

HOTMA 102/104 Appendix to the ACOP

Purpose of the Appendix

HUD published a final rule on February 14, 2023, revising regulations related to income, assets, adjusted income, verification, and reexaminations and more to implement Sections 102 and 104 of HOTMA. While the new regulations were effective January 1, 2024, HUD delayed full compliance for HOTMA 102/104. *Compliance* with Sections 102 and 104 of HOTMA means not only applying HOTMA 102/104 regulations to affected programs but also submitting Form HUD-50058s with family information to HUD's electronic reporting system. Currently, PHAs remain unable to fully comply with HOTMA 102/104 because HUD's current IMS/PIC system is unable to accept HOTMA-compliant Form HUD-50058s. However, HUD has determined that some HOTMA 102/104 policies are not dependent on transition systems and specified a PHA implementation date for these policies of July 1, 2025.

HOTMA 102/104 policies are provided in each affected area of the model policy. Some HOTMA policies that are "on hold" are indicated in the model policy as such. This appendix explicitly identifies all HOTMA elements that are on hold.

The PHA must:

- Have stopped enrolling families into the EID as of 12/31/23;
- Transition to the new Form HUD-9886-A no later than 2/1/25;
- Apply HOTMA 102/104 income exclusions listed in [24 CFR 5.609\(b\)](#) (including new requirements for student financial assistance) for all income examinations effective on or after 7/1/25;
- Apply provisions related to de minimis errors; and
- Use new HOTMA 102/104 definitions listed in the regulations for all transactions effective on or after 7/1/25.

These are found in Chapter 6 of policy, although some may also be found in other chapters. The definitions. These definitions include:

- Earned income
- Unearned income
- Family
- Day laborer
- Independent contractor
- Dependent
- Foster child and foster adults
- Health and medical care expenses
- Minor

Further, PHAs **may**, but are not required to:

- Stop using the EIV Income Report during interim reexams.
- Use Safe Harbor income determinations from means-tested federal assistance programs to verify a family's income and assets.

Finally, in FAQs dated 2/22/24, HUD also stated PHAs **may**, but are not required to:

- Accept third-party verification dated within 120 days of the date received by the PHA (rather than 60 days of the reexam/PHA request date);
- Accept a statement dated within the appropriate benefit year for fixed income sources like Social Security; and
- Accept a self-certification of SSNs along with a third-party document as a last resort if an individual is not able to provide documentation of SSN.

More details about each of the above provisions can be found in Notice [PIH 2023-27](#).

Other than what is listed above, all other provisions of HOTMA 102/104 remain on hold. This means **PHAs may not yet implement certain provisions of HOTMA**. These include:

- All asset provisions, including the asset limitation;
- All adjusted income provisions, with the exception of the definition of health and medical care expenses;
- Inflationary adjustments (although PHAs may choose to use the HUD-determined passbook rate instead of a PHA-determined passbook rate);
- The new verification hierarchy, which allows for EIV + self-certification and for policy allowing the PHA to not use either third-party verification form or oral third-party verification before proceeding to accepting self-certifications;
- Annual reexaminations using the previous 12-month period income;
- Interim reexamination requirements; and
- Non-interim reexamination transactions.

PHAs may not implement the above provisions because HUD's current IMS/PIC system is unable to accept HOTMA-compliant Form HUD-50058s. PHAs should await further guidance from HUD on when these will be applicable.

HOTMA 102/104 Policies Not Yet Implemented

Chapter 00

No HOTMA 102/104 policies apply.

Chapter 1

No HOTMA 102/104 policies apply.

Chapter 2

No HOTMA 102/104 policies apply.

Chapter 3

Model policy section 3-II.D. FAMILY CONSENT TO RELEASE OF INFORMATION is amended to comply with section J.2 of Notice PIH 2023-27, Revocation of Consent
Model Policy section 3-III.C. RESTRICTION ON ASSISTANCE BASED ON ASSETS is added to comply with section A.1 of Notice PIH 2023-27, Asset Limitation
HOTMA 102/104 policies related to the definition of family, foster children, and foster adults applied no later than July 1, 2025.

Chapter 4

No HOTMA 102/104 policies apply.

Chapter 5

No HOTMA 102/104 policies apply.

Chapter 6

Prior to the PHA's HOTMA compliance date, the PHA will follow policies in Chapter 6.A (as updated for Notice PIH 2024-38).

Upon the PHA's HOTMA compliance date, the PHA will follow policies in Chapter 6.B.

Chapter 7

Prior to the PHA's HOTMA compliance date, the PHA will follow policies in Chapter 7.A (as updated for Notice PIH 2024-38).

Upon the PHA's HOTMA compliance date, the PHA will follow policies in Chapter 7.B.

Chapter 8

No HOTMA 102/104 policies apply.

Chapter 9

Prior to the PHA's HOTMA compliance date, the PHA will follow policies in Chapter 9.A.

Upon the PHA's HOTMA compliance date, the PHA will follow policies in Chapter 9.B.

Chapter 10

No HOTMA 102/104 policies apply.

Chapter 11

No HOTMA 102/104 policies apply.

Chapter 12

No HOTMA 102/104 policies apply.

Chapter 13

Model policy section 13-II.B. FAILURE TO PROVIDE CONSENT is amended to comply with section J.2 of Notice PIH 2023-27, Revocation of Consent

Model Policy section 13-III.C. OTHER AUTHORIZED REASONS FOR TERMINATION is amended to comply with section A.1 of Notice PIH 2023-27, Asset Limitation

Chapter 14

No HOTMA 102/104 policies apply.

Chapter 15

HOTMA 102/104 policies related to de minimis errors applied no later than July 1, 2025.

Chapter 16

No HOTMA 102/104 policies apply.

Glossary

The following definitions applied no later than July 1, 2025:

- Annual income (revised)
- Day laborer
- De minimis error
- Earned income
- Family (revised)
- Foster adult
- Foster child
- Independent contractor
- Inflationary index
- Net family assets (revised)
- Real property
- Seasonal worker
- Unearned income