

## **Exhibit 2-10**

### **Social Security Number Requirement**

The Housing and Community Development Act of 1987 (Public Law 100242; 101 Stat. 1864; 42 U.S. Code 3543) grants the U.S. Department of Housing and Urban Development the authority to require applicants and participants (including their household members) to disclose social security numbers (SSN) as a condition of initial or continuing eligibility for participation in any HUD rental assistance program.

AHFC determines eligibility in compliance with all applicable civil rights requirements described in this Administrative Plan. Eligibility screening is also conducted in accordance with HUD Regulations<sup>1</sup>.

#### **HUD Regulation 24 CFR 5.212(a)**

Compliance with the Privacy Act. The collection, maintenance, use, and dissemination of SSNs, EINs, any information derived from SSNs and Employer Identification Numbers (EINs), and income information under this subpart shall be conducted, to the extent applicable, in compliance with the Privacy Act (5 U.S.C. 552a) and all other provisions of Federal, State, and local law.

#### **HUD Regulation 24 CFR 982.552(b)(3)**

The PHA must deny admission to the program for an applicant, or terminate program assistance for a participant, if any member of the family fails to sign and submit consent forms for obtaining information in accordance with part 5, subparts B and F of this title.

### **1. Requirement to Disclose SSN**

#### **HUD Regulation 24 CFR 5.210(a)**

This subpart B requires applicants for and participants in covered HUD programs to disclose, and submit documentation to verify, their Social Security Numbers (SSNs).

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<sup>1</sup> HUD Final Rule issued March 8, 2016. "Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs; Final Rule."

-Public and Indian Housing Notice 2016-05 issued April 7, 2016; effective until amended, superseded, or rescinded. "Streamlining Administrative Regulations for Programs Administered by Public Housing Agencies."

-Public and Indian Housing Notice 2018-24 issued November 27, 2018; effective until amended, superseded, or rescinded. "Verification of Social Security Numbers (SSNs), Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System's Identity Verification Report."

### **AHFC Policy**

1. All household members, applicant or participant, are required to disclose and verify each member's SSN in accordance with the regulations and AHFC policy cited below.
2. Household members who do not contend to have eligible immigration status are not required to disclose and verify an SSN.

### **1.A Applicant Families**

#### **HUD Regulation 24 CFR 5.216(b)**

Each assistance applicant must submit the following information to the processing entity when the assistance applicant's eligibility under the program involved is being determined.

- (1) The complete and accurate SSN assigned to the assistance applicant and to each member of the assistance applicant's household; and
- (2) The documentation referred to in paragraph (g)(1) of this section to verify each such SSN.

### **1.B Participant Families**

#### **HUD Regulation 24 CFR 5.216(e)(1)**

- (1) Initial disclosure.
  - (i) Each participant, except those age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010, must submit the information described in paragraph (e)(1)(ii) of this section, if the participant has:
    - (A) Not previously disclosed a SSN;
    - (B) Previously disclosed a SSN that HUD or the SSA determined was invalid; or
    - (C) Been issued a new SSN.
  - (ii) Each participant subject to the disclosure requirements under paragraph (e)(1)(i) of this section must submit the following information to the processing entity at the next interim or regularly scheduled reexamination or recertification of family composition or income, or other reexamination or recertification for the program involved:
    - (A) The complete and accurate SSN assigned to the participant and to each member of the participant's household; and
    - (B) The documentation referred to in paragraph (g)(1) of this section to verify each such SSN.

### **AHFC Policy**

1. As of January 31, 2010, all participants who were determined eligible prior to that date were required to disclose and provide verification of their SSN at their next annual examination.
2. Participants age 62 or older as of January 31, 2010 who were determined eligible before January 31, 2010 were not required to provide verification of their SSN. These individuals retain this exemption as long as they maintain their eligibility for rental assistance.
3. All eligibility determinations after January 31, 2010 include the requirement that all household members must disclose and provide verification of their SSN.

## **2. Required Documentation**

### **HUD Regulation 24 CFR 5.216(g)**

Required documentation.

(1) SSN. The documentation necessary to verify the SSN of an individual who is required to disclose his or her SSN under paragraphs (a) through (e) of this section is:

- (i) An original SSN card issued by the SSA;
- (ii) An original SSA-issued document, which contains the name and SSN of the individual;
- (iii) An original document issued by a federal, state, or local government agency, which contains the name of the individual and the SSN of the individual, or
- (iv) Such other evidence of the SSN as HUD may prescribe in administrative instructions.

### **AHFC Policy**

Verifications received will be documented in or copied to the file. AHFC will accept the following permanent forms of verification. Once received, these require no additional action.

1. Valid SSN card
2. A confirmation from the SSA website
3. An original document from a federal, state, or local agency with the name of the individual and the social security number

## 2.A Rejection of Documentation

### Public and Indian Housing Notice 2018-24

Paragraph 7. The PHA may reject documentation of the SSN provided by the applicant or participant for only the following reasons:

- a. The document is not an original document; or
- b. The original document has been altered, mutilated, or is not legible; or
- c. The document appears to be a forged document (i.e., does not appear to be authentic).

The PHA should explain to the applicant or participant, the reason(s) the document is not acceptable and request the individual to obtain acceptable documentation of the SSN and submit it to the PHA within a specified time frame.

## 2.B Retention of Original Documents

### Public and Indian Housing Notice 2018-24

Paragraph 8. Once the individual's identity verification status is classified as **Verified**, the PHA may, at its discretion, remove and destroy the copy of the documents referenced in Paragraphs 6 and 8 of this notice (SSN Documentation). Retention of the EIV report which shows an identity verification status of Verified in the tenant file is adequate documentation of a valid tenant SSN. This will minimize the risk of exposing the individual's SSN.

PHAs are encouraged to minimize the number of tenant records that contain documents which display the full nine-digit SSN. PHAs are permitted to maintain EIV income reports in the tenant file for the duration of tenancy, and no longer than three years from the end of participation date.

## 2.C Invalid SSNs

### Public and Indian Housing Notice 2018-24

Paragraph 9. An invalid SSN is an SSN that SSA has never assigned. SSA has never assigned an SSN with the first three digits of: 000, 666, or 900 series (numbers within the 900-999 range). Additionally, prior to June 25, 2011, SSA never assigned an SSN with the first three digits of: 000, 666, 772, 800, or 900 series. SSA has never assigned an SSN with the second two digits of 00 or the last four digits of 0000.

## 2.D Individuals without an Assigned SSN

### Public and Indian Housing Notice 2018-24

Paragraph 10. It is not uncommon for certain individuals to not have an SSA-assigned SSN. PHAs are required to use the Public and Indian Housing

Information Center (PIC) Tenant ID Management tool to generate a unique identifier (commonly referred to as an alternate ID (ALT ID)) for those individuals who have not been assigned an SSN.

Once an individual discloses an SSN, the PHA must use the Tenant ID Management tool to replace the ALT ID with the disclosed SSN within 30 calendar days of receipt of the SSN.

## **2.E Individual Taxpayer Identification Number (ITIN)**

### **Public and Indian Housing Notice 2018-24**

Paragraph 11. ITIN is a taxpayer identification number for Federal tax purposes only for certain non-residents and resident noncitizens, their spouses and dependents, who cannot obtain an SSN. The ITIN begins with the number “9” and is formatted like a SSN (9XX-XX-XXXX). However, the ITIN is not an SSN and PHAs must not report the ITIN on line 3n of the form HUD-50058. PHAs are required to use the Tenant ID Management tool to replace any reported ITIN on line 3n of the form HUD-50058 with an SSN or an ALT ID.

ITINs do not entitle a noncitizen to social security benefits, create any inference regarding a noncitizen’s immigration status, or give a noncitizen a right to work in the U.S.

## **2.F Documentation Delays**

### **2.F.1. All Applicant Families Except S8 Moderate Rehabilitation**

#### **HUD Regulation 24 CFR 5.216(h)(1)**

Except as provided in paragraph (h)(2) and (h)(3)<sup>2</sup> of this section, if the processing entity determines that the assistance applicant is otherwise eligible to participate in a program, the assistance applicant may retain its place on the waiting list for the program but cannot become a participant until it can provide:

- (i) The complete and accurate SSN assigned to each member of the household; and
- (ii) The documentation referred to in paragraph (g)(1) of this section to verify the SSN of each such member.

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<sup>2</sup> Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs; Final Rule, March 8, 2016. Added paragraph (h)(3).

#### **AHFC Policy**

1. If a family has provided all necessary information to AHFC and appears eligible for assistance, except for a missing SSN verification, AHFC may provide up to 60 calendar days to the family to submit the required proof.
2. Families provided this additional time will retain their waiting list position.
3. Families that fail to provide the required proof prior to the deadline will be re-ranked on the waiting list.

### **2.F.2. Applicant Families for S8 Moderate Rehabilitation**

#### **HUD Regulation 24 CFR 5.216(h)(2)**

For applicants to the Section 8 Moderate Rehabilitation Single Room Occupancy (SRO) Program for Homeless Individuals under 24 CFR part 882, subpart H, the documentation required in paragraph (g<sup>3</sup>)(1) of this section must be provided to the processing entity within 90 calendar days from the date of admission into the program. The processing entity shall grant an extension of one additional 90-day period if the processing entity, in its discretion, determines that the applicant's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the applicant. If, upon expiration of the provided time period, the individual fails to produce a SSN, the processing entity shall follow the provisions of §5.218.

#### **AHFC Policy**

1. AHFC requires its partner agency to collect and document verification of SSNs in their file.
2. If additional time is needed, the partner agency may provide the additional time as stated above. The partner agency will document this in the family's file.

### **2.F.3. Applicant Families with a Child Under Age 6**

#### **HUD Regulation 24 CFR 5.216(h)(3)<sup>4</sup>**

If a child under the age of 6 years was added to the assistance applicant household within the 6-month period prior to the household's date of admission (or, for the HCV program, the date of voucher issuance), the assistance applicant may become a participant, so long as the documentation required in paragraph (g)(1) of this section is provided to the processing entity within 90 calendar days from the date of admission into the program (or, for the HCV program, the

<sup>3</sup> Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs; Final Rule, March 8, 2016. Changed paragraph (h) to (g).

<sup>4</sup> Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs; Final Rule, March 8, 2016. New paragraph.

effective date of the Housing Assistance Payment contract). The processing entity must grant an extension of one additional 90-day period if the processing entity determines that, in its discretion, the assistance applicant's failure to comply was due to circumstances that could not reasonably have been foreseen and were outside the control of the assistance applicant. If the applicant family fails to produce the documentation required in paragraph (g)(1) of this section within the required time period, the processing entity must follow the provisions of §5.218.

#### **AHFC Policy**

1. AHFC will not admit any family without proper verification of each family member's SSN.
2. AHFC will grant additional time to a family as specified in section 2.B.1 above.

#### **2.F.4. Participant Families**

##### **HUD Regulation 24 CFR 5.216(e)(2)**

Subsequent disclosure. Once a participant has disclosed and the processing entity has verified each SSN, the following rules apply:

(i) Addition of new household member who is at least 6 years of age or under the age of 6 and has an assigned SSN. When the participant requests to add a new household member who is at least 6 years of age, or is under the age of 6 and has an assigned SSN, the participant must provide the following to the processing entity at the time of the request, or at the time of processing the interim reexamination or recertification of family composition that includes the new member(s):

- (A) The complete and accurate SSN assigned to each new member; and
- (B) The documentation referred to in paragraph (g)(1) of this section to verify the SSN for each new member.

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Paragraph 12. The participant must disclose the SSA-assigned SSN and provide the PHA with the documents referenced in Paragraph 6 (see Required Documentation section) of this notice at the time of such request, or at the time of processing the interim or annual reexamination of family income and/or composition. If the family is unable to provide the required documentation of the SSN, the PHA shall not add the new household member to the family composition until the family provides such documentation. The PHA is not authorized to generate an ALT ID for the affected household member.

##### **HUD Regulation 24 CFR 5.216(e)(2)**

(ii) Addition of new household member who is under the age of 6 and has no assigned SSN.

(A) When a participant requests to add a new household member who is under the age of 6 and has not been assigned a SSN, the participant shall be required to provide the complete and accurate SSN assigned to each new child and the documentation referred to in paragraph (g)(1) of this section to verify the SSN for each new child within 90 calendar days of the child being added to the household.

(B) The processing entity shall grant an extension of one additional 90-day period if the processing entity, in its discretion, determines that the participant's failure to comply was due to circumstances that could not have reasonably been foreseen and were outside the control of the participant. During the period that the processing entity is awaiting documentation of a SSN, the processing entity shall include the child as part of the assisted household and the child shall be entitled to all the benefits of being a household member. If, upon expiration of the provided time period, the participant fails to produce a SSN, the processing entity shall follow the provisions of § 5.218.

(iii) Assignment of new SSN. If the participant or any member of the participant's household has been assigned a new SSN, the participant must submit the following to the processing entity at either the time of receipt of the new SSN; at the next interim or regularly scheduled reexamination or recertification of family composition or income, or other reexamination or recertification; or at such earlier time specified by the processing entity:

(A) The complete and accurate SSN assigned to the participant or household member involved; and

(B) The documentation referred to in paragraph (g)(1) of this section to verify the SSN of each individual.

#### **AHFC Policy**

1. AHFC will provide a participant family with 90 calendar days to provide verification of a new member's SSN or a member's changed SSN.
2. Families that cannot provide the documentation within the initial 90-day period may receive an additional 90 calendar days if they can demonstrate that circumstances beyond their control prevented them from meeting the initial deadline.
3. During these 90 day periods, families will be eligible for continued rental assistance.

### **3. Third-Party Verification**

#### **Public and Indian Housing Notice 2018-24**

Paragraph 15. It is the Department's position that an SSA benefit verification letter (dated within the last 60 days of the PHA request date for information or within the PHA-tenant interview date) provided by the family or an undisputed



EIV Income Report which displays the current social security benefit amount is third party verification. No additional verification is required by the PHA.

SSA has requested that PHAs refrain from submitting requests to SSA to verify that a family is not receiving social security benefits.

## 4. Penalties

### 4.A Applicants

#### **HUD Regulation 24 CFR 5.218(a)**

Denial of eligibility of assistance applicants and individual owner applicants. The processing entity must deny the eligibility of an assistance applicant or individual owner applicant in accordance with the provisions governing the program involved, if the assistance or individual owner applicant does not meet the applicable SSN disclosure, documentation, and verification requirements as specified in §5.216.

#### **AHFC Policy**

1. If an applicant family has failed to meet the deadline for submission of required documentation, their application may either be re-ranked on the waiting list or withdrawn depending upon the family's individual circumstances.
2. If all household members have not disclosed their SSN at the time a unit becomes available, the PHA must offer the available unit to the next eligible applicant family on the waiting list.
3. AHFC will provide a written notification to the family with their application status.

### 4.B Applicants for S8 Moderate Rehabilitation SRO

#### **Public and Indian Housing Notice 2018-24**

Paragraph 13. If upon the expiration of the provided time period, the individual fails to comply with the SSN disclosure and documentation requirements, the PHA must terminate the individual's tenancy or assistance, or both.

### 4.B Participants

#### **HUD Regulation 24 CFR 5.218(c)**

Termination of assistance or termination of tenancy of participants.

(1) The processing entity must terminate the assistance or terminate the tenancy, or both, of a participant and the participant's household, in accordance with the provisions governing the program involved, if the participant does not meet the

applicable SSN disclosure, documentation, and verification requirements specified in §5.216.

(2) The processing entity may defer termination and provide the participant with an additional 90 calendar days to disclose a SSN, but only if the processing entity, in its discretion, determines that:

(i) The failure to meet these requirements was due to circumstances that could not have reasonably been foreseen and were outside the control of the participant; and

(ii) There is a reasonable likelihood that the participant will be able to disclose a SSN by the deadline.

(3) Failure of the participant to disclose a SSN by the deadline specified in paragraph (c)(2) of this section will result in termination of the assistance or tenancy, or both, of the participant and the participant's household.

#### **AHFC Policy**

1. If a participant family has failed to meet the deadline for submission of required documentation, their rental assistance will be terminated.
2. AHFC will provide a written notification to the family with their assistance status.

### **4.C PHA Penalties**

#### **Public and Indian Housing Notice 2018-24**

Paragraph 14. PHAs are required to ensure compliance with SSN disclosure, documentation, and verification requirements outlined in this notice and HUD regulations, including the enforcement of penalties for a family's failure to comply with the HUD requirements. PHAs may be subject to sanctions and/or the assessment of disallowed costs associated with any resulting incorrect subsidy or tenant rent calculation or both as a result of a PHA's noncompliance and/or enforcement of the SSN disclosure, documentation, and verification requirements outlined in this notice and the applicable HUD regulations.

## **5. Definitions**

### **5.A Assistance Applicant**

Except as excluded pursuant to 42 U.S.C. 3543(b) and 3544(a)(2), this term means the following: (1) For any program under 24 CFR parts 215, 221, 236, 290, or 891, or any program under Section 8 of the 1937 Act: A family or individual that seeks rental assistance under the program. (2) For the public housing program: A family or individual that seeks admission to the program.

## **5.B Owner**

The person or entity (or employee of an owner) that leases an assisted dwelling unit to an eligible family and includes, when applicable, a mortgagee. Participant. Except as excluded pursuant to 42 U.S.C. 3543(b) and 3544(a)(2), this term has the following meaning: (1) For any program under 24 CFR part 891, or Section 8 of the 1937 Act: A family receiving rental assistance under the program; (2) For the public housing program: A family or individual that is assisted under the program; (3) For 24 CFR parts 215, 221, 236, and 290: A tenant or qualified tenant under any of the programs; and (4) For 24 CFR part 235: A homeowner or a cooperative member receiving homeownership assistance.

## **5.C Participant**

Except as excluded pursuant to 42 U.S.C. 3543(b) and 3544(a)(2), this term has the following meaning: (1) For any program under 24 CFR part 891, or Section 8 of the 1937 Act: A family receiving rental assistance under the program; (2) For the public housing program: A family or individual that is assisted under the program; (3) For 24 CFR parts 215, 221, 236, and 290: A tenant or qualified tenant under any of the programs; and (4) For 24 CFR part 235: A homeowner or a cooperative member receiving homeownership assistance.

## **5.D Processing entity**

The person or entity that, under any of the programs covered under this subpart B, is responsible for making eligibility and related determinations and an income reexamination. (In the Section 8 and public housing programs, the “processing entity” is the “responsible entity” as defined in § 5.100.)

## **5.E Social Security Number (SSN)**

The nine-digit number that is assigned to a person by the Social Security Administration and that identifies the record of the person’s earnings reported to the Social Security Administration. The term does not include a number with a letter as a suffix that is used to identify an auxiliary beneficiary.

## **5.F State Wage Information Collection Agency (SWICA)**

The State agency, including any Indian tribal agency, receiving quarterly wage reports from employers in the State, or an alternative system that has been determined by the Secretary of Labor to be as effective and timely in providing employment-related income and eligibility information.

## **Numbered Memo**

20-16 Updates to Verification Requirements