



The CA Quarterly Review

Summer 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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It is my pleasure to present our Summer 2015 edition of the CA Quarterly Review. We truly hope all of you will be able to partake in the many activities Summer provides in the Sunshine State. It is always a great time at NTHDC as we are able to continue to serve you as the PBCA in Florida and the U.S. Virgin Islands.

We are excited to share some positive developments in the ongoing PBCA litigation. On April 20, 2015, the US Supreme Court refused to hear a challenge brought by the Department of Housing and Urban Development (HUD) to a federal appeals court decision ruling HUD could not award contracts as a Notice of Funding Availability (NOFA). The Federal Circuit mandated that HUD compete these administrative service contracts under the same contracting procedures used by all other federal agencies. What this means is the case will return to the US Court of Claims and HUD will have to consider an open competition in re-competing the PBCA contracts. This has been the hope all along as an open competition allows for the highest quality while saving taxpayer dollars. We are currently awaiting HUD's decision on how they will proceed but we are expecting a competitive procurement process to follow.

Another item which we are pleased to share, HUD executed extensions to both the Florida and U.S. Virgin Islands PBCA contracts. These extensions ensure NTHDC will remain as PBCA through at least June 30, 2016. There are three remaining six month extensions which could extend the contracts through December 31, 2017, if HUD so chooses. We appreciate all of your support and we look forward to our continued partnership in ensuring we do all we can to promote affordable housing.

Don Shea,

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

What's New on HUDClips



Posted Date

4/7/2015	Housing Notice 2015-03	Transferring Budget Authority of a Project-Based Section 8 Housing Assistance Payments Contract under 8(bb)(1) of the US Housing Act of 1937
4/1/2015	FR-5720-P-02	Violence Against Women Reauthorization Act of 2013: Implementation in HUD Housing Programs

New Special Claims Submission Process



NTHDC has created a general mailbox to submit all Special Claims. By streamlining the submission process, NTHDC can ensure that all claims are processed expeditiously.

Please note, once you have emailed the Special Claim, it is not necessary to mail an additional hard copy via US Mail.

Please direct all electronic Special Claim submissions to specialclaim@cgifederal.com.

As a reminder, social security numbers are not required for processing and should be redacted prior to transmission.



How the Call Center Handles Complaints

Changes in the seasons require inspections, updated maintenance and repeated communication to resident (s) regarding House Rules and Lease requirements. One of Management's best practices is to evaluate and implement applicable changes as a preventative method to avoid surprises and complaints. The Call Center services both residents and owner/agents by acting as a third party to assist with the investigation and resolution of resident, general public and owner/agent concerns. All inquiries are logged and kept open until confirmation of steps taken to mitigate the issue and the caller's confirmation that all issues have been resolved. Below is a list of the most common concerns received by the Call Center, an explanation of how we work with management to close the concern and suggested best practices for owners and agents to follow when responding to resident concerns:

Maintenance related issues are reported and tracked until all repairs are completed. **Suggested Best Practice:** Implement a preventive maintenance program. See most common maintenance related complaints below:

- Mold or Black Mold - clean and treat affected area with applicable products (ex: bleach, Kilz, borax). Contract a Licensed Professional for extreme cases.
- In-Operable Appliances (air conditions, stove, etc...) - repair or replace appliance(s) and provide signed work order or invoice.
- Pest – treat unit/area as applicable, hire pest control if necessary, and provide signed work order or invoice. Also, include dates for future scheduled treatments. Refer to HUD Notice H 2012-5 regarding Bedbugs.
- Leaks - repair area and provide signed work order or invoice.
- Electrical - repair area and provide invoice detailing succinct problem and how the issue was resolved.

Management is slow to respond to resident concerns - Owner/Agents should follow the guidance set forth in HUD Handbook 4381.5 *The Management Agent* when addressing resident complaints and developing and implementing a service request system. Owner/Agents are expected to take immediate action to address problems or concerns. The Call Center confirms resolution when it receives a description of the procedure(s) taken to mitigate issue(s), a copy of maintenance log and/or signed work orders or invoices. **Suggested Best Practices:** educate residents on management's policies regarding resident complaints.

Rent calculations – Owner/Agents must provide a copy of the form HUD-50059 and applicable documents for review. Complaint will be closed with a confirmation that calculations are correct. **Suggested Best Practices:** sit down with resident and walk through calculations and provide a copy of *HUD Fact Sheet, "How Your Rent Is Determined."*

Failure to release security deposits – Owner/Agents should provide a copy of move-in/out inspection report, security deposit disposition notice, itemized listing of damages (if applicable) and breakdown of the repair costs. Unresolved disagreements must be handled legally as the Call Center will not become actively involved with legal disputes. **Suggested Best Practices:** conduct a move in/out inspection with resident to confirm damages and explain possible deduction in security deposit.

How the Call Center Handles Complaints Continued

Resident Organizations - Owner/Agents should refer resident(s) to The Code of Federal Regulations (24 CFR Part 245.100 through 245.130) for specific actions and details surrounding resident organizers. Also, HUD *Resident's Rights and Responsibilities* brochure explains tenant rights involving Resident Organizations. In addition, contact legal aid or a private attorney in request for legal guidance and assistance in organizing Resident Organizations. **Suggested Best Practices:** recognize legitimate resident organizations and extend open lines of communication.

Legal disputes (evictions, unreported income investigations, and disputes between Management and residents) – Owner/Agents must provide details surrounding the complaint for documenting purposes; however, the Call Center will not become actively involved with legal disputes and will advise the resident that he/she has the right to contact legal aid or a private attorney. **Suggested Best Practices:** document and relay pertinent information to Management and in-house counsel.

Questions regarding House Rules – Owner/Agents must provide a copy of House Rules and details surrounding the complaint. Also, ensure that policies are in line with **HUD Handbook 4350.3** or contact your assigned HUD PM for clarity. **Suggested Best Practices:** establish, review and consult with others (i.e. Upper Management, in-house counsel) on creating House Rules.

Management is encouraged to refer to HUD Handbook 4381.5 Rev 2 **The Management Agent Handbook** for guidance in addressing resident concerns as they arise and maintaining decent, safe, and sanitary housing. In addition, the Call Center is readily available to assist and can be reached during regular business of 8:30 am to 5:30pm hours at our toll-free number 1-800-982-5232 or Contact Center email address PBCAcontactcenter@cgifederal.com.



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

Violence Against Women Act Update

On April 1, 2015 HUD published a Proposed Rule in the Federal Register expanding and clarifying provisions of the Violence Against Women Act of 2013. The rule's open comment period ended on June 1, 2015. Most notably, language was added to the regulations on the following issues: expanding the list of covered programs, describing the changes that VAWA 2013 made to existing VAWA protections, and identifying certain issues for which HUD specifically sought public comment.

Regarding those programs covered by VAWA: the following were added:

- Low Income Housing Tax Credit
- Section 202 Housing for the Elderly
- Section 811 Housing for Persons with Disabilities
- Housing Opportunities for Persons with AIDS (HOPWA),
- HOME Investment Partnerships (HOME),
- Section 221(d) mortgage insurance, and Section 236 mortgage insurance programs.
- Apply VAWA protections to the Housing Trust
- And some rural housing assistance programs authorized by the Housing Act of 1949.

In addition, the new language expands protections relating to the prohibition of terminating assistance because of criminal activity directly relating to domestic violence, dating violence, sexual assault, and stalking by replacing the term "immediate family member" with "affiliated individual."

The definition of an "affiliated individual" is: (A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis*; or (B) any individual, tenant, or lawful occupant living in the household of that individual. This is intended to cover individuals lawfully occupying a unit but who may not necessarily meet a definition of family. It is important to note that while a live-in aide or caregiver who resides in a unit may be a lawful occupant, nonetheless such individual *is not* a tenant and the protections of VAWA would not apply, except that the live-in aide or caregiver cannot be denied assistance if he or she independently applies for assistance.

The rule also proposes to strengthen protections by adding "sexual assault" as a covered protection under VAWA. Sexual assault, by statute is *Any non-consensual sexual act proscribed by Federal, tribal or state law, including when the victim lacks capacity to consent.*

The proposed rule also clarifies HUD's responsibilities, which include the development of documents to implement the provisions of the proposed rule. These are a Notice of Occupancy Rights under VAWA, a Model Emergency Transfer Plan for Victims of Domestic Violence, and a Certification of Domestic Violence. The proposed rule contained proposed language for each of these documents and when the rule is final, a version of these documents will be implemented. Each document has required content.

Violence Against Women Act Update Continued

Notice of Occupancy Rights under VAWA

This document is to be issued by HUD and provide details on protections to applicants and in-place tenants. These include:

- Definitions of terms in the notice
- Guidance on moving to another unit
- Documenting incidents of domestic violence, dating violence, stalking or sexual assault
- Confidentiality covering all information provided by victims

When finalized, the document must be distributed to all prospective tenants and in-place tenants.

Model Emergency Transfer Plan for Victims

This document will define actions to be taken to protect victims once they report an incident of violence covered by VAWA. The plan will:

- Define what constitutes an emergency transfer
- Explain eligibility requirements to transfer to a new unit
- Identify the documentation required during the emergency transfer process
- Confirm confidentiality requirements as required by VAWA
- Explain emergency transfer timing and availability
- Continued safety and security of tenants

Certification of Domestic Violence

This form will capture personal information about the victim as well as explain alternative methods of documenting incidents of violence. An Owner/Agent can request in writing that a tenant or prospective tenant provide this information, although he is not required to do so. The information if requested must be provided within 14 business days, and may be in an alternate form.

The requirements of each form are explained in detail in Appendix A, Appendix B and Appendix C of the Proposed Rule. To access the entire proposed rule, comments received and appendices, click [here](#).

Fair Housing Spotlight

Discrimination against persons with disabilities is the largest category of Fair Housing complaints received by HUD each year. Disabilities come in many forms, not all of which are apparent, therefore many people with disabilities - whether physical, developmental, cognitive, or psychiatric, housing choice has always been quite limited.

In a recent study, HUD measured discrimination faced by deaf persons and persons using wheelchairs when searching for housing to rent in the Chicago Metropolitan area. The study found discrimination amongst those groups to be extremely high. One in four wheelchair testers were told about fewer available units than similarly qualified nondisabled testers. Deaf persons who called potential rental units using TTY relay systems were refused service at a rate of one out of every four calls.

Additionally, the study sought to measure instances of housing discrimination for disabled residents who requested reasonable modifications. One out of six housing providers refused a request for a reasonable modification that the tester said they would pay for. Nineteen percent of those with on-site parking refused to make a reasonable accommodation of providing a designated parking space for a wheelchair user.

The Fair Housing Act requires housing providers to provide “reasonable accommodations” to persons with disabilities. This means an owner may have to modify rules, policies, practices, procedures and/or services to afford a person with a disability an equal opportunity to use and enjoy housing. In addition, the Fair Housing Act contains specific accessibility requirements that apply to the design and construction of new multifamily housing built for first occupancy after March 13, 1991.

Owners may verify the person’s disability only to the extent necessary to document that applicants are qualified for the housing for which they are applying, are qualified for any deductions used to determine adjusted income, any preferences the applicant claims, any needed design features of the unit and where the applicant has requested a reasonable accommodation for a disability-related needed modification.

When a family member requires an accessible feature(s), policy modification, or other reasonable accommodation to accommodate a disability, the owner must provide the requested accommodation unless doing so would result in a fundamental alteration in the nature of the program or an undue financial and administrative burden. A fundamental alteration is a modification that is so significant that it alters the essential nature of the provider’s operations. If the alteration would cost the owner an undue financial burden, the owner must take steps to find alternatives that may be more economically feasible. In other words, owners must do everything possible to accommodate the needs of a person with disabilities.

Housing providers have an obligation to treat each person, whether it is a resident, applicant or potential applicant, equally. HUD and the Department of Justice have levied significant civil money penalties against housing providers found to violate the Fair Housing Act.

Fair Housing Spotlight Continued

In a recent case, the DOJ filed a petition against a housing provider who refused a request by a tenant who used a wheelchair and lived on the second floor to transfer to a first-floor unit when elevator renovations would leave tenants without an elevator for at least six weeks.

In another recent case, the DOJ filed a complaint which alleges that defendants discriminated against the HUD complainant by refusing to waive the pet deposit for her emotional support animal, which ameliorated the symptoms of her disability. The consent decree requires defendants to pay \$20,000 to the HUD complainant and \$5,000 to the United States, and to adopt a reasonable accommodation policy and receive fair housing training.

In California, HUD charged the owners of a San Francisco community with discrimination for initially refusing to allow a resident with disabilities to keep an emotional support animal even though the resident provided documentation from a certified healthcare professional. The animal was sent to live with a family friend, leaving the resident without the support animal.

Is your housing compliant with Fair Housing Act regulations?

- ◆ Do you have accessible entrances? All buildings containing covered dwelling units have at least one accessible entrance along an accessible route.
- ◆ Do you have accessible routes? Is there at least one continuous, unobstructed accessible route throughout the community?
- ◆ Are ramps and common areas, including restrooms, compliant with ADA regulations?
- ◆ Do you have enough accessible parking spaces?
- ◆ Are there usable and accessible doors throughout the property? (Entrances, restrooms, laundry rooms, rental offices, dwelling units etc.)
- ◆ Are the dwelling units complete with accessible features? (Reinforced walls with grab bars, accessible kitchens and bathrooms. etc.)
- ◆ Do you use a relay service? Pull Cords or switches?

It's always a good practice to review your policies and procedures annually to ensure that they do not preclude anyone from enjoying your property and all its features.

Resources

Accessibility Checklist http://www.equalrightscenter.org/site/DocServer/FHA_Checklist_single_page.pdf?docID=2281

Relay Services

<http://www.ftri.org/floridarelay>

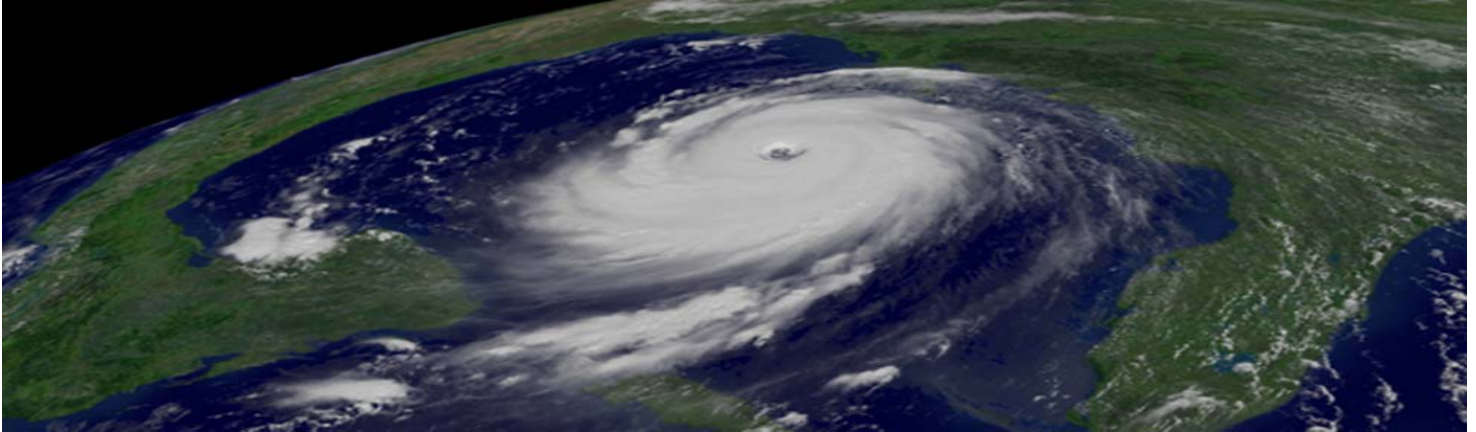
<http://www.fccdhh.org/services/assistive-technology/florida-relay-service.html>

Regulatory References

http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_35643.pdf

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

June Marks the Beginning of Hurricane Season



Hurricane Season began on June 1st and will end on November 30th. Being prepared for a storm can minimize property damage and in some cases, mean the difference between life and death. Being prepared is not just a task for apartment managers along the coastlines. It is equally important that inland properties be prepared for a storm and have an evacuation plan.



How Can I Prepare for a Storm?

- **Make a plan.** Put the plan in writing and distribute it to all of the residents at your property. Meet with residents to review and discuss preparedness and evacuation procedures in the event of a hurricane watch or warning.
- **Build a hurricane kit.** Ensure that you have emergency contact information for all of your residents and that the list is located in a secondary location apart from the property. Encourage your residents to create a list of important information such as their doctor and pharmacy contact, a list of all medications. Also include insurance information such as agent contact and policy numbers. And be sure to have a plan for your pets.
- **Contact your local or regional planning council.** Most planning councils offer templates and tips and have training materials available to help ensure that you are prepared for hurricane season.

What Should I Do During a Hurricane?

If a hurricane is likely in your area, you should:

- Listen to weather forecasts and radio and television information.
- Ensure that the property is secure by closing storm shutters, windows, outdoor furniture etc.
- Turn off utilities if instructed by emergency management agencies. Otherwise, instruct residents to turn the refrigerators to the coldest settings and keep the doors closed.
- Ensure propane tanks have been turned off.
- Try to avoid using your cell phone, unless absolutely necessary.
- Evacuate if you are instructed to do so by your local authorities.

What Do I Do After the Hurricane?

- Continue to stay informed by listening to the NOAA weather radio and news information.

June Marks the Beginning of Hurricane Season Continued

- If a catastrophic situation has occurred, contact FEMA.
- Residents should be informed that if they are displaced in an emergency, they are responsible for advising the owner and/or the owner's representative of their temporary housing location and their intentions during and after the emergency/disaster.
- If the displaced resident has a new, temporary address or telephone number, they should provide it to the owner or agent of the development from which they were displaced.
- Residents should also be advised that due to potentially dangerous conditions, they may not have ready access to their possessions.
- Owners are responsible for securing the property to the best of their ability immediately after the emergency, and to protect the personal property of the residents. The resident will need to contact their insurance agent (rental insurance) for any coverage on their personal property.
- Disposal of any personal property must be done in accordance with local law. Additionally, owners may take action to terminate a lease and dispose of personal property in accordance with local law when displaced residents indicate their intention not to return or fails to respond to the owner's notice.
- In the event a property's rental office has to be vacated, the owner should publish where he or she can be contacted and should regularly inform residents as to progress making repairs and when they might re-occupy their residence.
- Owners also have a responsibility to ensure that the property is secured and that residents' possessions and valuables are secured and protected to the greatest extent possible.
- It is very important that you notify your HUD Project Manager immediately in the event your property has sustained physical damage as a result of fire, flood, wind, or any other natural disaster.
- The owner must submit a damage report to the HUD Project Manager via fax or owners can email reports to DamageAssessmentsFlorida@hud.gov or fax to (904) 232-1532 for Florida and MFDamagesAssessmentPR&VIUsers@hud.gov or fax to (787) 766-5522 for the Virgin Islands.

Residents' Right to Return

- Residents displaced by a hurricane have the right to return to the unit with which they were displaced, however if a tenant signs a lease at an alternative location during the displacement they are no longer considered displaced and is no longer eligible to return. The owner has no further obligation to the resident and may therefore proceed to re-rent the unit. Owners and agents are encouraged to allow residents to return, even in cases where the owner has no obligation to allow the resident to return.
- Once a disaster-displaced resident has chosen alternative means of permanent housing, the resident is required to give the landlord notice of termination as outlined by their lease. The resident may need additional time to arrange for their belongings to be moved, and owners are encouraged to be flexible.
- When disaster-displaced residents have been placed in mass shelters, hotels and other non-permanent housing, owners should make every effort feasible in order to locate the disaster-displaced residents as soon as possible. Owners should also encourage the residents to keep them informed regarding their whereabouts.
- Owners are required to inform residents in writing at least 60 days prior to the expected date their unit will be ready for re-occupancy. Residents must respond within 30 days to inform the owner of their intention to return or not. In the event the tenant wishes to return to the unit upon readiness, the owner must give the resident a minimum of 60 days from the date the unit was ready for re-occupancy to re-occupy the unit.

June Marks the Beginning of Hurricane Season Continued

Providing Temporary Housing to Disaster-Displaced Residents

- Owners are required to give a waiting list priority to applicants who are victims of presidentially declared disasters for either temporary or permanent multifamily housing financed under 221(d)(3), 221(d)(3)BMIR, 221(d)(4) and 236 programs.
- Owners are encouraged to lease units to people displaced by a disaster. HUD recommends a 30-day renewable lease.
- Disaster-displaced residents must pay market rent for a unit being leased as temporary housing. Since the resident is to pay market rent, there is no need to process income certifications.
- If a disaster-displaced resident leases a project-based unit permanently, FEMA and other disaster related assistance is excluded from income. The only exception to this rule is in the case where funds are deposited into an account or investment.

Links:

<http://www.fldisasterhousing.org/>

<http://www.vitema.gov/>

<http://www.ready.gov/hurricanes>

http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/communitydevelopment/programs/dri

http://portal.hud.gov/hudportal/HUD?src=/program_offices/housing/mfh/disasterguide

Community Golf Outing

NTHDC Staff participated in the Tampa Housing Authority's 7th Annual Golf Tournament. All proceeds from the Golf Tournament will help fund activities throughout the Summer for youth from extremely low-income families.

