



Filed electronically via regulations.gov
September 13, 2023

Regulations Division
Office of General Counsel
U.S. Department of Housing and Urban Development
451 7th Street SW, Room 10276
Washington, DC 20410-0500

Re: Request for Comments: Improving Access to Public Benefit Programs (Docket No. FR-6381-N-01)

To Whom It May Concern:

On behalf of the Stewards of Affordable Housing for the Future (SAHF), thank you for the opportunity to respond to the Department of Housing and Urban Development (HUD)'s *Request for Comments on Improving Access to Public Benefit Programs*. SAHF applauds HUD's commitment to its goal of pursuing transformative housing and community-building programs and agrees that more can be done to reduce the burden of applying for and maintaining housing through HUD programs. Addressing barriers to accessing HUD programs is essential for advancing equity and well-being for all people. Too often these barriers disproportionately impact people of color, people with disabilities and those we are not native English speakers.

SAHF is a national collaborative of twelve nonprofit affordable housing developers that collectively own and operate more than 149,000 affordable homes across the country. SAHF members preserve and develop affordable multifamily homes that expand opportunity and create dignity for low-income persons with disabilities, the elderly, families, and the homeless. SAHF members operate more than 57,000 homes subsidized by project based rental assistance, 14,700 financed under the Section 202 program and thousands of homes occupied by residents with Housing Choice Vouchers (vouchers). A significant number of properties owned by SAHF member organizations have been financed with FHA insurance and/or have soft financing funded through the HOME program. At least 60 percent of properties owned by SAHF members have been created or preserved using Low Income Housing Tax Credit (Housing Credit) equity. Our comments are based on our members' experience with these programs.

In general, SAHF urges HUD to prioritize residents when updating program administration requirements. Residents currently encounter numerous burdens—including the information and learning costs, compliance costs, psychological costs, and redemption costs outlined in the request for comments—when seeking HUD housing for which they are eligible. While SAHF agrees that it is appropriate for HUD to ensure its programs do not allow for fraud or abuse, the administrative requirements of these programs should not be so burdensome that eligible families are unwilling or unable to access them. It is worth noting that many low-income HUD residents have the additional burden of maintaining eligibility for government-assisted food, healthcare, and other necessities. SAHF's recommendations below focus on how HUD can adjust its programs and form requirements to decrease time and effort burden for residents and property operators so that they may focus on improved resident experience and the performance of their properties.

- 1. How can HUD reduce its public program administration burden across HUD's public benefits programs? Specifically, is there information currently being collected by HUD or HUD program administrators (e.g., Public Housing Authorities, State and local governments, non-profit**

Stewards of Affordable Housing for the Future

1120 G Street NW Suite 800, Washington, D.C. 20005 • P (202)737-5970 • www.sahfnet.org

recipients of CDBG programs, Multifamily Housing owners, FHA lenders) that have no use or benefit or can be streamlined?

Below we have provided feedback on specific forms and systems, presented in the order in which residents and property management experience them. We also offer the following overarching comments:

Center Residents in Administrative Processes: The application process for housing assistance is burdensome and often overwhelming. It centers regulatory compliance over the goal of swiftly matching residents with quality homes and allowing property managers to best ensure the financial and physical performance of those homes. HUD can begin by mapping these processes from the experience of the end users. Across all housing assistance programs, we see the opportunity to provide better language accessibility. While we appreciate that key documents have been translated into most frequently encountered languages, applicants often come to appointments without an understanding of the application process or that translations may be available. We encourage HUD to explore a simple online tool that allows residents to indicate their language preference before coming to any in-person appointment and that centralizes a description of the process and forms for accessing assisted housing. Further, in focus groups with residents, SAHF and its members have repeatedly heard from residents that they feel they are asked to submit a great deal of data about their lives and that none of the information or analysis done with that data is shared back with them. This is a valid critique of federal housing programs, and we urge HUD to consider in all data collections how information may be shared back with residents and property administrators.

Service Coordinator Funding Challenges

Service coordinators at HUD-assisted properties are often responsible for reminding and helping residents through documentation requirements and for connecting residents to resources that support their housing stability. Unfortunately, internal HUD process delays are preventing properties from funding service coordination in a timely manner. The delays are resulting in layoffs, which further contribute to high turnover rates and reduced service quality. While service coordination funding relies in part on the timing of the congressional appropriations process, HUD could do more to expedite the flow of funding to properties once it is allocated.

Recognize HUD's Role as One of Several Funders/Regulators and Align Requirements: Broadly, HUD should recognize that its rental assistance and capital programs are often used as a complement to other sources, such as the Housing Credit, that carry their own eligibility determinations and ongoing compliance requirements. Failure to harmonize these requirements has increased the burden for prospective and current program participants by requiring them to complete multiple processes and communicating that the information they provide is not trustworthy. This approach causes stress and a significant time burden. Duplicate requirements are not only burdensome to residents, but they also require additional steps from property owners and operators. Time spent on file compliance is time that could be spent supporting the stability of residents and the financial and physical health of the property. When processes remain burdensome and frustrating for staff, we see high turnover of front-line staff. Turnover reduces trust between residents and the property staff and can undermine efforts to build trust and support housing stability and well-being. We strongly urge HUD to work with the IRS and state housing finance agencies to better harmonize requirements as outlined below. A first step toward collaboration could be reestablishing the Rental Policy Working Group.

Create an Enabling Environment for Less Burdensome Processes through Digital Inclusion: There are myriad opportunities to leverage technology to improve the resident experience and the efficiency and

reach of affordable housing programs. Most of these solutions require high speed internet access. Many residents of affordable rental housing don't have adequate internet access in their homes and are limited in when and where they can access online information. As it seeks to reduce burden, HUD should prioritize strategies for bringing high-speed internet to all HUD assisted homes so that residents and housing operators may leverage technology for better outcomes for people and properties. Increased access to internet and digital forms could provide residents with the opportunity to work more privately and at their own pace or to access audio or visual explanations, which would benefit residents who encounter cultural or language barriers when working through an in-person application process. While expanding its online systems, HUD should maintain in-person options for residents who still lack digital access or knowledge.

i. Easing the Search for Affordable Housing through Expanded Supply (92013, Commitment for Insurance of Advances)

The search for an affordable rental home becomes more burdensome when supply is constrained. SAHF members and partners are frequent users of FHA mortgage insurance products to help finance the construction and preservation of affordable rental homes. We appreciate the vital role that FHA plays in the multifamily mortgage market, particularly its countercyclical role. While it is important that HUD insure quality homes that present reasonable risk, SAHF members and partners have experienced delays related to application of conditions or additional review that exceed what is required in HUD forms or the Multifamily Accelerated Processing (MAP) guide and are far exceeding what is experienced in the marketplace. We applaud initiatives like expedited processing. In particular, our partners have highlighted the processing of Section 221(d)(4) properties in HUD's Fort Worth office as an example of success. We encourage HUD's Office of Multifamily Production to seek opportunities to encourage field staff to use expedited processes and rely on the already well-crafted guidance. If we are to collectively expand housing supply, it's important that HUD adopt a mindset that not only safeguards the insurance fund, but also seeks to "get to yes" efficiently.

ii. Improving the Search and Application Process for HUD Assisted Housing

Affordable Housing Database

With only one assisted unit available for every four to five eligible households, the search for an affordable home is already too challenging. Identifying appropriate housing options through a disjointed and often nebulous variety of resources is a barrier for many residents. We encourage HUD to further develop the HUD Resource Locator to be more easily filtered/tailored to a resident search. HUD should continue to explore the feasibility of real time availability and application information. SAHF also envisions HUD eventually partnering with the FHFA, Treasury, Agriculture (USDA), and other agencies to broaden such a database into an even more comprehensive database of affordable housing options.

Universal Application

In addition to improvements to the Resource Locator or other search tools, HUD should facilitate the use of universal/single point-of-entry applications for HUD-assisted housing. Currently, public housing agencies (PHAs) individually manage waitlists for their public housing properties and vouchers, including Project Based Vouchers (PBV). Multifamily housing owners are required to manage separate waitlists for each property, meaning that residents often complete several applications before they find an available unit. This process is burdensome for residents because of the time it takes to locate and submit applications. Where applications are available only in person, there are additional travel costs. Separate waitlists are also inefficient for owners and PHAs who must maintain these lists and often find that

applicants have not kept their information current or no longer need housing. Some SAHF members have already used their organizational websites to collect basic application information that can be shared among multiple properties that may interest the resident. However, these efforts apply only to a single owner's portfolio. HUD could help reduce burden for residents and landlords by collaborating with private sector software providers on a solution for connecting the full portfolio of privately-owned, HUD-subsidized housing to a single portal where residents could apply.

In the case of PBV properties, the process is burdensome for owners and not the most efficient use of housing resources. Residents are referred from the PHA's broader voucher waiting list in batches, but often applications are out of date or not well-matched for the property. PHAs have the authority to maintain project specific waitlists, but often elect not to use it. This often means longer wait times to fill a unit that is available and, in some cases, a frustrating experience for residents. HUD should strongly encourage PHAs to offer site-based waiting lists for PBV property owners.

iii. Improving the Application Process

Applicants for project-based Section 8 and Section 202 properties must work with property management staff to complete the Owner's Certification of Compliance with HUD's Tenant Eligibility and Rent Procedures (Form 50059). We have consistently heard from SAHF members and partners that the application process and required supporting documentation for the income and assets section (Section D and Section E) often requires applicants to make several visits to the management office. One partner estimates that the true time to complete a Form 50059 is close to five hours per household – significantly greater than the 55 minutes that the form estimates. Much of this time is spent gathering information and double and triple checking forms. Even after the resident has completed the form, property managers often encounter significant obstacles to verifying income information with third parties. HUD should collaborate with existing partners such as Yardi and Real Page as well as emerging technological solutions to help further automate this process by making the application more compatible with online forms, allowing digital uploads of supporting documentation through smart phone cameras, and supporting digital signatures. These innovations would build on many practices adopted during the pandemic that proved to be far more efficient. HUD should further explore technological solutions for computing income and verifying income information for application purposes. Wherever possible, HUD should clarify guidance to allow copies/digital uploads of documents. Overreliance on original documents can slow the process and cause undue stress for residents who have experienced homelessness, domestic violence or long-term instability that may impact their ability to access documents. With systems like Enterprise Income Verification (EIV) and other technological solutions, information can be sufficiently verified to mitigate the risk of fraud or inaccuracy without burdening residents.

Harmonizing HUD and Housing Credit Requirements (Forms 50059 and 52697)

While the Housing Opportunity through Modernization Act (HOTMA) has helped streamline a number of compliance issues, demonstrating initial or ongoing compliance remains burdensome for many households. In particular, we understand that when HOTMA is fully implemented, the projected income information used in Form 50059/TRACs will use an average of income from a source. In contrast, the Tenant Income Certification (TIC) in many states uses the highest income. Our members and partners have highlighted that this will require multiple calculations and create the opportunity for error between the two income certifications. HUD could help address this issue by working with the IRS and state housing finance agencies (HFAs) to create clear and consistent guidance for these applications. States are required to include key fields from the HUD promulgated TIC (HUD-52697) but can add additional requirements.

HUD should work with the IRS and HFAs to encourage minimal additional requirements and consistency in terms across programs.

iv. Lease Up

Once an applicant has successfully applied for and been approved for assisted housing, there are significant opportunities to reduce the burden in the lease up process and support housing stability for residents. SAHF members have a long track record of supporting housing stability with negative exit rates that are [half of industry averages](#). They understand that success for residents depends on a trusting relationship – often fostered by management agents and service coordinators. Clear communications and reasonable administrative burdens for residents at lease up can help support this relationship.

Model Leases (HUD Form 90105)

The HUD Model Lease includes many key provisions and is a very helpful document for management agents of HUD-assisted properties. However, it is a long and technical document. SAHF encourages HUD to review the document with an eye towards greater use of plain language at a relatively low (3rd-6th grade) reading level. HUD should also consider creating a template of a one-page fact sheet or header to the lease that outlines for prospective and current tenants the most important and frequently referenced terms of their lease. Such a document could both reduce stress for residents and reduce burden for property operators in explaining the lease or creating their own documents.

Handouts and Attachments at Move In (90105 and 4350.3 Chapter 6, Figure 6-9)

In addition to the Model Lease (with any local modifications required), residents receive up to twelve other documents during lease up and orientation. The amount of documentation is overwhelming and to expect residents to review and retain this information is unrealistic and burdensome. HUD should explore creating on-demand videos or audio files that could be used to convey information like that available in *Lead Based Paint Information* pamphlets, [EIV & You brochures](#) and *How Your Rent is Determined* fact sheet. Written copies could still be made available to residents, but videos may better convey this information and feel less burdensome. Further, HUD requirements do not currently require a pre-occupancy briefing. HUD could record a more general pre-occupancy briefing or create a script that may also help clarify requirements and reduce burden for management agents.

Further, we note that some disclosure forms do not change from year to year but may be required to be distributed and signed at each recertification. HUD should also explore approaches to minimize these requirements while maintaining the information in a place available to residents.

v. Reducing Burdens During Tenancy

Income Recertifications (50059) and Enterprise Income Verification

SAHF applauds the changes in HOTMA that allow for residents with fixed incomes to transition to tri-annual recertification and those that make asset verification less burdensome. We urge HUD to explore further flexibility in recertification for all HUD residents or minimize the documentation requirements at annual recertification. SAHF members have stressed the significant burden that residents can encounter in completing not only initial eligibility processes, but also recertification. Where annual recertification is required, HUD should explore permitting residents to self-certify their incomes with the management agent verifying information in EIV. If EIV shows no indication of variance, the resident should not be required to provide further information and the management agent should not be required conduct further verification. This streamlined requirement would reduce the burden for residents and for

management agents who spend significant time computing information only to compare it to EIV. Use of EIV should meet regulatory requirements for third party verification and HUD could improve guidance on how management agents should proceed when conflicts are identified.

Harmonizing Inspections (NSPIRE)

Throughout the life cycle of an affordable housing property, there may be numerous physical inspections that occur. These inspections can be burdensome and feel invasive to residents and require preparation by property owners and management agents. These inspections are also important safeguards for residents and properties. To ensure that high standards are being maintained and that the process is both clear and minimally disruptive for residents, we urge HUD to increase efforts to align inspections with state housing finance agencies that inspect Housing Credit properties. For example, in California, HUD and the Housing Credit monitoring agencies are joining forces on inspections. The California Tax Credit Allocation Committee has deferred to HUD for physical inspections, reducing the burden and ensuring that HUD standards are still met.

Annual Reporting

Owners of HUD-assisted properties must submit information—such as Form 50059s and tenant files—to HUD for review. Similar information, TICs, is submitted to state housing finance agencies or other funders. This is substantively the same information around income, household composition and other eligibility criteria, however the reporting formats are different and require duplicate efforts. Further, where EIV is used, management agents must create completely separate submissions to avoid disclosure of EIV information. We encourage HUD to streamline these requirements so that more time can be spent focused on property performance and resident well-being.

Standards for Success Data

Many SAHF members utilize Multifamily Housing Service Coordinator Program Grants to support service coordination at their properties or have included service coordination in the Section 8 budget for senior properties and are thus required to report [Standards for Success data](#). While SAHF supports the objectives of this program, in its implementation HUD has placed a high burden of reporting on staff and residents without providing any feedback or information on planned uses for this data. Some elements, such as data element #31 (Activities of Daily Living Count) and data element #32 (Instrumental Activities of Daily Living Count) are assessments that involve sub-questions for residents. While the form states that “Public reporting burden for this collection of information is estimated to average 20 minutes per respondent,” this seems to be an underestimate given the volume of collection. Additionally, some elements are sensitive in nature, such as data element #21 (HIV/AIDS Services Code) and data element #27 (Chronic Medical Conditions Code), and HUD has not provided any guidance to multifamily owners, to our knowledge, on how residents should be informed about the purpose for the collection and whether collection is voluntary, to obtain informed consent. Given the history of extractive data collection from communities of color in the U.S., it is incumbent on HUD to provide plain language that can be provided to tenants on the purpose of this data collection. Finally, a lack of clarity from HUD around reporting standards and lack of technical assistance from HUD to support data reporting has created confusion among private owners, which adds a burden to regional-level or corporate-level staff in organizations responsible for submitting data to HUD. This issue primarily impacts owners using a case management system that is not AASC Online or Family Metrics.

Choice Neighborhoods Initiatives

Several SAHF member organizations are participants in Choice Neighborhood Initiatives. The program continues to require reporting on metrics that no longer receive funding or resources, due to outstanding

items in another area of the grant. This requirement creates an unreasonable reporting burden and produces data that may not be relevant. We urge HUD to reduce the reporting burden and frequency of reporting required under this program and to allow flexibility as needed, such as eliminating reporting on People components due to final closing delays on Development components.

2. **Are there data currently collected by HUD or HUD program administrators that could be shared with other agencies or program administrators to reduce the information collection burden of those programs? Are there data currently collected by other programs or agencies that if shared with HUD or HUD's program administrators could reduce the information collection burden of HUD's programs? When responding, please be specific about HUD and other agency programs, including the form(s) used by HUD or the other agency and the specific data collected that could be leveraged.**

Low Income Housing Tax Credit Program

As noted in detail above, there are numerous opportunities for HUD to coordinate with state housing finance agencies to reduce the information collection burden between the Section 8 and Housing Credit program- specifically as between inspections, form 50059 and the TIC.

Enterprise Income Verification

The EIV system is a helpful verification tool primarily for recertification, but it also brings significant burdens in compliance. HUD and its partner agencies should explore opportunities to make the information in EIV more current and better able to be shared or relied upon by other agencies. HUD should also seek to reduce compliance burden.

Affordable Connectivity Program

The FCC's Affordable Housing Connectivity Program (ACP), passed in November 2021 as part of the Infrastructure Investment and Jobs Act (IIJA), provides discounts on internet services for households at or below 200% of the Federal Poverty Guidelines. The process of ACP enrollment has been time-consuming and burdensome for low-income households who have often already certified their eligibility for other forms of assistance. FCC and HUD have a data-matching agreement to allow residents of public housing automatic eligibility but has not yet finalized a similar agreement/ structure for residents of multifamily housing. SAHF recommends that HUD and FCC act with urgency to engage in data sharing to facilitate automatic eligibility for residents of *a//* HUD-assisted housing before these funds run out. SAHF has learned from members that many residents have declined to enroll into ACP due to the cumbersome eligibility process and lack of automatic eligibility. The lack of automatic eligibility has hindered enrollment into ACP and results in inequitable internet access among residents of affordable housing. We believe that automatic enrollment could be verified through connections from the National Verifier to HUD databases such as the Tenant Rental Assistance Certification System (TRACS).

Existing data sharing procedures result in disparate treatment for similarly situated residents based on the assistance program that residents happen to have accessed. As discussed throughout this letter, access to highspeed internet is essential for residents to access many pieces of information HUD requests in connection with its programs and to more broadly reducing barriers. HUD should seek to establish ongoing data sharing for all assisted housing programs – not just public housing – with USAC/FCC.

Use of Other Program Eligibility Data for Section 8

Changes made in the HOTMA final rule clarify the list of other determinations that may be used when determining eligibility for housing assistance. In the final rule document, HUD noted that it intends to

offer further guidance to PHAs and owners containing best practices for choosing between multiple available determinations and on how to resolve any discrepancies. We urge HUD to expedite this guidance and promote this option among PHAs and owners.

- 3. Are there data collected by HUD that are not currently aggregated and shared publicly that should be aggregated and shared publicly to increase the value of those data being collected? Please be specific about which data, the form number on which it is collected, and how HUD might aggregate the data to be useful for the public.**

Picture of Subsidized Housing (POSH) Data

The [Picture of Subsidized Housing \(POSH\)](#) database/dataset is an important resource for organizations seeking to better understand the characteristics of HUD-subsidized tenants. Most data points are aggregated from form [HUD-50059](#). There are more data points HUD could add to this list and possible filters that would make the resource even more helpful for private owners and researchers for benchmarking, research and evaluation and other purposes. For example, the following data points would be useful additions: median household income (field 68), median and average household assets (fields 78 and 79), and percent households by previous housing code (field 10), such as percent of households coming from substandard housing or fleeing violence. In addition, it would be valuable to the field to provide aggregate data on household-reported move-out reasons, such as the percentage of households who moved out to homeownership or unsubsidized housing.

Standards for Success

Through Standards for Success, HUD has gathered a volume of data on resident characteristics, resident outcomes, and resident services program delivery. By sharing this data with the field, HUD could help private owners strengthen their evaluation practices and ultimately improve the quality of and impact of service-enriched housing. This effort could take various forms, such as partnering with research entities to develop reports and/or sharing aggregate statistics through a new or existing online portal, such as the Picture of Subsidized Housing dataset. HUD should also disaggregate the analysis by tenant race and ethnicity to enable researchers and practitioners to examine how outcomes differ for certain populations.

- 4. How can HUD use artificial intelligence, machine learning, or other advanced data science tools to automate, augment, or otherwise streamline its various information collections and the processes they support? Please identify which collections or processes could be improved using these tools; how advanced data science tools could help to complete these forms or processes more quickly and without sacrificing accuracy or security or perpetuating bias against certain populations; and any estimated time or cost savings that could result from these improvements. Potential responses could include but are not limited to processes related to development approval, processing of multifamily mortgage insurance applications, and reviews of applications submitted in response to notices of funding opportunities.**

There are a number of software applications and emerging technological solutions that could help facilitate the eligibility determination and recertification processes. For instance, technology certainly exists to help residents upload evidence of income through a smart phone photo app. Mobile uploads could reduce the burden of gathering documentation and the number of in person meetings required for a resident to access and retain housing. Further, numerous commercial applications exist for verifying assets. While HOTMA should reduce the burden associated with verifying assets, HUD should still begin exploring where owners could use those applications in lieu of conducting time consuming verifications. Any use of these applications should of course provide a process for identifying and understanding the limitations and potential biases of the data.

5. **Please provide any other input relating to how HUD can better understand, identify, and reduce the public program administrative burden associated with HUD's public benefits programs, including how HUD might better use technology to support data collection and data sharing.**

Housing Choice Voucher Inspections

SAHF members report substantial delays in moving residents with vouchers from application to move-in, largely due to slow inspection processes. Even when all other requirements are met, residents must wait until the initial unit inspection is complete before they can move into their homes. Inspectors are frequently backed up and it can take months to finalize an inspection. With the transition this year to NSPIRE inspections, there may be even further delays as inspectors and housing owners implement new inspection protocols. HUD should collect and analyze data about the time between referral of a resident, completion of an inspection, and move in. While HOTMA created appropriate flexibilities, significant delays in inspections suggest that these flexibilities may not be as widely used as intended.

HUD IT Modernization

Several HUD IT systems—including TRACS, LOCCS, and iREMS—are outdated and should be modernized. The age and limitations of these systems has hampered implementation of streamlining changes in HOTMA and significantly increases the burden for property owners/managers who must interact with all systems. Recent technology allows for improved user interfaces that would make it easier for staff to navigate HUD systems and complete required processes. Ideally, HUD could integrate all three systems into one platform to remove the unnecessary steps of learning three separate systems and the disconnects and lags that can occur based on systems differences. HUD should also consider moving the recertification process online for assisted housing programs, while preserving an in-person option for residents with limited access or proficiency with online form options.

SAHF appreciates this opportunity to provide comments on improving access to public benefit programs. Please feel free to contact Althea Arnold, SAHF's Senior Vice President for Policy (aarnold@sahfnet.org) or Jenna Hampton, SAHF's Policy and Program Manager (jhampton@sahfnet.org) with any questions about our comments above.

Sincerely,



Althea Arnold
Senior Vice President, Policy