



GHURA

Guahan Housing and Urban Renewal Authority
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EQUAL HOUSING
OPPORTUNITY

Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor of Guam

NOTICE FOR PUBLIC COMMENT AND PUBLIC HEARING
Revision to the
Public Housing Admissions and Continued Occupancy Policy (ACOP)
(This ad is paid for by the Public Housing Program)

The Guam Housing and Urban Renewal Authority (GHURA) is seeking public comment(s) on the Authority's revised Public Housing Admission and Continued Occupancy Policy (ACOP) for 2023. The ACOP is the policy governing the administration of the Public Housing Program. There have been recent changes to the ACOP; a copy of the proposed revisions can be reviewed at the following locations listed below, Monday through Friday, 8 a.m. to 5 p.m. (except on holidays).

- GHURA's Main Office: 117 Bien Venida Avenue, Sinajana
- GHURA's Site Base Offices:
 - AMP1, Central Site Base, #23 Paquito Street, Toto Gardens
 - AMP2, Southeast Site Base, #10 JCRojas Street, Yona
 - AMP3, Southwest Site Base, Pagachao Drive, Agat
 - AMP4, Northern Site Base, Doni Lane, Toto Gardens
- Guma Trankilidat Management Office, Tumon
- GHURA's website, www.ghura.org

Any person(s), agencies, or organizations wishing to comment on the proposed revisions are encouraged to do so by submitting a written statement to GHURA during its regular business hours of operation, beginning October 17, 2023, through December 5, 2023. Written and/or oral comments may also be submitted via facsimile at (671) 300-7565; or email to phillysn@ghura.org, or through the U.S. Postal Service to GHURA's Main Office at the address stated above. If you require additional information, please contact Ms. Philly San Nicolas, Property Site Manager, at (671) 475-1348.

A Public Hearing is scheduled for 10:00 a.m., December 5, 2023, at the GHURA Main Office, Sinajana. Individuals wishing to submit oral or written comments are invited to attend. GHURA will make necessary arrangements for persons with disabilities. If you require special accommodations, please contact the Section 504 Coordinator, Katherine E. Taitano, at (671) 475-1322 or (671) 472-3701 (TTY/TDD).

/ s /

ELIZABETH F. NAPOLI
Executive Director

FINDING 2023-1 - POLICY CHANGES TO ACOP

2023 ACOP, Chapter 16

16-V.C. RECORDS MANAGEMENT, page 16-18

GHURA Policy – ADD

Records related to tenants, applicants and participants will be maintained for the term of the tenancy plus three years, including but not limited to:

- An application from each ineligible family and notice that the applicant is not eligible;
- Lead-based paint records as required by 24 CFR 35, Subpart B;
- Documentation supporting the establishment of ceiling rents and the public housing maximum rent;
- Documentation supporting the establishment of utility allowances and surcharges;
- Accounts and other records supporting PHA budget and financial statements for the program;
- Complaints, investigations, notices, and corrective actions related to violations of the Fair Housing Act or the equal access final rule; and
- Other records as determined by GHURA or as required by HUD.

GHURA will retain a record of the screening, including the type of screening and the date performed. The record of screening shall be retained, for residents who enter into leases, until 3 years after the end of the tenancy, and for applications of ineligible families and notices of ineligibility, for 3 years for public housing.

2023 ACOP, Chapter 16

Criminal Records, page 16-18

GHURA Policy - ADD

Consistent with the limitations on disclosure of records, GHURA will ensure that any criminal record received by GHURA from a law enforcement agency and any records received with respect to sex offender registration from a State or local agency is:

- Maintained confidentially;
- Not misused or improperly disseminated; and
- Destroyed once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to a GHURA action without institution of a challenge or final disposition of any such litigation.

The signed criminal background certification will remain with the file. Any criminal record attached to the background certification will be destroyed, as noted above.

**GUAM HOUSING AND URBAN RENEWAL AUTHORITY
ADMISSIONS AND CONTINUED OCCUPANCY POLICY (ACOP)
EXHIBIT 16-5: RECORDS MANAGEMENT
(Retention and Disposition)**

Purpose

The purpose of this policy is to ensure that necessary records and documents are adequately protected and maintained and to ensure that records that are no longer needed or of no value are discarded at the appropriate time. Records management and retention policies apply to all records, regardless of format, whether they be paper or electronic. GHURA encourages record retention in an electronic format whenever feasible.

General Policy

It is GHURA's policy to comply with state and federal laws with respect to privacy and with respect to public information requests. GHURA will retain records in a manner consistent with HUD's prescribed retention schedules and guidelines. Records will be kept in any form deemed appropriate, including, but not limited to, hard copy, electronic, or in-cloud-based servers. Records may be retained in more than one form, but retaining a record in more than one form is not required under this policy.

GHURA will secure personnel and resident/participant data in a manner so as to restrict access to only personnel authorized by the Executive Director, and at no time shall such records, regardless of format, be left available for public inspection. At all times EIV data will be protected in accordance with HUD requirements.

Legal Action

In the event of current or pending litigation, legal counsel will be sought regarding applicable documents. If litigation is pending, all applicable documents and records, regardless of disposal dates, will be retained until resolution of the legal matter.

Back Up of Electronic Data

The Management Information System (MIS) Division is responsible for backing up files.

Records Disposition And Destruction

Records may be retained for a longer duration than the schedule listed above but must be retained for a minimum of the schedule. The PHA may, at its discretion, retain documents indefinitely.

Confidential records shall be destroyed as follows:

- A. Paper records
 - 1. Shredding through a properly bonded shredding agency, or
 - 2. Shredding on-site
- B. Electronic records
 - 1. Shredding CDs, DVD's, etc.
 - 2. Use of US Department of Defense-approved data erasure software.

DESCRIPTION	RETENTION
ADMISSION AND OCCUPANCY RECORDS	
HUD-50058	Keep the last 3 years in tenant file for the duration of the tenancy, and for three years after end of participation
Supporting documentation related to family's eligibility, tenancy, and termination	Keep the last 3 years in tenant file for the duration of the tenancy, and for three years after end of participation
Enterprise Income Verification (EIV) system Income Reports	Keep the last 3 years in tenant file for the duration of the tenancy, and for three years from the end of participation date; shred
Fair Housing Act or Equal Access Final Rule – records of complaints, investigations, notices, and corrective actions (keep in separate folder away from participant's file)	Keep in separate folder away from participant's file; dispose after 3 years
VAWA - Domestic Violence, Dating Violence, Sexual Assault, Stalking, Human Trafficking Records – confidential records of all emergency transfers and outcomes	Keep in separate folder away from participant's file; dispose after 3 years
Emergency Transfer Plan – keep in separate folder away from participant's file)	Keep in separate folder away from participant's file; dispose after 3 years
Applications - Withdrawn and ineligible	3 years from ineligibility determination
Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards	Keep in tenant file for the duration of the tenancy, and for 3 years after end of program participation
Criminal Background Certification and Consent of Disclosure	Keep in tenant file for the duration of the tenancy, and for 3 years after end of participation
Criminal Background Check Results (Rap Sheets)	Shred immediately following determination unless appealed; then destroy after appeal decision
Drug Abuse Treatment Information	Shred immediately following determination unless appealed; then destroy after appeal decision
Reasonable Accommodation Requests if they contain medically sensitive information	Shred immediately following determination unless appealed; then destroy after appeal decision
Grievance Hearing Terminations	3 years after end of participation
Eviction Records	5 years after end of participation
Other records as determined by GHURA or as required by HUD	3 years
MANAGEMENT RECORDS	
Income Limits Schedule	1 year after schedule is suspended and replaced
Documentation supporting the establishment of flat rents	3 years
Documentation related to PHAS	3 years
Documentation supporting the establishment of Utility Allowance Schedules and Surcharges	3 years after audit
Waiting List	Ongoing
UNIT RECORDS	
Correspondence on routine maintenance and management (keep copies in unit files)	2 years after audit
Unit Files (inspections, work orders, appliance info)	Ongoing

References

1. **PIH Notice 2018-18** - Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System

17. How long should the PHA maintain EIV printouts in a tenant file? The PHA's record retention policy will determine the length of time the PHA should maintain EIV printouts in a tenant file. PHAs are authorized to maintain the EIV Income and other reports (see Section 8) in the tenant file for the duration of tenancy and no longer than three years from the end of participation (EOP) date. In accordance with revised regulation, 24 CFR 908.101, PHAs are required to maintain at a minimum, the last three years of forms HUD-50058 and supporting documentation for all regular and interim reexaminations of family income. All records are to be maintained for a period of at least three years or longer as required from the effective date of the action.

2. **24 CFR § 908.101** - Electronic Transmission of Required Family Data

Applicable program entities must retain at a minimum, the last three years of the form HUD-50058, and supporting documentation, during the term of each assisted lease, and for a period of at least 3 years from the end of participation (EOP) date, to support billings to HUD and to permit an effective audit. Electronic retention of form HUD-50058 and HUD-50058-FSS and supporting documentation fulfills the record retention requirement under this section.

3. **Notice PIH 2014-20** - Fair Housing Act Program Eligibility Regardless of Sexual Orientation, Gender Identity or Marital Status as Required by HUD's Equal Access Rule

8. Complaints to PHAs: The PHA must keep records of all complaints, investigations, notices, and corrective actions consistent with its current record-keeping obligations.

4. **24 CFR 5.2002** – Availability of Information to the Public

The PHA must keep confidential records of all emergency transfer requested under the GHURA's Emergency Transfer Plan, and the outcomes of such requests, and retain the records for a period of three years, or for a period of time as specific in program regulations [24 CFR 5.2002(e)(12)].

5. **24 CFR 5.901** - Access to Criminal Records

*(a) **General criminal records searches.** This subpart applies to criminal conviction background checks by PHAs that administer the Section 8 and public housing programs when they obtain criminal conviction records, under the authority of section 6(q) of the 1937 Act (42 U.S.C. 1437d(q)), from a law enforcement agency to prevent admission of criminals to public housing and Section 8 housing and to assist in lease enforcement and eviction.*

*(c) **Excluded records searches.** The provisions of this subpart do not apply to criminal conviction information or sex offender information searches by a PHA or others of information from law enforcement agencies or other sources other than as provided under this subpart.*

6. **24 CFR 5.903 - Criminal Records**

(g) Records management. Consistent with the limitations on disclosure of records in paragraph (e) of this section, the PHA must establish and implement a system of records management that ensures that any criminal record received by the PHA from a law enforcement agency is:

- (1) Maintained confidentially;*
- (2) Not misused or improperly disseminated; and*
- (3) Destroyed, once the purpose(s) for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.*

7. **24 CFR 5.905 - Sex Offender Registration Information**

(c) Records management.

(1) The PHA must establish and implement a system of records management that ensures that any sex offender registration information record received by the PHA from a State or local agency under this section is:

- (i) Maintained confidentially;*
- (ii) Not misused or improperly disseminated; and*
- (iii) Destroyed, once the purpose for which the record was requested has been accomplished, including expiration of the period for filing a challenge to the PHA action without institution of a challenge or final disposition of any such litigation.*

(2) The records management requirements do not apply to information that is public information, or is obtained by a PHA other than under this section.

8. **24 CFR 5.2007** – Documenting the occurrence of domestic violence, dating violence, sexual assault, or stalking

The covered housing provider must keep a record of all emergency transfers requested under its emergency transfer plan, and the outcomes of such requests, and retain these records for a period of three years, or for a period of time as specified in program regulations. Requests and outcomes of such requests must be reported to HUD annually.

9. **24 CFR 880.603(b)** – Determination of eligibility and selection of tenants.

(3) Records on applicants and approved eligible families, which provide racial, ethnic, gender and place of previous residency data required by HUD, must be maintained and retained for three years.

10. **24 CFR 882.810** – Displacement, relocation, and acquisition.

(f) – Responsibility of HA.

(3) The HA must maintain records in sufficient detail to demonstrate compliance with the provisions of this section. The HA must maintain data on the racial, ethnic, gender, and disability status of displaced persons.

11. **24 CFR 908.101** – Purpose

The purpose of this part is to require Public Housing Agencies (PHAs), including Moving-to-Work (MTW) PHAs, that operate Public Housing, Indian Housing, or Section 8 Rental Certificate, Housing Choice Voucher (HCV), Rental Voucher, and Moderate Rehabilitation programs to electronically submit certain data to HUD for those programs. These electronically submitted data are required for HUD forms: HUD–50058, including the Family Self-Sufficiency (FSS) Addendum. Applicable program entities must retain at a minimum, the last three years of the form HUD–50058, and supporting documentation, during the term of each assisted lease, and for a period of at least 3 years from the end of participation (EOP) date, to support billings to HUD and to permit an effective audit. Electronic retention of form HUD–50058 and HUD–50058–FSS and supporting documentation fulfills the record retention requirement under this section.

12. **24 CFR 982.158** – Program accounts and records

(e) During the term of each assisted lease, and for at least three years thereafter, the PHA must keep:

- (1) A copy of the executed lease;*
- (2) The HAP contract; and*
- (3) The application from the family.*

(f) The PHA must keep the following records for at least three years:

- (1) Records that provide income, racial, ethnic, gender, and disability status data on program applicants and participants;*
- (2) An application from each ineligible family and notice that the applicant is not eligible;*
- (3) HUD-required reports;*
- (4) Unit inspection reports;*
- (5) Lead-based paint records as required by part 35, subpart B of this title.*
- (6) Accounts and other records supporting PHA budget and financial statements for the program;*
- (7) Records to document the basis for PHA determination that rent to owner is a reasonable rent (initially and during the term of a HAP contract); and*
- (8) Other records specified by HUD.*