



The CA Quarterly Review

Fall 2015 Edition

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North Tampa Housing Development Corporation

From the Desk of Don Shea,
NTHDC Director and Contract Administrator

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I would like to welcome you to our Fall Edition of the 2015 CA Quarterly Review. My hope is that this information will be useful in helping all to further understand some of the current issues that will be impacting all of us.

A recent item to be aware of is the change to how the Utility Analysis is completed. On June 22, 2015 HUD issued Notice 2015-04 which outlined the Methodology for Completing Utility Analyses for Multifamily Housing. NTHDC was able to provide a web-based seminar reviewing the guidance stated in the notice. We had a great response and the

presentation is currently available on the NTHDC website. On September 2, 2015 HUD released an FAQ supplementing the HUD notice. We anticipate all being aware of this change but if you have not done so already, we strongly encourage that you to familiarize yourself with this HUD policy change.

We understand the necessity and value in the services you provide as an Owner/Agent and we are happy to align with you as Contract Administrator in this partnership. Fall leads us into the Thanksgiving holiday so I cannot think of a better time to take the opportunity to thank you for all that you are doing. I hope each of you have the opportunity to spend Thanksgiving with friends and loved ones. As always, we are excited for what lies ahead and are looking forward to this Fall season and beyond.

Don Shea,

NTHDC Director and Contract Administrator, Florida & U.S. Virgin Islands

What's New on HUDClips



Posted Date

9/9/2015	<u>HUD Notice H-2015-04</u>	Methodology for Completing a Multifamily Housing Utility Analysis (Revised)
9/8/2015	<u>FR-5885-N-01</u>	Proposed Fair Market Rents for the Housing Choice Voucher Program, Moderate Rehabilitation Single Room Occupancy Program and Other Programs; Fiscal Year 2016
8/25/2015	<u>HUD Form HUD-2</u>	Request for Waiver of Housing Directive - Multifamily Housing
8/19/2015	<u>Multifamily Housing National Emergency Preparedness Toolkit</u>	Multifamily Housing National Emergency Preparedness Toolkit – Ready to Respond: Disaster Staffing Toolkit
8/18/2015	<u>HUD Section 8 Renewal Policy Guidebook</u>	Revised HUD Section 8 Renewal Policy Guidebook
8/17/2015	<u>FR-5850-P-01</u>	Proposed APPS changes
7/13/2015	<u>HUD Notice H2015-06</u>	Program Eligibility in Multifamily Assisted and Insured Housing Programs in Accordance with HUD's Equal Access Rule

Rental Concessions

We've all seen the signs as we've driven past various apartment buildings around town, "FIRST MONTH FREE" or "NO SECURITY DEPOSIT REQUIRED". These are called rental concessions, and they are used by conventional rental properties to attract potential tenants. Essentially, it's a marketing tactic to lease up a property that may have high vacancies.

Rental concessions are not just a special rental rate or a waiver of the security deposit. Rental concessions can also be in the form of referral bonuses to current, subsidized residents, waivers of pet deposits, or any other type of financial incentive.

Although these types of incentives are allowed under this program, there are rules. Owners who offer concessions cannot bill HUD for any portion of the subsidy on the monthly HAP voucher AND the owner would not be allowed to collect the tenant's portion of the rent for the month in which a concession was given.

If you offered concessions in the past and took rental payments from the tenant and/or HUD, you are required to reimburse HUD and the tenant for the months where the concession was given.

In short, HUD really doesn't encourage owners to utilize rental concessions as part of their marketing strategies. If you are having difficulty renting your units, there are more effective ways to increase the public's awareness of your property and the benefits of living at your community. And as always, any marketing that is undertaken should be done so in accordance with your affirmative fair housing marketing plan.



If you are not already receiving this publication via e-mail or if you have ideas, suggestions or questions for future publications, we'd like to hear from you.

Please visit: www.nthdc.org OR send an email to: layla.hayavi@cgifederal.com



HUD Notice 2015-04: Methodology for Completing a Multifamily Housing Utility Allowance

On June 22, 2015, HUD released Notice H-2015-04: Methodology for Completing a Multifamily Housing Utility Allowance. The notice provides instruction to owners and agents (O/As) for completing the utility allowance analysis required at the time of the annual or special adjustment of contract rents and when a utility rate change results in a cumulative increase of 10 percent or more from the most recently approved UA. Notice 2015-04 builds upon the June 2011 memorandum titled Clarification of Utility Regulations issued by former Deputy Assistant Secretary for Multifamily Housing Programs, Carol J. Galante.

What Does the Notice Require?

The notice immediately changes how O/As may submit data and documentation for a change in the UA. Some of the highlights are:

Sample size is now defined by HUD; the sample of units required has increased dramatically.

The process now occurs in a three-year cycle. This year* all owners must submit a baseline of their current utilities. Then, for the next two years after the baseline is submitted, O/As will use a UAF (Utility Allowance Factor established annually by HUD) to increase/decrease their utility allowances. After 3 years, a new baseline is required.

What is the Timeline for Implementation?

When the notice was released, HUD allowed two possible timelines to adopt the new UA requirements:

If your property's anniversary date falls on or before DECEMBER 19, 2015, you are permitted to submit a UA package using our current policy requirements or you may submit under the new rules.

If your property's anniversary date is December 20, 2015 or later, you MUST perform your upcoming utility analysis using the new methodology outlined in HUD Notice 2015-04.

Baseline Submission Requirements

HUD Notice 2015-04 instructs O/As to establish a baseline for each bedroom size once every three years. For two years after the baseline submission, utility allowances for each bedroom size and each utility type at the property will be adjusted by a state-specific increase factor called a Utility Adjustment Factor (UAF). Owners may elect to submit a baseline submission in years two and three; however, such submissions do not negate the need for a new baseline submission at the end of the three year cycle.

To perform a baseline analysis, the O/A must perform the following steps:

1. Request utility data from either the utility company or the tenant household for at least the number of units determined by the sample size methodology detailed below.

HUD Notice 2015-04: Methodology for Completing a Multifamily Housing Utility Allowance Continued...

- a. This must be done for each bedroom size at the property;
- b. If the property consists of multiple identical buildings (or buildings that are substantially similar, then the sampling may be performed at the property level, encompassing all buildings on a site. If buildings are not identical, the sampling must be done for each bedroom size);
- iii. A unit should be excluded from the sample if it:
 - i. Is receiving an increased UA as a reasonable accommodation;
 - ii. Has been vacant for 2 or more months. Units included in the sample should have at least 10 months of occupancy; or
 - iii. Is receiving a flat utility rate as part of a low-income rate assistance utility program.

RHS/USDA Properties must comply with the requirements outlined in HUD Notice 2015-04

Number of Units	Minimum Sample
1 – 20	All
21 – 61	20
62 – 71	21
72 – 83	22
84 – 99	23
100 – 120	24
121 – 149	25
150 – 191	26
192 – 259	27
260 – 388	28
389 and above	29

NOTE: Sample size can be greater than the HUD required minimum.

HUD Notice 2015-04: Methodology for Completing a Multifamily Housing Utility Allowance Continued...

2. Determine the average utility cost for each bedroom size without removing any units from the sample size beyond those excluded as indicated in (g.) above. Do not remove the highest and/or lowest utility cost household when determining the average.
 - a. A sample format for utility allowance submissions, which includes built-in formulas to average utility costs for each unit size, can be found [here](#).
 - b. A sample tenant release form can be found [here](#)
3. Provide an explanation for any sample sizes that do not meet the required criteria established in [Notice 2015-04](#).
4. Recommend the UA amount to the contract administrator for approval.
5. Follow the requirements in 24 CFR Part 245.405(a) and 245.410 to notify tenants of a utility allowance decrease
6. Phase-in UA decreases that would exceed 15% AND \$10 from the most recent (approved) UA.

Phase-in of UA Decreases Resulting from the Initial Baseline Submission

If a decrease percentage exceeds 15% AND is greater than \$10, the decrease must be phased in. Owners MUST implement the first 15% decrease in the year the determination of change was made AND implement any remainder of decrease the following year. The Phase-in is only required for UA decreases resulting from the property's *initial* baseline submission.

Example: The current UA is **\$100**. The baseline analysis concludes that the new UA is **\$84**. The decrease amount exceeds 15% and is greater than \$10.

Year One: The O/A will reduce the UA to **\$85**.

Year Two: The O/A will phase-in the remaining decrease, **\$84**, and apply the published Utility Allowance Factor to determine the new UA.

Year Three: The O/A will apply the published UAF factor to the “year two” UA to determine the new UA.

Please note that Notice to Tenants MUST be provided if the UA results in a decrease.

Factor-Based Analysis

For the two years after a baseline utility analysis is completed, the UA amounts for each bedroom size and each utility type can be adjusted by the established [Utility Allowance Factor](#) (UAF) in lieu of a baseline utility allowance.

HUD Notice 2015-04: Methodology for Completing a Multifamily Housing Utility Allowance Continued...

After completing the property's utility analysis under the factor-based utility analysis method, O/As should compare the adjusted utility analysis to their paid utilities over the previous twelve months. If the results indicate a significant disparity between the two, the O/A should complete a baseline analysis to help ensure the allowance(s) provided are accurate.

When the factor-based method is used to determine UAs, the O/A should submit their recommendation for the UA amount to the contract administrator for approval.

- ◆ Refer to HUD Notice 2015-04 for more information about:
- ◆ Utility Allowance Changes Outside of the Contract Rent Adjustment Schedule
- ◆ Allowances for New Construction or Substantial Rehabilitation
- ◆ Administrative Procedures
- ◆ Requirements for Tenant Households
- ◆ Penalties for Tenant Noncompliance
- ◆ Voluntary Use of EPAs Energy Star Portfolio Manager
- ◆ Information Collection

On June 22, 2015, HUD released FAQs in follow-up to HUD Notice 2015-04. The FAQs provide further clarification on the data required for baseline submissions, sample size(s), HUDs Utility Analysis Excel Worksheet, Release Forms, Mid-Year UA Adjustments, Utility Assistance as Income, UAFs, and Phase-in of UA Decreases.

For baseline submission requirements, the FAQ clarified that data collected must cover only HUD-assisted units receiving a UA and the data collected for each unit must be for the same time frame. Additionally, NTHDC has received clarification from HUD that the UA data should not go back further than 18 months from contract anniversary unless warranted by extenuating circumstances.

Read the FAQs in their entirety [here](#) and please contact your Contract Specialist with any questions.

HUD Issues Revised Section 8 Renewal Policy Guidebook

On August 7, 2015 HUD issued a new Section 8 Renewal Policy Guide. The policy changes outlined in the new Guide will be effective for all contract renewal or rent adjustment packages received for processing or post-marked after November 5, 2015. The Guide incorporates procedures from previous Housing Notices, along with several other notable changes throughout. These changes will have an impact on established policy not only for Owners and Agents, but also for Contract Administrators.

It is important to note that the below list represents only a partial summary of the changes made to the Section 8 Renewal Guide, and therefore is not all encompassing. To view the new guide in its entirety and HUD summary of the changes, please go to <http://www.hud.gov/offices/hsg/mfh/mfhsec8.cfm>.

Notable changes to the Guide:

Chapter 2, Section 8 Renewal Guide:

- ◆ Provide for terminating a non- Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA) contract early if the owner agrees to: renew under Options One, Two, Three or Four; renew for 20 years plus the remaining balance on the terminated non-MAHRA contract; and agrees to sign the “Rider to the Original Section 8 Housing Assistance Payments Contract (HUD-93184).” (Section 2-4.A)
- ◆ Allow Option Five contracts to terminate early and renew under Option Five. (Section 2-4.B.4)
- ◆ Indicate that contracts eligible for the Auto OCAF will have the RCS adjusted automatically and the adjustment factor will be the OCAF. (Section 2-5.D)
- ◆ Require those seeking to terminate a contract and renew it or those seeking to renew a contract for more than five years to obtain a new RCS. Also do not require an owner with an RCS that expires prior to a multiyear contracts five-year life cycle to obtain a new RCS until the fifth year of the contact, under certain conditions. (Section 2-5 E.3)
- ◆ Indicate that the minimum contract term is one year except for MUTM contracts that require a five-year minimum term. (Section 2-7.A.2)
- ◆ Indicate that owners can ask for an extension of the use agreement to facilitate a preservation transaction. (Section 2-7.A.3)
- ◆ Add language that tells the AE/CA not to use the prorated-OCAF for short-term renewals under Option One, Two, or Three but to provide retroactive rent increases upon completing of contract renewal processing. (Section 2-9.C)
- ◆ Add language that LMSA, Pension Fund, and Property Disposition contracts, in addition to old regulation contracts, typically have no limitations on distributions. (Section 2-12.A.1)
- ◆ Add language that says that users must follow the guidance in Housing Notice 2015-04 when developing utility allowances. (Section 2-17.A.2.b)
- ◆ Clarify that if an owner checks the box on HUD 9626 or 9627 requesting a “0” budget based rent adjustment, no budget submission is necessary. (Section 2-17.B.3.b)
- ◆ Add language that allows for-profit and non-profit owners renewing under Option Two access to increased distributions if the owner signs a 20 year HAP contract. (Section 2-12.D.1.a.2)

HUD Issues Revised Section 8 Renewal Policy Guidebook Continued...

- ◆ Add text that material FASS findings must be closed in order to qualify for increased distributions. (Section 2-12.E.1.a)
- ◆ No longer allow a 2 percent contingency reserve for projects owned by nonprofits or those projects once owned by nonprofits but which have been sold to limited dividend partnerships (Section 2-15 A.1).
- ◆ Allow nonprofit owned projects with 100 percent Section 8 to include a vacancy rate of 3 percent in the budget unless a lender requires a different number. (Section 2-15.A.2)
- ◆ Allow small projects to include a vacancy loss rate of 5 percent and partially assisted projects to use a vacancy loss rate of 7 percent in the budget submission. (Section 2-15 A.2.a and b)
- ◆ Allow debt service coverage in a budget-based rent adjustment request but if not used for project purposes the amount must revert to the residual receipts account if the project is required to have a residual receipts account. (Note after 2-15 B)
- ◆ Allow projects with low income housing tax credits to include in their budget certain fees associated with the tax credit transaction. (Section 2- 15.C)
- ◆ 1) Allow owners of Option Four projects who submit a zero budget-based rent adjustments to do so without a Rent Comparability Study (RCS). 2) Allow owners of Section 515/8 projects who submit budgets that result in rents that will be less than the OCAF adjustment to do so without a RCS. (Section 2-15. F)
- ◆ Clarify that Section 245 Tenant Notifications are not required for OCAF rent adjustments but are required for budget-based rent adjustments or for any adjustment where the utility analysis results in a possible decrease in the utility allowance.(Section 2-17.C.1)
- ◆ Require that all owners must register with Dun and Bradstreet and obtain a DUNS number. (Section 2-19)

Chapter 3, Option One – Mark-up-to-Market:

- ◆ Clarify that a nonprofit-controlled for-profit can renew under MUTM.(Note after Section 3-2.D.1.a)
- ◆ Require that management have a “Satisfactory” or above score to qualify for MUTM. (Section 3-2.B.1)
- ◆ Add language that allows the termination of a non-MAHRA contract at any time in order to participate in MUTM with certain conditions. (Section 3-7.A.2)
- ◆ Add language that Full M2M, Rental Assistance Demonstration (RAD), and DEMO contracts cannot be terminated early in order to renew under MUTM.(Section 3-7.C and Section 3-7.D)
- ◆ Eliminate language that requires a HUD RCS for MUTM contract renewals (Section3-8.A) and substitutes a requirement that HUD will hire a third-party appraiser to complete a HUD RCS should rents in the owner’s RCS exceed 140 percent of the Median Gross Rent By Zip Code Tabulation Area. (See Section 9-23 for new guidance)

Chapter 5, Option 3 – Referral to RECAP:

- ◆ Replace the name “OAHF” (Office of Affordable Housing Preservation) with “Recap” (Office of Recapitalization) throughout the chapter.
- ◆ Add information on a 202 project and its eligibility for restructuring if refinanced a second time with a loan insured under the National Housing Act.(Section 5-1.H)

Chapter 6, Option 4 – Renewal of Projects Exempt from or not eligible for Debt-Restructuring:

- ◆ Add projects financed under Section 542(c) risk-sharing with qualified State and local housing finance agencies to the list of projects exempt from MTM.(Section 6-1.B.1)

HUD Issues Revised Section 8 Renewal Policy Guidebook

Continued...

Chapter 7, Option 5 – Renewal of Portfolio Reengineering Demonstration or Preservation Projects:

- ◆ Clarify that the instructions for a budget-based rent adjustment request include Emergency Low-Income Housing Preservation Act (ELIPHA) projects. (Section 7-9.B)

Chapter 8, Option 6 – Opt Outs:

- ◆ Clarify that if an owner does not provide timely notice that the tenant's portion of the rent can only be increased due to an annual recertification or a change in household income. (Section 8-3.A.3.b.1)

Chapter 9, Rent Comparability Studies:

- ◆ Add a requirement that HUD will hire a third-party appraiser to complete a HUD RCS should rents in the owner's RCS exceed 140 percent of the Median Gross Rent By Zip Code Tabulation Area. The effective date of this change is 150 days from the date of this transmittal. (Section 9-23.C)

Chapter 12, Physical Condition of the Project:

- ◆ Remind owners that certain barriers to accessibility may constitute an Exigent Health and Safety (EH&S) deficiency. (Section 12-2)

Chapter 13, HUD's refusal to Renew Section 8 HAP Contracts:

- ◆ Add instructions on appeals and short-term renewals. (Section 13-3.A)

Chapter 14, RHS Section 515/8:

- ◆ Add language that HUD will not accept a Rural Development (RD) utility analysis (UA) and an owner must submit a UA based on HUD's standards. (Note after 14-2.A)
- ◆ Clarify that a 515/8 must submit a RCS only if requesting a budget-based rent increase at the time of the annual "amend rents" and only if the budget request would result in rents that exceed what the OCAF would have provided. (Section 14-2.B)
- ◆ Add language that says that HUD will notify RHS and the owner of the new rents and the new annual adjustment period. (Section 14-2.D)

Chapter 15, Section 8 Preservation Efforts:

- ◆ Clarify that for-profit owners can use Chapter 15 and renew under Option Two for purposes of Capital Repairs but must use Option One and Chapter 15 if seeking a Transfer or a Transfer with Capital Repairs. (Section 15-1)
- ◆ Clarify that a nonprofit owner can include one or more nonprofit general partners or a sole general partner that is wholly owned and controlled by one or more nonprofits. (Section 15-3.A.1)
- ◆ Add "Full" MTM projects to the list of these ineligible for participation in Chapter 15. (Section 15-4.C.3)
- ◆ Clarify that owners with original term (pre-MAHRA) contracts can terminate the contract early to participate in Chapter 15 if they agree to certain conditions. (Section 15-5.C.1)
- ◆ Revise language to allow non-MAHRA and Option Four MAHRA contracts, with rents at or below comparable market rents, to terminate early in order to participate in Chapter 15 transactions. (Section 15-5.C.3)
- ◆ Add language that 515 MAHRA contracts cannot be terminated early to participate in Chapter 15. (Section 15-5.C.2.a)
- ◆ Clarify that a for-profit entity purchasing a property must renew the Section 8 HAP contract under Mark-Up-To-Market. (Section 15-5 E.2)

Should you have any questions regarding the content of the Section 8 Renewal Guide, email Section8Renewal-Guide@hud.gov. Also be sure to check the www.NTHDC.org website frequently for updated content as HUD releases additional information. Additionally, you can contact your contract specialist with any questions.

HUD Notice 2015-06: Program Eligibility in Multifamily Assisted and Insured Housing Programs in Accordance with HUD's Equal Access Rule

On February 3, 2012, HUD published a final rule entitled Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity (77 FR 5662) ("Equal Access Rule" or "Rule"). The Rule is intended to ensure that housing across HUD programs is open to all eligible individuals and families regardless of actual or perceived sexual orientation, gender identity, or marital status. This notice provides guidance on how the Equal Access Rule applies to Multifamily insured and assisted housing.

Eligibility Determinations and Definitions

The Rule revised program requirements at PART 5—General HUD Program Requirements; Waivers, by adding provisions at 24 CFR 5.105, and by revising generally applicable definitions at 24 CFR 5.100 and 24 CFR 5.403.

The Rule made several changes to program regulations, including changes to PART 200—Introduction to FHA Programs and to PART 236—Mortgage Insurance and Interest Reduction Payment for Rental Projects, covering HUD-insured programs, such that:

Under 24 CFR 200.3, Definition, "family" has the same meaning as provided in Part 5; and

Under 24 CFR 200.300, Nondiscrimination and fair housing policy, the nondiscrimination policies in Part 5, including the prohibition on inquiries regarding sexual orientation or gender identity apply to FHA programs;

In addition, PART 891—Supportive Housing for the Elderly and Persons with Disabilities is amended at 24 CFR 891.105, Definitions, to refer to the same definition of "family" in Part 5.

Compliance and Enforcement

Violations of the rule could result in HUD's determination that the owner has failed to comply with program requirements. HUD may pursue any available remedy, including sanctions, that it determines appropriate to remedy the violation. HUD or a Contract Administrator may review an owner's tenant selection plan or other policies and procedures to determine if it complies with the Equal Access Rule. In addition, the civil rights review done at the time of the Management and Occupancy Review may include a review to determine if the owner is in compliance with the Equal Access Rule. A review may also include requests for information concerning allegations of noncompliance. Owners will cooperate with HUD and provide access to staff, records or any information needed to conduct the review.

More extensive guidance on civil rights laws and nondiscrimination policies as they apply to Multifamily assisted housing can be found in Chapter 2 of the HUD Handbook 4350.3, Occupancy Requirements of Subsidized Multifamily Housing Programs. Note that Section 4 of that Chapter, on Housing Discrimination Complaints and Compliance Reviews, provides direction in the event that an applicant or tenant believes that he or she has been subject to discriminatory treatment from the owner of an assisted property. See also the Office of Fair Housing and Equal Opportunity (FHEO) webpage on lesbian, gay, bisexual, or transgender (LGBT) housing discrimination, which provides instructions for contacting HUD if a person believes he or she has experienced housing discrimination.

HUD Notice 2015-06: Program Eligibility in Multifamily Assisted and Insured Housing Programs in Accordance with HUD's Equal Access Rule

Continued...

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/LGBT_Housing_Discrimination

Enforcement Options

If, after conducting a thorough investigation of a complaint brought to HUD or to the Contract Administrator or other information brought to the attention of HUD or the Contract Administrator, the Regional Center/Hub Director determines that the owner or agent has committed one or more violations of the requirements contained in the Equal Access Rule, the Regional Center/Hub Director will provide written notice of the violations to the owner. The notice will describe the violations and call for a response within 30 days. If the applicable regulatory agreement and/or HAP contract requires the owner to "provide management for the project that is acceptable to HUD" or to "administer the subsidy contract in accordance with HUD regulations and requirements," the Regional Center/Hub Director's notice will further inform the owner that its violations of the Equal Access Rule constitute unacceptable management and, therefore, are also violations of the regulatory agreement and/ or the HAP contract.

If the owner fails to respond, or the response does not satisfactorily address the violations alleged in the Regional Center/Hub Director's letter, then the Regional Center/Hub Director or designee may send a referral to the Departmental Enforcement Center (DEC) and the owner must be flagged in the Active Partners Participation System (APPS).

Owners, management agents, principals, or affiliates of projects that are under an insured mortgage or are assisted, who violate any provision of the Equal Access Rule may be liable for one or more of the following sanctions:

- ◆ Debarment - an exclusion of an individual, organization and its affiliates from conducting business with any Federal Agency government-wide. Debarment is a very serious compliance sanction and is typically imposed for a three-year period. See 2 CFR Parts 180 and 2424 (applies only to non-procurement activities with the federal government).
- ◆ Suspension - a temporary action with the same effect as debarment. See 2 CFR Parts 180 and 2424.
- ◆ Limited Denial of Participation (LDP) - an action that excludes a party from further participation in a certain HUD program area. The scope of the LDP may also be limited to a certain geographic area, and generally remains in effect for up to 12 months. See 2 CFR Parts 180 and 2424.
- ◆ Civil Money Penalties - fines which may be imposed on owners, principals of owners, and management agents who knowingly and materially fail to comply with any provision of the Equal Access Rule, and, therefore, fail to provide management for the project acceptable to the Secretary, or fail to administer the subsidy contract in accordance with HUD regulations and requirements.

HUD Notice 2015-06: Program Eligibility in Multifamily Assisted and Insured Housing Programs in Accordance with HUD's Equal Access Rule Continued...

Fair Housing Implications

Although the Fair Housing Act does not expressly include sexual orientation, gender identity or marital status as protected characteristics, a lesbian, gay, bisexual, or transgender person may still be protected by one or more of the Fair Housing Act's prohibitions against discrimination. For example, courts have recognized that the Fair Housing Act's prohibition against discrimination because of sex includes discrimination based on non-conformance with sex stereotypes. Therefore, under certain circumstances, complaints involving sexual orientation or gender identity may be investigated under the Fair Housing Act.

Persons alleging such discrimination should be informed of their right to file a fair housing discrimination complaint with HUD and directed to HUD's Office of Fair Housing and Equal Opportunity at (800) 669-9777 (voice) or (800) 927-9275 (TTY). Housing discrimination complaints may also be filed by visiting www.hud.gov/fairhousing, or by downloading HUD's free housing discrimination mobile application, which can be accessed through Apple and Android devices.

If HUD lacks jurisdiction to investigate a complaint from an LGBT person, such person may still be protected under state and local laws that include sexual orientation, gender identity and/or marital status as protected classes. Many states and local jurisdictions prohibit housing discrimination based on sexual orientation, gender identity and/or marital status, and HUD may refer complaints or other information concerning these protected classes to appropriate state and local fair housing enforcement agencies.

Free Webinar!

Topics will include:

- Changes to the Section 8 Renewal Policy Guide
- How those changes will impact the eligibility and submission requirements

Revised Changes to the Section 8 Renewal Guide

NTHDC will be offering a free webinar in the month of October for all owners and agents in the state of FL and USVI.

To make sure you get all of our webinar notifications, please register at NTHDC.org. Date and Time is TBD. Sign-up will be posted on the NTHDC.org website.


