

February 2016 General Management Review Discussion Points

- In June 2015, the Supreme Court ruled in a 5-4 decision that Fair Housing Law covers intentional discrimination **and disparate impact discrimination**. Disparate impact is housing practices that appear neutral, but have an unfair effect on members of a protected class. A community may be liable for adopting or enforcing a policy even if there was no intent to discriminate. Multifamily housing communities should expect increased scrutiny into certain housing policies believed to have a discriminatory effect on protected classes.
- A new benefit, the MFIP Housing Assistance Grant, became effective 7/1/15 and may be received by households living in section 8 properties. If a household receives the grant, it must be counted as income on the 50059. It will be coded as MF-HG on the printout provided by the county.
- HUD released Housing Notice 2015-06 regarding the **Equal Access Rule** which states program eligibility determinations shall not be made with regard to actual or perceived sexual orientation, gender identity or marital status. It further prohibits owners and agents from inquiring about sexual orientation or gender identity of an applicant or resident. Minnesota Housing recommends adding language about the Equal Access Rule protections to your TSP and removing questions regarding gender from forms and applications. The notice is posted on HUDClips, under Notice 15-06 at <http://portal.hud.gov>.
- HUD issued **Housing Notice H-2015-04, Methodology for Completing a Multifamily Housing Utility Analysis** on June 22, 2015. This notice provides instruction to owners and management agents for completing the utility analysis. The notice and attachments is posted on HUDClips, under Notice 15-04 at <http://portal.hud.gov>.
- An O/A may require a resident to sign a release for utility data when necessary. If residents are unwilling to sign the release, it may be considered noncompliance and could potentially result in termination of their assistance and/or tenancy (see HH 4350.3, Paragraph 5-21 and HUD Model Lease for Subsidized Projects).
- Residents must be asked and disclose whether they are receiving utility assistance from sources other than HUD or DHS. If they are, these assistance payments are included as income on the 50059. (see 24 CFR 5.609a and HH 4350.3 Paragraph 5-6.G.1).
- O/A's must address in their policies/ procedures how and when they will notify residents who turn 18 between ARs of the requirement to sign consent forms 9887/9887A, lease and lease addenda. A resident is not required to report turning 18 but an O/A may not use information from EIV without a signed 9887 consent form. We recommend written policies to ensure consistent application to all residents.
- If O/A's use lease addendums to modify the model lease they must be approved by HUD. This includes commonly used Section 42 and HOME program lease addenda. Many of the clauses in these lease addenda are already included in the HUD model lease. Please note: the Section 42 (tax credit) program does not require a lease addendum and tax credit monitoring agencies in MN will not fail or note a file for not having a Section 42 lease addendum. Minnesota Housing waives the HOME lease addendum for units they monitor that have project based section 8 and use the HUD model lease. You should check with your participating jurisdiction (PJ) if you are unsure about their requirements for a HOME lease addendum.

Turn Over →

- Many agencies are using debit or EBT cards to issue benefits such as SS/SSI, MFIP, child support or unemployment. We recommend adding a question to your application regarding these government issued benefit cards as they are assets. When interviewing a household who receives benefits but does not list any assets, follow up with a question such as, “Do you receive your benefits on a debit card?”
- Based on federal law, new admissions of medical marijuana users are prohibited. O/A’s must deny admission to any household with a member determined to be using marijuana. Further, O/A’s must establish policies that allow the termination of tenancy of any household with a member who is using marijuana.
- Most Permanent Resident Cards (previously known as Alien Registration Receipt Card) expire every 10 years. O/A’s should establish a policy to review the status of these cards at AR.
- Receipt of SSI disability or Social Security disability benefits is adequate verification of disability for properties that use Disability Definition D and E (see HH 4350.3, Figure 3-5). However, if the SSI or Social Security verification in the file does not identify that the benefits received are indeed disability benefits, further verification may be needed. Failure to have adequate verification of disability for households coded as disabled will result in a finding at your management and occupancy review.
- With the implementation of TRACS 202D O/A’s are required to collect new data on the 50059. Item 10 lists the tenants’ previous living situation on the 50059 (i.e. homeless, substandard, standard, etc.) and Item 42 now includes if they are a military veterans. This information must be collected from applicants/tenants and coded on the 50059. See the HUD MAT Guide for further information.
- Minnesota Housing is looking for owners with properties who will partner with us to create integrated, supportive housing options for people with disabilities through HUD’s Section 811 Rental Assistance Program. If you are interested, please ask your HMO for an 811 informational flyer.

To view past issues of *MOR Hot Topics*, visit <http://bit.ly/1zOjQ6M>.

Property Specific Management Review Discussion Points

HMO Reminder: Please use MOR info report and/or iREMS printouts to confirm owner, management agent and MOR contact person (if different from owner and management agent) email addresses. Return to PBCA Housing Technician so she can complete O/A change process.