



# **The Housing Authorities of Guin, Hackleburg, Bear Creek & Winfield**

## **EIV/UIV Policy**

---

Date Adopted

---

By Resolution Number

## Table of Contents

Policy: .....	1
Privacy Act Requirements: .....	1
Civil Penalties Associated with the Privacy Act: .....	1
Criminal Penalties Associated with the Privacy Act: .....	2
Definitions: .....	2
Staff Rolls: .....	3
1. Executive Director/CEO: .....	3
2. Administrator/Coordinator:.....	3
3. Security Officer:.....	3
4. Classes of Users: .....	3
5. Certified Users: .....	4
6. Prior to EIV Use: .....	4
Disclosure of EIV System to Tenant: .....	4
Security: .....	4
1. Monitors/CRT's: .....	4
2. Printed Reports: .....	5
3. Filing: .....	5
4. Discussing EIV information. ....	5
5. The Security Officer will insure that: .....	5
6. Disposition: .....	6
7. Logs: .....	6
Resolving Discrepancies: .....	6
Adverse Actions:.....	7
Reporting Improper Disclosures: .....	7

**Policy:**

The HUD EIV (enterprise income verification)/UIV (upfront income verification) system will be used as the preferred method of verifying income of Public Housing (Low Rent) and Section 8 (housing choice voucher) programs. EIV/UIV information is to be considered confidential and may only be utilized for the intended purpose of verifying income for eligibility and continued eligibility. The EIV/UIV data is subject to the provisions of the Federal Privacy Act (5 U.S.C. § 552, As Amended by Public Law No. 104-231, 110 Stat. 3048), The Freedom of Information Act (5 U.S.C. § 552, As Amended by Public Law No. 104-231, 110 Stat. 3048), and any related amendments.

**Privacy Act Requirements:**

Whenever the HA requests information about a tenant the HA should ensure the following:

1. The data is only used for verification of tenant income to determine:
  - a. A tenant's eligibility for participation in a rental assistance program
  - b. The level of assistance that they are entitled to receive
2. It is not disclosed in any way that would violate the privacy of the individuals represented in the system
3. The tenant is notified of the following:
  - a. HUD or the PHA's authorization and purpose for collecting the information
  - b. The uses that may be made of the data collected, and
  - c. The consequences to the individual for failing to provide the information
4. On request, the tenant is provided with access to records pertaining to them and an opportunity to correct or challenge the contents of the records.
5. Printed EIV income reports containing wage and unemployment data must be maintained for a period of at least three years from the effective date of the action. Printed EIV income reports will be destroyed no later than three years after the date printed and in accordance with this policy.
6. Document the printing of the EIV reports by printing the "ICN" page and placing in the tenant file. If no match is found, print the "no match found" message and file with the tenant record.

**Civil Penalties Associated with the Privacy Act:**

1. A tenant may take legal action against HUD or a PHA for the following agency actions:
  - a. Refusal to grant access to a record
  - b. Refusal to amend or correct a record
  - c. Failure to maintain a record with accuracy, relevancy, timeliness or completeness
  - d. Failure to comply with any other provision of the Privacy Act, where there is an adverse effect on the tenant
2. If found liable, HUD or the PHA will be required to pay the tenant:
  - a. Damages sustained as a result of the agency's action.
  - b. The costs of the lawsuit, including reasonable attorney fees.

### **Criminal Penalties Associated with the Privacy Act:**

A HUD or PHA employee can be found guilty of a misdemeanor or a felony if that employee, knowingly and willfully:

1. Discloses a tenant or tenant's records to an unauthorized party.
2. Maintains a system of records without publishing a public notice.
3. Fraudulently represents himself/herself to obtain another individual's record.

### **Definitions:**

Administrator/Coordinator	The HA employee, usually designated by the Executive Director/CEO who is responsible for authorizing access to WASS. Note: this person is not allowed to obtain EIV/UIV information.
Authorized User:	An authorized user is one who is employed by the HA, has a need to know, and has been authorized WASS access by the Executive Director/CEO or his/her designated representative who is the (Administrator/Coordinator).
EIV	Enterprise Income Verification System.
Employee	For the purposes of this document "Employee" shall mean a person on the Housing Authority payroll.
Improper Disclosure	The viewing or removal of EIV/UIV data by a/an unauthorized individual(s).
Internet	An interconnected system of networks that connects computers around the world
Intranet	A privately maintained computer network that can be accessed only by authorized persons, especially members or employees of the organization that owns it.
Monitor/CRT	A video display attached to a computer that displays information.
Need-to Know	A criterion used in security procedures that requires the custodians of secure information to establish, prior to disclosure, that the intended recipient must have access to the information to perform his or her official duties.
Proper Disposal	The disposal of EIV/UIV information by either burning or shredding.
REAC	Real Estate Assessment Center.
Secure System WASS User ID	A secure id issued to a user enabling access to the system.
Security Officer	The HA employee so designated by the Executive Director/CEO to monitor and insure users EIV/UIV compliance. Note: this person is not allowed to obtain EIV/UIV information.
UIV	Up-Front Income Verification.
WASS	HUD's Web Access Security System (Secure connection/Secure systems)

## Staff Rolls:

### 1. Executive Director/CEO:

The Executive Director/CEO shall appoint an Administrator/Coordinator and a Security Office whose responsibilities are defined herein. In some instances, the Executive Director/CEO may be the Administrator/Coordinator and appoint another HA employee as the Security Officer. In the case of a very small agency the Executive Director/CEO may act as both Administrator/Coordinator and Security Officer.

### 2. Administrator/Coordinator:

The Administrator/Coordinator shall provide each authorized user a HUD/PHA Access Authorization Form (Form UIV-1b) and the rules of Behavior and User Agreement (Form UIV-3) form and the user will apply for a User ID and Password. Authorized users must safeguard and insure the confidentiality of User Codes and Passwords.

### 3. Security Officer:

The Security Officers shall be responsible to insure that all authorized users are utilizing and safeguarding the EIV information. This includes but is not limited to:

- a. Maintain a log of all authorized users. The log shall be updated on a quarterly or more frequent basis.
- b. Conduct staff training and/or perform a review of the EIV/UIV security procedures on a regular basis but not less than annually and maintain a log all personnel who have attended.
- c. Distribute all user guides and security procedures to personnel using EIV system's data.
- d. Record and report improper disclosure in accordance with the improper disclosure procedure.
- e. Monitoring EIV system utilization reports
- f. Insure that locks/combinations are reset regularly, including whenever an employee who had access is no longer employed by the HA.
- g. Insuring confidentiality of information displayed on monitors/crt's.
- h. Insuring the confidentiality of printed EIV reports.
- i. Monitoring file storage areas.
- j. Monitoring the disposal of EIV information.

### 4. Classes of Users:

The HA has established the following classes of authorized personnel:

- a. Employees who must determine income for rent computation purposes for the Public Housing (Low Rent) program.
- b. Employees who must determine income for rent computation purposes for the Section 8 (Housing Choice Voucher) program.
- c. Employees who must determine income for rent computation purposes for Move-in purposes (Low Rent & Housing Choice Voucher programs).
- d. Employees who must determine income for internal quality control purposes.

5. Certified Users:

All EIV/UIV users (HA staff only) are authorized by the Executive Director/CEO or his/her designee and shall have access on a need-to-know basis. Once a need-to-know status does not exist the authorization will be immediately terminated.

6. Prior to EIV Use:

Prior to use of the EIV System all EIV/UIV users that have been granted access to the EIV Systems by completing Form UIV-b must execute the “Rules of Behavior and User Agreement” – Form UIV-3.

7. Required Monthly and Quarterly Reports:

Admission and Occupancy staff are required to generate and monitor the following EIV reports on a monthly and/or quarterly basis as designated below:

- a. Deceased tenant’s report – monthly
- b. Identify verification report-monthly
- c. Immigration report-quarterly
- d. Income discrepancy report-quarterly
- e. Multiple subsidy report-quarterly
- f. New hires report-quarterly

**Disclosure of EIV System to Tenant:**

1. At move-in and thereafter at each recertification the HA will disclose to the prospective resident or housed resident its intent make use of the EIV/UIV system. This will include the following: (may be accomplished in the tenant briefing or with a written handout).
  - a. An explanation of the EIV/UIV procedure.
  - b. How income discrepancies are identified, their effect on rent calculations, and the penalties for committing fraud.
  - c. An explanation of how discrepancies are resolved.
  - d. What action(s) the HA may seek after determining that income has been unreported or underreported.
2. All tenant files shall contain a properly completed, current HUD-9886 Form or equivalent.
3. EIV/UIV data will be kept in a secure environment.
4. EIV/UIV data will be disposed of by burning or shredding as specified in the disposal section of the policy.

**Security:**

EIV/UIV data will be safeguarded at all times:

1. Monitors/CRT’s:

EIV information displayed on Monitors and/or CRT’s will safeguarded by:

- a. Insuring that data displays are only active when the information is being utilized and only when no unauthorized persons are within viewing distance.
- b. When exiting the office, even for short periods, employees will either:
  - i. Screen protect/blank the screen. Or
  - ii. Close and lock the door to the office.

2. Printed Reports:

Employees will insure that all EIV information in printed format has:

- a. Been immediately removed from printer trays. This is especially true if the printer utilized is in an unsecured area.
- b. At no time left unattended.
- c. Not been left in viewing distance of unauthorized personnel or visitors.
- d. When not in use been properly filed in a secure filing cabinet located in a designated and locked secure area.

3. Filing:

EIV reports may be filed in the tenant file or separate file for the duration of tenancy no longer than three years from the end of the participation date.

NOTE: File cabinet must be lockable and kept behind a lockable door.

4. Discussing EIV information.

- a. EIV information can only be discussed with others on a “need-to-know” basis. (example: HUD staff or Auditors performing an audit have a “need-to-know” another HA staff member not involved in any decision process affecting the resident does not have a “need-to-know” and discussing or divulging EIV information would be a security violation.)
- b. EIV information is protected at the individual level. Therefore, specific information pertaining to one family member cannot be discussed in the presence of other family members or other individuals who do not have a “need-to-know.”
- c. EIV data of an adult household member may not be shared (Or a copy provided or displayed) with another adult household member, unless the individual has provided written consent to provide this information. However, the PHA is not prohibited from discussing with the head of household and showing the head of household how the household’s income and rent were determined based upon total family income reported and verified.

**NOTE:** You cannot show where the income comes from, only the worksheet form and what income was used to determine income and rents.

5. The Security Officer will insure that:

- a. Locking storage file cabinets and file locations are approved for EIV information, and
- b. Only staff members who have been previously authorized by the Executive Director/CEO may be given keys and/or access to the data. The Security Officer or designee will maintain a log of users receiving keys to controlled areas.

6. Disposition:

EIV/UIV data will be disposed of by:

- a. Crosscut shredding, or
- b. Burning

**Note:** Crosscut shredding may be accomplished by authorized PHA staff and/or contract crosscut shredding firms.

7. Logs:

The Security Officer shall maintain a log of which documents were destroyed and the date and time of destruction.

**Note:** The EIV/UIV data may be maintained in the tenant file and destroyed at the time a Tenant file is destroyed in accordance with applicable PHA policies.

**Resolving Discrepancies:**

The HA requires that all household income is reported by the family as specified in the Admissions and Continued Occupancy Policy (ACOP), lease, and the Section 8 Administrative Plan. These documents are made a part of this policy by reference.

When EIV/UIV information is substantially different (\$200 per month or greater) from the tenant reported and/or third party reported income, the following procedure will be followed:

1. In any case where staff has relied solely on EIV/UIV data to document the discrepant income, staff shall submit a third-party verification form to the income source.
2. Staff shall review historical data for prior patterns of employment, benefit payments, and/or other income source histories.
3. Staff shall discuss the discrepancy with the tenant and the tenant shall be given the opportunity to resolve the discrepancy. Such discussion shall be either verbally or in writing.
  - a. Although the tenant shall be given the opportunity to resolve the discrepancy, the final authority shall be either third-party verification or UIV/EIV data, whichever is accurate, unless the tenant can provide documentation that one or both parties' data is incorrect.
  - b. If the tenant is able to produce sufficient documentation of incorrect third party and/or UIV/EIV data, staff shall contact the proper personnel in charge of this data for resolution.
  - c. If the tenant is able to produce sufficient documentation of incorrect third party data, staff shall verify the information provided by the tenant through the appropriate third party. Any changes by a third party source will result in the UIV/EIV data being corrected.



**Adverse Actions:**

If the HA finds, after a review of all of the information, that the tenant has failed to fully disclose all family income, the HA will as soon as possible meet with the head of house. The HA will:

1. Offer the tenant the opportunity to repay all retro rent charges in accordance with the HA’s established policy.
2. If the family is unable or unwilling to repay, the HA will take the following action(s):  
Seek immediate eviction (and) if the amount owed is:

<b>At Least</b>	<b>But Less Than</b>	<b>Action</b>
\$100	\$4,999.00	Turn over to collection agency and/or District Attorney
\$5,000		Turn over to Office of the Inspector General (OIG)*

- **Mail to: U.S. Department HUD, Office of the Inspector General, 950 22<sup>nd</sup> St. N., Birmingham, AL 35203, or call 205-745-4314 or 205-745-4319.**

**Reporting Improper Disclosures:**

- Report any evidence of unauthorized access or known security breaches to the Executive Director/CEO’s designated individual who shall be: Tracey Webb.
- Document all improper disclosures in writing
- Report all security violations regardless of whether the security violation was intentional or unintentional