



To: All Owners and Managers
From: Bob Conroy, Director of Asset Management

In this issue:

- I. Healthcare Enrollment Deadline**
- II. Amendment to the HUD Definition of Tuition**
- III. Self-Certification Tenant Income Certifications**

Healthcare Enrollment Deadline

Although Medicaid enrollment is ongoing throughout the year, open enrollment for 2016 health care coverage through the Health Insurance Marketplace ends January 31, 2016. Attached is an email from HUD Principal Deputy Assistant Secretary Lourdes Castro Ramirez encouraging us to be proactive in assisting our residents in making the most of the health coverage opportunities available to them during this critical period.

A flyer is available at <http://portal.hud.gov/hudportal/documents/huddoc?id=acaoutreachflyerphas.pdf>

Outreach toolkits are also available at <https://marketplace.cms.gov/outreach-and-education/healthcaregov-assister-navigator-earned-media-and-promotion-toolkit.pdf>

II. Amendment to the HUD Definition of Tuition

On December 11, 2015 HUD Multifamily Housing published a joint Housing Notice with PIH to HUD Clips regarding a revision to the definition for tuition as it relates to determining income for some HUD programs.

The published notice expands upon FY 2012 appropriations language which requires, for Section 8 programs, the amount of any financial assistance an individual receives in excess of amounts received for tuition and other required fees and charges be considered when determining an applicant's or participant's annual income.

When reading HUD Handbook 4350.3, REV-1 paragraph 5-6.E, the exclusion for a student over the age of 23 with dependent children or a student living with his or her parents who are receiving Section 8 assistance remains applicable. A copy of the Housing Notice 2015-12 is attached.

III. Self-Certification Tenant Income Certifications

As a reminder, for those LIHTC properties that use the tenant income self-certification (TICS) when permissible, Part 1, Sections A & B need to be completed, signed and dated by the manager.

Attachments:

- **Housing Notice 2015-12 Amendment to the Definition of Tuition**
- **Email on Healthcare Enrollment Deadline**

Please note that MaineHousing provides notices as a service to our partners. Notices are not intended to replace ongoing training and do not encompass all compliance and regulatory changes that may occur on the wide arrange of housing programs in which we work. MaineHousing recommends partners establish an ongoing training program for their staff.

Maine State Housing Authority ("MaineHousing") does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, physical or mental disability, age, familial status or receipt of public assistance in the admission or access to or treatment in its programs and activities. In employment, MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical or mental disability or genetic information. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Louise Patenaude, Maine State Housing Authority, 353 Water Street, Augusta, Maine 04330-4633, Telephone Number 1-800-452-4668 (voice in state only), (207) 626-4600 (voice) or Maine Relay 711.



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

Office of Housing
Office of Public and Indian Housing

Special Attention of:

NOTICE: PIH 2015-21
H 2015-12

Multifamily Regional Center Directors
Multifamily Hub Directors
Multifamily Program Center Directors
Supervisory Housing Project Managers

Issued: December 10, 2015

Expires: This notice remains in effect until amended, revoked, or superseded.

Rural Housing Service (RHS) Directors
Account Executives
Contract Administrators
Owners, Management Agents Administering
Multifamily Housing Assistance Programs
Public Housing Agency Directors
Section 8 and Public Housing Administrators
HUD Directors of Public Housing
PIH Program Center Coordinators

Cross References: Fiscal Year 2012 Appropriations; Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance (71 FR 18146, appendix A); 24 CFR 5.609(b)(9); 24 CFR 5.609(c)(6)

Public Housing Division Directors

Subject: Amendment to the Definition of Tuition

I. Purpose

This notice serves to amend the definition of tuition found in the *Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance* (71 FR 18146, appendix A) which is used in both Multifamily Housing and Public and Indian Housing (PIH) programs. The *Supplementary Guidance* states that “tuition shall have the meaning given this term by the institution of higher education in which the student is enrolled¹.” To promote consistency across HUD’s programs and provide PHAs and O/As with a standard definition of tuition and fees, HUD is aligning with the Department of Education’s definition of tuition and fees. With the issuance of this notice, tuition will now be defined in the same manner in which the Department of Education defines “tuition and fees.” Section IV of this Notice provides details of the amended definition.

This Notice is effective upon publication.

¹ The term “tuition” is defined in the *Eligibility of Students for Assisted Housing Under Section 8 of the U.S. Housing Act of 1937; Supplementary Guidance* (71 FR 18146, appendix A). Multifamily Housing programs define the term tuition in HUD Handbook 4350.3 REV-1.

II. Background

HUD has become aware of many institutions of higher education moving from a traditional tuition-only structure to a new tuition and fee structure. Fees often include, but are not limited to, student service fees, student association fees, student activities fees, and laboratory fees. HUD believes the inclusion of many of these required fees within the definition of tuition will increase opportunities for its participants to further their education.

This position was reinforced with the inclusion of the language (in bold below) of section 215(b) in the Fiscal Year 2012 appropriations. The FY 2012 appropriations require that the amount of any financial assistance an individual receives in excess of amounts received for tuition and “other required fees and charges” be considered when determining an applicant’s or participant’s annual income. For purposes of section 8 programs only see section 215 (b) below.

SEC. 215. (b) For purposes of determining the eligibility of a person to receive assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), any financial assistance (**in excess of amounts received for tuition and any other required fees and charges**) that an individual receives under the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), from private sources, or an institution of higher education (as defined under the Higher Education Act of 1965 (20 U.S.C. 1002)), shall be considered income to that individual, except for a person over the age of 23 with dependent children.

III. Applicability

All provisions of this notice apply to owners and management agents (O/As) and public housing authorities (PHAs) administering the following covered programs under section 8 of the United States Housing Act of 1937:

- A. Project-based Section 8
 - 1. New Construction
 - 2. State Agency Financed
 - 3. Substantial Rehabilitation
 - 4. Section 202/8
 - 5. Rural Housing Services Section 515/8
 - 6. Loan Management Set-Aside (LMSA)
 - 7. Property Disposition Set-Aside (PDSA)
- B. Section 8 Housing Choice Voucher (including Project-Based Voucher and Project-Based Certificate)

C. Moderate Rehabilitation

In programs, other than HUD's section 8 programs, that follow the definition of annual income in 24 CFR part 5 (e.g. the Public Housing program), PHAs and other grantees may continue to exclude the full amount of student financial assistance from a person's annual income in accordance with 24 CFR § 5.609(c)(6).

The amended definition of tuition in section IV of this notice applies to all HUD programs. The income determination (section V) and verification requirements (section VI) may also apply to other HUD programs that follow 24 CFR part 5. Administrators and participants in those programs should contact the appropriate HUD program office overseeing your program if you have questions concerning the implementation of HUD's amended definition of tuition or the income determination and verification requirements for your program.

IV. Amended Definition of Tuition as Defined by the Department of Education

Prior to this Notice, when determining an applicant's or participant's income, HUD's definition of tuition required PHAs and O/As to defer to the definition of tuition used by the institution of higher education in which the student is enrolled. The definition can vary across institutions and academic programs. With the inclusion of "other required fees and charges" being added to the definition of tuition, PHAs and O/As may experience difficulty in determining income.

The Department of Education defines tuition as the amount of money charged to students for instructional services which may be charged per term, per course, or per credit. The Department of Education further defines tuition and fees as the amount of tuition and required fees covering a full academic year most frequently charged to students.² These values represent what a typical student would be charged and may not be the same for all students at an institution. If tuition is charged on a per-credit-hour basis, the average full-time credit hour load for an entire academic year is used to estimate average tuition. Required fees include all fixed sum charges that are required of a large proportion of all students. The student who does not pay the charges is an exception.³ Examples of required fees include, but are not limited to, writing and science lab fees and fees specific to the student's major or program (i.e., nursing program).

Expenses related to attending an institution of higher education must **not** be included as tuition. Examples of these expenses include, but are not limited to, room and board, books, supplies, meal plans, transportation and parking, student health insurance plans, and other non-fixed sum charges.

² See, Integrated Postsecondary Education Data System Glossary for definition of "tuition" and "tuition and fees." Retrieved February 5, 2013, from <http://nces.ed.gov/ipeds/glossary/?charindex=T>

³ *Id.*

V. Income Determination

In implementing the amended definition of tuition, for section 8 programs only, O/As and PHAs must include amounts of financial assistance an individual receives in excess of tuition and other required fees and charges when determining annual income in accordance with 24 CFR 5.609(b)(9).

Under other programs, such as the Public Housing program, the full amount of financial assistance a student receives while participating in the program continues to be excluded from the program participant's annual income pursuant to 24 CFR § 5.609(c)(6).

Example:

Kim, a 22 year old, married, participant in a Section 8 program is enrolled in a nursing program at her local community college. She is receiving \$7,000 in financial assistance to cover the full cost of tuition and fees of \$6,000 for the academic year. The \$6,000 includes:

- \$2,500 in tuition per semester (total \$5,000) *plus*
- \$500 in individual fees (total \$1,000)—athletic fee, writing laboratory fee, student center fee, science laboratory fee, technology fee—charged to every student per semester.

In this example, the excess \$1,000 (\$7,000 - \$6,000) Kim received in financial assistance will be included in her annual income in accordance with 24 CFR 5.609(b)(9).

Under HUD's previous definition of tuition, Kim's housing authority might have considered her financial assistance to be in excess of \$2,000 if her college's definition of tuition did not include fees. Under HUD's new definition, Kim's housing authority will determine her excess financial assistance to be \$1,000 rather than \$2,000 because the required fees and charges are included with tuition.

Using the same example, if Kim was a participant in the Public Housing program, the full amount of financial assistance she received would be excluded from her income in accordance with 24 CFR § 5.609(c)(6).

VI. Verification of Tuition and Fees

O/As and PHAs must verify the amounts of tuition and required fees charged by the school when determining annual income. O/As and PHAs may wish to verify those amounts using the student's bill or account statement (including an online account statement) as provided by the school's bursar's office, or by contacting the bursar's office directly. It is also recommended that you visit the school's website as many institutions of higher education provide an itemized list covering tuition and fees that are charged to a majority of their students on their websites.

VII. Contact Information

For those administering or participating in programs administered by the Office of Multifamily Housing, please contact Michael Sharkey via email, Michael.A.Sharkey@hud.gov should you have questions regarding this Notice. For those administering or participating in PIH programs, you may contact your local [HUD Field Office of Public Housing](#). Persons with hearing or speech impairments may access their field office via TTY by calling the Federal Information Relay Service at (800) 877-8339.

_____/s/_____
Lourdes Castro Ramirez,
Principal Deputy Assistant Secretary
for Public and Indian Housing

_____/s/_____
Edward Golding
Principal Deputy Assistant Secretary for
Housing

From: Principal Deputy Assistant Secretary Lourdes Castro Ramirez
[mailto:PrincipalDeputyAssistantSecretaryLourdesCastroRamirez@hud.gov]

Subject: Healthcare enrollment deadline fast approaching



Dear friends and colleagues,

Thanks to everyone who joined our December 14th call with White House Cabinet Secretary Broderick Johnson, HUD Secretary Julián Castro, and HHS's Kathleen Falk and Mandy Cohen. We had a good discussion about resources and opportunities to help your families get information for the health coverage they need. A special thanks also to Portland's Home Forward Executive Director Michael Buonocore for sharing valuable lessons from his community's previous enrollment efforts.

As we discussed on the call, while Medicaid enrollment is ongoing throughout the year (including in states that did not expand eligibility under the Affordable Care Act), open enrollment for 2016 health care coverage through the Health Insurance Marketplace **ends January 31, 2016**. Below are some of the ways we discussed that PHAs can assist residents in making the most of the health coverage opportunities available to them during this critical period.

Spread the Word:

- Download a flyer for your residents [here](#).
- Display other flyers about the Marketplace, Medicaid, the Children's Health Insurance Program, and Affordable Insurance Exchanges are readily available at marketplace.cms.gov. ([Materials](#) are available in English, Spanish, Arabic, Chinese, Creole, Hindi, Korean, Polish, Portuguese, Russian, Tagalog, Urdu, and Vietnamese).
- Provide informational materials in common rooms, offices and other public spaces.
- Post the Health Insurance Marketplace Call Center toll-free number, 1-800-318-2596 (translation assistance is available in over 150 languages).
- Offer information on the health insurance enrollment to residents during their annual reexaminations and to applicants during the intake process.
- Distribute materials about health insurance enrollment at resident meetings and to your resident groups.
- Include a link to HealthCare.gov and CuidadoDeSalud.gov, or a [widget](#) on your website (linking visitors to HealthCare.gov).

**Create Partnerships by Inviting Local HealthCare.gov
“Navigators” and Certified Assistance Counselors to:**

- Hold educational talks with residents about enrolling in health insurance.
- Provide assistance to families with the enrollment and application process.
- Reach out to residents who may be newly eligible for Medicaid.
- Host an “Insurance Sign Up-Day.” ([Outreach toolkits](#) to raise awareness about events are available online.)

These are just a few ideas for assisting residents to learn about the benefits available to them in the Affordable Care Act. HUD encourages housing agencies to get the word out about obtaining health insurance coverage in ways that best fit their local needs.

Your engagement in these efforts is greatly appreciated and helps advance our strategic goal to use housing as a platform for improving residents’ opportunities and quality of life.

Sincerely,



Lourdes Castro Ramirez
Principal Deputy Assistant Secretary
Public and Indian Housing