

Clarification on Retention of Resident Criminal Records and EIV Income Reports

Resident Criminal Records

HUD Handbook 4350.3 Chg-2, 8-14 C 13 states All criminal records received are to be maintained confidentially, not misused or improperly disseminated; and destroyed upon completion of the originally intended use. When destroying records of criminal background, a notation should be made in the tenant file that includes the date the records are destroyed and a statement that the records were destroyed for purposes of confidentiality.

To clarify, criminal background checks not obtained by a Public Housing Authority (PHA) on behalf of an owner should be retained for the term of tenancy plus three years after tenancy is terminated. Criminal background checks obtained by the PHA on behalf of an owner must be destroyed by the PHA in accordance with the regulations at 24 CFR 5.903(g).

Enterprise Income Verification (EIV) Income Reports

As directed in the June 2007 EIV HUD web training, the EIV income report must be destroyed by burning or shredding the document as soon as it has served its purpose or as prescribed by HUD's policies and procedures. HUD policies and procedures require that the EIV income reports be retained in the tenant file for the term of tenancy plus three years after tenancy is terminated.