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Regulations Division
Office of General Counsel
Department of Housing and Urban Development
451 Seventh St., SW
Washington, DC 20410

Re: 60-Day Notice of Proposed Information Collection: Restriction on Assistance to Noncitizens and Authorization to Release Information/Privacy Act
OMB Control No: 2577-0295

Gentle People:

PHADA appreciates the opportunity to reply to HUD's Request for Comment regarding changes to HUD Form 9886-A. PHADA represents approximately 1,900 public housing agencies (PHAs) across the nation that administer the Public Housing, Housing Choice Voucher, Project-Based Voucher, Rental Assistance Demonstration (RAD), and other federal affordable housing programs.

In summary, PHADA objects to HUD's classification of this collection as an "extension of a currently approved collection," as the revised 9886-A Form makes two key changes to the prior version. Crucially, those changes modify the intent of the information collection—from merely verifying households' income to verifying their income *and citizenship information*. As discussed below, the revision also contravenes Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a).

For those reasons, PHADA believes that HUD should:

- Retract this proposed information collection,
- Revise the proposed 9886-A form to conform with Section 214, and
- Reissue this information collection as either a "Revision of a currently approved collection" (if HUD proposes to verify citizenship information in compliance with Section 214) or as an "Extension of a currently approved collection" (if HUD continues to only use the 9886-A form for verifying income).

We discuss specific concerns below.

Current 9886-A Form Collects Limited Information for a Limited Purpose

Currently, HUD Form 9886-A authorizes PHAs to verify households' income against state and federal data sources using the Enterprise Income Verification (EIV) system. Prior to January 2024, this form was known as HUD-9886 and households were required to complete the form at their first income certification and at every annual certification. After January 2024, households must only complete this form at their first annual certification, and it was renamed HUD-9886-A. This change was made in accordance with provisions included in the Housing Opportunity through Modernization Act of 2016.

The current 9886-A form collects the following information:

- Head of household signature and Social Security Number (if any), and
- Signatures from other household members over age 18.

The data sources that PHAs use to verify income using the current form are limited to:

- State wage collection agencies,
- Social Security Administration (limited to age, self-employment information, and retirement income payments),
- Internal Revenue Service, and
- Other information that the PHA determines is needed to verify participants' eligibility and level of benefits for assisted housing programs.

HUD is Proposing Significant Changes that Alter Purpose of Form

In its revision to the 9886-A form, HUD is proposing two changes that, taken together, fundamentally alter the nature of the information collection. For that reason, PHADA objects to the Department's classification of this revision as an "extension of a currently approved collection."

First, the revised 9886-A will now collect Social Security numbers and dates of birth for *all members* of the household over age 18. As discussed earlier, the current form only collects the SSN of the head of household and does not collect dates of birth for any household members.

Second, the data against which the form will verify information has also changed, and that change fundamentally alters the nature of the information collection. In addition to the wage sources discussed above, the form will now authorize:

> *… the Social Security Administration (SSA) to verify and disclose to HUD and [PHAs] whether the name, Social Security Number (SSN) and date of birth … matches information in SSA records and to disclose explanatory information identifying the data element(s) that do not match the information in SSA's records in the event of a discrepancy.*

This change alters the purpose of the information collection—from merely verifying the income of participants to verifying both their income and citizenship information. Furthermore, requiring individuals over age 62 to provide their SSNs for the purpose of citizenship verification contravenes Section 214 of the Housing and Community Development Act of 1980, which exempts individuals age 62 and older from citizenship verification requirements prior to receiving housing assistance.

HUD Should Retract and Reissue this Information Collection

Given the changes discussed in the previous paragraphs, PHADA believes that the Department's proposed revisions constitute significant changes that do not justify its classification as an extension of a currently approved collection. Not only is the data collected being modified on the form, but the form's purpose is as well—from verifying income information to verifying income *and citizenship*.

With these concerns, PHADA asks HUD to:

- Retract this proposed information collection,
- Revise the proposed 9886-A form to conform with Section 214, and
- Reissue this information collection as either a "Revision of a currently approved collection" (should HUD propose to verify citizenship information through this form in compliance with Section 214) or as an "Extension of a currently approved collection" (should HUD continue to only use the 9886-A form for verifying income).

PHADA thanks the Department for the opportunity to comment and looks forward to working with HUD to ensure that PHAs across the country continue to provide safe, decent, and affordable housing to low-income families.

Respectfully,

Michael D. Webb, PhD
Deputy Executive Director