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HOUSING MANAGEMENT BUREAU MEMORANDUM # 2009-B-12

To: All Federally-Assisted Housing Companies
Owners, Managing Agents and Site Managers

From: Robert Damico, Downstate Director
Housing Management Bureau

Date: August 12, 2009

Subject: Handbook 4350.3 REV-1 Chg-3 Issued

Change 3 to Handbook 4350.3 REV-1, *Occupancy Requirements of Subsidized Multifamily Housing Programs*, was issued on June 23, 2009. The effective date for implementation of Change 3 is August 1, 2009.

The majority of the changes are corrections or clarifications to current handbook text. Some of the more significant changes are:

- Updates information on access to and use of the Systematic Alien Verification Entitlements (SAVE) system used for verifying the immigration status of individuals who declare eligible non-citizen status.
- Clarifies that the student rule entered into the handbook through Change 1 applies not only to the Section 8 Program, but also to the Rent Supplement, RAP, and Section 236 Program.
- Revises and expands the requirements for a live-in aide.
- Incorporates the requirements from Housing Notice H 03-07 on the treatment of the deployment of military personnel to active duty.
- Clarifies that the *same requirements* for the treatment of Federal Government pension funds paid directly to an applicant's / tenant's former spouse pursuant to the terms of a divorce, annulment, or legal separation also applies to Uniformed Services pensions and other state, local government, social security or private pension funds.
- Includes that owners may develop rules covering tenants conducting business in their units and who receive business income.

- Removes the requirement that signatures on the HUD-50059-A for gross rent increases must be obtained before submitting the data to TRACS. Tenant signatures for gross rent changes, which affect the rent that the household must pay or the utility reimbursement, must now be obtained within 60 days from the date that the change is implemented by the owner; i.e., the owner begins to voucher for assistance based on the new rents.
- Clarifies that when HUD or the Contract Administrator terminates assistance payments when a new certification is not submitted to TRACS within 15 months of the previous year's recertification anniversary date, **the owner must repay the assistance collected for the 3-month period** from the date the annual recertification should have been effective through the end of the 15th month when assistance was terminated.

Handbook 4350.3, REV-1, CHG-3 is posted on HUDCLIPS at:
<http://www.hud.gov/offices/adm/hudclips/handbooks/hsg/4350.3/index.cfm>.

If you have any questions, please call Linda Kedzierski at (212) 480-2021, or email her at LKedzierski@nysdhcr.gov



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