

EXHIBIT 5 (CONT.)

4. Comments: _____

CENTER FOR HEALTH POLICY STUDIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. N-95-3853; FR-3833-N-02]

Preferences for Admission to Assisted Housing; Preference for Working Families—Notice of Statutory Amendment; Clarification

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner; and Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: On January 18, 1995, HUD published a notice that advised that sections 6(c)(4)(A)(ii) and (8)(d)(1)(A)(ii) of the U.S. Housing Act of 1937 were amended by the HUD Appropriations Act for Fiscal Year 1995 to provide a discretionary local preference for admission to public housing and HUD-assisted housing for “families that include one or more adult members who are employed.” The amendment by the HUD Appropriations Act provides that this preference for working families “shall be effective only during fiscal year 1995.”

The purpose of this notice is to clarify that preferences for admitting working families to public housing and HUD-assisted housing can continue to be used indefinitely, under the conditions described in HUD final rules published on July 18, 1994, and entitled, respectively, “Preferences for Admission to Assisted Housing” and “Section 8 Certificate and Voucher Programs Conforming Rule: Admissions.”

FOR FURTHER INFORMATION CONTACT: For the public housing and Section 8 Existing Housing programs, Sherone Ivey, Occupancy Division, Office of Public Housing, (202) 708-0744 (voice); (202) 708-0850 (TDD).

For other Section 8 programs, Barbara Hunter, Planning and Procedures Division, Office of Multifamily Housing, Office of Housing (202) 708-3944 (voice); (202) 708-4594 (TDD).

None of these telephone numbers is toll-free. The individuals listed above are located at the Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC 20410.

SUPPLEMENTARY INFORMATION:**I. Background**

On January 18, 1995 (60 FR 3646), HUD published a notice that advised that sections 6(c)(4)(A)(ii) and (8)(d)(1)(A)(ii) of the U.S. Housing Act of 1937 (42 U.S.C. 1437d and 42 U.S.C.

1437f) were amended by the HUD Appropriations Act for Fiscal Year 1995 (Pub.L. 103-327, approved September 28, 1994, 108 Stat. 2315) to provide a discretionary local preference for admission to public housing and HUD-assisted housing for “families that include one or more adult members who are employed.” The two statutory amendments cover public housing and section 8 existing housing.

In the January 18, 1995 notice, HUD noted that the preference added by the Congress is consistent with two HUD final rules, both published on July 18, 1994, and entitled, “Preferences for Admission to Assisted Housing” (59 FR 36616), and “Section 8 Certificate and Voucher Programs Conforming Rule: Admissions” (59 FR 36662). The January 18, 1995 notice also advised that the HUD Appropriations Act provides that this preference “shall be effective only during fiscal year 1995.”

Since publication of the January 18, 1995 notice, HUD has received a number of inquiries concerning the HUD Appropriations Act “limitation” of the working family preference to FY 1995.

The purpose of this notice is to clarify that preferences for admitting working families to assisted housing can continue to be used indefinitely, under the conditions described in the two HUD final rules published on July 18, 1994.

The amendments made by the HUD Appropriations Act cover public housing and section 8 existing housing (including section 8 project-based assistance), but not Indian housing. However, all three programs can establish preferences for working families, according to the terms in HUD regulations, and HUD encourages the adoption and continued use of such preferences.

Dated: April 24, 1995.

Jeanne K. Engel,

General Deputy Assistant Secretary for Housing—Federal Housing Commissioner.

Michael B. Janis,

General Deputy Assistant Secretary for Public and Indian Housing.

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Office of the Assistant Secretary for Administration

[Docket No. N-95-3914; FR 3896-N-01]

Privacy Act of 1974—Amended System of Records

AGENCY: Office of the Assistant Secretary for Administration, HUD.

ACTION: Notice; Modification of an existing system of records.

SUMMARY: Pursuant to the provision of the Privacy Act of 1974, as amended (5 U.S.C. 552a) the Assistant Secretary for Public and Indian Housing is amending the system of records titled, “Tenant Eligibility Verification Files”—HUD/PIH-1, previously published at 58 FR 37600; July 12, 1993 and amended at 59 FR 14869; March 30, 1994. This system of records contains computer matching and tenant eligibility verification records necessary to support the identification of tenants who have been or may be obtaining excessive rental housing assistance. The system of records also supports referrals of information concerning those tenants to entities that administer HUD rental assistance programs (i.e., housing agencies [which includes public housing agencies and Indian housing authorities], owners of subsidized multifamily projects, and management agents) and to law enforcement agencies for possible administrative or legal actions, as appropriate. However, HUD may not redisclose to entities that administer HUD programs information that HUD obtains from the Social Security Administration (SSA) and the Internal Revenue Service (IRS), pursuant to 26 U.S.C. 6103(l)(7)(D)(ix)—a section of the Internal Revenue Code added by section 13403 of the Omnibus Budget Reconciliation Act of 1993, Pub. L. 103-66.

Amendments to the system of records: (a) Expand the scope of HUD/PIH-1 to include: Tenant records for all HUD assisted housing programs; earned and unearned income records that HUD will obtain from the SSA and the IRS, respectively; Title II (social security) and Title XVI (supplemental security income) records that HUD will obtain from the SSA; records provided by other Federal agencies for matching to tenant data that may affect determinations of eligibility for, or the amount of, HUD or other Federal benefits that tenants receive, (b) cite legal authorities for the SSA and the IRS records to be included in HUD/PIH-1, (c) cite routine uses for the SSA and the IRS records, (d) delete specific reference to United States Postal Service records, (e) increase the retention period for the HUD/PIH-1 records from 6 months to 1 year, (f) incorporate the additional routine use previously published at 59 FR 14869; March 30, 1994, concerning referral to Federal employers to ensure effective implementation of the Standard of Ethical Conduct for Employees of the Executive Branch, and (g) add a routine use concerning statistical information