

TO WHOM IT MAY CONCERN
Brattleboro Housing Partnerships changes to ADMIN PLAN
Effective Date: July 1, 2025

HUD has made changes to its rules under the Housing Opportunities Through Modernization Act, commonly called HOTMA. The following changes in BHPs Administration Plan incorporate those required changes.

Many of the changes are not substantive but are meant for clarification and do not result in changes to BHPs policies, only to the wording.

Comments will be taken on the changes for 45 days starting **March 28, 2025**, a public hearing will be held **May 12, 2025**; the BHP Board of Commissioners will review the comments and vote on the changes at the May Board Meeting on May 12, 2025; and they will become effective **July 1, 2025**.

New language is in *italics*.

The Chapter and page refer to BHP's current Section 8 Administrative Plan.

- Chapter 3, page 2 Add to definition of family
 *“A single person who:
 “is an otherwise eligible youth who has attained at least 18 years of age
 and not more than 24 year of age”
 “has left foster care, or will leave foster care within 90 days, in
 accordance with a transition plan described in section 475(5)(H) of the
 Social Security Act,
 “is homeless or is at risk of becoming homeless at age 16 or older”*
- Chapter 3, page 6 Add the HUD definition of foster adult.
 *“Foster adult is a member of the household who is 18 years of age or
 older and meets the definition of foster adult in Vermont statutes and is
 placed with the family by an authorized placement agency or by
 judgement, decree or other order of any court of competent jurisdiction.”*
- Chapter 6, page 6 *ANTICIPATING INCOME FOR INITIAL AND INTERIM
 CERTIFICATIONS
 BHP is required to count all income anticipated to be received from a
 source outside the during the 12 months following admissions or interim
 recertifications. Policies related to anticipating income are provided
 below. (See Chapter 11 for policy for determining income at regular
 triennial recertification.)*

Adjust the heading to read “Basis for *Initial and Interim recertifications* Income Projection”

- Chapter 6, page 2 Add the HUD definition of annual income:
“Annual income is all amounts not specifically excluded that are received from all sources by each family member who is 18 years of age or older or is the head of household, plus unearned income by or on behalf of each dependent who is under 18 years of age.”
- Chapter 6, page 32 Remove second paragraph under “Earned Income limit on Child Care Expense Deductions” (*refers to family receiving EID which HUD has eliminated*)
- Chapter 6, page 13 Add HUD definition of independent contractor, self-employed, day laborer and seasonal worker.
“An independent contractor is an individual who qualifies as an independent contractor instead of an employee in accordance with the IRD Code of Federal Income Tax Requirements or whose earnings are consequently subject to Self-Employment tax. In general, an individual is an independent contractor if the payor has the right to control or direct only the result of the work and not what will be done and how it will be done.”

“Self-employed is an individual who qualifies in accordance with the IRD Code of Federal Income Tax Requirements or whose earnings are consequently subject to Self-Employment tax.”

“Day laborer is a person who is hired and paid one day at a time without any agreement that the individual will be hired or work again in the future.”

“Seasonal worker is a person in a short-term position, usually 6 months or less, that begins at the same time each year”.
- Chapter 6, page 8 Add HUD definition of EARNED INCOME
“Income or earnings from wages, tip, salaries, other employee compensation and net income from self-employed. Eared income does not include any pension or annuity, transfer payments (meaning payments made or income received in which no goods or services are being paid for, such as welfare, social security, and government subsidies for certain benefits) or any cash or in-kind benefits.”
- Chapter 6, page 13 A clerical adjustment to align with MTW waivers from 2023 - Imputing the income from assets – change all amounts to \$50,000

- Chapter 6, page 22 Under additional exclusions add
“Direct Federal or State payments intended for economic stimulus or recovery”
- “Amounts directly received by the family as a result of Federal or State refundable tax credits or State tax refunds at the time they are received”*
- “Lump-sum additions to net family assets, including but not limited to lottery or other contest winnings”*
- “Payment received by Tribal members as a result of claims relating to the mismanagement of assets held in trust by the United States, to the extent such payments are also excluded from gross income under the Internal Revenue Code or other Federal law”*
- Amount that HUD is required by Federal statute to exclude from consideration as income for purposes of determining eligibility or benefits under a category of assistance programs that includes assistance under any program to which the exclusions set forth in xxxx of this section apply. HUD will publish a notice in the Federal Register to identify the benefits that qualify for this exclusion. Updates will be published when necessary”*
- Chapter 6, page 25 Add HUD exclusion to income:
“Any assistance that Section 479B of the Higher Education Act of 1965 as amended requires be excluded from a family’s income. And income and distribution from any Coverdell education savings account under 530 of the Internal Revenue Code of 1986 or any qualified tuition programs under section 529 of such Code. And income earned by government contributions to, and distributed from “baby bonds” accounts created, authorized, or funded by Federal, state or local governments.”
- Chapter 6, page 25 Add HUD exclusion to income
“Income earned by ABLE (Achieving a Better Life Experience) accounts”
- Chapter 6, page 25 Add HUD exclusion to income:
“Replacement housing “gap” payments that offset increased rent and utility costs to families that are displaced from one federally subsidized housing unit and move into another federally subsidized housing unit”
- Chapter 6, page 25 Add HUD exclusion to income:

“Payments related to aid and attendance to veterans in need of regular aid and attendance”

- Chapter 6, page 25 Add HUD exclusion to income
“Adoption assistance payments in excess of \$450 per adopted child”
- Chapter 6, page 25 Add HUD exclusion to income
“Loan proceeds received by the family or a third party (e.g. proceeds received by the family to finance purchase of a car) are excluded from annual income. The loan borrower or co-borrower must be a member of the family for this income exclusion to be applicable.”
- Chapter 6, page 15 Add HUD exclusion to income under “lump sum insurance payments”:
“civil rights settlements or judgements”
- Chapter 6, page 20 Add HUD exclusion to assets:
“anything received in a civil action or settlement based on claim of malpractice, negligence or other breach of data, owed to a family member arising out of law, which result⁴ed in family member being person with a disability
- Chapter 6, page 18 Add HUD definition of assets:
“net family assets is net cash value of all assets owned by family after deducting reasonable costs that would be incurred in disposing of real property, savings, stocks, bonds, and other forms of capital investment”
- Chapter 6, page 33+ Add Hardship Policy to the section “Eligible Child Care Expenses”:
“If a family loses its childcare deduction because it is no longer needed to allow the family member to work, look for work, or further their education, the family may ask for relief under this hardship policy. If the family is able to show that circumstances exist that make it necessary to to 90 days. BHP may extend the deduction for another 90 days if necessary. Third party verification may be required to justify the extension. The family will be sent notice of the decision.
- Chapter 7, page 4 Use of HUD’s Enterprise Income Verification (EIV) System. Add:
“ EIV verification will be used for regular triennial recertifications or in the case of income discrepancies and may be used for interim recertifications. ”
- Chapter 7, page 13 Clarification on self-certification granted by MTW waiver:
“self-certification verification is allowed for assets under \$50,000”

Chapter 7, page 7 Clarification granted by MTW waiver - last paragraph change from \$5000 to \$50,000

Chapter 7, page 10 Under “Documentation Required” add
“If attempts to verify the SSN, self-certification of the SSN number along with a printed document from a third party that includes the person’s name may be accepted. BHP will document the reason why other documentation was not available. If the tenant’s SSN becomes verified in EIV, no more action is necessary. If the SSN fails the SSA identity match, BHP will obtain a valid card issued by SSA or an original document issued by a federal or state government agency that contains the name of the individual and the SSN, along with other identifying information of the individual. If the tenant fails to provide such documentation the assistance will be terminated.”

Chapter 17 page 8 Under/over payment of family’s portion of rent
“BHP will not require families to repay in instances resulting in a family being undercharged for rent when BHP miscalculated the family’s income. Once aware of the error the family will be provided with a 30 day notice of any increase in their rent portion. If the family was overcharged for their portion of rent due to a BHP error, BHP will reimburse the family for the overcharged amount via check?”