

Contact Information

Mailing Address:

TDHCA PO Box 13941 Austin, TX 78711-3941 **Physical Address:**

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Division Phone Number: (512) 305-8869 or (800) 525-0657 (toll free in Texas only)



Announcements

Schedule:

- The training will run from 9:00 am until approximately 12:00 pm
- We will take a break mid-morning, if needed
- Staff will be present to answer any questions

Housekeeping:

- Certificates will not be emailed but you will receive an email confirming your attendance, usually within 24-hours in an email from the GoTo Platform, please check your "junk" folders as we cannot reissue these emails
 - If you did not use your emailed link for the training from your registration you will not receive a follow-up email or show as having attended the webinar
- We suggest you silence your phones and put an "out of office" email response to help avoid distractions during the training
- Please pose questions and comments to the "Questions Box"



- HUD Handbook 4350.3
 - https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsgh/4350.3
 - Chapters 3 and 5 along with corresponding tools and exhibits
- HUD Notice H 2023–10 and Notice PIH 2023–27
 - https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-27pihn.pdf
 - This document replaces Chapters 3 and 5 of the HUD 4350.3 until/unless a revised Handbook is released
 - This document was updated to include further clarifications on February 2, 2024
- Technical Guide for Determining Income and Allowances for the HOME Program
 - https://files.hudexchange.info/resources/documents/HOMEGuideForIncomeAndAllowances.pdf
- 24 CFR 5.609 Annual Income
 - https://www.ecfr.gov/current/title-24/subtitle-A/part-5#5.609







Department Resources

- Compliance Forms
 - https://www.tdhca.texas.gov/compliance-forms
- Manuals and Rules
 - https://www.tdhca.texas.gov/compliance-manuals-and-rules
- Income and Rent Limits
 - https://www.tdhca.texas.gov/income-and-rent-limits
- Training and Presentations
 - https://www.tdhca.texas.gov/compliance-training
 - https://www.tdhca.texas.gov/compliance-program-training-presentations
- Contact List
 - https://www.tdhca.texas.gov/compliance-division-staff





Definitions

Income

- ALL amounts, monetary or not, that go to or are received on behalf of the Head, Spouse, or Co-Head (even if the member is temporarily absent), or any other member
- ALL amounts anticipated to be received from a source outside the applicant group during the 12-month period following admission or certification
- Annual Income includes all amounts not specifically excluded by regulation
- For a listing of income exclusions, refer to Notice 2023–10 and Notice 2023–27. (https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-27pihn.pdf)

Assets

- Assets are items of value that may be turned into cash
- · Not all items of value are considered an asset
- Items are not required to be "cashed out" at time of application
- Income from Assets includes all amounts not specifically excluded by regulation
- For a listing of asset inclusions and exclusions, refer to Notice 2023–10 and Notice 2023–27. (https://www.hud.gov/sites/dfiles/OCHCO/documents/2023-27pihn.pdf)



Income: Excluded Income Sources

- Insurance Payments and Settlements
- Employment Income for Students
- Payments to keep family members with disabilities living at home
- Payments from the U.S. Census Bureau for work on • Income or lump sums **Decennial Census**
- Direct Federal/State Payments for Economic Stimulus or Recovery
- Tax Returns**

- Gifts for holiday, birthdays,
 Income received from a or other significant life events
- Lump sum additions to assets like lottery winnings
- Civil Settlements from an action that caused someone to become disabled
- received from Civil Rights Settlements
- Back-pay received as a result of a Civil Rights Action
- Worker's Compensation

- retirement account
 - · Except for periodic payments
- Certain Student Financial Assistance
- Any other income excluded by CFR 5.609

Any of the Lump Sums outlined on this slide that are placed in an asset, except Tax Returns, will count towards the household assets.



Excluded Assets

The Rodriguez family received a \$4,500 federal tax refund on 3/1/2024 and deposited the refund into their checking account. At their next annual reexamination with an effective date of 8/1/2024, the PHA/MFH Owner asks the family about any assets they own, the anticipated income from the assets, and if they received a federal tax refund or refundable tax credits in the past 12 months and where they deposited the refund/refundable tax credits or if they purchased savings bonds with the refund.

The Rodriguez family explain that they received a \$4,500 refund and that they deposited the refund into their checking account, which has a balance of \$10,000. The Rodriguez family reports that they have actual income of \$100 from the checking account this year. The family owns no other assets. Therefore, the family's total calculation of net family assets is \$10,000. In determining the total value of net family assets, the PHA/MFH Owner subtracts \$4,500 from the total of \$10,000 of net family assets, for a total countable asset of \$5,500. The full value of actual income is included as income, because actual income is always included even on excluded

> Notice H 2023-10 & Notice PIH 2023-27 Example F2: Federal Tax Refund Excluded from Net Family Assets

Assets

Assets are items of value that may be turned into cash

- · Not all items of value are considered an asset
- Items are not required to be "cashed out" at time of application

STEP 1: "ACTUAL INCOME" - The amount of income those assets are earning or could earn

STEP 2: "CASH VALUE" - The total cash value of the family's assets

STEP 3; if required: "IMPUTED INCOME" - The amount of income for assets that do not have a determinable rate of return when the net family assets are more than \$50,000

For any assets whose actual income cannot be determined, calculate imputed income when the household's net family assets are over \$50,000.

Do NOT calculate imputed income for assets whose income is determinable. Do NOT calculate the imputed income based on the total cash value of the assets.

Assets: Verification Requirements

- HOTMA requires that all households have assets fully verified once during each 3 years
 of tenancy, households may then self-certify assets when the total is equal to or less
 than \$50,000. There are some exceptions to this rule:
 - HTC, Exchange, TCAP, and THTF may self-certify assets when the amount is \$50,000 or less
 - BOND must fully verify assets at initial certification and during each 3rd year of tenancy when an income certification is completed
 - MFDL Programs: at Initial Certification the assets must be fully verified by third party or first-hand documentation; also during the 6th year of the affordability period certifications the assets must be verified
- For 811 Program units, the assets must be fully verified by third party or first-hand documentation at Move-In and Initial certifications and during each 3rd year certification for the household
 - All 811 households must have their assets fully verified during the first HOTMA recertification
- All assets can be verified using one (1) statement from the financial institution
 - When verification of assets is required, Owners are required to obtain a minimum of one statement that reflects the current balance of banking/financial accounts



HOTMA: Asset Verifications Outline

What this looks like in a BOND program unit:

- Household moves-in/certifies 5/1/2024 Verify all assets by third party or first-hand
- 2025 and 2026 Self-certify all assets if under \$50,000
- 2027 Verify all assets by first-hand documentation or third party verification
- 2028 and 2029 Self-certify all assets if under \$50,000
- 2030 Verify all assets by first-hand documentation or third party verification

If the development is able to utilize annual data collection requirements then this is not applicable.

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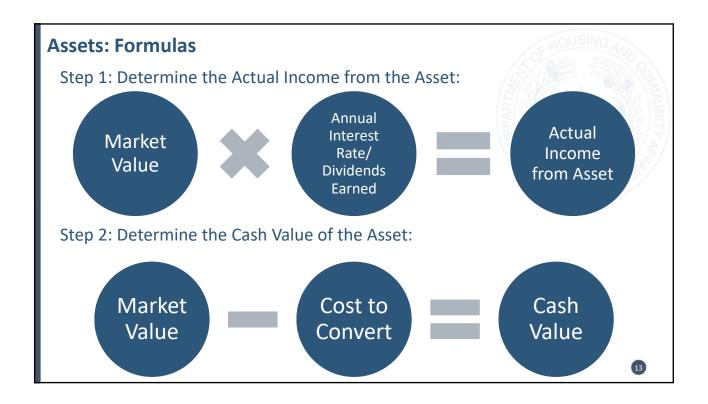
HOTMA: Asset Verifications Outline – Pre-HOTMA Household

What this looks like in a BOND program unit:

- Household moves-in/certifies 5/1/2020 Pre-HOTMA
- 2024 Verify all assets by first-hand documentation or third party verification
- 2025 and 2026 Self-certify all assets if under \$50,000
- 2027 Verify all assets by first-hand documentation or third party verification
- 2028 and 2029 Self-certify all assets if under \$50,000
- 2030 Verify all assets by first-hand documentation or third party verification

If the development is able to utilize annual data collection requirements then this is not applicable.





Assets: Actual and Imputed Income

- Actual Income from assets is always included in a family's annual income, regardless of the total value of net family assets or whether the asset itself is included or excluded from net family assets, unless that income is specifically excluded by 24 CFR 5.609(b).
- Imputed Income must be calculated for specific assets when three conditions are met:
 - The value of net family assets exceeds \$50,000;
 - The specific asset is included in net family assets; and
 - Actual asset income cannot be calculated for the specific asset.
- All assets are categorized as either real property (e.g., land, a home) or personal property. Personal property includes tangible items, like boats, as well as intangible items, like bank accounts.
 - Necessary personal property is excluded from net family assets.
 - **Non-necessary** personal property with a combined value greater than \$50,000, as adjusted for inflation, is considered part of net family assets; if the combined value is \$50,000 or less then all of the non-necessary personal property is excluded from net family assets.
 - For example, a family could have non-necessary personal property with a combined value that does
 not exceed \$50,000 but also own real property such as a parcel of land. Even though the nonnecessary personal property would be excluded from net family assets, the real property would be
 included in net family assets regardless of its value.



Assets: Necessary versus Non-Necessary

Table F1: Examples of Necessary and Non-Necessary Personal Property

Necessary Personal Property

Car(s)/vehicle(s) that a family relies on for transportation for personal or business use (e.g., bike, motorcycle, skateboard, scooter) Recreational car/vehicle n to-day transportation (can motorhomes, travel trailer

- · Furniture, carpets, linens, kitchenware
- Common appliances
- Common electronics (e.g., radio, television DVD player, gaming system)
- Clothing
- Personal effects that are not luxury items (e.g., toys, books)
- Wedding and engagement rings
- Jewelry used in religious/cultural celebrations and ceremonies
- · Religious and cultural items
- · Medical equipment and supplies
- · Health care-related supplies
- Musical instruments used by the family
- Personal computers, phones, tablets, and related equipment
- Professional tools of trade of the family, for example professional books
- Educational materials and equipment used by the family, including equipment to accommodate persons with disabilities
- Equipment used for exercising (e.g., treadmill, stationary bike, kayak, paddleboard, ski equipment)

Non-Necessary Personal Property

- Recreational car/vehicle not needed for dayto-day transportation (campers, motorhomes, travel trailers, allterrain vehicles (ATVs))
- Bank accounts or other financial investments (e.g., checking account, savings account, stocks/bonds)
- . Recreational boat/watercraft
- Expensive jewelry without religious or cultural value, or which does not hold family significance
- Collectibles (e.g., coins/stamps)
- Equipment/machinery that is not used to generate income for a business
- Items such as gems/precious metals, antique cars, artwork, etc.

Examples of Necessary and Non-Necessary Personal Property from Notice H 2023–10 Notice PIH 2023–27



Assets: Always vs. Never

Assets to consider and assets always excluded from February 2024 update to **Notice H 2023–10 & Notice PIH 2023–27**

Assets to consider

- · Stocks, bonds, mutual funds

Checking and savings accounts

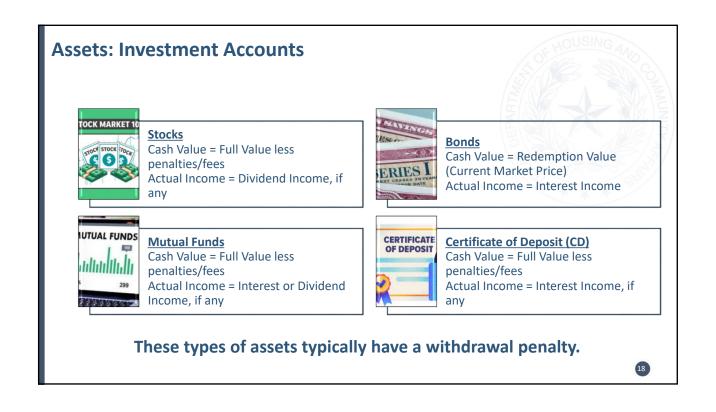
- Luxury items or items that are not necessary, e.g., recreational boat, vehicles not used for regular transportation
- Assets disposed of for less than fair market value; for example, if you gave away a house to someone out outside of the assisted family within the past two years, the value of the house would be considered an asset (except as determined by certain divorce or separation settlements)

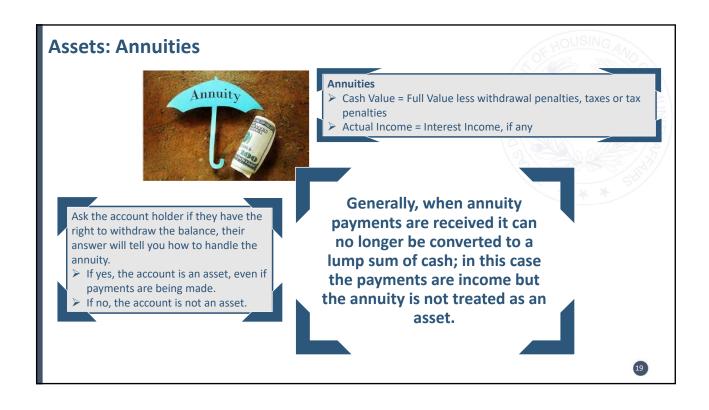
Assets always excluded

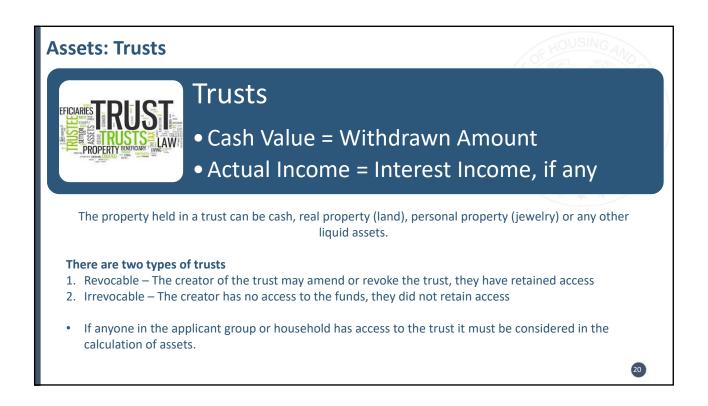
- Retirement accounts (e.g., IRAs, 401k, 403b)
- Educational savings accounts (Section 529, Section 530, Coverdell ESA, etc.)
- · ABLE accounts
- Non-revocable trusts
- Necessary items of personal property (items essential for the maintenance, use, and occupancy of a home or necessary for employment, education, cultural expression, or health and wellness)
- Federal tax refunds (must be subtracted from total net family assets)











Assets: Real Estate

Currently Owns



- Cash Value = Fair Market Value less unpaid principal and reasonable costs incurred to sell
- Actual Income = Zero (it is not earning income)

3rd Party Lives There



- Cash Value = Fair Market Value less unpaid principal and reasonable costs incurred to sell
- Actual Income = Monthly Rent minus interest, taxes, insurance and maintenance fees

Deed of Trust/Contract for Sale



- Cash Value = Unpaid principal portion of mortgage as of the certification effective date
- Actual Income = Interest portion due during the 12-month certification period



Assets: Cryptocurrency



Cash Value = Current market value less penalties/fees

Actual Income = Any income earned by the asset

Cryptocurrency is held online, typically in interest-yielding accounts called Decentralized Finance platforms (DeFis). Treat cryptocurrency like a foreign currency.



Assets: Peer-To-Peer Payment Applications



⁄enmo



Cash App



PayPal



Zelle

- If regular deposits are seen on these assets, the account holder should be asked to provide an explanation.
 - There are cases where these apps are used to sell homemade items and services, If the account is being used this way, the income must be included as self-employed income for the household.
- These sources of assets should be investigated. If there is a balance held in the account, it should be included as an asset on the Income Certification.
- The list above is not exhaustive, these are some of the commonly seen sources.



Assets: Disposed of for Less than Fair Market Value (FMV)



Assets disposed of for less than FMV

- Cash Value = Cash value less the disposed of amount
- Actual Income = No actual income

- Include Cash Value if:
 - Fair Market Value (FMV) of asset(s) disposed of exceeds the gross amount received by more than \$1,000
 - The Certification period is within the 2-year period following disposal
 - When 2-year period expires imputed income, if any, assigned to the reported asset(s) also expires
- Assets disposed of for less than fair market value as a result of *foreclosure*, *bankruptcy*, divorce or separation are NOT counted

Assets: Imputed Income

- Imputed income is a percentage of the value of assets where the actual rate of return is not determinable and when the net family assets total more than \$50,000.
- Imputed Income is calculated based on the current passbook savings rate of .40%
- *Imputed* income is determined by calculating:



2024 Passbook Rate = 0.40%

HUD will evaluate this amount annually for inflation adjustments



Assets Under \$50,000

Assets Post HOTMA

Checking account with no interest: \$180 – non-necessary personal property \$8,000 – non-necessary personal property

Land with no determined rate of return: \$25,000 – real property

Tax Return total for the household: \$2,000 – excluded from Net Family Assets

How much is the actual income from net family assets?

\$0 from the Checking Account; \$160 from the Savings Account and \$0 from the Land
How much is the imputed income from the net family assets?

No imputed income will be included, household assets are less than \$50,000, only

actual income from assets will be included

How much income from net family assets should be included on the Income Certification?

For the ALL programs: \$0 checking (actual); \$160 savings (actual); \$0 land



Assets on the Income Certification

Putting it on the Income Certification:

Checking account with no interest: \$180 Income: \$0.00 (actual)
Savings account with 2% interest rate: \$8,000 Income: \$160.00 (actual)
Land with no determined rate of return: \$25,000 Income: \$0 (under \$50,000)

Tax Return total for the household: (\$2,000) Excluded

Total of Net Family Assets: \$23,000

PART IV. INCOME FROM ASSETS							
НН	(F)	(G)	(H)	(1)	(J)	(K)	
Mbr.#	Type of Asset	C/D	N/R	Cash Value of Asset	A/I	Annual Income from	
						Asset	
1	Checking	C	N	\$180.00	A	\$0.00	
1	Savings	С	N	\$8,000.00	A	\$160.00	
1	Land/Real Estate	С	R	\$25,000.00	n/a	\$0.00	
1	Tax Return Removed			(\$2,000)	n/a	n/a	
	(L) TOTAL NON-NECESSARY PERSO	NAL PROP	ERTY:	\$8,180.00	(M) Total Actual Income:	\$160.00	
	(N) TOTAL NET I	AMILY AS	SETS:	\$23,000.00	(O) Total Imputed Income:	\$0.00	
				(P) TOTAL INCOM	ME FROM ASSETS [(M) + (O)]:	\$160.00	



Assets Over \$50,000

Assets Post HOTMA

Checking account with no interest: \$18,000 – non-necessary personal property \$ 8,000 – non-necessary personal property

Land with no determined rate of return: \$25,000 – real property

Tax Return total for the household: \$2,000 – excluded from Net Family Assets

How much is the actual income from assets?

 $0 \ from Checking; 160 \ from Savings ($8,000 x 2%) and <math display="inline">0 \ from the \ Land$

How much is the imputed income from the assets?

\$0

How much income from assets should be included on the Income Certification?

For the ALL programs: \$0 checking (actual); \$160 savings (actual); \$0 land



Assets at Layered Properties on the Income Certification

Putting it on the Income Certification:

Checking account with no interest: \$18,000 Income: \$0.00 (actual)
Savings account with 2% interest rate: \$8,000 Income: \$160.00 (actual)

Land with no determined rate of return: \$25,000 Income: \$0.00

Tax Return total for the household: \$25,000 Excluded

Total of Net Family Assets: \$23,000

PART IV. INCOME FROM ASSETS							
HH	(F)	(G)	(H)	(1)	(1)	(K)	
Mbr#	Type of Asset	C/D	N/R	Cash Value of Asset	A/I	Annual Income from	
						Asset	
1	Checking	C	N	\$18,000.00	A	\$0.00	
1	Savings	С	N	\$8,000.00	A	\$160.00	
1	Land/Real Estate	С	R	\$25,000.00	n/a	\$0.00	
1	Tax Return Removed			(\$2,000.00)	n/a	n/a	
	(L) TOTAL NON-NECESSARY PERSO	NAL PROP	ERIY:	\$26,000.00	(M) Total Actual Income:	\$160.00	
	(N) TOTAL NET I	AMILY AS	SETS:	\$23,000.00	(O) Total Imputed Income:	\$0.00	
				(P) TOTAL INCOM	ME FROM ASSETS [(M) + (O)]:	\$160.00	



Passbook

Savings Rate

will be .40%

Non-Necessary Personal Property Over \$50,000

Assets Post HOTMA

Checking account with no interest: \$18,000
Savings account with 2% interest rate: \$35,000
Land with no determined rate of return: \$25,000

Tax Return total for the household: \$ 5,000 (Excluded)

Total of Net Family Assets: \$73,000

How much is the actual income from net family assets?

\$0 from Checking; \$700 from Savings (\$35,000 x 2%) and \$0 from the Land

How much is the imputed income from the net family assets?

For the Land: \$100 (\$25,000 x .40%)

How much income from assets should be included on the Income Certification?

For the ALL programs: \$0 checking (actual); \$700 savings (actual); \$100 land (imputed)



Assets on the Income Certification

Putting it on the Income Certification:

Checking account with no interest: \$18,000 Income: \$0.00 (actual)
Savings account with 2% interest rate: \$35,000 Income: \$700.00 (actual)
Land with no determined rate of return: \$25,000 Income: \$100.00 (imputed)

Tax Return total for the household: (\$5,000) Excluded

Total of Net Family Assets: \$73,000

	PART IV. INCOME FROM ASSETS							
НН	(F)	(G)	(H)	(1)	(1)	(K)		
Mbr#	Type of Asset	C/D	N/R	Cash Value of Asset	A/I	Annual Income from		
						Asset		
1	Checking	С	N	\$18,000.00	A	\$0.00		
1	Savings	С	N	\$35,000.00	A	\$700.00		
1	Land/Real Estate	С	R	\$25,000.00	I	\$100.00		
1	Tax Return Removed			(\$5,000.00)	n/a	n/a		
	(L) TOTAL NON-NECESSARY PERSON	NAL PROP	ERTY:	\$53,000.00	(M) Total Actual Income:	\$700.00		
	(N) TOTAL NET F	AMILY AS	SSETS:	\$73,000.00	(O) Total Imputed Income:	\$100.00		
				(D) TOTAL INCOM	ME EDOM ASSETS [(M) + (O)].	¢800.00		



2024 Passbook

Savings Rate

will be .40%

Non-Necessary Personal Property Under \$50,000

Assets Post HOTMA

Checking account with no interest: \$1,000 Savings account with 2% interest rate: \$300 Land with no determined rate of return: \$75,000

Tax Return total for the household: \$ 5,000 Excluded

Total of Net Family Assets: \$70,000

How much is the actual income from assets?

\$0 from Checking; \$6 from Savings (\$300 x 2%) and \$0 from the Land

How much is the imputed income from the assets?

For the Land: \$300 (\$75,000 x .40%)

How much income from assets should be included on the Income Certification?

For the ALL programs: \$0 checking (actual); \$6 savings (actual); \$300 land (imputed)



Assets on the Income Certification

Putting it on the Income Certification:

Checking account with no interest: \$1,000 Income: \$0.00 (actual)
Savings account with 2% interest rate: \$300 Income: \$6.00 (actual)
Land with no determined rate of return: \$75,000 Income: \$300.00 (imputed)

Tax Return total for the household: (\$ 5,000) Excluded

Total of Net Family Assets: \$75,000

PART IV. INCOME FROM ASSETS							
НН	(F)	(G)	(H)	(1)	(1)	(K)	
Mbr.#	Type of Asset	C/D	N/R	Cash Value of Asset	A/I	Annual Income from	
						Asset	
1	Checking	С	N	\$1,000.00	A	\$0.00	
1	Savings	С	N	\$300.00	A	\$6.00	
1	Land/Real Estate	С	R	\$75,000.00	I	\$300.00	
1	Tax Return Removed			(\$5,000.00)	n/a	n/a	
	(L) TOTAL NON-NECESSARY PERSO	NAL PROP	ERTY:	\$1,300.00	(M) Total Actual Income:	\$6.00	
	(N) TOTAL NET I	AMILY AS	SETS:	\$70,000.00	(O) Total Imputed Income:	\$300.00	
	\$306.00						



Assets: Exclusions in HOTMA Do Not Impact Department Programs

HOTMA does have an asset exclusion for households that have assets totaling more than \$100,000 and for households owning real estate.

These exclusions do not apply to the Department programs because all of our programs are covered under good cause protections and income is not a good cause. The exclusions are Public Housing and Section 8 requirements that do not impact Department programs.



