification match and the reason(s) they did not pass so that the errors can be corrected.

b) Confirm with the affected tenant their SSN, DOB and/or last name.

c) Obtain third party verification or documentation from the resident's file to support/discredit the tenant's personal identifiers.

d) Correct any discrepant information in the TRACS or PIC system so the tenant will be included in the TRACS or PIC file provided to EIV for inclusion in the SSA identity match.

e) Encourage the tenant to contact the SSA to correct any inaccurate data in their databases, if the personal identifiers on the form HUD-50059 and form HUD-50058 and in the TRACS and PIC are accurate. The tenant can request SSA to correct the record by completing and submitting form SS-5, Application for a Social Security Card, to the local SSA office.

### 5.5 Failed EIV Pre-Screening Report

This report provides a listing of tenants who have failed the EIV pre-screening test because of invalid or missing personal identifiers (SSN and Effective Date). This identifies households with 999-99-9999 SSN or incorrect re-exam dates (effective dates). This report is generated on a monthly basis.

DHA must:

a) Use this report to identify those tenants that did not pass the pre-screening test and the reason(s) they did not pass so that the errors can be corrected.

b) Confirm with the affected tenant that they have received a valid SSN. If not, notify them they have 90 days to obtain, unless they are an Ineligible Non-citizen living with an Eligible citizen or Eligible Non-citizen (e.g. Alien Registration Card, etc.).

c) Correct failed EIV pre-screening test because of an invalid Effective Date by comparing the move-in date with the re-exam day/month.

d) Obtain third party verification or documentation from the resident's file to support/discredit the tenant's personal identifiers.

e) Correct any discrepant information in the TRACS or PIC system so the tenant will be included in the TRACS or PIC file provided to EIV for inclusion in the SSA identity match.

### 5.6 No Income Report

This report is a listing of tenants who passed the identity match against SSA's record but no employment or income information was received from the match against the SSA or NDNH records. The Housing Program Specialist/Assistant Manager/Manger must make sure that the right questions are asked at the interview conducted with the tenant(s) at the time of recertification so that the tenant(s) is given the opportunity to disclose any income they receive. This report will be run on a quarterly basis, at minimum.

## 6. Verification Reports

Pre-Screening and Verification Reports will be generated on a monthly basis, at minimum.

### 6.1 Existing Tenant Search

DHA uses this report to determine if an applicant or any applicant household members are currently residing in another subsidized housing program. EIV also gives DHA the option to query both the TRACS and PIC databases.

If the applicant or a member of the applicant's household is residing at another location, DHA will discuss this with the applicant, giving the applicant the opportunity to explain any circumstances related to being assisted at another location. This may be the case where the applicant wants to move from their existing location or where two assisted families share custody of a minor child.

Depending on the outcome of the discussion with the applicant, DHA may need to follow up with the respective PHA or Owner/Agent (O/A) to confirm the individual's program participation status before admission. The report gives DHA the ability to coordinate move-out and move-in dates with the PHA or O/A of the property at the other location. This report will be generated at the time of application, and again within thirty (30) days of a report of any household composition changes.

## 6.2 Multiple Subsidy Report

DHA will generate this report on a quarterly basis, at minimum. This report allows the Manager to search within the TRACS and PIC databases to identify individuals who may be receiving multiple rental subsidies. DHA can search by:

a) All household members

b) Only adult household members

c) Only household members under the age of 18

If the report shows that a tenant is being assisted at another location, DHA will discuss this with the tenant, giving the tenant the opportunity to explain any circumstances related to being assisted at another location. DHA may follow up with the respective PHA or Subsidized program to confirm that the tenant is being assisted at the other location. It is possible the other agency has not completed an End of Participation (EOP) on the resident. Depending on the outcome, action may be needed to terminate the tenant's assistance or tenancy.

## 6.3 Identity Verification Reports

There are two reports that can be accessed from the Identity Verification Report. DHA must use both of these reports monthly to clear up any invalid, discrepant or missing information in the TRACS or PIC database.

### 6.4 Deceased Tenant Report

DHA must use this report monthly. This report identifies tenants who are participating in one of Multifamily Housing or Public Housing's rental assistant programs who are reported by SSA as being deceased.

DHA will:

a) Confirm with the head of household, next of kin or emergency contact person whether or not the person is deceased.

b) Update the family composition on the form HUD-50059 or form HUD 50058 if the person is deceased, or in the case of a deceased single member of a household, process a form HUD-50059 or form HUD-50058 to terminate tenancy.

c) Correct any discrepant information in the TRACS or PIC system.

d) Encourage the tenant to contact the SSA to correct any inaccurate data in their databases if the person shown as being deceased in the SSA database is not deceased.

### 6.5 Immigration Report

This report identifies household members with an Alternate ID ('H' number), citizenship code of ineligible non-citizen or are pending verification. Those identified on this report should be compared to the resident's information in the DHA system and files to verify eligibility to remain in subsidized program(s).

Confirm with the affected tenant that the Alternate ID is still valid. If not, notify them they have 90 days to obtain a SSN, unless they are an Ineligible Non-citizen living with an Eligible citizen or Eligible Non-citizen (e.g. Alien Registration Card, etc.).

Confirm citizenship code for each household member is accurate

If pending verification, resident has not been verified against the EIV system and status should be reviewed to either identify why it is pending (e.g. recent 50058-59) or contact MIS for assistance.

## 7. Investigating and Resolving Income Discrepancies

DHA must investigate and confirm possible discrepancies and errors. DHA must not suspend, terminate, reduce, make a final denial of rental assistance, or take any other adverse action against an individual based solely on the data in EIV.

When the employment and income data in EIV is not the same as reported by the tenant, or when the tenant disputes the EIV data, DHA must independently verify any information by obtaining third-party verification directly from the third-party source.

DHA must notify the tenant of the results of the third-party verification and request the tenant come into the office within 10 days of notification to discuss the results. The tenant may request a grievance hearing.

If DHA determines that the tenant who resides in a subsidized housing program is in non-compliance with the lease because the tenant knowingly provided incomplete or inaccurate information, DHA must follow the guidance in Chapter 8, Section 3 of Handbook 4350.3 REV-1, for terminating the tenant's tenancy and Chapter 8, Paragraph 8-18 for the requirements on filing a civil action against the tenant to recover improper subsidy payments.

Where fraud is suspected, DHA will report this to the HUD Office of Inspector General (OIG) in the District that has jurisdiction, in the state the development is located.

# 8. Tenant Repayment of Unreported or Underreported Income

If DHA determines the tenant failed to report or underreported their income, DHA must go back to the time the unreported or underreported income started, not to exceed the 5-year limitation that the tenant was receiving assistance discussed on form HUD-9887 and HUD 9887A, and calculate the difference between the rent the tenant should have paid and the amount of rent the tenant was charged. A record of the calculation must be provided to the tenant and also retained in the tenant's file. DHA must have the form 50058-59 on file that was in effect during the period(s) that the tenant had unreported or underreported income, along with any other supporting documentation, in order to calculate the amount the tenant must reimburse DHA.

## 8.1 Tenant's Obligation to Reimburse

Tenants are obligated to reimburse DHA if they are charged less rent than required by HUD's rent formula due to underreporting or failure to report income. The tenant is required to reimburse DHA for the difference between the rent that should have been paid and the rent that was charged.

## 8.2 Repayment Options

Tenants can repay amounts due:

a) In a lump sum payment; or

b) By entering into a repayment agreement with DHA; or

c) A combination of (a) and (b), above.

Tenants who do not agree to repay the amounts due will be in non-compliance with their lease agreement and may be subject to termination of tenancy.

Tenants may also be required to repay funds to DHA due to a:

a) Civil action taken by DHA, or

b) Court action as a result of an OIG investigation.

## 8.3 Repayment Agreements

The tenant and DHA must both agree on the terms of the repayment agreement. The tenant may wish to consult with HUD's Housing Counseling Agency in their area to assist them in working with DHA to reach agreeable terms for the repayment agreement.

## 8.4 Monthly Payment; Payment Thresholds

For unreported income which results in amounts owed to DHA less than $2,500 DHA will require a minimum monthly payment of $25.00 per month.

For unreported income which results in amounts owed to DHA in excess of $2,500 and less than $5,000, DHA will require a minimum monthly payment of $50.00 per month.

For unreported income which results in amounts owed in excess of $5,000 DHA and less than $10,000, will require a minimum monthly payment of $100.00 per month.

For unreported income which results in amounts owed to DHA in excess of $10,000 DHA may report the unreported income to HUD's Office of Inspector General ("OIG") and will require a minimum monthly payment of $200.00 per month.

If a family can provide evidence satisfactory to DHA that the monthly payment amount required would impose an undue hardship, DHA may, in its sole discretion, require a lower monthly payment amount.

If the family's income increases or decreases during the term of a repayment agreement, either DHA or the family may request that the monthly payment amount be adjusted accordingly.

## 8.5 Repayment Time Period

The repayment agreement must reference the paragraphs in the lease whereby the tenant is in non-compliance and may be subject to termination of their lease. The agreement should also contain a clause whereby the terms of the agreement can be renegotiated if there is a decrease or increase in the family's income. It must be signed and dated by the tenant and DHA.

DHA must not apply a tenant's monthly rent payment towards the repayment amount owed that would result in an accumulation of late rent payments. The monthly payment due on the repayment agreement is in addition to the tenant's monthly rent payment. Tenants are not required to reimburse DHA for undercharges caused solely by DHA's failure to follow HUD's procedures for computing rent or assistance payments.

## 8.6 Disposition of Funds Received by DHA

DHA is required to reimburse funds collected from the tenant to HUD in accordance with the requirements in Chapter 8, Paragraph 20 of Handbook 4350.3 Rev-1. Multifamily properties only. DHA software can manually allow for Miscellaneous Accounting Requests to the HAP voucher. After verifying the tenant's income DHA must complete corrections to prior certification(s) affected by the income change.

## 8.7 Voucher Adjustments

If the tenant is able to pay the entire amount due in one lump sum payment, no Misc. Accounting Request is needed.

If the tenant pays a partial lump sum payment and enters into a repayment agreement for the remaining amount due, DHA must first reverse the adjustment created by correcting the prior certification(s) less the lump sum payment by adding a DHA initiated accounting adjustment Owner Agent Request (OARQ) Misc. Accounting Request to the voucher.

If the tenant is subject to a repayment agreement, DHA must first reverse the full amount of the voucher adjustment created by correcting the prior certification(s). As the tenant makes payments per the repayment agreement, DHA must enter them as negative amounts on the voucher as OARQ Misc. Accounting Requests.

If DHA is deducting costs from the payment received from the tenant, the OARQ Misc. Account Request will be for the amount collected from the tenant less DHA costs. DHA should

consult the TRACS Monthly Activity Transmission User's Guide to obtain updated instructions on Misc. Account Requests if needed.

DHA may retain a portion of the repayments they collect from the tenants who have improperly reported their income at the time of certification or recertification to help defray the cost of pursuing these cases (this is limited to cases where DHA has determined fraud). DHA may only retain an amount to cover their actual costs, which is the lesser of:

a) Their actual costs, or

b) 20 percent of the amount received from the tenant.

Amounts retained by DHA must be deposited into the developments operating account to offset the expenses incurred for these cases.

DHA must keep records of the receipt and disbursement of all amounts collected from the tenant for audit purposes as follows:

a) Date and amount received from the tenant.

b) Expense incurred

c) Amount retained and

d) Voucher date(s) and Amount(s) of reimbursement made to HUD

## 8.9 Over-Reported Income

Tenants are responsible for reporting decreases in income per the lease. If DHA finds at the time of recertification that the annual income reported in EIV for the previous year(s) reflects a decrease of $2400 or more in wage, unemployment and/or Social Security income reported in EIV and the wage, unemployment and/or Social Security income in PIC/TRACS for the period of income used for the discrepancy analysis, DHA must investigate the discrepancy.

After investigating the discrepancy, DHA determines that an error was made in calculating the tenant's income (e.g., third party verification not obtained, third-party verification received but error was made in calculating the tenant's income) and the income was over-reported, DHA must complete corrections to the prior certification(s) affected by the income change. Once the corrections have been made, DHA will determine the difference between the amount of rent the tenant paid and the rent the tenant should have paid. DHA must reimburse the tenant the amount of overpayment of rent. If the tenant lives in a multifamily program DHA must reimburse in accordance with Chapter 8, Paragraph 8-21 of Handbook

4350.3 REV-1 if the calculating error was made by DHA. Additional information can be found in DHA's Tenant Selection Plan.

## 9. Retention of EIV Income Data

DHA must retain:

a) The social security benefit records and the new hires (W-4), wage and unemployment income records obtained from EIV that are used as third-party verification for the term of tenancy plus three years after tenancy is terminated.

b) Any tenant provided documentation, or third-party verification of income, received to supplement the SSA or NDNH data for the term of tenancy plus three years after tenancy is terminated.

EIV data must be destroyed as soon as it has served its purpose in accordance with HUD's prescribed retention period and DHA's PII Policy. Shredding, burning or pulverizing are all examples of acceptable ways to destroy EIV data. The files shall be destroyed through an accredited and insured storage company.

## 10. DHA Use of EIV Data

The data in EIV contains personal information on individual tenants that is covered by the Federal Privacy Act of 1974 (50.5.C.552a, as amended). The information in EIV may only be used for limited official purposes.

Official Purpose Includes:

a) Use by DHA in connection with the administration of Public Housing and Multifamily Housing programs, for verifying the employment and income at the time of recertification.

b) Use by CHFA and HUD staff for monitoring and oversight of the tenant recertification process.

c) Use by Independent Private Auditors (IPA) when hired by DHA to perform the financial audit of the project, for use in determining DHA's compliance with verifying income and determining the accuracy of the rent and subsidy calculations.

Restrictions on disclosure for IPA's

a) Can only access EIV income information within electronic/hard copy files and only within the offices of DHA.

b) Cannot transmit or transport EIV income information in any form;

c) Cannot enter EIV income information on any portable media;

d) Must read and sign non-disclosure oath (User Authorization Agreement Form and Rules of Behavior and User Agreement (ROB) that the EIV income information will be used only for the purpose of the audit; and

e) Cannot duplicate EIV income information or re-disclose EIV income information to any user not authorized by Section 435(j)(7) of the Social Security Act to have access to the EIV income data.

f) OIG investigators for auditing purposes.

Official Purpose Does NOT Include:

a) Sharing the information with government entities not involved in the recertification process for HUD's assisted housing programs (e.g. the Low Income Housing Tax Credit (LIHTC) program and Rural Housing Service (RHS) Section 515 program).

b) Disclosure of the EIV information to Service Coordinators even though the tenant signs a release of information consent for authorizing the Service Coordinator to have access to their file.

# 11. Safeguarding EIV Data

## 11.1 Users with EIV System Access

All EIV users who have access to the EIV system must adhere to the EIV Rules of Behavior ("ROB") signed at the time of requesting access to the EIV system. The executed authorization forms containing the ROB must be kept on file. Upon request, the signed forms must be available to the entity monitoring EIV compliance.

## 11.2 Users without EIV System Access

DHA staff, service bureau staff, and CHFA staff who do not have access to the EIV system but who view or use EIV data/reports provided by authorized EIV coordinators or users in order to perform their job functions must adhere to the EIV ROB.

IPAs hired by DHA to perform a financial audit must adhere to the ROB. The ROB must be signed by the IPA and kept on file. Upon request, the signed ROB must be made available to the entity monitoring EIV compliance.

## 11.3 Security Training

EIV users are required to have security training annually. EIV users authorized by owners to have access to the EIV data must complete the applicable online Security Awareness Training Questionnaire upon initial access to the system and annually thereafter. EIV users should review Section 4 on Security contained in the Multifamily EIV User Manual for Multifamily Housing Program Users. EIV users must also view the Security training provided during the most recent EIV webcast.

## 11.4. Technical Safeguarding of Data

All individuals who have access to the EIV system must have a valid WASS User ID and password and must use this ID and password for accessing EIV. Upon receipt of the assigned WASS User ID, an individual must then apply to be approved for access to the EIV system.

To assist in ensuring that only those individuals who have a need to use the EIV system to perform their job function have access to the EIV system, users must be certified to use the system. EIV Coordinators are certified at initial access and annually thereafter. EIV Users are certified at initial access and bi-annually thereafter by the Program Administrator. If this certification is not made, the user's EIV access is terminated.

## 11.5 Administrative Safeguards

Policies and procedures are established to govern the use of the EIV system. Only authorized personnel will be given EIV access. That person shall never give out their User ID or password. If a security breach happens, that person will face disciplinary action up to and including termination of employment. EIV User IDs will be reviewed regularly to determine if users have a valid need to access EIV data.

Unauthorized disclosure of EIV information can result in a felony conviction and fine up to $5,000 or imprisonment up to five (5) years, as well as civil damages. Unauthorized inspection of EIV information can result in a misdemeanor penalty of up to $1,000 and/or one (1) year imprisonment, as well as civil damages.

## 11.6 Storing and Transmitting of Electronic EIV Data

The full nine-digit SSN for a tenant must not be included in any emails or other electronic communications. All emails containing EIV data must be encrypted using a National Institute of Standards and Technology (NIST) compliant vendor. All EIV data is retrieved from the WASS system.

## 11.7 Hardcopy EIV Data

EIV data that is printed out must not be left unattended. The documents should be retrieved as soon as they are printed and placed in the file. If for any reason EIV data needs to be faxed, ensure someone is waiting and ready to receive the fax as soon as it prints. If for any reason the EIV data cannot be placed in the tenants file, it must be in a secure location (e.g. locked cabinet, locked drawer)

## 11.8 Computer Security

The EIV system is set up to time out after 30 minutes of inactivity. Individuals who use the EIV system should use a password protected screensaver and lock their computer when leaving their workspace.