

## **Exhibit 12-1 Records Retention**

### **HUD Regulation – 24 CFR 5.106(d) [HOME]**

Documentation and record retention. Providers shall document and maintain records of compliance with the requirements in paragraph (b) of this section for a period of 5 years.

### **HUD Regulation – 24 CFR 5.901 [Access to Criminal Records]**

(a) General criminal records searches. This subpart applies to criminal conviction background checks by PHAs that administer the Section 8 and public housing programs when they obtain criminal conviction records, under the authority of section 6(q) of the 1937 Act (42 U.S.C. 1437d(q)), from a law enforcement agency to prevent admission of criminals to public housing and Section 8 housing and to assist in lease enforcement and eviction.

(c) Excluded records searches. The provisions of this subpart do not apply to criminal conviction information or sex offender information searches by a PHA or others of information from law enforcement agencies or other sources other than as provided under this subpart.

### **HUD Regulation – 24 CFR 5.903 [Criminal Records]**

(g) Records management. Consistent with the limitations on disclosure of records in paragraph (e) of this section, the PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is:

- (1) Maintained confidentially;
- (2) Not misused or improperly disseminated; and
- (3) Destroyed, once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.

### **HUD Regulation – 24 CFR 5.905 [Sex Offender Registration Information]**

(c) Records management.

(1) The PHA must establish and implement a system of records management that ensures that any sex offender registration information record received by the PHA from a State or local agency under this section is:

- (i) Maintained confidentially;
- (ii) Not misused or improperly disseminated; and

(iii) Destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.

(2) The records management requirements do not apply to information that is public information, or is obtained by a PHA other than under this section.

**HUD Regulation – 24 CFR 5.2007(e) [VAWA]**

(12) The covered housing provider must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually.

**HUD Regulation – 24 CFR 880.603(b)**

(3) Records on applicants and approved eligible families, which provide racial, ethnic, gender and place of previous residency data required by HUD, must be maintained and retained for three years.

**HUD Regulation – 24 CFR 882.809(p)**

Records and reports. Each recipient of assistance under this subpart must keep any records and make any reports that HUD may require within the timeframe required.

**HUD Regulation – 24 CFR 882.810(f)**

(3) The HA must maintain records in sufficient detail to demonstrate compliance with the provisions of this section. The HA must maintain data on the racial, ethnic, gender, and disability status of displaced persons.

**HUD Regulation – 24 CFR 908.101**

The purpose of this part is to require Public Housing Agencies (PHAs), including Moving-to-Work (MTW) PHAs, that operate Public Housing, Indian Housing, or Section 8 Rental Certificate, Housing Choice Voucher (HCV), Rental Voucher, and Moderate Rehabilitation programs to electronically submit certain data to HUD for those programs. These electronically submitted data are required for HUD forms: HUD-50058, including the Family Self-Sufficiency (FSS)

Addendum. Applicable program entities must retain at a minimum, the last three years of the form HUD-50058, and supporting documentation, during the term of each assisted lease, and for a period of at least 3 years from the end of participation (EOP) date, to support billings to HUD and to permit an effective audit. Electronic retention of form HUD-50058 and HUD-50058-FSS and supporting documentation fulfills the record retention requirement under this section.

### **HUD Regulation – 24 CFR 982.158**

- (e) During the term of each assisted lease, and for at least three years thereafter, the PHA must keep:
- (1) A copy of the executed lease;
  - (2) The HAP contract; and
  - (3) The application from the family.
- (f) The PHA must keep the following records for at least three years:
- (1) Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;
  - (2) An application from each ineligible family and notice that the applicant is not eligible;
  - (3) HUD-required reports;
  - (4) Unit inspection reports;
  - (5) Lead-based paint records as required by part 35, subpart B of this title.
  - (6) Accounts and other records supporting PHA budget and financial statements for the program;
  - (7) Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and
  - (8) Other records specified by HUD.

### **HUD Policy – PIH Notice 2017-12<sup>1</sup>**

**Applicability:** This Notice applies to the HUD-PIH rental assistance programs: Public Housing, Section 8 Moderate Rehabilitation, Project-Based Voucher, Project-Based Certificate, and Housing Choice Voucher (HCV) Programs.

**How long should the PHA maintain EIV printouts in a tenant file?** The PHA's record retention policy will determine the length of time the PHA should maintain EIV printouts in a tenant file. PHAs are authorized to maintain the EIV Income Report in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. In accordance with revised regulation, 24 CFR 908.101, PHAs are required to maintain at a minimum, the last three years of the form HUD-50058, and supporting documentation for all annual and interim reexaminations of family income. All records are to be maintained for a period of at least three years from the effective date of the action.

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<sup>1</sup> Public and Indian Housing Notice 2017-12 issued August 4, 2017, "Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System."

**AHFC Policy**

AHFC complies with HUD retention requirements and follows State of Alaska records retention and archiving procedures. The records retention schedules for various Public Housing Division units are available on the AHFC internal web.

**Numbered Memo**

18-36 Chapter 12 and Exhibit 12-1