

# RBD FASTCLASS – CHILDREN WITH NO SOCIAL SECURITY NUMBER

For Customers of Ross Business Development, Inc.



Ross Business Development, Inc.

## RBD FASTClass – Children with No Social Security Number

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### Disclaimer

The material contained in this document is not comprehensive of the continually emerging issues surrounding policies in The Multifamily Housing industry. In addition, the handbook guidance is derived from The HUD Handbook 4350.3 Rev 1 Change 4 released in August 2013 and in December 2013 and subsequent notices and memos from HUD.

These materials were updated 8/2022.

The reader should understand that these materials are not designed for, nor should be relied upon, as a source of legal guidance or as a final authority with respect to any particular circumstance.

Ross Business Development makes no warranty of merchantability or fitness for a particular purpose or any other warranty of any type with regard to these materials. Owners and management should seek competent legal advice in developing and carrying out housing policies and procedures.

We have been diligent in our efforts to provide comprehensive and accurate regulatory instruction; Ross Business Development shall not be responsible for errors or inaccuracies.

## RBD FASTClass – Children with No Social Security Number

### **INTRODUCTION**

This FASTClass was created to address questions about what to do:

- ✧ When an applicant family includes a child who does not have a Social Security Number; and
- ✧ When a resident family wishes to add a child who does not have a Social Security Number.

This class was designed to assist property staff and auditors.

We chose this topic because there still seems to be some confusion in the industry and Reviewers continue to issue findings for noncompliance.

The first common finding is delaying creation of the certification. With the release of HSG Notice 2010-08 [Implementation of Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System - Amendments; Final Rule](#), HUD has instructed owner/agents to immediately add a new child to the household - even if the parent/guardian has not acquired a Social Security Number.

The second common finding occurs when an owner/agent gets the Social Security Number, and the owner/agent creates a “correction to prior” rather than a second IR. Owner/agents must follow the guidance provided in HUD’s MAT Guide.

- ✧ When adding a new child to an existing household, owner/agents are instructed to use ID Code 999999999 and the Exception Code “M – Minor” when completing the 50059
- ✧ Once the family provides the new Social Security Number and adequate documentation to verify the Social Security Number, another Interim Recertification (or an AR if the timing is such that the AR is due) is created and sent to HUD removing the M – Minor Exception Code and adding the new Social Security Number.

The third mistake we see is that owner/agents fail to follow up and obtain the Social Security Number. Remember, if the family does not provide the Social Security Number within 90 days, the family is no longer eligible for tenancy.

HUD Guidance is provided via:

- ✧ Final Rule [Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System](#).
- ✧ HUD HSG Notice 10-08 [Implementation of Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System - Amendments; Final Rule](#)
- ✧ March 8, 2016, Federal Register Notice (Final Rule) entitled [Streamlining Administrative Regulations for Public Housing, Housing Choice Voucher, Multifamily Housing, and Community Planning and Development Programs](#).
- ✧ HUD HSG Notice 16-09 [Streamlining Administrative Regulations for Multifamily Housing Programs](#).
- ✧ HUD’s [TRACS 2.0.2.D MAT Guide](#)



We also provide a FASTFacts document which is available on our Resources Page.

<https://www.rbdnow.com/resources/noticeforms>.

### **SOCIAL SECURITY NUMBER DISCLOSURE REQUIREMENTS**

**Until January 31, 2010**, HUD required that all residents provide a Social Security Number and adequate documentation to verify the Social Security Number. If a resident did not have a Social Security Number, the resident could provide a certification stating that no Social Security Number had been assigned. Children under the age of six were exempt from providing a Social Security Number.

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HUD changed Social Security Disclosure Requirements with the release of the Final Rule [Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System.](#)



This change became **effective on January 31, 2010** and requires applicants and residents to disclose Social Security Numbers and adequate documentation to verify the Social Security Number. Certain exemptions apply. Household members are exempt if the member:

- ❖ Was 62 or older as of January 31, 2010 and receiving HUD assistance as of January 31, 2010 or
- ❖ Is claiming status as an ineligible non-citizen,
- ❖ Is a child, under the age of six, being added to an existing family.

The instruction explaining Social Security Number (Social Security Number) disclosure was enhanced with the release of [HUD HSG Notice 10-08 Implementation of Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System – Amendments; Final Rule](#)

Another exemption was added **Effective April, 7, 2016** with the release of [HUD HSG Notice 16-09 Streamlining Administrative Regulations for Multifamily Housing Programs.](#) If an applicant family approaches the top of the waiting list and the family includes a child under the age of six who does not have a Social Security Number, the child is exempt for 90 days if the child **was added to the family within six months of the move-in date.**

Disclosure of Social Security Numbers for non-exempt members is required at MI/IC or at AR/IR if a new resident is added or if a resident's exemption status changes.

Let's take a look at how this all works when there is no Social Security Number (or adequate documentation to verify the Social Security Number) for a child under the age of six.

### **SOCIAL SECURITY NUMBER DISCLOSURE AT INTERIM RECERTIFICATION (ADDING A CHILD)**



**Effective January 31, 2010**, HUD requires all non-exempt residents to disclose Social Security Numbers and adequate documentation to verify the Social Security Number.

There is an exemption for residents adding a child under the age of six (6) to an existing household (IR/AR) when there is no Social Security Number or no documentation to verify the Social Security Number.

*...If the new household member is under the age of six, special consideration regarding Social Security Number disclosure and verification of Social Security Numbers is given.*

*The household will be given ninety (90) calendar days to provide the Social Security Number and adequate documentation to verify the Social Security Number provided. In some cases, an additional ninety (90) days may be provided.*

*If the household fails to provide the required Social Security Number information within the allotted timeframe, the household's tenancy will be terminated (eviction) in accordance with HUD requirements.*

Remember, since the release of HUD HSG Notice 10-08 (page 8)...

*"... If the child does not have a Social Security Number, the O/A must give the household 90 days in which to provide documentation of a Social Security Number for the child. An additional 90-day period **must** be granted by the O/A if the failure to provide documentation of a Social Security Number is due to circumstances that are outside the control of the tenant. Examples include but are not limited to: delayed processing of the Social Security Number application by the SSA,*

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*natural disaster, fire, death in family, etc. During this time period, the child is to be included as part of the household and will receive all of the benefits of the program in which the tenant is involved, including the Dependent Deduction.*

Owner/agents **must not wait until the resident can provide a Social Security Number** for the new child under the age of six years old. In these cases, the owner/agent must create an IR or AR (depending on the timing) and add the child using ID Code 999999999 and including the Exception Code “M” to designate an exemption for a Minor.

TRACS will assign a TRACS Identification Number which must be used on all future certifications. This TRACS ID can usually be found in EIV after the certification is processed in TRACS (check the Failed Pre-Screening Report).

The owner/agent should advise the household that they have 90 days to provide the Social Security Number and adequate documentation to verify the Social Security Number or the owner/agent is required to terminate tenancy.

When the resident provides the information for the child, the OA completes a new Interim Recertification (or AR depending on the timing) adding the new Social Security Number and removing the “M” Exception Code.

If the household has not provided the Social Security Number and/or required documentation in 60 days, the owner/agent should send the 30 day Notice of Termination of Tenancy.

The owner/agent must extend the exemption period up to ninety (90) additional days based on HUD rules:

- ✧ The reason that the resident cannot provide the Social Security Number is beyond the resident’s control; and
- ✧ The OA can expect to get the Social Security Number within the next ninety (90) days.

### **SOCIAL SECURITY NUMBER DISCLOSURE AT MOVE-IN**

The rules are similar, but not quite the same, when an applicant family includes a child, under the age of six, who does not have a Social Security Number or the family does not have adequate documentation to verify the Social Security Number.

When the Social Security Disclosure Requirements first changed, in January 2010, there was no exemption for children under the age of six at move-in.

**Between January 31, 2010 and April 7, 2016**, an owner/agent **could not allow a new family to move-in when a child** did not have a Social Security Number unless:

- ✧ The child was exempt because the child was an ineligible non-citizen or
- ✧ The owner/agent had written approval from HUD

**Effective April, 7, 2016**, if an applicant family approaches the top of the waiting list and the family includes a child under the age of six, the owner/agent is required to collect a Social Security Number and adequate documentation to verify the Social Security Number. If the parents/guardians claim that the child – under the age of six – does not have a Social Security Number or adequate documentation to verify the Social Security Number:

- ✧ The child is exempt if the child is an ineligible non-citizen
- ✧ The child is exempt for 90 days if the child **was added to the family within six months of the move-in date**. In this case, the resident household must provide the Social Security Number and adequate documentation within 90 days of the move-in date (can be extended another 90 days in specific cases). If the Social Security Number and/or required documentation is not provided within 90 days the owner/agent **must** terminate tenancy (evict).

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TRACS has not been updated to handle this change. HUD provides a “work around” [HUD HSG Notice 16-09 Streamlining Administrative Regulations for Multifamily Housing Programs](#). Until the next version of TRACS is released, owner/agents MUST submit the Move-in certification using the ID Code 999990000 for the exempt child. Owner/agents will leave the Social Security Number Exception field blank.

TRACS version 2.0.3.A will be designed to accept a MI or IC certification when a child is exempt from the Social Security Number Disclosure Requirement.

The household **is not eligible** to move in if the child (under the age of six – without an Social Security Number or adequate documentation for verify the Social Security Number) was as added to the household more than six months before the move-in date.

### **CERTIFICATION THAT NO SOCIAL SECURITY NUMBER HAS BEEN ASSIGNED**

While not required, our sample policies require any applicant or resident who has not disclosed a Social Security Number, self-certify that they do not have an Social Security Number and that they understand HUD’s rules and requirements regarding disclosure.

### **THE EIV EXISTING TENANT SEARCH**

Owner/agents will also need to document the tenant file explaining that the EIV Existing Tenant Search was not reviewed before the child moved in because the child was exempt from the SSN Disclosure Requirements when the child moved-in or was added to an existing family.

### **FAILURE TO PROVIDE THE SOCIAL SECURITY NUMBER WITHIN 90 DAYS**

Owner/agents must follow up with residents when no Social Security Number or required documentation has been provided for a child. Failure to provide the Social Security Number and adequate documentation to verify the Social Security Number as required is reason for termination of tenancy for all of HUD’s Multifamily Housing programs.

Owner/agents are allowed to collect subsidy while the owner/agent seeks eviction, so no termination of assistance is required.

However, if an owner/agent fails to follow-up and obtain the Social Security Number and appropriate documentation, the owner/agent is not compliant.

During an MOR, a Reviewer may determine that the owner/agent was not entitled to subsidy. The owner/agent may be required to return any improper payment.

### **FOSTER CHILDREN**

Families are required to comply with the Social Security Number Disclosure Requirements for foster children.

In some cases, the family may not have a child’s Social Security Number or adequate documentation to verify the Social Security number is because:

- ❖ The child is a foster child; and
- ❖ The foster agency will not provide the Social Security Number information.

In order to allow the child to live in the unit, owner/agents must contact HUD and request a special exception.

Owner/agents should contact their HUD Account Executive and the Account Executive will process a request for a special exemption.

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### THE TENANT SELECTION PLAN

Owner/agents are required to update the TSP to reflect this change. In response, RBD has edited the FASTForms TSP. See Appendix A of this workbook.

For additional training related to Interim Recertification visit our RBD OnDemand Training Page at <https://www.rbdnow.com/ondemandtraining>.

To purchase forms shown in this class

[Self Certification No SSN](#)  
[Notice of Termination of Tenancy - Failure to Provide SSN for Minor](#)

Visit our RBD FASTForms Page <https://www.rbdnow.com/fast-forms>.

Policies and Forms can be purchased as part of a FASTForms Package, a FASTForms Bundle or individually.

### SUMMARY

This RBD FASTClass explains how to handle the resident record/file when a child, under the age of 6, does not have a Social Security Number or the family cannot provide adequate documentation to verify the Social Security Number.

Owner/agents should review current practices for compliance and make adjustments as necessary.

### APPENDIX A: SAMPLE SOCIAL SECURITY NUMBER DISCLOSURE REQUIREMENTS – TSP LANGUAGE

The following language is the same for all of HUD's Multifamily Housing programs including properties set aside for the elderly and/or disabled.

#### **SAMPLE TSP LANGUAGE - DISCLOSURE AND VERIFICATION OF SOCIAL SECURITY NUMBERS**

All household members receiving HUD housing assistance or applying to receive HUD housing assistance are required to provide a Social Security Number and adequate documentation necessary to verify that number. This rule applies to all household members including live-in aides, foster children and foster adults. Adequate documentation includes:

- Original Social Security card
- Driver's license with Social Security Number
- Identification card issued by a federal, State, or local agency, a medical insurance provider, or an employer or union.
- Earnings statements on payroll stubs
- Bank statement
- Form 1099
- Retirement benefit letter
- Life insurance policy
- Court records

#### **Sample Language - Exceptions to Disclosure of Social Security Number**

The Social Security Number requirements do not apply to:

1. Individuals age 62 or older as of January 31, 2010, whose initial determination of eligibility was begun before January 31, 2010.
2. Individuals who do not contend eligible immigration status. When applicants and residents are required to declare their citizenship status, the existing regulations pertaining to proration of assistance or screening for mixed families must continue to be followed.
3. A child under the age of 6 years added to and existing resident's household within the last 6-months. The household will have a maximum of 90-days, after reporting the addition of a new member, to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent terminate tenancy.
4. A child under the age of 6 years added to the applicant household within the 6-month period prior to the household's date of admission. The household will have a maximum of 90-days after the date of admission to provide the Social Security Number and adequate documentation that the Social Security Number is valid. An additional 90 days may be granted under certain circumstances. If the household does not provide the Social Security Number and adequate documentation to verify the Social Security Number within the prescribed timeframe, HUD requires that the owner/agent deny admission.
5. With HUD's permission, a child in foster care when the foster care agency will not release the Social Security Number or adequate documentation to verify the Social Security Number.

#### **Sample Language - Applicants Who Have Not Disclosed a Social Security Number**

If, at the time a unit becomes available, all non-exempt household members have not provided adequate documentation necessary to verify Social Security Numbers, the next eligible applicant must be offered the available unit.

All non-exempt household members have ninety (90) days-from the date they are first notified that a unit is available-to provide documentation necessary to verify the Social Security Numbers. During this 90-day period, the household may retain its place on the waiting list, but will not be considered again until the required documentation is provided.

If, after ninety (90) days, the applicant is unable to disclose/verify the Social Security Numbers of all non-exempt household members, the household will be determined ineligible and removed from the waiting list.

The applicant may apply again, after obtaining the appropriate documentation. The applicant will be placed on the waiting list based on the date and time the **new** application is received.