



March 21, 2023

Ms. Colette Pollard
Report Management Officer
QDAM
U.S. Department of Housing & Urban Development
451 7th St., SW
Washington, DC 20410

Re: Docket No. FR-7076-N-05 Notice of Proposed Information Collection: Family Report (50058)

Dear Ms. Pollard:

Thank you for the opportunity to comment on the proposed changes to the HUD 50058 form. The foregoing comments are submitted on behalf of the National Leased Housing Association (NLHA). Our members include housing agencies that administer the voucher program as well as owners, developers, housing managers and lenders involved in the Section 8 and other federally assisted housing programs.

NLHA's members agree that the 50058 form is in need of updating for a variety of reasons and are supportive of HUD's effort. We contacted several of the PHAs in our leadership to evaluate the proposed changes and their feedback includes the following:

Section 1: Agency

Proposed updates and addition of real estate ID number welcomed.

Section 2: Action

HUD's proposal to record changes when no interim recert will be conducted (per HOTMA) makes sense. HUD's recently published final notice included guidance on determining imputed income on assets of up to \$50,000, PHAs have asked whether HUD will be providing a procedure for families that exceed the \$50,000 threshold?

HUD is proposing to add questions to the 50058 listing the primary reason for a family's end of participation (EOP). NLHA's members do not object to the questions but have inquired why HUD will need this information stating that the absence of clarity extends into the PHAs' procedural process. Also, does a family who is over income past the 24 consecutive month period count as End of Participation or Graduation? In addition, what is a PHA to do after they report to HUD a family has

ended their participation with the program? Can the PHA allow the family to stay in the unit at the market rate? Is the PHA forced to evict the family? Will there be another form/area where a PHA is supposed to track this information? Will TRACs/PIC be updated to collect this data? Are there potential circumstances where this information may become a liability to the family, PHA, or HUD? Does HUD plan to use this data to punish/prioritize performing PHAs with higher EOP rates? Is a PHA required to perform in an interim at the EOP to modify the submitted 50058? Will tracking a family's exit from a unit affect a PHA's ability to establish another HAP contract with another landlord on behalf of the family (if they need another housing subsidy)?

Section 3 Household

HUD is proposing to update the field for "Sex to Gender and allow for the inclusion of X Non-Binary/Transgender, NR-No Response/Prefer not to answer, and the option to pick more than one response" NLHA's members believe sex orientation does not affect the amount of subsidy a family would receive, nor does it affect a family's ability to qualify for the program. For these reasons, sex orientation is out of the scope of the 50058 form's intent. The opportunity to disclose personal information and nonobligatory information (information not necessary for subsidy allocations) may create events where the administer and/or the administered are made uncomfortable

If sex orientation data is collected, will it affect occupancy standards (bedroom sizes)? Some states/PHAs have exemptions for occupancy standards, but others do not; how/will this discretionary difference between PHAs/states affect transferability? Does HUD plan to provide additional training for PHAs to collect this information to avoid instances of discrimination?

According to the Notice HUD is considering requesting information about a household member's sexual orientation in response to "Executive Order 14075, *Advancing Equality for Lesbian, Gay, Bisexual, Transgender, Queer, and Intersex Individuals*. We are unclear why HUD wants this information. Further, the potential for danger far exceeds HUD's ability to protect these people and their identities This information may be hacked and made public to bad actors who may act violently against a class of people the federal government, HUD, a PHA, and landlord promised to give SAFE and DECENT housing. Several states have made legislative efforts to subvert public forms of non-heteronormative hegemony over the past couple of years. Does HUD have a plan for PHAs to accommodate/protect these people from physical or structural violence in these states?

Section 8 Expected Income per Year

Adjusted Income would be an easier name to understand for PHAs and subsidy awardees than Allowance and Expenses

Section 10 Public Housing and Turnkey III

Eliminating the "income-based ceiling rent" question can become problematic if the PHA or public housing property is grandfathered in the Ceiling Rent rule, ceiling rents were eliminated in 1999 for "flat rents" however, some properties were grandfathered in the rule if they mandated ceiling rents before Oct. 1, 1999. Further, some of these properties exist to this day and the elimination of this question would contradict previous statutory requirements

Section 12 Housing Choice Vouchers: Tenant Based Vouchers

NLHA agrees including questions regarding the provision of mobility related services and whether a security deposit was paid on behalf of a family and whether a higher payment standard was applied as a reasonable accommodation will be helpful.

Thank you for the opportunity to comment. Please contact James Torrez, Program and Policy Associate for NLHA with any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise B. Muha".

Denise B. Muha
Executive Director