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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 40 – LOCAL GOVERNMENT RECORDS RETENTION SCHEDULES

PART 18 – MUNICIPAL LOCAL HOUSING AUTHORITY RECORDS (LG18)

18.1 Purpose, Authority, Severability, and Destruction

18.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

18.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

18.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

18.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

LG18.1 Tenants/Participants

LG18.1.1 Tenant/Participant Client Files

Files kept of tenants in the public housing program and participants in the housing voucher program by the Public Housing Authority (PHA). Files include the HUD specified forms: lease agreement and lease addendum, tenant certification as to the provisions of the lease with signature, copies of relative policies and tenant's signature as to compliance with, pet policies, copies of grievance procedures, tenant application, waiting list interest signed by tenant, correspondence to/from tenant, copies of waiting list reports, signed debts owed to public housing agencies and terminations, signed state of tenants declaration statement as to eligibility, copies of identification (driver's license/ state id/ SSN card) and vital record (birth), key registration form signed, digital photographs of condition of the unit upon move in. Second part of the file includes supplement to application for federally assisted housing (HUD form), medical/doctor forms/ drug lists, reasonable accommodation forms/signed consent forms, Verification/Calculation worksheets PHA web form, various HUD forms (family report 50058, certification, public and Indian housing lease agreement (HUD form 9886), flat rent form signed, documents on assets of tenant (banking forms), HUD summary reports (application). Recertification forms include family reports (HUD form 50058) and supporting records needed to recertify the tenant (done annually) as eligible for housing (24 CFR § 982.158). May include hearing officers' decisions, lead hazard control documents, grievance records, income discrepancy reports and investigation records.

Retention: Retain three (3) years from the end of the federal fiscal year (followed by the PHA) that the tenant is no longer a resident (termination of lease or subsidy, expiration of appeal period and conclusion of appeal). Retain three (3) most current recertification forms while resident is active.

Note: Please note fiscal year followed by the PHA on the Certificate of Records Destruction. Shredding is advised. In the event of litigation, records become part of the litigation case file. Retain seven (7) years after final disposition of litigation or ten (10) years after case opens, whichever is later.

See Also: GRS2.1 (Case Files).

LG18.1.2 Pre-Application Files of Prospective Tenants/Participants

Potential applicants for public housing/housing voucher program must complete a pre-application to request housing assistance and for

placement on a waiting list. May include but is not limited to pre-application, copy of picture identification, supporting documentation relative to eligibility, copies of pay stubs, or any other records as required by the PHA. (24 C.F.R § 982.158)

LG18.1.2A Successful Applications

Retention: Transfer to applicant file.

LG18.1.2B Unsuccessful/Withdrawn/Ineligible Applications

Retention: Retain three (3) years from final determination.

LG18.1.3 Family Self Sufficiency Program Records

Records relating to PHA planning of and the participation in a Family Self-Sufficiency (FSS) program by families receiving public housing and/or low-income housing subsidies pursuant to 24 C.F.R § 984. Records may include, but is not limited to, contract of participation (Form HUD-52650); escrow account credit worksheet (Form HUD-52652); responsibility fulfillment documents; escrow account reports; and termination of family participation.

Retention: Retain three (3) years after completion, termination, or expiration of contract of participation whichever is later.

LG18.1.4 Waiting Lists

Records relating to the creation and management of waiting lists for all programs offered by the housing authority. May include but is not limited to: Records of notifications/public notice and PSAs/advertisements, correspondence relating to status on the list, and removal of applicants from the list (24 C.F.R § 882.513). These are rolling lists and are constantly updated.

Retention: Retain until updated, superseded, or obsolete but no less than three (3) years after the end of PHA fiscal year.

LG18.1.5 Inspections

Annual inspections performed by the PHA of tenant housing and housing voucher program properties according to housing quality standards set by HUD. Includes the use of specified housing forms for dwelling units, electrical and HVAC systems and health and safety requirements.

Retention: Retain as part of the tenant or participant housing voucher files. If maintained separately, retain three (3)

years from the end of the federal fiscal year (followed by the PHA) that the tenant is no longer a resident (termination of lease or subsidy, expiration of appeal period and conclusion of appeal).

Note: Please note fiscal year followed by the PHA on the Certificate of Records Destruction. In the event of litigation, records become part of the litigation case file. Retain seven (7) years after final disposition of litigation or ten (10) years after case opens, whichever is later.

See Also: GRS2.1 (Case Files).

LG18.1.6 BCI Reports

Criminal history reports used as part of the application process for public housing programs. Includes requests for background checks and criminal history reports.

Retention: Retain until purpose(s) for which the record was requested has been accomplished and the period for filing a challenge to the housing authority decision has expired.

Note: Shredding is advised.

LG18.2 Tenant Activity and Program Records

LG18.2.1 Resident Advisory Board Records

Records of the Resident Council or Resident Advisory Board (RAB). Includes but is not limited to meeting minutes, notices of meetings, meeting packets, member election records including appointments and notifications, bylaws, policies, participation fund decision making records, copies of information distributed to residents and correspondence (24 C.F.R. § 1-430). Certain records may be kept with the Annual and Five-Year Plans.

Retention: Retain six (6) years.

LG18.2.2 Class and Program Attendance/Sign-Up Sheets and Logs

Records which document member sign-up of activities for purposes of tracking onsite class/program participation/attendance (one-time and serial) as well as real-time use of the facility. This record may be hard copy or incorporated within a database and used for compiling weekly, monthly, and annual statistics.

Retention: Retain three (3) years from date of class or program.

LG18.2.3 Activity and Event Records

Program files that document planning and execution of events, programs (such as nutrition and exercise), activities and field trips. Files may include, but are not limited to, correspondence, sign-up sheets, receipts of fees collected, prebilling documentation from vendors, copies of receiving reports, and vendor confirmations and agreements.

LG18.2.3A Receipts and Receiving Reports

Retention: Retain seven (7) years.

LG18.2.3B Vendor Contract/Agreements

(R.I. Gen Laws § 9-1-13)

Retention: Retain ten (10) years from expiration or termination.

LG18.2.3C All Other Records

Retention: Retain three (3) years.

LG18.3 Administration

See Also: For facilities and operations, see GRS3 (Safety and Security Records) and GRS4 (Facilities Records), including GRS4.2 (Construction and Improvement Records). For fiscal, purchasing, and contract records, see LG2 (Municipal Financial Records). For human resource records, LG15 (Municipal Human Resources and Personnel Department Records).

LG18.3.1 Meeting Records

Records of meetings, including minutes, agendas, and calendars of the municipal housing authority board.

Retention: Retain the official record permanently. Retain copies until of no further administrative value.

See Also: For other meeting related records, see LG4 (Municipal Board, Commission, Committee and Council Meeting Records) and GRS1.7 (Meeting Minutes).

LG18.3.2 Reporting Records

Financial, performance and special reporting required by federal regulatory agencies (HUD, DHS, USDA, USCIS et. al.) in accordance with C.F.R. Title 24 where not covered in other series. May include, but not limited to, reports, correspondence, supporting documentation and submission or receipt confirmation records.

Retention: Retain three (3) years from date of submission.

LG18.3.3 Rate Setting Records

Records created relative to the setting of rental rates for programs administered by the PHA. May include but is not limited to rent comparable studies, notices of rent increases and flat rates determined by 24 C.F.R. § 960.253(b)(2).

Retention: Retain three (3) years after rates superseded.

LG18.3.4 Grant Files

Records relating to the agency's development of grant proposals to state or federal agencies or other funding sources, as well as records related to the administration of its own grant programs or programs administered by the agency. Includes but is not limited to Housing and Urban Development (HUD) Family Self Sufficiency (FSS), Housing Development Grant Program, Resident Opportunities and Self Si and safety and security grants. Records may include, but are not limited to, grant applications and agreements, studies, notices, technical specification, drawings, plans, bid and contract records, accounting, banking, purchasing, and payroll records, bonds, monitoring and performance reports, expenditure and outlay reports, memoranda, and correspondence.

Note: If any litigation, claim, negotiation, audit or other action has been started before the expiration of the ten (10) year period, the records must be retained until completion of the action and resolution of all issues which arise from it, or until the end of the ten (10) year period, whichever is later. Any records related to a contract or liability under seal, or any judgment or decree by a federal or state court, should be retained for twenty years. (R.I. Gen. Laws § 9-1-17)

LG18.3.4A Grant Applications and Amendments, Final Performance, Disposition, and Expenditure Reports

Retention: Permanent.

LG18.3.4B Financial and Programmatic Records, Periodic Performance Reports, Supporting Documents, Statistical Records, Other Required and Pertinent Records

Retention: Retain ten (10) years from submission of closeout and final expenditure report or submission of annual financial status report for grants renewed annually.

LG18.3.4C Real Property and Equipment Records

Retention: Retain ten (10) years from the date of disposition, replacement, or transfer of property/equipment.

LG18.3.4D Income Transaction Records (Earning of Income) After Grant Support (Where Required by the Terms of the Grant)

Retention: Retain ten (10) years from the end of fiscal year in which the income is earned.

LG18.3.4E Unsuccessful Grant Applications

Retention: Retain three (3) years.

LG18.3.5 Takings Records

Records created per R.I. Gen. Laws Chapter 45-29 (Eminent Domain for Housing Authority Projects). May include, but is not limited to, maps and surveys, appraisals, resolution of the authority, statements filed with Superior Court, notices served, notices published, and statements of compensation.

Retention: Permanent.

LG18.3.6 PHA Housing Management/Web Database Program

PHA Web database program or other ERM programs used for managing the programs and activities of the authority. Database is also used for reporting purposes to state and federal authorities.

Retention: Retain program until updated, superseded, or obsolete. Maintain statistical data until of no further administrative value.

Note: Ensure migration of records to successive generations of technology and systems, and other necessary maintenance to enable retention of and access to accurate, reliable, and complete records throughout their authorized lifecycle. Retain all documentation of hardware and software. In the event software or system is updated or replaced, retain old data, documentation, and software one (1) year after testing of system and verification of data migration. Commit funds for the overall preservation of data through active migration and technological changes. Draft and annually review strategies for migrating active data. Migrate data in legacy systems that has not met retention requirements.

See Also: For retention of other data, see approved retention of specific records series in this and other applicable schedules.

LG18.3.7 Policies

Records created by the PHA that document the formal policies and procedures of the department for internal operations and as required by state and federal agencies (HUD) in the implementation of specific programs as stipulated by state and federal law and regulation.

Retention: Permanent.

Note: Remove superseded or time delimited policies and procedures to an inactive file.

LG18.3.8 Housing Unit Inventories

Inventories of housing units including those in the housing voucher program or Section 8 program. Inventories may be rolling or fixed plans.

Retention: Retain rolling plans three (3) years after plan is superseded or list is purged. Retain fixed plans three (3) years.

LG18.3.9 Annual and Five-Year Plans

Plans created by the PHA as required by HUD for monitoring the management of the authority. Plans may be fixed or rolling plans. (24 CFR § 990.325)

Retention: Retain fixed plans five (5) fiscal years from expiration of plan. Retain rolling plans five (5) years after plan is superseded.

LG18.3.10 Audits

Annual audits performed per HUD requirements for funding, and financial and operational activities of the Authority. (2 C.F.R. § 200.517)

Retention: Retain three (3) years after the date of issuance of the auditor's report unless otherwise notified to extend the retention period.

LG18.3.11 Reports

Internally generated reports not covered in other record series, including reports and returns to municipal departments and state and federal agencies. Includes reports created by outside entities or consultants for the agency.

LG18.3.11A Daily and Weekly Reports

Retention: Retain one (1) year.

Note: Reports required in audit process must be retained one (1) year after audit is completed.

LG18.3.11B Monthly, Quarterly, and Periodic Reports

Retention: Retain three (3) years.

LG18.3.11C Annual Reports, Special Reports, Studies, Housing Plans, and Feasibility Studies

Retention: Permanent.

LG18.3.12 Certificates of Records Destruction [LEGACY – DUPLICATE]

Certificates of Records Destruction forms signed by authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6(j), and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).