**Clarifications from HUD on Certification Requirements**

**Education**

**Question:** Does everyone that teaches a class need to be a HUD-certified counselor?

**Response:** Not everyone that teaches a class has to be certified, but the curriculum has to be developed by and the classes overseen by a counselor who is HUD-certified.  Please see the HUD guidance on this topic:

<https://www.hudexchange.info/programs/housing-counseling/certification/covered-programs/>

***What is not housing counseling?***

* *Services that provide only housing information, or placement or referral services*
* *Routine administrative activities (e.g., program eligibility determinations, intake, case management)*
* *Case management that provides housing services as incidental to a larger case management and does not fund housing counseling*
* *Fair housing advice and advocacy (e.g. processing complaints and filing claims)*
* *Group education without individualized housing counseling services*

NOTE: *Some organizations may have staff that do not deliver housing counseling directly, and as a result do not need to be HUD certified. However, if these organizations oversee a group education class, a HUD certified housing counselor must approve the curriculum and the materials provided to the clients, and must monitor the delivery of the education.*

**Question:** Does a HUD-certified counselor need to be in the room for every class?

**Response:** No.  Recommend they drop by, but not required.

**Question:** If an agency needs to bring in additional capacity to assist with classes, can they contract with a certified housing counselor to deliver classes, or would they have to hire them as a part-time employee?

**Response:**  The person providing the group counseling MUST be an employee of the HUD participant/approved agency and NOT a contractor.

**Loss of HUD-Certified Counselor**

**Question:** What happens if an approved agency has certified counselors and they leave the agency? Is there a grace period that would allow them to hire a certified counselor?

**Response:** If an organization or agency loses its certified counselors, they immediately report to HPN who will notify HUD, the agency will then be put on “temporary inactive status” for up to 6 months.  This is a tool that agencies can use so that the organizations aren’t out of compliance and don’t lose HUD approval. During the inactive period, the agency cannot use any HUD funds related to housing counseling.  Once an advisor is hired and trained, the org can be reactivated by submitting the resume and training and certification documentation (after 8/1/20) to HUD. If after 6 months the agency still does not have a HUD certified counselor, the agency will be terminated.

**Family Self-Sufficiency (FSS) Program**

In discussions around FSS, there was a question about whether FSS coordinators need to be HUD certified counselors. Because FSS program models differ—some include financial coaching/counseling as a key element and others do not—the guidance is not clear-cut. Based on our review of available guidance and conversations with our HUD POC it is apparent that the answer depends on the services that the FSS coordinator is delivering. HUD is clear that a HUD-certified counselor must provide “housing counseling” and that if an FSS coordinator is referring a participant for homeownership counseling they need to refer them to a HUD-approved counseling agency. Below we have gathered some additional resources for you to consult for additional guidance.

Information on the [HUD Exchange](https://www.hudexchange.info/programs/housing-counseling/certification/covered-programs/) on application of the rule:

### Is your organization providing housing counseling?

Many HUD-funded organizations are delivering housing counseling around the country. Organizations need to determine which of the services being delivered are considered housing counseling, and which are not.

**What is housing counseling (CFR § 5.100)?** Housing Counseling is independent, expert advice customized to the needs of the consumer to address the consumer’s housing barriers and to help achieve their housing goals. It must include the following elements: intake, client budget, financial and housing affordability analysis, a client action plan, and a reasonable effort to follow-up with client.

**What is not housing counseling?**

* Services that provide only housing information, or placement or referral services
* Routine administrative activities (e.g., program eligibility determinations, intake, case management)
* Case management that provides housing services as incidental to a larger case management and does not fund housing counseling
* Fair housing advice and advocacy (e.g. processing complaints and filing claims)
* Group education without individualized housing counseling services

NOTE: Some organizations may have staff that do not deliver housing counseling directly, and as a result do not need to be HUD certified. However, if these organizations oversee a group education class, a HUD certified housing counselor must approve the curriculum and the materials provided to the clients, and must monitor the delivery of the education.

Specific question on FSS from the [**HUD Certification FAQ**](https://files.hudexchange.info/resources/documents/Housing-Counseling-New-Certification-Requirements-FAQs.pdf):

Q. In the list of HUD programs affected by the Final Rule on housing counselor certification, the Family Self-Sufficiency (FSS) Program is listed as a “HUD Program where housing counseling is funded under the HUD program,” and it is also listed as a “HUD program where housing counseling referrals are made by a grantee or subgrantee of the program for use by a family assisted under the program.” How is the FSS Program affected by the Final Rule on housing counselor certification?

A.

1. FSS as a HUD Program where housing counseling is funded under the HUD Program: The FSS NOFA allows FSS Coordinators to provide homeownership counseling to FSS participants. If an FSS Coordinator provides homeownership counseling with FSS funds, the FSS Coordinator must be a HUD certified housing counselor working for an agency approved to participate in HUD’s Housing Counseling Program, as of August 1, 2020, the Final Compliance Date.

2. FSS as a HUD Program where housing counseling referrals are made by a grantee or subgrantee of the program for use by a family assisted under the program: When an FSS coordinator refers a participant to housing counseling (e.g., rental housing counseling to help participants move to market-rate rental housing, or homeownership counseling for a participant whose goal is to become a homeowner), the coordinator must refer the participant to the List of HUD Approved Housing Counseling Agencies.

**Application of Rule to HUD Programs**

HUD information on application of the HUD Certification Rule to HUD programs.

[**HUD Programs Covered by the Housing Counseling: New Certification Requirements Final Rule**](https://www.hudexchange.info/programs/housing-counseling/certification/covered-programs/)

As always, if you have questions related to your specific situation, please let us know.

**Question**: What is the timeline after a client is no longer seeking services to terminate the client?

**Response**: HUD Handbook 7610.1 does not provide a specific time limit for termination of counseling, but client files must not remain open indefinitely. The counselor must make reasonable efforts to conduct a verbal (in person or via phone) follow-up session within the first 60 days of no client contact and record the date and reason for termination.

Causes for termination may include the following:

Client meets his/her housing need or resolves the housing problem.

Housing Counseling Agency determines that further counseling will not meet the client's housing need or resolve the client’s housing problem.

Client terminates counseling.

Client does not follow the agreed-upon housing counseling action plan.

Client fails to appear for counseling appointments or classes.

HUD FAQ: <https://www.hudexchange.info/faqs/2522/is-there-any-time-limit-after-last-contact-for-termination-of-a-client/>