

Chapter 11

REEXAMINATIONS

INTRODUCTION	2
PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]	3
11-I.A. OVERVIEW.....	3
11-I.B. STREAMLINED ANNUAL REEXAMINATIONS	3
11-I.C. SCHEDULING ANNUAL REEXAMINATIONS	3
11-I.D. CONDUCTING ANNUAL REEXAMINATIONS.....	4
11-I.E. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]	5
11-I.F. EFFECTIVE DATES.....	6
PART II: INTERIM REEXAMINATIONS [24 CFR 982.516].....	7
11-II.A. OVERVIEW	7
11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION	7
11-II.C. CHANGES AFFECTING INCOME OR EXPENSES.....	8
11-II.D. PROCESSING THE INTERIM REEXAMINATION	10
PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT.....	11
11-III.A. OVERVIEW	11
11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES	11
11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT	12
11-III.D. DISCREPANCIES	12

INTRODUCTION

The GRHC is required to reexamine each family's income and composition at least annually, and to adjust the family's level of assistance accordingly. Interim reexaminations are also needed in certain situations. This chapter discusses both annual and interim reexaminations, and the recalculation of family share and subsidy that occurs as a result. HUD regulations and GRHC policies concerning reexaminations are presented in three parts:

Part I: Annual Reexaminations. This part discusses the process for conducting annual reexaminations.

Part II: Interim Reexaminations. This part details the requirements for families to report changes in family income and composition between annual reexaminations.

Part III: Recalculating Family Share and Subsidy Amount. This part discusses the recalculation of family share and subsidy amounts based on the results of annual and interim reexaminations.

Policies governing reasonable accommodation, family privacy, required family cooperation, and program abuse, as described elsewhere in this plan, apply to both annual and interim reexaminations.

PART I: ANNUAL REEXAMINATIONS [24 CFR 982.516]

11-I.A. OVERVIEW

The GRHC will conduct a reexamination of family income and composition at least annually. This includes gathering and verifying current information about family composition, income, and expenses. Based on this updated information, the family's income and rent must be recalculated. This part discusses the schedule for annual reexaminations, the information to be collected and verified, and annual reexamination effective dates.

11-I.B STREAMLINED ANNUAL REEXAMINATIONS [24 CFR 982.516(b)]

HUD permits the GRHC to streamline the income determination process for family members with fixed sources of income. While third-party verification of all income sources must be obtained during the intake process and every three years thereafter, in the intervening years the GRHC may determine income from fixed sources by applying a verified cost of living adjustment (COLA) or rate of interest.

Fixed sources of income include Social Security and SSI benefits, pensions, annuities, disability or death benefits, and other sources of income subject to a COLA or rate of interest. The determination of fixed income may be streamlined even if the family also receives income from other non-fixed sources.

The GRHC will only streamline the annual reexamination process for households that are elderly and/or disabled on fixed income by applying the verified COLA or interest rate to fixed-income sources. The GRHC will document in the file how the determination that a source of income was fixed was made.

If a family member with a fixed source of income is added, the GRHC will use third-party verification of all income amounts for that family member.

If verification of the COLA or rate of interest is not available, the GRHC will obtain third-party verification of income amounts.

Third-party verification of fixed sources of income will be obtained during the intake process and at least once every three years thereafter.

Third-party verification of non-fixed income will be obtained annually regardless of the percentage of family income received from fixed sources.

11-I.C. SCHEDULING ANNUAL REEXAMINATIONS

The GRHC will begin the annual reexamination process 120 days in advance of its scheduled effective date. Generally, the PHA will schedule annual reexamination effective dates to coincide with the family's anniversary date.

Anniversary date is defined as 12 months from the effective date of the family's last annual reexamination or, during a family's first year in the program, from the effective date of the family's initial examination (admission). If the family moves to a new unit, the GRHC will perform a new annual reexamination. The GRHC also may schedule an annual reexamination for completion prior to the anniversary date for administrative purposes.

GRHC MTW Flexibility

For HCV Programs, the GRHC will decrease the frequency of reexaminations from annual to biennial for elderly and/or disabled households that are on a fixed income.

Notification of and Participation in the Annual Reexamination Process

Families are required to participate in an annual reexamination interview, which must be attended by the head of household, spouse, or cohead. Generally, the interview will be performed by phone or a virtual meeting but may be conducted in-person if preferred or with reasonable accommodation. (see Chapter 2).

Notification of annual reexamination interviews will be sent by email or USPS mail and will contain the date, time, and location (if applicable) of the interview. In addition, it will inform the family of the information and documentation that must be sent to the GRHC.

If the family cannot attend a scheduled interview, they should contact the GRHC before the interview to schedule a new interview. If a family does not attend the scheduled interview, the GRHC will send a second notification with a new interview date and appointment time.

If a family fails to attend two scheduled interviews without GRHC approval, or if the notice is returned by the post office with no forwarding address, and no response to phone calls, a notice of termination (see Chapter 12) will be sent to the family's address of record, and to any alternate address provided in the family's file.

An advocate, interpreter, or other assistant may assist the family in the interview process.

11-I.D. CONDUCTING ANNUAL REEXAMINATIONS

As part of the annual reexamination process, families are required to provide updated information to the GRHC regarding the family's income, expenses, and composition [24 CFR 982.551(b)].

Families will be asked to provide all required information (as described in the reexamination notice) for the reexamination interview. The required information will include a GRHC-designated reexamination form, an Authorization for the Release of Information/Privacy Act Notice, as well as supporting documents or forms related to the family's income, expenses, and family composition.

Any required documents or information that the family is unable to provide at the time of the interview must be provided within 15 calendar days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension.

If the family does not provide the required documents or information within the required time period (plus any extensions), the family will be sent a notice of termination (See Chapter 12).

At the annual reexamination, the GRHC will ask whether the tenant, or any member of the tenant's household, is subject to a lifetime or any other sex offender registration requirement in any state. The GRHC will use the Dru Sjodin National Sex Offender database to verify the information provided by the tenant.

If the GRHC proposes to terminate assistance based on lifetime sex offender registration information, the GRHC will notify the household of the proposed action and must provide the subject of the record and the tenant a copy of the record and an opportunity to dispute the accuracy and relevance of the information prior to termination. [24 CFR 5.903(f) and 5.905(d)]. (See Chapter 12.)

The information provided by the family generally must be verified in accordance with the policies in Chapter 7. Unless the family reports a change, or the GRHC has reason to believe a change has occurred in information previously reported by the family, certain types of information that are verified at admission typically do not need to be re-verified on an annual basis. These include:

- Legal identity
- Age
- Social Security numbers
- A person's disability status
- Citizenship or immigration status

If adding a new family member to the unit causes overcrowding according to the housing quality standards (HQS) (see Chapter 8), the GRHC will issue the family a new voucher, and the family will try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the GRHC will terminate the HAP contract in accordance with its terms [24 CFR 982.403].

11-I.E. DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS [24 CFR 982.552(b)(5)]

Section 327 of Public Law 109-115 established new restrictions on the ongoing eligibility of certain students (both part- and full-time) who are enrolled in institutions of higher education.

If a student enrolled in 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 student's eligibility must be reexamined along with the income eligibility of the student's parents on an annual basis. In these cases, both the student and the student's parents must be income eligible for the student to continue to receive HCV assistance. If, however, a student in these circumstances is determined independent from his or her parents or is considered a *vulnerable youth* in accordance with PHA policy, the income of the student's parents will not be considered in determining the student's ongoing eligibility.

Students who reside with parents in an HCV assisted unit are not subject to this provision. It is limited to students who are receiving assistance on their own, separately from their parents.

During the annual reexamination process, the GRHC will determine the ongoing eligibility of each student who is subject to the eligibility restrictions in 24 CFR 5.612 by reviewing the student's individual income as well as the income of the student's parents. If the student has been determined "independent" from his/her parents or is considered a *vulnerable youth* based on the policies in Sections 3-II.E and 7-II.E, the parents' income will not be reviewed.

If the student is no longer income eligible based on his/her own income or the income of his/her parents, the student's assistance will be terminated in accordance with the policies in Section 12-I.D.

If the student continues to be income eligible based on his/her own income and the income of his/her parents (if applicable), the GRHC will process a reexamination in accordance with the policies in this chapter.

11-I.F. EFFECTIVE DATES

The GRHC has establish policies concerning the effective date of changes that result from an annual reexamination [24 CFR 982.516].

In general, an *increase* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date, and the family will be notified at least 30 calendar days in advance.

- If less than 30 calendar days remain before the scheduled effective date, the increase will take effect on the first of the month following the end of the 30-day notice period.
- If a family moves to a new unit, the increase will take effect on the effective date of the new lease and HAP contract, and no 30-day notice is required.
- If the GRHC chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the GRHC, but will always allow for the 30-day notice period.
- If the family causes a delay in processing the annual reexamination, increases in the family share of the rent will be applied retroactively, to the scheduled effective date of the annual reexamination. The family will be responsible for any overpaid subsidy and may be offered a repayment agreement in accordance with the policies in Chapter 16.

In general, a *decrease* in the family share of the rent that results from an annual reexamination will take effect on the family's anniversary date.

- If a family moves to a new unit, the decrease will take effect on the effective date of the new lease and HAP contract.
- If the GRHC chooses to schedule an annual reexamination for completion prior to the family's anniversary date for administrative purposes, the effective date will be determined by the GRHC.
- If the family causes a delay in processing the annual reexamination, *decreases* in the family share of the rent will be applied prospectively, from the first day of the month following completion of the reexamination processing.

Delays in reexamination processing are considered to be caused by the family if the family fails to provide information requested by the GRHC by the date specified, and this delay prevents the GRHC from completing the reexamination as scheduled.

GRHC MTW Flexibility

The effective date for elderly and disabled families on a fixed income will occur two (2) years after the initial certification (new admission).

PART II: INTERIM REEXAMINATIONS [24 CFR 982.516]

11-II.A. OVERVIEW

Family circumstances may change between annual reexaminations. HUD and GRHC policies dictate what kinds of information about changes in family circumstances must be reported, and under what circumstances the GRHC will process interim reexaminations to reflect those changes. HUD regulations also permit the GRHC to conduct interim reexaminations of income or family composition at any time. When an interim reexamination is conducted, only those factors that have changed are verified and adjusted [HCV GB, p. 12-10].

In addition to specifying what information the family must report, HUD regulations permit the family to request an interim determination if other aspects of the family's income or composition changes. The GRHC will complete the interim reexamination within a reasonable time after the family's request.

This part includes HUD and GRHC policies describing what changes families are required to report, what changes families may choose to report, and how the GRHC will process both GRHC- and family-initiated interim reexaminations.

11-II.B. CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION

The family is required to report all changes in family composition. The GRHC will conduct interim reexaminations to account for any changes in household composition that occur between annual reexaminations.

New Family Members Not Requiring GRHC Approval

The addition of a family member as a result of birth, adoption, or court-awarded custody does not require GRHC approval. The family must inform the GRHC of the birth, adoption, or court-awarded custody of a child within 15 calendar days [24 CFR 982.551(h)(2)].

New Family and Household Members Requiring Approval

With the exception of children who join the family as a result of birth, adoption, or court-awarded custody, a family must request GRHC approval to add a new family member [24 CFR 982.551(h)(2)] or other household member (live-in aide or foster child) [24 CFR 982.551(h)(4)].

When any new family member is added, the GRHC will make appropriate adjustments in the family share of the rent and the HAP payment at the effective date of either the annual or interim reexamination [24 CFR 982.516(e)(2)].

If a change in family size causes a violation of Housing Quality Standards (HQS) space standards (see Chapter 8), the GRHC will issue the family a new voucher, and the family will try to find an acceptable unit as soon as possible. If an acceptable unit is available for rental by the family, the GRHC will terminate the family's current HAP contract in accordance with its terms [24 CFR 982.403].

Families must request GRHC approval to add a new family member, live-in aide, foster child, or foster adult. Cases will be evaluated based on the households requests for accommodation. This includes any person not on the lease who is expected to stay in the unit for more than 30 consecutive calendar days or 90 cumulative calendar days within a 12-month period and

therefore no longer qualifies as a “guest.” Requests must be made in writing and approved by the GRHC prior to the individual moving into the unit.

The GRHC will not approve the addition of a new family or household member unless the individual meets the GRHC’s eligibility criteria (see Chapter 3) and documentation requirements (see Chapter 7, Part II).

If the GRHC determines an individual meets the GRHC’s eligibility criteria and documentation requirements, the GRHC will provide written approval to the family. If the approval of a new family member or live-in aide will cause overcrowding according to HQS standards, the approval letter will explain that the family will be issued a new voucher and will be required to move.

If the GRHC determines that an individual does not meet the GRHC’s eligibility criteria or documentation requirements, the GRHC will notify the family in writing of its decision to deny approval of the new family or household member and the reasons for the denial.

The GRHC will make its determination within 15 calendar days of receiving all information required to verify the individual’s eligibility.

Departure of a Family or Household Member

Families must promptly notify the GRHC within 15 calendar days if any family member no longer lives in the unit [24 CFR 982.551(h)(3)]. This requirement also applies to a family member who has been considered temporarily absent at the point that the family concludes the individual is permanently absent. Because household members are considered when determining the family unit (voucher) size [24 CFR 982.402], the GRHC also needs to know within 15 calendar days when any live-in aide, foster child, or foster adult ceases to reside in the unit.

11-II.C. CHANGES AFFECTING INCOME OR EXPENSES

Interim reexaminations can be scheduled either because the PHA has reason to believe that changes in income or expenses may have occurred, or because the family reports a change. When a family reports a change, the PHA may take different actions depending on whether the family reported the change voluntarily, or because it was required to do so.

GRHC-Initiated Interim Reexaminations

The GRHC will conduct interim reexaminations in each of the following instances:

- For families receiving the Earned Income Disallowance (EID), the PHA will conduct an interim reexamination at the start and conclusion of the 24-month eligibility period.
- If the family has reported zero income, the GRHC will conduct an interim reexamination every 3 months as long as the family continues to report that they have no income.
- If at the time of the annual reexamination, it is not feasible to anticipate a level of income for the next 12 months (e.g. seasonal or cyclic income), the GRHC will schedule an interim reexamination to coincide with the end of the period for which it is feasible to project income.
- If at the time of the annual reexamination, tenant declarations were used on a provisional basis due to the lack of third-party verification, and third-party verification becomes available, the PHA will conduct an interim reexamination.

- The GRHC may conduct an interim reexamination at any time in order to correct an error in a previous reexamination, or to investigate a tenant fraud complaint.

Family-Initiated Interim Reexaminations

Required Reporting

Families are required to report all increases in income, including new employment, within 15 calendar days of the date the change takes effect. Families are not required to report any other changes in income or expenses.

GRHC MTW Flexibility

The GRHC will limit Interim Recertifications (IR) for elderly and/or disabled families on fixed incomes to decreases of income that are greater than 10% of the family/household's gross annual income and/or household composition changes. Residents may request a hardship exemption to waive the MTW activity.

Optional Reporting

The family may request an interim reexamination any time the family has experienced a change in circumstances since the last determination [24 CFR 982.516(b)(2)]. The GRHC will process the request if the family reports a change that will result in a reduced family income [HCV GB, p. 12-9].

If a family reports a decrease in income from the loss of welfare benefits due to fraud or non-compliance with a welfare agency requirement to participate in an economic self-sufficiency program, the family's share of the rent will not be reduced [24 CFR 5.615]. For more information regarding the requirement to impute welfare income see Chapter 6.

If a family reports a change that it was not required to report and that would result in an increase in the family share of the rent, the GRHC will note the information in the tenant file but will not conduct an interim reexamination.

If a family reports a change that it was not required to report and would result in a decrease of \$2,400/year in annual gross income and leads to a decrease in the family share of rent, the GRHC will conduct an interim reexamination. See Section 11-II.D. for effective dates.

Families may report changes at any time.

11-II.D. PROCESSING THE INTERIM REEXAMINATION

Method of Reporting

The family may notify the GRHC of changes either orally, mail, or electronically. If the family provides oral notice, the GRHC may also require the family to submit the changes in writing.

Generally, the family will not be required to attend an interview for an interim reexamination. However, if the GRHC determines that an interview is warranted, the family may be required to attend.

Based on the type of change reported, the GRHC will determine the documentation the family will be required to submit. The family must submit any required information or documents within 15 calendar days of receiving a request from the GRHC. This time frame may be extended for good cause with GRHC approval. The GRHC will accept required documentation by mail, by portal, email or in person.

Effective Dates

If the family share of the rent is to increase:

- The increase generally will be effective on the first of the month following 30 calendar days' notice to the family.
- If a family fails to report a change within the required time frames or fails to provide all required information within the required time frames, the increase will be applied retroactively to the date it would have been effective had the information been provided on a timely basis. The family will be responsible for any overpaid subsidy and will be offered a repayment agreement in accordance with the policies in Chapter 16, if unable to pay in full.

If the family share of the rent is to decrease:

- The decrease will be effective on the first day of the month following the month in which the change was reported and all required documentation was submitted. In cases where the change cannot be verified until after the date the change would have become effective, the change will be made retroactively.

PART III: RECALCULATING FAMILY SHARE AND SUBSIDY AMOUNT

11-III.A. OVERVIEW

After gathering and verifying required information for an annual or interim reexamination, the GRHC will recalculate the family share of the rent and the subsidy amount, and notify the family and owner of the changes [24 CFR 982.516(d)(2), HCV 12-6 and 12-10]. While the basic policies that govern these calculations are provided in Chapter 6, this part lays out policies that affect these calculations during a reexamination.

11-III.B. CHANGES IN PAYMENT STANDARDS AND UTILITY ALLOWANCES

Payment Standards [24 CFR 982.505]

The family share of the rent and HAP calculations must use the correct payment standard for the family, taking into consideration the family unit size, the size of unit, and the area in which the unit is located [HCV GB, p. 12-5]. See Chapter 6 for information on how to select the appropriate payment standard.

When the GRHC changes its payment standards or the family's situation changes, new payment standards are applied at the following times:

- If the GRHC's payment standard amount changes during the term of the HAP contract, the date on which the new standard is applied depends on whether the standard has increased or decreased:
 - If the payment standard amount has *increased*, the increased payment standard will be applied at the *first annual* reexamination following the effective date of the increase in the payment standard.
 - If the payment standard amount has *decreased*, during the term of a HAP contract, the GRHC will not reduce the payment standard. At the family's *second annual* reexamination, the GRHC may, but is not required to, apply the decreased payment standard or may gradually implement the reduced payment standard (See Chapter 6 for the GRHC's policy on decreases in the payment standard).
- If the family moves to a new unit, or a new HAP contract is executed due to changes in the lease (even if the family remains in place) the current payment standard applicable to the family will be used when the new HAP contract is processed.

Subsidy Standards [24 CFR 982.505(c)(4)]

If there is a change in the family unit size that would apply to a family during the HAP contract term, either due to a change in family composition, or a change in the GRHC's subsidy standards (see Chapter 5), the new family unit size must be used to determine the payment standard amount for the family at the family's *first annual* reexamination following the change in family unit size.

Utility Allowances [24 CFR 982.517(d)]

The family share of the rent and HAP calculations must reflect any changes in the family's utility arrangement with the owner, or in the GRHC's utility allowance schedule [HCV GB, p. 12-5]. Chapter 16 discusses how utility allowance schedules are established.

When there are changes in the utility arrangement with the owner, the GRHC will use the utility allowances in effect at the time the new lease and HAP contract are executed.

At reexamination, the GRHC will use the GRHC current utility allowance schedule [HCV GB, p. 18-8].

11-III.C. NOTIFICATION OF NEW FAMILY SHARE AND HAP AMOUNT

The GRHC will notify the owner and family of any changes in the amount of the HAP payment [HUD-52641, HAP Contract]. The notice will include the following information [HCV GB, p. 12-6]:

- The amount and effective date of the new HAP payment
- The amount and effective date of the new family share of the rent
- The amount and effective date of the new tenant rent to owner
- The annual and adjusted income amounts utilized to determine the family share and HAP subsidy amount.

The family will be given an opportunity for an informal hearing regarding the GRHC's determination of their annual or adjusted income, and the use of such income to compute the housing assistance payment [24 CFR 982.555(a)(1)(i)] (see Chapter 16).

11-III.D. DISCREPANCIES

During an annual or interim reexamination, the GRHC may discover that information previously reported by the family was in error, or that the family intentionally misrepresented information. In addition, the GRHC may discover errors made by the GRHC. When errors resulting in the overpayment or underpayment of subsidy are discovered, corrections will be made in accordance with the policies in Chapter 13.