

NAHMA News

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

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Congressional Hearings Turn Attention to Affordable Housing

Before taking its recess for the November elections, Congress held hearings in September on three issues that affect the affordable housing industry: the physical inspection process, the policies and structure of the Project-Based Section 8 program and the efficiency of the Housing Choice Voucher program.

Additionally, Florida Sen. Marco Rubio (R) introduced the HUD Inspection Process and Enforcement Reform Act on Sept. 26, which he said in a press release, “allows for real accountability at HUD” and would require an audit of the agency’s inspections process, among other things. The senator submitted the bill after a visit to a troubled property in Florida. Rubio said it is intended to target poor property management practices.

PHYSICAL INSPECTION PROCESS

On Sept. 22, the Senate Committee on Banking, Housing, and Urban Affairs’ Subcommittee on Housing, Transportation, and Community Development held a hearing, Oversight of the HUD Inspection Process, to discuss alleged problems with the Department of Housing and Urban Development’s (HUD) oversight of Project-Based Rental Assistance (PBRA) properties. The hearing came on the heels of investigations of troubled properties in Florida.

The hearing featured two panels of witnesses with Florida Sens. Bill Nelson (D) and Rubio on the first panel. The second included Edgar Olsen, professor of economics and public policy, University of Virginia Batten School of Leadership and Public Policy; Tracy Grant, president, Eureka Garden Tenants’ Association, Jacksonville, Fla.; Maj. Josh Lewis, Riviera Beach Police Department, Riviera Beach, Fla.; and Vincent O’Donnell, affordable housing consultant. HUD was notably absent from the hearing.

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Ken Pagano, CPM, SHCM, NAHP-e
jkpagano@essexplazamgmt.com

EXECUTIVE DIRECTOR

Kris Cook, CAE
kris.cook@nahma.org

DIRECTOR, GOVERNMENT AFFAIRS

Larry Keys Jr.
lkeys@nahma.org

DIRECTOR, FINANCE AND ADMINISTRATION

Rajni Agarwal
rajni.agarwal@nahma.org

DIRECTOR, MEETINGS, MEMBERSHIP

Brenda Moser
brenda.moser@nahma.org

MANAGER, COMMUNICATIONS AND PR

Jennifer Jones
jjones@nahma.org

GOVERNMENT AFFAIRS COORDINATOR

Juliana Bilowich
jbilowich@nahma.org

EDUCATION AND TRAINING COORDINATOR

Natasha Patterson
npatterson@nahma.org

ADMINISTRATIVE COORDINATOR

Paulette Washington
pwashington@nahma.org

EDITOR

Jennifer Jones
jjones@nahma.org

DESIGN

Mary Prestera Butler
butler5s@comcast.net

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Time to Shine a Light On Affordable Housing

THE CURRENT YEAR MAYBE winding down, but here at NAHMA we're already gearing up for a very busy 2017. Now that the elections are over and we are experiencing an administration change as well as the influx of new members of Congress, NAHMA staff will be spending even more time on the Hill. We will be meeting with the new leaders to stress the importance of affordable housing—an issue that was mostly overlooked during this election cycle.

Larry Keys, NAHMA director of government affairs, outlines the anticipated key leadership important to the affordable housing industry in the new Congress in his Washington Update column on page 9.

NAHMA also asks its members to get out there and meet with their local-, state- and federal-level elected officials and their staff to help drive home to the new administration and members of Congress how important affordable housing is to their constituents. For tips and talking points, visit the Grassroots Advocacy webpage at www.nahma.org.

SUCCESSFUL FALL MEETING

NAHMA wrapped up its annual meetings for 2016 with the Regulatory Issues fall meeting in October, which drew more than 180 affordable housing professionals to Washington, D.C., to hear the latest updates from Department of Housing and Urban Development (HUD) and other government officials. Additionally,

attendees heard about the current state of politics from keynote speaker, former Congressman Martin Frost (D-TX) and helped raise \$80,000 for the NAHMA Educational Foundation. To read more about the annual meeting, see page 17.

CELEBRATING COMMUNITIES

NAHMA has received more than 30 entries for the 2016 Communities of Qualities Awards. Judging has taken place, and we will be announcing the winners in the next January/February issue of *NAHMA News*. The winners will be honored at the Federal Affairs Issues winter meeting, March 5-7, 2017. Look for the online meeting registration to open in late December.

SUPPORT BUDDING ARTISTS

Finally, now is the time to celebrate the people who make up our wonderful communities by ordering a 2017 NAHMA Drug-Free Kids Calendar.

The calendars feature outstanding original artwork by children, seniors and adults with special needs living in affordable multifamily housing. This year's contest tackled an important issue in many people's lives with the theme, Words That Heal: Stop Bullying, Spread Kindness. To learn more about this special calendar, see page 24.

The cost is \$5.50 per calendar, which is a HUD and U.S. Department of Agriculture allowable project expense. **NN**

Kris Cook, CAE, is executive director of NAHMA.

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In his opening remarks, Subcommittee Chairman Sen. Tim Scott (R-SC) said that despite multiple attempts at reaching out to HUD, he was disappointed that “not one employee at HUD would make the time to come and explain what is not happening.”

In the first panel, both Nelson and Rubio discussed their site visits to the three Florida properties where they testified to seeing deplorable conditions, including mold, exposed electrical wire, flooding, collapsed ceilings and crime. Rubio called the owner a “slumlord.”

Both senators raised significant concerns with what they called HUD’s flawed inspections process and inconsistent property scores. In his written testimony, Nelson said, “it would take too long for me to talk about every failing property in the country, but I think we can all agree that one is too many. So I introduced the Housing Accountability Act with Sen. Rubio to give tenants a voice and to remove the overdependence on unscrupulous property managers and faulty inspections to clue HUD into what’s going on at these properties.”

The Florida senators introduced the Housing Accountability Act of 2016 in July. The bill, if passed, requires that subsidized property owners maintain safe and sanitary conditions at their properties; establishes a process for contract administrators to survey residents twice a year in order to identify persistent problems relating to the physical condition of the properties or the performance of the building’s management; creates a new penalty for owners that fail to maintain safe and sanitary conditions or are repeatedly referred to HUD for remediation under the resident survey; and requires HUD

to issue a report examining the capitalization of all subsidized properties in the country.

The second panel largely focused on the living conditions at the Florida properties from a resident and law enforcement perspective, with Grant and Lewis sharing their experiences. However, there was some notable discussion on the PBRA program, as a whole. Olsen, in his testimony, recommended that PBRA and Low-Income

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Housing Tax Credit (LIHTC) be phased out and replaced with vouchers. He recommended that HUD not renovate or renew existing PBRA properties and provide residents with vouchers to relocate. Ranking Committee Member Sen. Bob Menendez (D-NJ) disagreed with the voucher-only proposal, instead highlighting concerns with insufficient housing supply and the difficulty of using vouchers in high-cost areas. Menendez also said that there needs to be a mix of vouchers and project-based subsidy to meet the needs of the market.

RUBIO’S BILL

Rubio’s HUD Inspection Process and Enforcement Reform Act was introduced just days after the hearing and would shorten the required time for a property owner to respond to contract violations from 30 days to 15 days. HUD would also be required to prepare a Compliance, Disposition and Enforcement Plan at a quicker rate, from the current 60 days to a new target of 30 days.

The bill also includes provisions

that will allow HUD to terminate or demote employees overseeing inspections should they be found to be neglectful of their duties in inspecting a property. The inspection process managed by HUD’s Real Estate Assessment Center (REAC) would be audited as well under the provisions of the bill. Furthermore, HUD would be required to produce a report on REAC to Congress that examines the percentage of all inspected proper-

ties that received a REAC-inspected score of less than 65 within the 48 month-period preceding the report; the number of properties in which the most recent REAC-inspected score represented a decline relative to the previous REAC score; the 10 metropolitan statistical areas with the lowest average REAC-inspected scores for all inspected properties; and the 10 states with the lowest average REAC-inspected scores for all inspected properties.

Enforcement procedures for the owners and managers of PBRA properties are also increased. HUD will be required to take action on properties that receive a Uniform Physical Condition Standards (UPCS) inspection score of 30 or below; fail to certify in writing to HUD within three days of receiving the score that all urgent health and safety deficiencies identified by the inspector at the project have been corrected; or receive a UPCS inspection score of more than 30 and less than 59 and has received consecutive scores of less than 60 on UPCS inspections.



For residents, the bill includes a provision that makes Tenant Protection Vouchers available for residents living in dwelling units in which the owner has been declared in default of a project-based subsidy contract due to imminent health and safety risk to residents.

NAHMA understands the intent of Rubio's bill, but it believes the legislation could harm good owners and managers in an effort to address poor management practices. According to NAHMA, broad legislative actions like Rubio's bill may project negative stereotypes or unnecessary burdens upon all affordable housing managers and owners because of the terrible actions of bad owners or managers.

NAHMA will monitor the bill in consultation with its federal affairs committee.

PROJECT-BASED RENTAL ASSISTANCE PROGRAM

On Sept. 21, the Senate Appropriations Transportation, Housing and Urban Development (T-HUD) Subcommittee held a hearing, Housing Vulnerable Families and Individuals: Is There a

Better Way?

The purpose of the hearing was to discuss the best policies to house families and individuals in need of assistance, and specifically, whether the current public housing structure of the Project-Based Section 8 (PBRA) program still has a beneficial role. The witnesses for this hearing included Richard Gentry, president and CEO of the San Diego Housing Commission; Edgar Olsen,

professor of economics and public policy at the University of Virginia and Erika Poethig, fellow and director of urban policy initiatives at the Urban Institute.

In her opening testimony, T-HUD Subcommittee Chair Sen. Susan Collins (R-ME) focused on the costs associated with HUD's housing programs and the uncertainty of funding considering the national debt, lawfully binding budget caps and the Federal Housing Administration's mortgage insurance premiums, which are used to offset spending for affordable housing programs. The cost of renewing rental assistance continues to grow each year and will consume 84 percent of HUD's overall budget in fiscal year 2017.

A solution that was discussed during the hearing was a transition of all federally assisted housing programs to a structure similar to the Housing Choice Voucher (HCV) program, wherein residents may relocate themselves and their rental assistance rather than the assistance being tied to a specific property. Collins cited findings of a 2015 Harvard study on the importance of

healthy neighborhoods to improve a family's well-being and that with a voucher structure, families may move to better areas. Collins also said that it could be beneficial to divest in the current stock of PBRA housing and reinvest the money in properties located in high-opportunity areas.

Subcommittee Ranking Member Sen. Jack Reed (D-RI), in his opening testimony, highlighted the housing affordability crisis in the U.S. and his state, noting that the number of households paying more than 50 percent of their income on rent has increased by 49 percent in Rhode Island alone. He also praised the recent passage of the Housing Opportunities through Modernization Act (HOTMA) for its common sense reforms, but said that more work could be done to improve HUD and better serve families with rental assistance needs.

The witnesses provided a variety of different possibilities that could improve rental assistance programs. Gentry said the traditional public housing program is no longer viable in its current form. His written testimony highlighted the benefits of the Moving to Work initiative and how it improves the future of families receiving rental assistance.

Poethig focused on the advantages of PBRA in her testimony, noting that the program is better at aligning certain residents, such as seniors, with the services that they require. She also said in her written testimony that disinvestment in PBRA would be a mistake since the program preserves investments in low-income communities and helps deconcentrate poverty. She emphasized the critical importance of preserving the PBRA portfolio since 33 percent of active PBRA units are at risk of loss because of contracts that will expire in the next 24 months. Her written testimony also promoted the use of evidence-based research before

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making major changes to funding models.

In contrast, Olsen talked about the type of investments Congress should make in the future. He recommended that lawmakers do not make investments in future PBRA projects and instead focus their attention on voucher funding. He cited the cost effectiveness of the various programs in comparison to HCV and said that no more money should be committed to project-based programs, like PBRA and LIHTC.

Sens. Reed and Collins asked the panel questions about the challenges facing the public

housing portfolio with a particular focus on areas of high poverty. Some of the roadblocks affecting residents that were discussed included the high rental housing demand in certain cities and supply issues in particular areas of low poverty.

Collins did ask Poethig if Congress should move in the direction of PBRA and HCV for units rather than public housing. She agreed that subsidy contracts to individual projects is a great tool for housing, but that it needs to be combined with other resources, ideally private market resources, to locate properties in lower poverty areas and address the needs of extremely low-income families.

HOUSING CHOICE VOUCHERS

Also on Sept. 21, the House Financial Services' Housing and Insurance Subcommittee held a hearing to examine the efficiencies of the Housing Choice Voucher program in comparison with other federally assisted housing programs. The Future of Housing in America: A Better Way to Increase Efficiencies for Housing Vouchers and

Create Upward Economic Mobility hearing featured testimony from Dominique Blom, deputy assistant secretary, Office of Public Housing Investments, HUD; Barbara Sard, vice president for housing policy, Center on Budget and Policy Priorities; Deborah Thrope, staff attorney, National Housing Law Project; Ailrick Young, executive director, Laurel (Miss.) Housing Authority and Cheryl Lovell, executive director, St. Louis Housing Authority.

In his opening remarks, Subcommittee Chairman Rep. Blaine Luetkemeyer (R-MO) said his desire was

Rep. Keith Ellison (D-MN) agreed with the witnesses and other lawmakers that HUD needs to explore new initiatives that will help families move to areas of higher opportunity, but he said that the major overriding issue is the general lack of affordable housing.

to see more reforms to lower administrative burdens in housing assistance programs similar to what was achieved through HOTMA. Ranking Member Rep. Emanuel Cleaver (D-MO) said he wanted to learn more about the portability process so that families may move to areas of higher opportunity and referred to the recent demonstration program proposed by the Obama administration to evaluate the efficiency and effectiveness of regional mobility programs. Through this demonstration, HUD can approve up to 10 regional housing mobility programs established by public housing agencies (PHAs). The mobility programs will allow PHAs to collaborate on initiatives to help low-income families use existing vouchers to move to higher-opportunity neighborhoods.

Of the five witnesses, some criticized the voucher program for its fragmented network and varying size of PHAs. Others supported the current structure of PHAs since they can

address specific challenges at the local level.

During the questioning period, some subcommittee members grew contentious with the panelists. Rep. Maxine Waters (D-CA) was sharply critical of Young and his views on regulations governing public housing programs. Rep. Steve Pearce (R-NM) lambasted Blom for not definitively stating whether or not HUD has too many burdensome regulations.

Later in the hearing, the proposed rule concerning the use of Small Area Fair Market Rents (SAFMRs) was discussed. Rep. Nydia Velazquez (D-NY)

asked Thrope how the rule would work in New York City, as well as other cities with low vacancies, noting the possible negatives effects that could happen due to increased rents. Thrope replied that the SAFMR rule is meant to address the issues generated when HUD sets the FMR for a large area and to add more data on individual ZIP codes to help better inform the FMR decision. She said that while SAFMRs could help new voucher recipients, those currently using a voucher and living in a high poverty area could see a subsidy reduction.

Rep. Keith Ellison (D-MN) agreed with the witnesses and other lawmakers that HUD needs to explore new initiatives that will help families move to areas of higher opportunity, but he said that the major overriding issue is the general lack of affordable housing. He noted the federal expense related to tax deductions for single-family homeowners versus the amount spent on affordable rental housing subsidies. **NN**

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After Election Comes Transition

FOLLOWING THE ELECTIONS, NEW changes are reshaping federal government and congressional leadership. President-elect Donald Trump will be joined by a Republican-controlled 115th Congress. As with any change in administration, the transition is an important time. There is a rapid scramble to fill key administration vacancies. The incoming president must appoint key regulatory agency leadership for the departments of Housing and Urban Development (HUD), Agriculture (USDA) and Treasury/IRS, among others. At the time of this publication, NAHMA is monitoring who will take over these leadership positions and will keep members apprised as they are filled.

Similarly, Congress is also undergoing changes, but since Republicans retain the majority, the pace is less hurried. As a result, NAHMA expects few leadership changes. In addition, the current Congress must find a way to fund the government beyond Dec. 9, either through a long-term continuing resolution that freezes spending levels or an omnibus package that sets new funding priorities. The updates that follow are what NAHMA members can expect to see during the transition.

CONGRESSIONAL COMMITTEE LEADERSHIP

As with administration changes, new congressional committee leadership is anticipated for the 115th Congress that will affect affordable housing programs. Here is a list of the probable makeup:

U.S. Senate

Appropriations: Sen. Thad Cochran (R-MS) will remain chairman. Sen. Patty Murray (D-WA) expressed interest in serv-

ing as the ranking member. Sen. Dick Durbin (D-IL) or another Democrat could also take the ranking member position.

Banking, Housing and Urban Affairs: Sen. Mike Crapo (R-ID) is next in line to become chairman because Sen. Richard Shelby (R-AL) is term limited. Sen. Sherrod Brown (D-OH) would probably continue serving as the panel's top Democrat.

Agriculture: Sen. Pat Roberts (R-KS) will remain chairman and Sen. Debbie Stabenow (D-MI) will remain ranking member.

Finance: Sen. Orrin Hatch (R-UT) will remain chairman and Sen. Ron Wyden (D-OR) will continue as the ranking member.

U.S. House of Representatives

Appropriations: Rep. Hal Rogers (R-KY) is term limited. He will probably be succeeded by current Defense Subcommittee Chairman Rodney Frelinghuysen (R-NJ) or Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Subcommittee Chairman Robert Aderholt (R-AL).

Financial Services: Rep. Jeb Hensarling (R-TX), while rumored to be considered for a Cabinet position, remains chairman, with Rep. Maxine Waters (D-CA) as ranking member.

Agriculture: Rep. Michael Conaway (R-TX) will remain chairman and Rep. Collin Peterson (D-MN) as ranking member.

Ways and Means: Rep. Kevin Brady (R-TX) will remain chairman and Rep. Sander Levin (D-MI) as ranking member.

NEW AGENDA

Throughout the campaign, Trump

expressed renewed focus on infrastructure. In his victory speech, he stated, "We are going to fix our inner cities and rebuild our highways, schools, hospitals We will rebuild our infrastructure. Which will become second to none, and we will put millions of our people to work as we rebuild it." At this time, there are no details on implementation, but Trump proposed a \$1 trillion, 10-year infrastructure plan during the campaign that could include billions in tax credits to leverage private investment. Around Congress, there are rumors of an infrastructure bill being in the so-called, "first 100 days" legislation package. NAHMA, with our industry colleagues, is advocating affordable housing be included as a part of any infrastructure package.

Additionally, with Republicans in control of the White House and Congress, comprehensive tax reform now appears to be in sight in 2017. NAHMA will be advocating for preservation and expansion of the LIHTC program in any tax reform packages.

The transition is well underway for the new administration and Congress. NAHMA will continue to monitor the process and update members on leadership changes impacting affordable housing programs. NAHMA members can assist by identifying their new congressional leaders and reaching out to their district offices to educate them on the importance of affordable housing in their jurisdiction. Please visit the NAHMA Grassroots Advocacy webpage to learn how you can build key relationships early. **NN**

Larry Keys Jr. is director of government affairs for NAHMA.

LIHTC Unit Numbers Decline

AS THE NEED FOR AFFORDABLE housing grows across the country, Low-Income Housing Tax Credit (LIHTC) supporters are keeping a close eye on the number of homes being produced under the federal program.

In 2014, LIHTCs were reserved to 1,396 developments with 98,539 affordable units, according to the latest findings from the National Council of State Housing Agencies (NCSHA). This breaks down to 1,044 developments with 62,054 affordable units receiving 9 percent housing credits and 352 developments with 36,485 affordable units receiving 4 percent housing credits.

Digging further into the allocations, officials found that about 3,300 of the affordable units had originally received an allocation in a prior year, so they may have been counted in an earlier survey as well.

Overall, the 2014 total is down about 4.5 percent from the 103,122 units receiving 9 percent and 4 percent credits the year before. The number of units receiving 9 percent credits went up slightly (62,054 in 2014 vs. 58,823 in 2013), but the number of bond-financed units fell (36,485 in 2014 vs. 44,299 in 2013), according to NCSHA, which surveys housing finance agencies about their activities each year. The organization will release the latest findings in its annual *State Housing Finance Agencies Factbook* this fall.

Between 2006 and 2010, states were

financing more than 70,000 units under the 9 percent credit program. Part of this can be attributed to a temporary 10 percent boost in LIHTC authority provided by the 2008 Housing and Economic Recovery Act.

“There’s been a slight decline [in LIHTC units] over the last few years,” says Jennifer Schwartz, assistant director for tax policy and advocacy at NCSHA. “It depends on how many housing credits are allocated to individual projects.”

The program has been an important source of gap financing for LIHTC developments. Approximately one in four (25 percent) LIHTC developments use HOME dollars, according to a 2015 report from Enterprise Community Partners and the HOME Coalition.

If states are financing more developments aimed at residents further down the income spectrum, those deals often require more LIHTC equity than projects serving residents closer to the upper income limits of the program, notes Schwartz.

Rising development costs and cuts to other housing programs that help complete the development budget can also factor into LIHTC projects.

Affordable housing developers named rising development costs as their biggest concern this year in a survey by *Affordable Housing Finance*, which found that the average development cost per unit for new construction projects increased to \$253,984 in 2015, up from \$238,296 the prior year.

They’ve also faced other obstacles in recent years, including federal HOME funds being slashed by 50 percent—from \$1.8 billion in 2010 to \$900 million in

2015. The program has been an important source of gap financing for LIHTC developments. Approximately one in four (25 percent) LIHTC developments use HOME dollars, according to a 2015 report from Enterprise Community Partners and the HOME Coalition.

The LIHTC is the nation’s most important program for financing affordable housing. Its units serve residents earning no more than 60 percent of the area median income.

There’s a bipartisan effort to expand the program. Sens. Maria Cantwell (D-WA) and Orrin Hatch (R-UT) have introduced legislation to expand LIHTC authority by 50 percent. The bill (S.3237) also seeks to make other key improvements, including establishing a permanent minimum 4 percent rate for credits used to finance acquisitions and housing bond-financed developments. **NN**

Donna Kimura is deputy editor of Affordable Housing Finance. She has covered the industry for more than a decade. Connect with Kimura at dkimura@hanleywood.com or follow her @DKimura_AHF.

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HUD Issues Final 2530 Rule

In October the Department of Housing and Urban Development (HUD) issued final regulations for reviewing the previous participation in federal programs of certain participants seeking to take part in multifamily housing and health care programs administered by HUD's Office of Housing. The rule became effective Nov. 14. In addition, the agency offered training on the rule and its accompanying Processing Guide on Nov. 7 via a webcast that will be archived for later viewing.

According to HUD, by targeting more closely the individuals and actions that would be subject to previous participation review, HUD brings greater certainty and clarity to the process. HUD also provides program participants, and the agency, with flexibility in the necessary previous participation review for entities and individuals that is not possible in a one-size fits all approach. Through the rule, HUD replaces the current previous participation regulations in their entirety.

In August 2015, HUD published a proposed rule that revised regulations for reviewing 2530s in an effort to clarify and simplify the review process. In its 2015 comments, NAHMA applauded HUD's efforts to revise and streamline the so-called 2530 regulations and noted that there are a number of positive concepts set forth in the preamble, including minimizing burdens for HUD and its program participants and reducing the number of respondents who must file as participants. However, NAHMA stated, the text of the rule rather than the preamble will control how HUD actually regulates the policy, and there were disconnects between assertions made in the preamble and the proposed regulations.

The association pointed out the regulations include many open-ended, catch-all categories, which are overly broad and ambiguous, and may actually increase burdens on a number of participants. Overall, most of NAHMA's comments focused on the need for more information on various parts of the proposed rule. For a complete overview of NAHMA's comments, see the November/December 2015 edition of *NAHMA News*, available in the Members Only section of the website.

After reviewing the comments submitted by NAHMA and other stakeholder

After reviewing the comments submitted by NAHMA and other stakeholder groups, the final rule seeks to formally clarify and simplify the 2530 process. Together with an accompanying Processing Guide, the final rule clarifies which individuals and entities will undergo review, HUD's purpose in conducting such review, and the review to be undertaken.

groups, the final rule seeks to formally clarify and simplify the 2530 process. Together with an accompanying Processing Guide, the final rule clarifies which individuals and entities will undergo review, HUD's purpose in conducting such review, and the review to be undertaken.

The final rule and the accompanying guide can be found on the NAHMA website in the HUD Issues section of the Agencies tab.

THE CHANGES

According to HUD, some of the changes made to the proposed rule include:

- Reorganizing information relating to the evaluation of risk into a separate definition of risk.
- Clarifying that Covered Projects include projects subject to continuing HUD requirements only if those requirements are made in connection with a program administered by HUD's Office of Housing.

- Revising terminology to clarify that Controlling Participants include both Specified Capacities and the individuals and entities that control the Specified Capacities.

- Including construction managers as Controlling Participants in hospital projects insured under section 242 of the National Housing Act.

- Specifying that individuals or entities with the ability to direct the day-to-day operations of a Specified Capacity or a Covered Project are Controlling Participants.

- Specifying that board members of a nonprofit that do not otherwise control the day-to-day operations of the nonprofit are not Controlling Participants.

- Clarifying that a change in Controlling Participants is a Triggering Event if HUD consent is required for such change.

- Providing more detail on when a Controlling Participant may be disapproved from participation in a Triggering Event on the basis of being restricted from doing business with other government agencies.

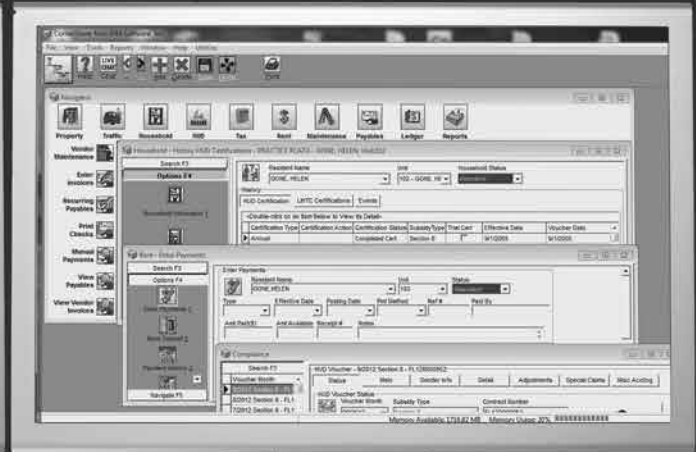
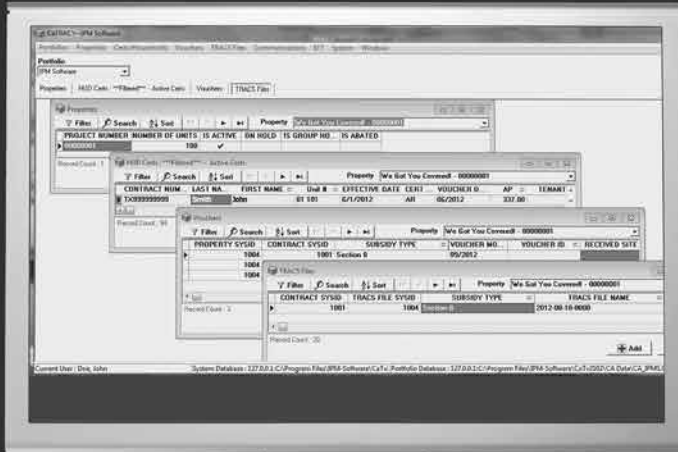
- Specifying that reconsideration decisions shall not be rendered by the same individual who rendered the initial review.

- Specifying that Controlling Participants shall receive at least seven business days advance notice of a reconsideration.

- Eliminating the bid to purchase a Covered Project or mortgage note held by the Commissioner from the list of Triggering Events. **NN**



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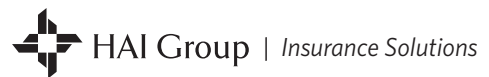
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VAWA Final Rule Expands HUD's Housing Protections

In October, the Department of Housing and Urban Development (HUD) finalized a new rule that implements within the agency's regulations the requirements of the 2013 reauthorization of the Violence Against Women Act (VAWA), which applies for all victims of domestic violence, dating violence, sexual assault and stalking, regardless of sex, gender identity or sexual orientation, and which must be applied consistent with all nondiscrimination and fair housing requirements.

HUD's VAWA requirements specifically expand housing protections to all HUD programs beyond the agency's public housing program and Section 8 programs that were covered by the 2005 VAWA reauthorization.

In addition to this final rule, HUD stated that the agency "is publishing a notice titled the Notice of Occupancy Rights under the Violence Against Women Act (Notice of Occupancy Rights) that certain housing providers must give to tenants and applicants to ensure they are aware of their rights under VAWA and these implementing regulations. This includes a model emergency transfer plan that may be used by housing providers to develop their own emergency transfer plans, a model emergency transfer request form that housing providers could provide to tenants requesting an emergency transfer under these regulations, and a new certification form for documenting incidents of domestic violence, dating violence, sexual assault and stalking that must be used by housing providers." The Notice of Occupancy Rights is important for NAHMA members and is found in the appendix of the final rule.

KEY CHANGES MADE AT THE FINAL RULE STAGE

After analyzing public comments on the proposed VAWA rule, HUD made key

changes in the final rule. The following highlights HUD's substantive changes that NAHMA members should note. As stated by HUD, the final rule:

- Clarifies that applicants may not be denied assistance and residents may not have assistance terminated under a covered housing program for factors resulting from the fact that the applicant or resident is or has been a victim of a VAWA crime.
- Provides that emergency transfer plans must detail the measure of any priority given to residents who qualify for an emergency transfer under VAWA in relation to other categories of individuals seeking transfers or placement on waiting lists.
- Provides that emergency transfer plans must allow a resident to transfer to a new unit when a safe unit is immediately available and the resident would not have to apply in order to occupy the new unit.
- Provides that emergency transfer plans must describe policies for assisting residents to make emergency transfers when a safe unit is not immediately available, both for situations where a resident would not have to apply in order to occupy the new unit and where the resident would have to apply in order to occupy the new unit.
- Provides that the emergency transfer plans must describe policies for assisting residents who have tenant-based rental assistance to make emergency moves with that assistance.
- Adds a provision that emergency transfer plans may require documentation, as long as residents can establish eligibility for an emergency transfer by submitting a written certification to their housing provider and that no other documentation is required for

residents who have established that they are victims of domestic violence, dating violence, sexual assault or stalking to verify eligibility for a transfer.

- Requires housing providers to make emergency transfer plans available upon request and to make them publicly available whenever feasible.
- Provides for a six-month transition period to complete an emergency transfer plan and provide emergency transfers, when requested, under such plan.
- Emphasizes that residents and applicants may choose which of the forms of documentation listed in the rule to give to housing providers to document the occurrence of a VAWA crime.
- Provides that in cases of conflicting evidence, residents and applicants who may need to submit third-party documentation to authenticate occurrence of a VAWA crime have 30 calendar days to submit the third-party documentation.
- Establishes VAWA regulations for the Housing Trust Fund, based on the regulations for the HOME program.
- Emphasizes that VAWA protections apply to eviction actions for residents in housing under a HUD-covered housing program.
- Clarifies that VAWA protections and requirements apply to mixed finance developments.
- Clarifies that PHAs, like other covered providers, may establish preferences for victims of dating violence, sexual assault and stalking, in addition to domestic violence, consistent with their statutory authority.
- Clarifies that for the Section 8 Housing Choice Voucher and Project-Based Voucher programs, the PHA is the housing provider responsible for complying with VAWA emergency transfer provisions. **NN**

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Learning the Latest in the Affordable Housing Industry

More than 180 members and affordable housing insiders attended the NAHMA Regulatory Issues fall meeting, Oct. 23-25, at the Fairmont Washington, D.C. The event featured the keynote luncheon with former Congressman Martin Frost (D-TX), committee meetings, educational panels led by industry experts and the NAHMA Educational Foundation poster auction, which raised \$80,000 for the foundation's scholarship program.

To see more meeting photos, visit the NAHMA Facebook page. If you have not already "liked" the page, just search NAHMA.

Mark your 2017 NAHMA Drug-Free Kids calendars now: the NAHMA Federal Affairs Issues winter meeting is March 5-7, 2017, at the Fairmont. NAHMA returns to the Fairmont, Oct. 22-24, 2017, for the Regulatory Issues fall meeting. | PHOTOS BY LARRY FALKOW



Former Congressman Martin Frost (D-TX) inspires NAHMA members with his keynote address.





Bill Brown and Rich Skoczylas, top, wait for the next session during NAHMA's October meeting.

Terry Holcombe and Lanier Hylton, both with HUD, top right, lead a discussion at the NAHMA fall meeting.

Chris White, right, poses a question to the panel of experts.

NAHMA members, above, enjoy lunch before the keynote speaker, former Congressman Martin Frost (D-TX), takes the podium.



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NAHMA Welcomes Newly Elected Board of Directors

OFFICERS: president, Michael Johnson; president-elect, Tim Zaleski; vice presidents, Michel Simmons and Larry Sisson; secretary, Nancy Evans; treasurer, Peter Lewis and past president, Ken Pagano

DIRECTORS (NEW): Jeff Baker, Jasmine Borrego, Sandra Cipollone and Noel Gill

DIRECTORS (RE-ELECTED): Pamela Monroe, Lisa Tunick, Christopher White

Many Thanks to Outgoing Officers and Board Members

Ron Burson, Steve Henderson, Karen Newsome, Ken Pagano and Gianna Solari

NAHMA Educational Foundation Welcomes Newly Elected Board of Directors

DIRECTORS (NEW): Mark Livanec, with Tim Zaleski serving as NAHMA Board of Directors representative

DIRECTORS (RE-ELECTED): Karen McGrath-Dunn, Gustavo Sapiurka and Eric Strong

Many Thanks to Foundation Outgoing Officers and Board Members

David Durik, Michael Johnson (as NAHMA board rep) and Constance Loukatos



NAHMA Executive Director Kris Cook, top left, recognizes retiring PennDel AHMA Executive Director Gerri Aman for her dedication to the industry during the NAHMA October meeting.

Former NAHMA Government Affairs Manager Scott McMillan, top right, receives a plaque from NAHMA Government Affairs Director Larry Keys Jr., for his service to the association.

Connie Buza, above, celebrates a successful bid at the NAHMA Educational Foundation auction.



Auctioneers Gemi Ozdemir and Johrita Solari, top, get the NAHMA Educational Foundation fundraising poster auction started at the NAHMA fall meeting.

Jazmin Ceballos, executive director of AHMA-PSW, middle, places a bid.

NAHMA members, above, view the artwork up for bid before the NAHMA Educational Foundation poster auction begins.

Welcome, NAHMA Committee Chairs and Vice Chairs for 2017-2018

- Affiliates Committee:** chair, David Layfield; vice chair, Janel Ganim
- Affordable 100 Task Force:** chair, Rue Fox; vice chair, Julie Reynolds
- AHMA Liaison Committee:** chair, Tim Zaleski; vice chair, Michael Simmons
- Budget & Finance Committee:** chair, Peter Lewis; vice chair, Nancy Evans
- Certification Review Board:** chair, Julie Wall; vice chair, Gwen Volk
- Education & Training Committee:** chair, Pam Monroe; vice chair, Alicia Stoermer Clark
- Fair Housing Committee:** chair, Heather Staggs; vice chair, Anita Moseman
- Federal Affairs Committee (committee of the whole):** chair, Gianna Solari; vice chair, Kimberlee Schreiber
- Membership and Marketing Committee:** chair, Scott Reithel; vice chair, Peter Lewis
- Nominating Committee:** chair, Ken Pagano; vice chair, Michael Johnson
- Regulatory Affairs Committee (committee of the whole):** chair, Matt McGuire; vice chair, Cindy Lamb
- Resolutions and Bylaws Committee:** chair, Phil Carroll
- Rural Housing Committee:** chair, Michelle Arnold; vice chair, Noel Gill
- Senior Housing Committee:** chair, Sonya Brown; vice chair, Nancy Evans
- Tax Credit Committee:** chair, Larry Sisson; vice chair, John Kuppens
- TRACS and Contract Administration Committee:** chair, Cindy Lamb; vice chair, Connie Buza

Thank You, NAHMA Committee Chairs and Vice Chairs for 2015-2016

- Affiliates Committee:** chair, Lori Russell; vice chair, David Layfield
- Affordable 100 Task Force:** chair, John Yang
- AHMA Liaison Committee:** chair, Michael Johnson; vice chair, Tim Zaleski
- Budget & Finance Committee:** chair, Steve Henderson; vice chair, Karen Newsome
- Certification Review Board:** chair, Angie Waller; vice chair, Julie Wall
- Education & Training Committee:** chair, Doreen Donovan; vice chair, Pam Monroe
- Fair Housing Committee:** chair, Gwen Volk
- Federal Affairs Committee (committee of the whole):** chair, Nancy Evans; vice chair, Scott Ployer
- Membership and Marketing Committee:** chair, Chad Ketler; vice chair, Scott Reithel
- Nominating Committee:** chair, Gianna Solari; vice chair, Ken Pagano
- Regulatory Affairs Committee (committee of the whole):** chair, Larry Sisson; vice chair, Matt McGuire
- Resolutions and Bylaws Committee:** chair, Phil Carroll
- Rural Housing Committee:** chair, Larry Anderson; vice chair, Chris Williamson
- Senior Housing Committee:** chair, Jasmine Borrego; vice chair, Sonya Brown
- Tax Credit Committee:** chair, Peter Lewis; vice chair, Travis Hanna
- TRACS and Contract Administration Committee:** chair, Maria Oymaian; vice chair, Cindy Lamb

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HUD Remains Busy Throughout the Summer

The Department of Housing and Urban Development (HUD) issued five directives in September related to fair housing. The edicts cover the Quid Pro Quo final rule, guidance on local crime and nuisance ordinances, guidance on Limited English Proficiency issues, the Equal Access final rule and an updated Affirmatively Furthering Fair Housing (AFFH) tool.

All of the directives can be found in

particular conduct creates a quid pro quo or hostile environment.

LOCAL CRIME AND NUISANCE ORDINANCES

Upon issuing the quid pro quo final rule, HUD's Office of General Counsel (OGC) issued guidance, "Application of Fair Housing Act Standards to the Enforcement of Local Nuisance and Crime-Free Housing Ordinances Against Victims of Domestic Violence, Other

ing Act would apply to claims of housing discrimination brought by people because they do not speak, read or write English proficiently.

According to HUD's press release, "Nearly 9 percent of the U.S. population is limited in English proficiency The guidance addresses how various legal approaches, such as discriminatory effects and disparate treatment, apply in Fair Housing Act cases in which a housing-related decision—

such as a landlord's refusal to rent or renew a lease— involves a person's limited ability to speak, read, write or understand English."

Through this final rule, HUD amended its fair housing regulations to formalize standards for use in investigations and adjudications involving alleged harassment on the basis of race, color, religion, national origin, sex, familial status or disability under the Fair Housing Act.

the HUD Issues section of the Agencies tab at www.nahma.org.

QUID PRO QUO FINAL RULE

HUD's Office of Fair Housing and Equal Opportunity issued its final rule concerning Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices Under the Fair Housing Act. The final rule builds upon the 2015 proposed rule of the same name.

Through this final rule, HUD amended its fair housing regulations to formalize standards for use in investigations and adjudications involving alleged harassment on the basis of race, color, religion, national origin, sex, familial status or disability under the Fair Housing Act. The rule specifies how HUD will evaluate complaints of quid pro quo (i.e., this for that) harassment and hostile environment harassment. It does so by defining quid pro quo harassment and hostile environment harassment and by specifying the standards to be used to evaluate whether

Crime Victims, and Others Who Require Police or Emergency Services." This guidance explains how the Fair Housing Act applies to ensure that the growing number of local nuisance ordinances and crime-free housing ordinances do not lead to discrimination in violation of the Fair Housing Act. It primarily focuses on the impact these ordinances may have on domestic violence victims.

The guidance addresses both the discriminatory effects and disparate treatment methods of proof under the act, and briefly describes the obligation of HUD fund recipients to consider the impacts of these ordinances in assessing how they will fulfill their affirmative obligation to further fair housing. HUD will issue subsequent guidance addressing more specifically how the Fair Housing Act applies to ensure that local nuisance or crime-free housing ordinances do not lead to housing discrimination because of disability.

LEP GUIDANCE

HUD issued Limited English Proficiency (LEP) guidance on how the Fair Hous-

ing Act would apply to claims of housing discrimination brought by people because they do not speak, read or write English proficiently. According to HUD's press release, "Nearly 9 percent of the U.S. population is limited in English proficiency The guidance addresses how various legal approaches, such as discriminatory effects and disparate treatment, apply in Fair Housing Act cases in which a housing-related decision— such as a landlord's refusal to rent or renew a lease— involves a person's limited ability to speak, read, write or understand English." According to the guidance, because of the close nexus between LEP and national origin, the distinctions between intent and effects claims involving LEP and national origin are often subtle and can be difficult to discern. A policy or practice that restricts access to housing on the basis of LEP has a discriminatory effect based on national origin, race or other protected characteristic, such policy or practice violates the Fair Housing Act if it is not necessary to serve a substantial, legitimate, nondiscriminatory interest of the housing provider, or if such interest could be served by another practice that has a less discriminatory effect.

EQUAL ACCESS RULE

The Equal Access in Accordance with an Individual's Gender Identity in Community Planning and Development Programs final rule follows HUD's November 2015 proposed rule and formalizes equal access for individuals in accordance with their gender

identity in programs and shelter funded under programs administered by HUD's Office of Community Planning and Development (CPD).

On Feb. 3, 2012, HUD issued its Equal Access Rule, which defined the terms sexual orientation and gender identity, and required that HUD-assisted housing be made available to individuals and families regardless of actual or perceived sexual orientation, gender identity or marital status. The 2012 rule did not address how transgender and gender nonconforming individuals should be accommodated in temporary, emergency shelters and other buildings.

Then on Nov. 20, 2015, HUD proposed a second Equal Access rule

that sought to add a new section to its regulations that would require owners, operators and managers of shelters and other buildings and facilities and providers of services funded in whole or in part by CPD programs—to provide equal access to programs, benefits, services and accommodations in accordance with an individual's gender identity.

AFFH TOOL

In September, HUD published for public comment an updated version of its proposed Affirmatively Furthering Fair Housing (AFFH) Assessment Tool for States. The comment period ended in October.

The notice said that based on the

extensive comments HUD received after it released the first proposed state assessment tool last March, the agency decided to extend the comment process by adding a second 30-day comment period to provide further opportunity for the public to provide feedback to HUD.

When HUD published the updated assessment tool for the second 30-day comment period, it also published a "beta" version of the state AFFH Data and Mapping Tool, called AFFH-T. HUD will require states to use the AFFH-T in developing their Assessment of Fair Housing. After this extended comment process HUD will publish a final state assessment tool and AFFH-T. **■**

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NAHMA Scholars Striving For Success

In 2016, the NAHMA Educational Foundation selected 79 student residents to receive \$2,500 scholarships. This group of NAHMA scholars, like each class before it, contains many fine students that are working hard every day both in and out of school to improve the lives of their families and life in their communities. The group also covers a broad demographic spectrum from all across the United States. The following biographical summaries are representative of the kind of individuals that are selected to be NAHMA scholars.

As a music aficionado and accomplished self-taught drummer, this 71-year-old lacked formal music training. After years of tutoring young students

and assisting many in gaining enrollment at the prestigious Arts Academy High School in Boston, he decided to enroll at the New England Conservatory of Music. He has a 4.0 grade-point average (GPA) and has received glowing recommendations from his professors at the school. His recorded alternative to the required essay was truly an

This group of NAHMA scholars, like each class before it, contains many fine students that are working hard every day both in and out of school to improve the lives of their families and life in their communities.

outstanding recording.

This 37-year-old single mother of two came to the United States from Russia four years ago and spoke no English. She now speaks fluent English. She is enrolled in the nursing program at

the City College of San Francisco. She has earned 76 of the required 128 credits needed to graduate, maintains a 4.0 GPA and works part-time at a hospital honing her skills. Her academic adviser and a microbiology professor raved about both her knowledge and her compassion. She wanted to set a strong example for her children and seems to

be accomplishing that goal every day.

Having been in an abusive marriage, this single mother wanted to not only recover and care for her children, but she also wanted to assist others involved in dysfunctional marriages.

Start the New Year With a One-Of-A-Kind Calendar

NAHMA's annual Drug-Free Kids calendar is more than an arts project for the participants. It also encourages the children involved to set goals, emulate good role models and live a drug-free lifestyle. It provides scholarships not only to the contest winners, but to other dedicated students as well through the NAHMA Educational Foundation. And it is guaranteed to be a conversation starter in any office.

FRAME-WORTHY ORIGINALS

The calendars feature outstanding original artwork by children, seniors and adults with special needs living in affordable multifamily housing. This year's contest tackled an important issue in many people's lives with the subtheme, Words That Heal: Stop Bullying, Spread Kindness.

Winnie Mei, a 10th-grader from Brighton, Mass., was selected the grand prize-winner in the national poster and art contest. Her artwork appears on the cover of NAHMA's 2017 calendar. Winnie also received an all-expenses-paid trip to

Washington, D.C., for NAHMA's Regulatory Issues fall meeting in October, as well as a scholarship of \$2,500 from the NAHMA Educational Foundation.

Each child winner of the NAHMA contest received a \$1,000 educational scholarship from the foundation. A \$1,000 cash award was made in the name of the adult winners to their community for use in purchasing or funding a project from which all of the community's residents will benefit. All winners are also featured in the 2017 calendar.

Additionally, participants in the annual art contests held by the local AHMAs are eligible to be selected as Regional AHMA Art Contest Honorable Mentions. Those selected for this distinction are featured in a special section of the NAHMA 2017 Drug-Free Kids calendar and received a \$100 scholarship check.

For the contest, the artwork is divided into six categories with winners selected from each of the following: kindergarten-first grade, second-third grades, fourth-sixth grades, seventh-ninth grades, 10th-12th grades, and seniors and residents with special needs. Only students are eligible for the grand prize.



To see the complete list of winners, visit www.nahma.org/awards-contests/calendar-contest/.

After receiving both her associate and bachelor's degrees, she enrolled at North-central University in Oklahoma in order to become a licensed marriage counselor. She carries a 3.94 GPA. In addition to having worked at several counseling centers, she has been selected to assist people through the state of Oklahoma's Court Appointed Special Advocates office as a family counselor.

At the age of 60, this Nebraska resident has returned to school at Metropolitan Community College working toward his advanced welding certification. He is not only receiving outstanding grades in his welding classes, his overall academic performance has been excellent. He is the first member of his extended family to ever attend any kind of postsecondary education and is expecting to graduate in May of 2017. While attending school and working a full-time job, he also vol-

unteers with Habitat for Humanity, at a local food bank and at the local YMCA.

Immediately after completing high school in Claymont, Del., this young woman enrolled at the University of Delaware in the fall of 2015. She is majoring in pharmacy science and maintains a 3.9 GPA. She is another NAHMA scholar who is the first in her family to attend college. As part of her college program, she works part time in a drugstore earning money to help defray the cost of her six-year program. She is goal driven and committed to being the best student she can be and serving her community.

After graduating summa cum laude from the University of Massachusetts with a bachelor's degree in accounting, while receiving NAHMA scholarship funding, this young man re-enrolled at University of Massachusetts Boston in

the MBA program. He is scheduled to graduate in May of 2017 with finance as his area of specialization. He has been a hardworking individual while being a college student. He has worked finance-related internships at different companies and has been a longtime employee of the Boston Red Sox. He is currently team leader of their Mobility Assistance Team providing quality care and customer service to baseball fans with disabilities attending Fenway Park.

Quality students, consisting of all ages and backgrounds, who are working hard to pave the way for their future are readily identifiable in the 2016 group of NAHMA scholars. The 2017 NAHMA Scholarship Information and Application packet will be available online at the beginning of February 2017. Be sure to inform your student residents about this amazing opportunity! **NN**

PAYING IT FORWARD

The original winning artwork submitted for the calendar contest was auctioned off at a reception during the NAHMA fall meeting with the proceeds—totaling \$80,000—benefiting the NAHMA Educational Foundation's scholarship program.

The NAHMA Educational Foundation selected 79 student residents to receive scholarships this year. Each individual scholarship was worth \$2,500 and the total amount of money awarded this year is \$197,500. This year's NAHMA scholars came from 23 different states and represent 13 different AHMAs. The scholarship program received more completed applications this year than in any of the previous 10 years the program has been in existence. Over the life of the program, more than \$931,500 worth of scholarships have been provided to worthy student residents.

Because of the important anti-drug message that is always conveyed through the calendars, purchasing one is a Department of Housing and Urban Development and U.S. Department of Agriculture allowable project expense. You may also earn points in your state's tax credit Qualified Application Process.



Winnie Mei, the national poster contest grand prizewinner, shows off her winning poster at the NAHMA Educational Foundation fundraising poster auction during the NAHMA fall meeting in October.

Order your NAHMA calendar today, for just \$5.50 each, via the order form contained in this issue of NAHMA News or by going to NAHMA's website store at <http://www.nahma.org/store>. **NN**

REGULATORY WRAP-UP

HUD ISSUES RFI FOR PBCA PROCUREMENT PROCESS: On Sept. 28, the Department of Housing and Urban Development (HUD) issued a Request for Information (RFI) for the Performance-Based Contract Administrator (PBCA) Program.

The purpose of the RFI primarily involves refining HUD's approach and identifying opportunities and challenges that the PBCA program may face in implementing an acquisition strategy that could combine both regional and national acquisitions, addressing potential set asides for small business versus unrestricted competition, and identifying services that could be obtained using fixed price, performance incentives, cost reimbursements or other pricing types.

Under the PBRA program, the Office of Multifamily Housing provides monthly rental assistance payments on behalf of 1.2 million households. These payments are made to private landlords, who are primarily responsible for assuring that the residents receiving assistance are eligible. Since 1999, HUD has relied on the support of PBCAs to provide the monitoring and oversight of roughly 90 percent of these Housing Assistant Payments contracts. Under the current PBCA program, the responsibilities of participating contract administrators are defined in separate annual contributions contracts. These services must now be obtained using competitive contracting processes that are fully compliant with the Competition in Contracting Act and the Federal Acquisition Regulations.

GAO NEWS

THE GOVERNMENT ACCOUNTABILITY OFFICE RELEASED ITS REPORT, ELDERLY HOUSING: HUD Should Do More to Oversee Efforts to Link Residents to Services on Oct. 3. The full report can be read here <http://www.gao.gov/products/GAO-16-758>. Some key recommendations include implementing HUD's guidance on processes to improve the accuracy of information on Section 202 properties with budget-based service coordinators and taking steps to evaluate whether the guidance has improved the reliability of this information; developing and implementing written guidance that describes how HUD staff should assess Section 202 properties' compliance with the program's supportive services requirement; and developing and implementing policies and procedures for verifying the accuracy of a sample of the performance information that Section 202

BILL INTRODUCES MIDDLE-INCOME HOUSING TAX CREDIT LEGISLATION

ON SEPT. 22, SENATE FINANCE COMMITTEE RANKING Member Ron Wyden (D-OR) proposed legislation that would create a new tax credit to spur the development of rental homes affordable to Americans with moderate incomes. The new program, called the Middle-Income Housing Tax Credit (MIHTC) is designed to work in conjunction with the Low-Income Housing Tax Credit (LIHTC).

Under the bill, the federal government would allocate tax credits to the states based on population. For 2017, the allocation would be \$1 per capita with a \$1.14 million small state minimum. State housing authorities would then allocate the tax credits to developers through a competitive process. The tax credits would be provided to developers over a 15-year compliance period. The credit amount would equal 50 percent of the present value of the qualifying costs, or 5 percent a year on an undiscounted basis. However, state housing authorities would only allocate so much credit as makes a housing project feasible.

To qualify for the credit, a rental property would need to meet two affordability standards: 1) a property

would have to include a minimum percentage of affordable units; and 2) rents for those units could not exceed maximum amounts based on average incomes in the area. Specifically, at least 60 percent of the property's units must be occupied by individuals with incomes of 100 percent or less of Area Median Gross Income (AMGI). Furthermore, residents' rents must not exceed 30 percent of 100 percent of AMGI. The affordability restrictions would remain in place for up to an additional 15 years after the compliance period. Credits are discontinued to the developer if a project fails to meet these income/rent requirements.

A state's unused MIHTC credits would go back into the state's LIHTC allocation and then back to the national LIHTC allocation pool if not used by the state.

A longer, section-by-section summary can be found at <http://www.finance.senate.gov/imo/media/doc/MIHTC%20Section-by-Section%20FINAL.pdf> and legislative text can be found at [http://www.finance.senate.gov/imo/media/doc/Wyden_MIHTC_LegText_\(MCG16411\).pdf](http://www.finance.senate.gov/imo/media/doc/Wyden_MIHTC_LegText_(MCG16411).pdf).

properties submit through semiannual performance reports and analyzing the performance information collected.

WHITE HOUSE NEWS

IN SEPTEMBER, THE WHITE HOUSE PUBLISHED A TOOLKIT that discusses the local barriers to housing development in great length and how these barriers are exacerbating the housing affordability crisis, particularly in regions with high job growth and few rental vacancies. The 2016 Housing Development Toolkit report sheds light on the zoning policies that create roadblocks for housing development for low-income Americans. The toolkit also highlights actions that states and local jurisdictions have taken to promote affordable, high-opportunity housing markets. The toolkit can be found in the Important HUD Websites and Information section of the HUD Issues webpage at www.nahma.org.

HUD NEWS

ON OCT. 4, HUD'S OFFICE OF MULTIFAMILY HOUSING PUBLISHED A NOTICE SEEKING PUBLIC COMMENTS on requiring energy benchmarking reporting for properties with Project Rental Assistance Contracts, Housing Assistance Payment contracts and multifamily properties that are already or about to be FHA insured. The comment period ended Dec. 5. The notices can be found at <https://www.gpo.gov/fdsys/pkg/FR-2016-10-04/pdf/2016-23979.pdf> and <https://www.gpo.gov/fdsys/pkg/FR-2016-10-04/pdf/2016-23978.pdf>. According to HUD, benchmarking will give affordable housing owners and operators a better understanding of the overall utility consumption and costs associated with their properties and enable them to more efficiently and effectively manage their portfolios. To help owners with the greatest need for technical assistance in comply-

ing with the benchmarking requirement, HUD is partnering with the Environmental Defense Fund and TDA Consulting to create the Climate Corps for Affordable Housing Summer Fellowship program. The program will embed 12 fellows with affordable housing organizations across the country for the summer of 2017 and will be offered at no cost to host institutions, which will be chosen based on need. This free, full-time technical assistance will allow affordable housing organizations to get ahead of the curve on this upcoming HUD requirement.

HUD ISSUED HOUSING NOTICE 2016-16, POLICY FOR AMENDED AND RESTATED USE Agreement for Multifamily Projects Subject to the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) in late October. The notice is available on the NAHMA website under the HUD Issues Agencies tab. The notice provides guidance on the circumstances under which HUD may consider amended and restated use agreements for properties assisted under LIHPRHA. The notice also clarifies the circumstances under which a LIHPRHA Use Agreement may be amended and restated, the amendments that may be allowed, and the conditions that must be met in the proposed preservation transaction to be considered for approval. Finally, the notice provides implementation guidance for the recent changes to the LIHPRHA statute that were made when the Fixing America's Surface Transportation (FAST) Act, Pub. L. No. 114-94, was enacted in December 2015.

ON OCT. 24, HUD'S OFFICE OF MULTIFAMILY HOUSING RELEASED FIVE DRAFT CHAPTERS of the Multifamily Asset Management and Project Servicing—HUD Handbook 4350.1. According to HUD, "the handbook is being revised to incorporate current housing notices and policy

continued on page 28



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HUD NEWS

updates, mortgagee letters and regulatory and statutory directives. One noticeable difference in the look and style of the handbook is the reorganized unit and chapter structure, which follows the life cycle of an asset. HUD plans to release individual chapters to the Drafting Table as they become available and eventually publish each as either an individual stand-alone chapter or as units of inter-related material.” HUD plans to release additional chapters for review. The chapters can be found in the HUD Issues section of the NAHMA website.

IN LATE OCTOBER, HUD RELEASED INITIAL IMPLEMENTATION GUIDANCE FOR THE HOUSING OPPORTUNITY Through Modernization Act of 2016 (HOTMA), which was signed into law in July. HOTMA altered several HUD regulations, including the frequency of income certifications for residents living on a fixed

income. This guidance seeks to advise HUD program participants and interested members of the public on this and other statutory provisions under HOTMA. Some provisions are effective immediately while others will require further action by HUD to become effective or to be used by HUD program participants. The HOTMA initial implementation guidance is available on the NAHMA website under the Agencies tab.

ON NOV. 16, HUD ISSUED THE FINAL RULE ON ESTABLISHING A MORE EFFECTIVE FAIR MARKET RENT SYSTEM, Using Small Area Fair Market Rents (SAFMRs) in the Housing Choice Voucher Program Instead of the Current 50th Percentile FMRs. The SAFMRs final rule is available on the NAHMA website. The final rule applies the use of Small Area FMRs in the administration of the Housing Choice Voucher (HCV) program for certain metropolitan areas. The rule provides for the use of Small Area FMRs, in place of the 50th

percentile rent to address high levels of voucher concentration in certain communities. The use of Small Area FMRs is expected to give HCV residents access to areas of high opportunity by providing a subsidy that is adequate to cover rents in those areas, thereby reducing the number of voucher families that reside in areas of high poverty concentration.

ON NOV. 10, HUD ISSUED THE RAD FAIR HOUSING, CIVIL RIGHTS, AND RELOCATION NOTICE. The notice is also available on the NAHMA website under the Agencies tab. The RAD Fair Housing, Civil Rights, and Relocation Notice outlines requirements in these areas for public housing conversions under RAD. It also provides guidance in response to lessons learned and requests for clarity among RAD participants on the review process. HUD created an open portal on the RAD Resource Desk for the public to access live information on public housing conversions. Users can access basic information by PHA or by transaction status (e.g., applications submitted, under CHAP, Financing Plan submitted, Closed, etc.). Users can customize their own reports that will export into an Excel file. To access this data, visit <http://www.radresource.net> and click on Data and Resources.

HUD ISSUED A MEMO ON OCT. 19 DETAILING INSTRUCTIONS FOR RENEWING EXPIRING PROJECT ASSISTANCE CONTRACTS for Section 202. This memo focuses on the period of Oct. 1-Dec. 9, 2016—or through the end of the most recent continuing resolution signed into law on Sept. 29. It can be found at www.nahma.org under the Agencies tab. Owners/agents and HUD may continue processing renewals for contracts expiring after Dec. 9, but these contracts may not be signed until enactment of another appropriations bill by Congress to cover the remainder of fiscal year 2017. Owners must submit an operating budget for all projects with an expiring PAC, and must detail a request for increased project assistance. **NN**

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>> For more information, visit www.nahma.org and click on Education.

NAHMA

EDUCATION CALENDAR

For information on specific classes, contact the AHMA or organization directly. All dates and locations are subject to change. For the most up-to-date listings, visit the NAHMA Education & Event Calendar at <http://www.nahma.org/education/education-event-calendar/>.

JANUARY

10
Manager Boot Camp
Webinar
AHMA-PSW
866-698-2462
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Basic Management A-Z
Inglewood, CA
AHMA-PSW
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11
Tax Credit Occupancy
Long Beach, CA
AHMA-PSW
866-698-2462
www.ahma-psw.org

The Perfect File
Webinar
SAHMA
800-745-4088
www.sahma.org

12
EIV A-Z
Sylmar, CA
AHMA-PSW
866-698-2462
www.ahma-psw.org

17
Appliance Repair Training
SeaTac, WA
AHMA of Washington
360-561-3480
<http://ahma-wa.org>

Fair Housing Compliance (FHC)
Atlanta, GA
SAHMA
800-745-4088
www.sahma.org

18
Accepting an Application
Webinar
AHMA-PSW
866-698-2462
www.ahma-psw.org

The Student Rule: HUD vs. Tax Credit
Webinar
AHMA-PSW
866-698-2462
www.ahma-psw.org

18
Certified Professional of Occupancy (CPO)
Atlanta, GA
SAHMA
800-745-4088
www.sahma.org

18-19
Nevada Membership Meeting
Reno, NV
AHMA-PSW
866-698-2462
www.ahma-psw.org

19
Appliance Repair Training
SeaTac, WA
AHMA of Washington
360-561-3480
<http://ahma-wa.org>

Elderly Housing Symposium
SAHMA
800-745-4088
www.sahma.org

24-26
Certified Professional Occupancy (CPO)
Seattle, WA
AHMA of Washington
360-561-3480
<http://ahma-wa.org>

25
Documentation of Resident Infractions
Webinar
SAHMA
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26
Resolving EIV Discrepancy Reports
Conference Call
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FEBRUARY

8
Challenges in Layered Properties
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8
Medical Expenses & Calculations
Webinar
AHMA-PSW
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13
Georgia Add-On: Maintenance Workshop
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SAHMA
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Georgia Add-On: MOR Training
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14-15
Georgia State Meeting for Affordable Housing
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16
MOR Prep Class
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16-17
SHCM
Long Beach, CA
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22
EIV for Users
Tacoma, WA
AHMA of Washington
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22-23
8th Annual Arizona Seminar
Phoenix, AZ
AHMA-PSW
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www.ahma-psw.org

23
EIV for Users
Spokane, WA
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<http://ahma-wa.org>

MARCH

6
Occupancy Training
Pittsburg, PA
PAHMA
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8
Basic Tax Credit Eligibility
Webinar
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866-698-2462
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Managing a Waiting List
Webinar
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866-698-2462
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14
Occupancy Training
Erie, PA
PAHMA
412-445-8357
<http://www.pahma.org>

16
Fair Housing for Managers (a.m.)
Fair Housing for Maintenance (p.m.)
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www.ahma-psw.org

20-22
CPO
Los Angeles, CA
AHMA-PSW
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23
ACPO
Orange, CA
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Tackling Each Day With a Sense of Humor

WHEN ATTENDING IOWA STATE University, Alicia Stoermer Clark completed an internship with a property management company in Ames, Iowa, and did volunteer work at a local shelter for homeless individuals. Following graduation, she accepted a position as a rental coordinator in Des Moines. That is where she was first introduced to Department of Housing and Urban Development (HUD), Department of Agricultural Rural Development (RD) and Low-Income Housing Tax Credit properties. Clark was responsible for reviewing and

processing the monthly resident certifications and submitting vouchers for both HUD and RD programs. Clark was responsible for reviewing and

versity and a Master of Business Administration from Bellevue University where she is a doctoral candidate in human capital management. Additionally, she holds several professional industry designations including Specialist in Housing Credit Management (SHCM) from NAHMA. “Property management is an ever-changing industry that requires a diverse set of skills and each day brings a unique challenge and opportunity. I get to work with amazing people who are immensely



don't think most people understand the complexity of this job. We manage difficult budgets, challenging regulatory requirements, families with all ages, stages and needs,” she said. “We are balancing a focus toward the community, the investment of the owner and the living environment all of which is impactful to the life of the family and their overall well-being, which is certainly no small task.”

In her free time, Clark can be found cheering on her children—Noah, 14,

Colton, 8, Macie, 7, Charlie 5, and Brantley, 4—in sporting activities or participating in family trips and outdoor activities

along with her husband, Steven.

She describes herself as a long-time Duke basketball fan, “I don't watch a lot of television, but will schedule around watching a Duke game during basketball season.” **NN**

“Property management is an ever-changing industry that requires a diverse set of skills and each day brings a unique challenge and opportunity. I get to work with amazing people who are immensely dedicated and hard working.”

dedicated and hard working,” she said. “Those who work within property management learn quickly that nothing is more valuable for longevity in this industry than a great sense of humor.”

During her tenure, Seldin Company grew from just under 4,000 units in 2004 to just under 18,000 by the close of 2016. While there, she has held the positions of vice president of property management southern region, executive vice president of implementation and business intelligence, and executive vice president of property management before being elevated to COO.

She said the affordable housing industry merges business knowledge, people skills and an opportunity to impact lives of both employees and residents. “When we think of property management, specifically in affordable housing, I

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Welcome New Members

NAHMA welcomes the following new members as of Nov. 15, 2016.

EXECUTIVE

Sean Denihan, FHS Management, New York, N.Y.

ASSOCIATE

Matt Josephs, LISC, Washington, D.C.

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

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A Look Back



WITH THE CLOSE OF 2016, MY TWO-year term as NAHMA's president comes to an end. I have appreciated the last two years and wish President-elect Michael Johnson success as he takes up the leadership. I have no doubt he will be made to feel as welcome as I was and that he will continue to move the association forward and advance our agenda with the new administration.

My goal when I began my term was to educate members of Congress, their top aides and agency leadership. I wanted to represent all of those who work hard in our industry and I hoped to inspire our members.

I have spent the last two years attending AHMA events across the country, presiding over NAHMA annual meetings, meeting with congressional and agency leaders, and talking with NAHMA members—all in an effort to accomplish that goal and more.

Just some of our achievements as an organization over the last two years

involve creating an in-house communications department that has increased our social media reach and includes posting our new certificants. We launched a new class to better serve our members, Advanced Issues in HUD Occupancy. Additionally, we also fully deployed a computer-based SHCM exam, which was followed by putting all of our course

I wanted to be a champion for all of those who work hard in our industry and I hoped to inspire our members.

exams online. We have continued our high-level of legislative-regulatory activities including grassroots and direct advocacy by NAHMA staff and collaborating with other industry organizations to speak with one unified voice on issues affecting all of us. Additionally, new resources were added to the website focused on urban farming and energy-efficient programs.

None of this would be possible without the help and commitment of our members.

I would like to thank everyone who

served on NAHMA's committees or at the board level over the past two years. NAHMA staff is always there answering questions, providing information and keeping affordable housing at the forefront; a heartfelt thank you for a job well done! Finally, I would like to thank all the AHMAs, not only for their hospitality, but also for all the

hard work they do at the local level.

I am especially thankful for all the cooperation we have received from the departments of Housing and Urban Development, Agriculture, Treasury/Internal Revenue Service, and members of Congress and their staff.

At this time, I'd like to wish everyone involved with NAHMA a healthy and successful 2017. **NN**

Ken Pagano, CPM, SHCM, NAHP-e, is president of Essex Plaza Management and president of NAHMA.