



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-8000

OFFICE OF PUBLIC AND INDIAN HOUSING

Mr. Wayne Thibodeaux
Executive Director
Houma-Terrebonne Housing Authority
P.O. Box 3816
Houma, LA 70361-3861

Dear Mr. Thibodeaux,

This letter is in response to the proceedings for termination of tenancy of Ms. Telisa Clark by the Houma-Terrebonne Housing Authority (Authority). The Authority is claiming that Ms. Clark failed to comply with her lease agreement per Section 6, Part C, and Admissions and Continued Occupancy Policy (ACOP) per Section VII, A, Part 4; and Section IX, B, Parts 4 and 5 particular to misrepresentation of income, a determinant of rent.

Social Security Administration records provided to the Department indicate that Ms. Clark is the representative payee for Mr. Don W. Burnett and Mr. Ernest Clark of 131B Samuel Street, Houma, Louisiana 70363. To clarify Department policy, when determining program eligibility and rent calculations for program participants serving as representative payees on behalf of SSA beneficiaries, benefits received on behalf of SSA beneficiaries should be excluded from such calculations. The Code of Federal Regulations (CFR), Title 20, §404.2035, stipulates that all money received by the payee of SSA benefits is for the sole benefit of the beneficiary, therefore such funds do not legally belong to the payee of such benefits.

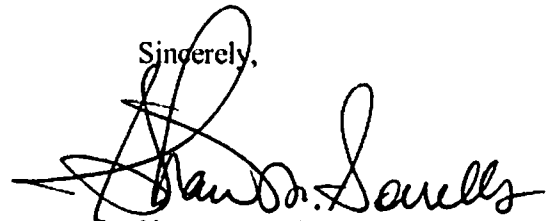
The regulation for SSA Disability reads as follows:

A representative payee has a responsibility to-

- (a) Use the benefits received on [the beneficiary's] behalf only for [beneficiary] use and benefit in a manner and for the purposes [the payee] determines, under the guidelines in this subpart, to be in [the beneficiary's] best interests;
- (b) Keep any benefits received on [the beneficiary's] behalf separate from [the representative payee's] own funds and show [the payee's] ownership of these benefits unless [the payee] is [the beneficiary's] spouse or natural or adoptive parent or stepparent and lives in the same household or is a State or local government agency for whom SSA has granted an exception to this requirement;
- (c) Treat any interest earned on the benefits as [beneficiary] property;

If it was in result of receiving these funds for which the Authority claims Ms. Clark failed to comply with her lease agreement and ACOP, the Authority should immediately withdraw its eviction actions against Ms. Clark.

If you have any additional questions, please contact Diane Yentel, Senior Housing Program Specialist, at (202) 402 - 6051.

Sincerely,

Shauna Sorrells
Director
Office of Public Housing

Enclosure:
Social Security Administration verification documents for Ms. Telisa Clark

cc:
Laetitia Black, Attorney at Law
James Dagate, Attorney at Law
The Honorable Judge Fanguy, City Court of Houma