



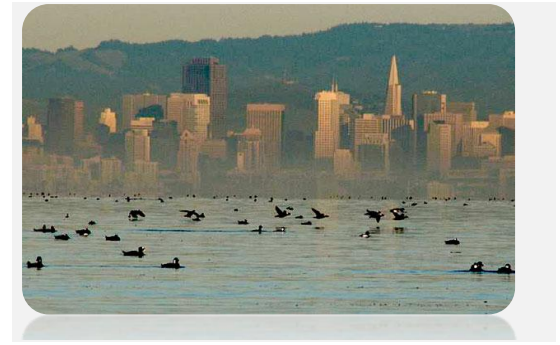
U.S. Department of Housing and Urban Development

San Francisco Office of Public Newsletter

Public Housing News

Northern California

Nevada



HUD SECRETARY DONOVAN ANNOUNCES NEW REGULATIONS TO ENSURE EQUAL ACCESS TO HOUSING FOR ALL AMERICANS REGARDLESS OF SEXUAL ORIENTATION OR GENDER IDENTITY

WASHINGTON – U.S. Housing and Urban Development (HUD) Secretary Shaun Donovan announced new regulations intended to ensure that HUD's core housing programs are open to all eligible persons, regardless of sexual orientation or gender identity. “The Obama Administration has viewed the fight for equality on behalf of the LGBT community as a priority and I’m proud that HUD has been a leader in that fight,” said Secretary Shaun Donovan. “With this historic rule, the Administration is saying you cannot use taxpayer dollars to prevent Americans from choosing where they want live on the basis sexual orientation or gender identity – ensuring that HUD’s housing programs are open, not to some, not to most, but to all.”

The final rule, published as *Equal Access to Housing in HUD Programs – Regardless of Sexual Orientation or Gender Identity*, makes the following provisions:

- Requires owners and operators of HUD-assisted housing, or housing whose financing is insured by HUD, to make housing available without regard to the sexual orientation or gender identity of an applicant for, or occupant of, the dwelling, whether renter- or owner-occupied. HUD will institute this policy in its rental assistance and homeownership programs, which include the Federal Housing Administration (FHA) mortgage insurance programs, community development programs, and public and assisted housing programs.
- Prohibits lenders from using sexual orientation or gender identity as a basis to determine a borrower’s eligibility for FHA-insured mortgage financing. FHA’s current regulations provide that a mortgage lender’s determination of the adequacy of a borrower’s income “shall be made in a uniform manner without regard to” specified prohibited grounds. The rule will add actual or perceived sexual orientation and gender identity to the prohibited grounds to ensure FHA-approved lenders do not deny or otherwise alter the terms of mortgages on the basis of irrelevant criteria.
- Clarifies that all otherwise eligible families, regardless of marital status, sexual orientation, or gender identity, will have the opportunity to participate in HUD programs. In the majority of HUD’s rental and homeownership programs the term “family” already has a broad scope, and includes a single person and families with or without children. HUD’s rule clarifies that otherwise eligible families may not be excluded because one or more members of the family may be an LGBT individual, have an LGBT relationship, or be perceived to be such an individual or in such relationship.
- Prohibits owners and operators of HUD-assisted housing or housing insured by HUD from asking about an applicant or occupant’s sexual orientation and gender identity for the purpose of determining eligibility or otherwise making housing available. In response to comments on the proposed rule, HUD has clarified this final rule to state that this provision does not prohibit voluntary and anonymous reporting of sexual orientation or gender identity pursuant to state, local, or federal data collection requirements. □

U.S. Department Of Housing & Urban Development

San Francisco Office of Public Housing

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HUD is announcing the launch of the **Public and Indian Housing One-Stop Tool (POST) for PHAs**, as part of HUD's Delivering Together initiative. POST for PHAs is a one-stop website that enables PHAs to quickly access PIH systems, tools, program requirements, and much more. The POST homepage organizes information into eight categories PHAs have indicated make the most sense to them: (1) Public Housing Program; (2) Housing Choice Voucher Program; (3) Grants; (4) Other Programs; (5) Systems; (6) Tools; (7); Laws and Policies; and (8) Directories. Another exciting feature of POST for PHAs is the **PIH A-Z Index**, an exhaustive alphabetical list of information relevant to PHA programs. Additionally, HUD has several new features under development that will make useful web content even more accessible, including a Calendar of Due Dates for PHAs, an email box for PHAs to suggest improvements to POST, and a list of PIH Forms. Rather than spend considerable time searching for information and resources, PHAs will be able to access all the material they need on POST for PHAs.

NEW Study on Public Housing Capital Needs

The U.S. Department of Housing and Urban Development **study on capital needs in public housing** found that the nation's 1.2 million public housing units need an estimated \$25.6 billion for large scale repairs to improve basic living conditions for residents. Conducted by independent consultant Abt Associates, **Capital Needs in the Public Housing Program** updates a 1998 analysis and includes costs to address overdue repairs, accessibility improvements for disabled residents, lead abatement, and water and energy conservation that would make the homes more cost effective and energy efficient. Unlike routine maintenance, capital needs are the large-scale improvements required to make the housing decent and economically sustainable, such as replacing roofs or updating plumbing and electrical systems to increase energy efficiency. Since study completion, public housing owners received a one-time infusion of \$4 billion through the American Reinvestment and Recovery Act; of that funding, \$3 billion was directed toward projects to address the backlog.



At the **Northern California / Nevada Chapter of NAHRO Conference** on January 30, 2011, the following public housing authorities were recognized by the San Francisco Office of Public Housing for their high level of achievement in conducting HUD's various public housing programs.

2011 LOW RENT PUBLIC HOUSING PHAS PROGRAM HIGH PERFORMER

Alameda County Housing Authority

City of **Benicia** Housing Authority

County of **Butte** Housing Authority

Housing Authority **City of Fresno**

Housing Authority of **Fresno County**

Housing Authority of the City of **Livermore**

County of **Merced** Housing Authority

City of **Reno** Housing Authority

Housing Authority of the City of **Riverbank**

County of **San Joaquin** Housing Authority

Santa Cruz County Housing Authority

City of **South San Francisco** Housing Authority

2011 LOW RENT PUBLIC HOUSING PROGRAM CONSISTENTLY HIGH PHAS PERFORMER

Santa Cruz County Housing Authority

City of South San Francisco Housing Authority

2011 LOW RENT PUBLIC HOUSING PROGRAM CONSISTENTLY HIGH OCCUPANCY PERFORMANCE

County of Butte Housing Authority

Yolo County Housing Authority

2011 SPECIAL ACHIEVEMENT – AMERICAN RECOVERY AND REINVESTMENT ACT

Housing Authority of **Fresno County**

– *Formula (Granada Commons)*

Southern Nevada Regional Housing Authority

– *Competitive (Perry Plaza)*

2011 SPECIAL ACHIEVEMENT

– MOST SUCCESSFULLY REVIEWED ARRA PROGRAM

San Francisco Housing Authority

2011 LOW RENT PUBLIC HOUSING PROGRAM OF THE YEAR

City of **Reno** Housing Authority

2011 HOUSING CHOICE VOUCHER PROGRAM HIGH PERFORMER

City of **Alameda** Housing Authority

Alameda County Housing Authority

City of **Benicia** Housing Authority

City of **Berkeley** Housing Authority

County of **Butte** Housing Authority (**New**)

City of **Crescent City** Housing Authority

Eldorado County Dept. of Human Services

City of **Fairfield** Housing Authority

City of **Hollister** Housing Authority

County of **Humboldt** Housing Authority

2011 HOUSING CHOICE VOUCHER PROGRAM HIGH PERFORMER

(CONTINUED FROM PREVIOUS PAGE)

Kings County Housing Authority

Lake County Housing Commission

Housing Authority of the City of **Livermore**The Housing Authority of the City of **Madera**Housing Authority of County of **Marin**County of **Merced** Housing Authority (*new*)Housing Authority City of **Napa****Nevada Rural** Housing AuthorityCity of **Pittsburg** Housing Authority**Placer** County Housing AuthorityCounty of **Plumas** Housing AuthorityHousing Authority of the City of **Redding**Regional Housing Authority of **Sutter and Nevada**
CountiesCity of **Reno** Housing AuthorityCity of **Roseville** Housing AuthorityCounty of **San Joaquin** Housing Authority**Santa Cruz** County Housing AuthorityCity of **Santa Rosa** Housing AuthorityCounty of **Shasta** Housing AuthorityCounty of **Solano** Housing AuthorityCounty of **Sonoma** Housing Authority**Southern Nevada** Regional Housing Authority (*new*)County of **Stanislaus** Housing Authority**Suisun** City Housing AuthorityCity of **Vacaville** Housing Authority**Yolo** County Housing AuthorityYuba County Housing Authority (*new*)**2011 DIRECTOR'S RECOGNITION FOR SUPPORT OF HUD**County of **Butte** Housing AuthorityCounty of **Shasta** Housing AuthorityRegional Housing Authority of **Sutter and Nevada**
CountiesCounty of **Stanislaus** Housing Authority**2011 SPECIAL ACHIEVEMENT**

– CONSISTENTLY HIGH HCV UTILIZATION

Nevada Rural Housing Authority**2011 HOUSING CHOICE VOUCHER PROGRAM**

– SIGNIFICANT INCREASE IN HCV UTILIZATION

Oakland Housing Authority**2011 SPECIAL ACHIEVEMENT IN INNOVATION**County of **San Mateo** Housing Authority
(*Innovative Rent Calculations*)**2011 HOUSING CHOICE VOUCHER PROGRAM OF THE YEAR - SMALLER PHA DIVISION****El Dorado** County Dept. of Human Services**2011 HOUSING CHOICE VOUCHER PROGRAM OF THE YEAR – LARGER PHA DIVISION****Southern Nevada** Regional Housing Authority

ASSET MANAGEMENT

Congress Authorizes the Rental Assistance Demonstration (RAD)



In 2010, the Department worked with a wide range of stakeholders—including the public housing industry, multifamily owners and managers, residents, advocates, and Members of Congress—on an initiative generally known as Transforming Rental Assistance (TRA) to develop new tools to help preserve public and assisted rental housing. Based on feedback on TRA, in 2011, the Department proposed a Rental Assistance Demonstration (RAD), which would allow projects funded under the Public Housing, Rent Supplement, Rental Assistance, and Moderate Rehabilitation programs to convert to long-term Section 8 rental assistance.

One of the main objectives of RAD is to address the large backlog of capital needs that has accumulated over the years in public housing, estimated at \$26 billion or about \$23,365 per unit. The Capital Fund program provides the primary source of funding for repairs and renovations in public housing, but current funding levels only reach a small percentage of that backlog. The structure of the Public Housing program makes it extremely difficult for PHAs to access private debt and equity.

One of the main reasons behind converting public housing to long-term Section 8 rental assistance is to allow PHAs to finance their long-term capital needs. Under RAD, PHAs and owners of Mod Rehab properties will have the option of converting their current form of rental assistance for 60,000 units to either a:

- Project-Based Voucher (PBV) Contract, which PHAs administer locally. The Department will offer administrative flexibility and waive certain current rules to make the PBV option a more viable financing tool; or
- Project-Based Rental Assistance (PBRA) Contract, administered by the Department's Office of Multifamily Housing Programs.

Participation in RAD will be *completely voluntary*. Properties converting their assistance under RAD will be limited to current funding and will be selected through a competition. RAD represents an important step in preserving affordable homes for decades to come. The Department anticipates publishing a proposed RAD program Notice in early 2012 and welcomes public comment. □

OVERVIEW OF RENTAL ASSISTANCE DEMONSTRATION (RAD)

HUD's 2012 Appropriations bill (H.R. 2112, signed November 18, 2011) authorized the **Rental Assistance Demonstration (RAD)** to test new preservation tools for the HUD-assisted housing stock allowing for:

- Public Housing and Moderate Rehabilitation (Mod Rehab) properties to convert to long-term Section 8 rental assistance contracts; and
- Rent Supplement (Rent Supp), Rental Assistance Payment (RAP), and Mod Rehab properties, upon contract expiration or termination, to convert tenant protection vouchers (TPVs) to project-based vouchers (PBVs).

RAD is a limited demonstration and will be vigorously evaluated to assess the success of these approaches in preserving affordable housing. Participation in RAD will be voluntary.

RAD is a central part of the Department's rental housing preservation strategy, which works to preserve that nation's stock of deeply affordable rental housing, promote efficiency within and among HUD guidelines, and builds strong, stable communities.

RAD will:

- **Improve the quality of affordable housing:** PHAs and owners will be able to leverage significant public and private funding to address critical capital needs and improve the condition of their properties.
- **Preserve affordable housing:** Once on a more stable Section 8 funding platform, converted properties will have long-term rental assistance contracts and use restrictions, which will survive foreclosure or bankruptcy.
- **Stretch each federal dollar further:** RAD allows for the leveraging of federal funds with private investment, through debt and equity instruments, to make needed capital repairs.
- **Enhance housing choice:** HUD will test options to provide residents the choice to move with tenant-based vouchers after conversion.
- **Bring Public Housing into the affordable housing mainstream:** Long-term, project-based assistance has proven to be an effective, reliable, and safe mechanism to fund affordable housing for over 30 years.
- **Create jobs:** Physical revitalization of assisted housing involves large-scale construction and infrastructure projects that create jobs and stimulate the local economy.
- **Ensure opportunities for resident participation:** Residents of converted units would have the right to organize. In addition, all conversions will be subject to resident review and comment.

RESOURCES

- [H.R. 2112 text authorizing RAD](#)
- [Section by Section Analysis of H.R. 2112](#)
- [Capital Needs in the Public Housing Program](#)
- [Written Testimony of Assistant Secretary Sandra B. Henriquez hearing before the House Financial Services Subcommittee on insurance, Housing, and](#)
- [Community Opportunity on the Rental Assistance Demonstration](#)
- [Preserving Public Housing through Conversion to Long-Term Section 8 Housing Assistant Payment \(HAP\) Contracts: Two Recapitalization Examples under HUD's Rental Assistance Demonstration \(RAD\)](#)

Please check <http://www.hud.gov/rad> for the latest.

PUBLIC HOUSING UNIT INSPECTIONS

Section 6(f)(3) of the United States Housing Act of 1937 requires that PHAs inspect each public housing project annually to ensure that the project's units are maintained in accordance with the housing quality standards in 24 CFR part 5. HUD implemented this language by requiring that each PHA conduct annual inspections of all public housing dwelling units when it made those inspections part of the Public Housing Assessment System (PHAS) management operations score. With the publication of the revised PHAS on February 23, 2011 (76 FR 10136), a PHA's physical

inspection of public housing units is no longer a component of the PHAS score; *however*, the annual physical inspection of public housing projects remains a statutory requirement. PHAs should continue using the Uniform Physical Condition Standards (UPCS) in 24 CFR 5, Subpart G, Physical Condition Standards and Inspection Requirements, to conduct annual project inspections. These standards address both the inspection of the site area, building systems and components, and dwelling units.

PHAs are obligated by statute to inspect each project annually. There is no longer an annual unit inspection requirement. PHA's now have the latitude to schedule unit inspections in a manner that can satisfy the statute's intent and simultaneously free up resources, especially those necessary to provide unit maintenance. PHAs may wish to consider these alternatives:

- Inspect a representative sample of units. If properly executed, a representative sample of units at each project will reveal systemic issues and recurring maintenance items for the project manager's more intensive action;
- Establish a risk hierarchy based on historical records. Some units, especially those with long-term residents, habitually inspect well; by identifying those, the PHA can concentrate on the units which represent maintenance challenges. This means that PHAs could schedule units that routinely inspect well less frequently than annually, and which would be dependent on the individual unit's/tenant's past inspection results.

PIH Notices

PIH 2011-65, "Timely Reporting Requirements of the Family Report (form HUD-50058 and form HUD- 50058 MTW) into the Public and Indian Housing Information Center" issued November 30, 2011. The purpose of this notice is to extend Notice PIH 2010-25 which established timeframes for timely reporting of the Family Report (form HUD-50058) into the Public and Indian Housing Information Center (PIC), explained PIC modifications and clarified Family Self-Sufficiency (FSS) reporting requirements. The Department places great importance on the data it receives from PIC. The Department relies on PHAs to submit accurate, complete and timely data to administer, monitor and report on the management of its rental assistance programs. In order to fully justify its budget requests to Congress, the Department needs full cooperation from all PHAs in meeting their reporting requirements in a timely manner. This notice applies to PHAs administering Housing Choice Voucher (HCV) programs (including the project-based certificate, project-based voucher and homeownership programs), the Section 8 Moderate Rehabilitation (MR) program, the Public Housing (PH) program and the MTW program.

ECOWISE

February 2012 | Volume 10, Issue 2

New Federal Light Bulb Law: Bright Lights, Less Energy

As of January 1, 2012, **100-watt incandescent bulbs can still be sold and used in the U.S.** but will no longer be manufactured in the United States. This action is the first phase of the **Energy Independence and Security Act (EISA) of 2007**, which enforces policies that help the United States become energy independent and make better use of its energy resources. **The Energy Act does not ban incandescent bulbs.** However, bulbs must now meet the new energy standards. Also, certain types of bulbs, such as specialty bulbs, globes and three-way bulbs are exempt from the law. EISA initially requires common household light bulbs, which are usually between 40 and 100 watts, to use 27% less energy by 2014. In 2020, the law will require most light bulbs to be 60-70% more efficient than today's incandescent bulbs. At present, only 10% of the electricity powering an incandescent bulb is used for light the rest is wasted

through heat loss. This standard will be phased in over the next three years, each starting on January first of that year.

While the new standards will take effect on their respective effective date, Federal enforcement of the new standard will not begin until October 2012. PHAs and residents will need to find bulbs that use fewer watts for the needed lumen output. Lumens are a measurement of how bright the bulb is and watts are a measurement of the amount of energy the bulb use; more lumens indicate greater brightness.

Brightness	Standard Incandescent Light Usage	New Standard Requirement Usage	Effective Date
1600 lumens	100 watt	72 watts	January 1, 2012
1100 lumens	75 watt	53 watts	January 1, 2013
800 lumens	60 watt	43 watts	January 1, 2014
Usage 450 lumens	40 watt	29 watts	January 1, 2014

The table shows the equivalent lumens to watts and effective dates.

Major retailers offer a wide range of new energy-efficient light bulbs that meet EISA standards. These include new incandescent bulbs, compact fluorescent bulbs (CFLs) and light emitting diodes (LEDs). Finally, the new light bulb standards should lead to long-term cost savings; the U.S. Department of Energy estimates that American households collectively could save nearly \$6 billion in 2015 alone.

TRAINING

HUD Environmental Training Workshop

The Office of Environment and Energy will conduct a **free three-day training at the San Francisco Field Office**, to help HUD grantees, federal, state, and local government staff, “Responsible Entities,” and consultants undertaking HUD environmental reviews to gain a thorough understanding of Federal environmental requirements and procedures.

When: March 12 – 14, 2012, Monday – Wednesday
(Monday 10 am – 4:30pm, Tuesday 9am – 4:30pm, Wednesday 9am – 3:30pm)

Where: HUD San Francisco Field Office Conference Center
600 Harrison Street, 3rd floor, San Francisco

Details and registration at:

<http://www.hud.gov/emarc/index.cfm?fuseaction=emar.registerEvent&eventId=1162&update=N>

EIV/Enterprise Income Verification



Mark your calendar!

Thursday, February 23, 2012

The Office of Public and Indian Housing (PIH) is pleased to announce the occurrence of monthly EIV Roundtable sessions with PIH EIV system owner, Nicole Faison. These sessions will provide you with the latest and greatest on EIV and provide PIH EIV system users with the opportunity to ask EIV questions.

The first EIV Roundtable session will be held on **Thursday, February 23, 2012**, from **1:00PM, EST to 3:00PM, EST**. To join the session, simply call toll-free number **(877) 848-7030** and enter access code **5187883**.

Topics to be discussed include:

1. Spring 2012 EIV 9.3 Release
2. Guidance on EIV's Deceased Tenants Report
3. Guidance on EIV's Identity Verification Report
4. What's on Your Mind?

Please direct all inquiries regarding this message to PIH.RHIIP.TA@HUD.GOV

Note to EIV Housing Authority Coordinators:

- o Please remind your staff to bring their problems directly to you for resolution. If you are unable to resolve the problem, then forward it to me (Carroll.J.Lorbett@hud.gov) with an explanation and print screen of the problem.
- o Jan is still away, so please direct your questions to me.

All EIV Users please note:

Before using EIV, *you must have* a WASS Id issued from HUD REAC and proper training. Prior to gaining access to and using the EIV system, and as a condition of continued EIV access all PHA & HUD staff are required to participate in HUD-sponsored EIV training. HUD offers **Free** training via webcasts. If you have questions regarding EIV training sessions, please send your inquiries to PIH.RHIIP.TA@HUD.GOV.

PIH EIV Training Sessions are available on the HUD web at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/rhiip/piheivwebcasts

Training covers all aspects of the "Effective Use of PIH's EIV System and Its Reports" and provides EIV Training Webcasts & Training Materials that can be downloaded.

PIH NOTICE 2012-4

Issued: Jan. 1, 2012
Expires: Effective until revoked, superseded, or amended
Effective Use of the Enterprise Income Verification (EIV) System's Deceased Tenants Report to Reduce Subsidy Payment & Administrative Errors
 - This notice explains the procedures Public Housing Agencies (PHAs) are required to implement to deal with families with deceased household members. [...]

GRANTS (www.grants.gov)

Looking for a funding source for that special project?

[For Applicants](#)
[Applicant Login](#)
[Find Grant Opportunities](#)
[Basic Search](#)
[Browse by Category](#)
[Browse by Agency](#)
[Advanced Search](#)
[Email Subscription](#)
[Get Registered](#)
[Apply for Grants](#)
[Track My Application](#)
[Applicant Resources](#)
[Search FAQs, User Guides and Site Information](#)

Closing Date	Opportunity Title	Number
03/27/2012	Resident Opportunity and Self Sufficiency (ROSS) - Service Coordinators Program	FR-5600-N-30
03/29/2012	Transformation Initiative: Natural Experiments Grant Program	FR-5600-N-18
04/04/2012	Notice of HUD's FY2011 NOFA Policy Requirements and General Section to HUD's FY2011 NOFAs for Discretionary Programs	FR-5500-N-01
04/10/2012	Choice Neighborhood Implementation Grants	FR-5600-N-19
04/24/2012	Housing Choice Voucher Family Self-Sufficiency (HCV FSS)	FR-5600-N-09



Office of Capital Improvements

Please take the opportunity get the latest information on HUD's website

Goto: http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/ph/capfund

Highlights from HUD's Website **(NEW)** FY 2012 Capital Fund Award letter to the PHA Executive Director

- **(NEW)** **FY 2012 Capital Fund Processing Timeline**
- **(NEW)** **2012 map with the Capital Fund grant amounts and Annual Contributions Contract(s) (ACC)**
- **(NEW)** "Faircloth Limit" Unit Counts - Section 9(g) (3) of the United States Housing Act of 1937 ("Faircloth Amendment") limits the construction of new public housing units. The Faircloth Amendment states that the Department cannot fund the construction or operation of new public housing units with Capital or Operating Funds if the construction of those units would result in a net increase in the number of units the PHA owned, assisted or operated as of October 1, 1999. This requirement is referred to as the "Faircloth Limit." PHAs should review the linked **(NEW)** **National List of Maximum Number of Units Eligible for Capital Funding and Operating Subsidy by PHA** (.pdf). If you do not believe that the number of units listed for your PHA is correct, please send an email to PIH_OCI@hud.gov with "Faircloth Limit Correction for..." and your PHA code in the subject line.
- **(NEW)** **HOPE VI Replacement Unit Counts** - The Department is making preparations for calculating the Capital Fund formula for FFY 2012. For PHAs that have HOPE VI Revitalization grants the number of public housing units that a PHA is planning to replace as part of its HOPE VI grant affects the number of removed units that are eligible for Replacement Housing Factor (RHF) funds. PHAs can validate whether the count is correct by reviewing the linked **HOPE VI replacement unit counts spreadsheet** (MS-Excel). Please note this is the planned number of ACC units to be replaced not the actual units replaced to date.
- **(NEW)** **PHAS High Performer list for 2012 Capital Fund Calculation:** The Department is making preparations for calculating the Capital Fund formula for 2012. As a part of the calculation the Department is using PHAS designations for Federal Fiscal Year 2010 to determine which PHAs will receive the high performer bonus for the 2012 formula calculation. (Note: for PHAs with fiscal year ends of 12/31/09 the 2009 PHAS score is used; for PHAs with fiscal year ends of 3/31/10, 6/30/10 and 9/30/10 the 2010 PHAS score is used). PHAs can validate whether they are on the High Performer list that will be the basis for the formula calculation by reviewing the linked **High Performer List for 2012 Capital Fund Calculation spreadsheet** (MS-Excel). The spreadsheet lists only PHAs that are designated as high performers in Federal Fiscal Year 2010 (it lists the Housing Authority Code, the Housing Authority Name and the City/State of the housing authority).
- **(NEW)** **2011 Unit Total Development Cost (TDC) Limits**
- **Capital Fund Data Certification Schedule for 2012:** PHAs are to certify their PIC/IMS data in accordance with PIH Notice 2010-42 for purposes of calculating the Capital Fund formula for 2012 by November 4, 2011. The "effective date" for this round of certifications is 9/30/2011. For further information please refer to the **Step-by-Step user guide** (MS-Word).
- **NOTICE PIH-2012-2 (HA)**

PIH 2012-7	Issued: Feb. 2, 2012 Expires: Effective until revoked, superseded, or amended	Demolition/disposition of public housing and associated requirements for PHA Plans, resident consultation, Section 3 and application processing - To explain application processing requirements in requesting HUD approval to demolish, dispose or both demolish-and-dispose of public housing under Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) (1937 Act). [...]
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DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**24 CFR Parts 5, 200, 203, 236, 400, 570,
574, 882, 891, and 982**
[Docket No. FR 5359–F–02]
RIN 2501–AD49

Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity

AGENCY: Office of the Secretary, HUD.

ACTION: Final rule.

SUMMARY: Through this final rule, HUD implements policy to ensure that its core programs are open to all eligible individuals and families regardless of sexual orientation, gender identity, or marital status. This rule follows a January 24, 2011, proposed rule, which noted evidence suggesting that lesbian, gay, bisexual, and transgender (LGBT) individuals and families are being arbitrarily excluded from housing opportunities in the private sector. Such information was of special concern to HUD, which, as the Nation's housing agency, has the unique charge to promote the federal goal of providing decent housing and a suitable living environment for all. It is important not only that HUD ensure that its own programs do not involve discrimination against any individual or family otherwise eligible for HUD-assisted or -insured housing, but that its policies and programs serve as models for equal housing opportunity.

DATES: *Effective Date:* March 5, 2012.



Fair Housing and Equal Opportunity

Chuck Hauptman, Director

San Francisco Regional Office

HUD recently released a final rule that prohibits discrimination in HUD funded programs based upon sexual orientation, gender identity, or marital status. This rule prohibits inquiries regarding sexual orientation or gender identity. The rule precludes owners and operators of HUD-assisted housing or housing whose financing is insured by HUD from inquiring about the sexual orientation or gender identity of an applicant or occupant. The rule also applies to FHA insured programs, community development programs, and **public and assisted housing programs**. The rule clarifies that families, otherwise eligible for HUD programs, may not be excluded because one or more members of the family may be Lesbian, Gay, Bisexual, or Transgender (LGBT) or perceived to be LGBT.

The rule does not create a new federal class of protection under the Fair Housing Act. Enforcement of the rule will be accomplished through the individual programs. Violations of this rule will be handled in the same manner that violations of other program requirements are handled. Ultimately, this could mean sanction, suspension, debarment, or the seeking of civil penalties against those individuals or entities who deny individuals and families access to HUD programs because of their gender identity or sexual orientation.

Under the Fair Housing Act, discrimination based upon gender or gender stereotyping is illegal. Gender stereotypes are simplistic generalizations about the gender attributes, differences, and roles of individuals and/or groups. If a landlord denies housing to an individual based upon application of a gender stereotype then that is considered gender discrimination and is illegal under the Fair Housing Act.

If you are aware of possible violations of the rule, please contact the FHEO Intake Branch [1-800-347-3739](tel:1-800-347-3739) or myself so that we can evaluate the situation for possible Fair Housing Act violations.

FHEO will be conducting training on the rule for HUD staff and recipients of HUD program recipients in the future.

HOMEOWNERSHIP

HA Name	HVO 2011	FSS 2011	MTW 2011	First HVO Closing Year	HA Name	HVO 2011	FSS 2011	MTW 2011	First HVO Closing Year
Alameda City	0	0	0		Oakland	0	0	9	2,004
Alameda County	1	0	0	2,011	Pittsburg	4	0	0	2,008
Benicia	0	0	0	2,003	Reno	0	1	0	2,004
Berkeley	0	0	0	2,005	Richmond	2	0	0	2,010
Clark County	0	0	0	2,004	San Francisco	0	0	0	2,008
Contra Costa County	0	0	0		San Jose City	0	0	0	2,005
Fairfield	1	0	0	2,004	San Mateo County	0	0	0	2,008
Fresno City	0	0	0	2,007	Santa Clara	0	0	1	2,003
Fresno County	0	0	0	2,005	Santa Cruz County	0	0	0	2,004
Las Vegas	0	0	0	2,002	Santa Rosa	0	0	0	2,010
Livermore	0	0	0	2,009	Solano	0	0	0	2,004
Madera	0	2	0	2,005	Sonoma	0	0	0	
Marin Housing	7	1	0	2,004	Southern Nevada Regional	4	8	0	2,009
Mariposa County	0	0	0	2,005	Southern Nevada Snrha	0	0	0	2,008
Merced	0	0	0		Stanislaus	0	1	0	
Monterey	0	0	0	2,005	Tulare County	0	0	0	
Napa	0	0	0		Vacaville	1	1	0	2,004
Nevada Rural	1	0	0	2,007	Vallejo	4	0	0	2,004
North Las Vegas	0	0	0	2,004	Total	25	14	10	

Source: IMS/PIC database 2.21.12

HUD Guidance on Determining Rent Reasonableness

On August 17, 2011, HUD issued **Notice PIH 2011-46** which provides guidance to public housing agencies (PHAs) on determining Rent Reasonableness in the Housing Choice Voucher (HCV) program. ***The purpose of this notice is to merge requirements set forth in PIH Notices 2009-51 and 2010-18 as they relate to rent reasonableness in the HCV program.*** It also removes dated provisions from **PIH Notice 2009-51** related to the definition of assisted and unassisted housing. PIH Notice 2009-51 noted that an “assisted unit is a unit that is assisted under a Federal, State, or local government program.”

However, Notice PIH 2010-18 superseded particular guidance contained in Notice PIH 2009-51 by broadening the definition of “assisted unit to include certain units where the rent and rent increases are restricted by law or court action.” It also superseded Notice PIH 2009-51 related to rent reasonableness determinations “for units in properties undergoing Housing Conversion Actions” such as when a Section 8 project-based owner decides not to renew the contract or opt-out. As this notice points out, these units are not taken into consideration for purposes of rent reasonableness determinations. Detailed information is contained in this notice to assist PHAs in comparing rent for voucher units against similar unassisted units on the property and clearly lays out what is considered an assisted unit.

Examples are provided to differentiate between an assisted unit and an unassisted unit. For instance, a unit where the owner has decided to reduce the rent below what the market demands is not an assisted unit unless the reduction was due to some type of Housing Conversion Action.

The HCV program requires that a PHA may not approve a lease until it is determined that the rent to owner is reasonable. Reasonable rent is determined by ensuring that the rents paid for HCV assisted units do not exceed the rents for comparable units that are not assisted under a Federal, State, or local government program. Rent reasonableness is an important component to the HCV program to ensure that the rent HCV landlords charge most accurately reflects the rent that could be charged for the same unit in the private market. Understanding the definition of unassisted units and assisted units is crucial in accurately calculating reasonable rents and this notice seeks to clarify this process. ●

VOUCHERS

Non-Elderly Disabled (NED) Vouchers

http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/ned

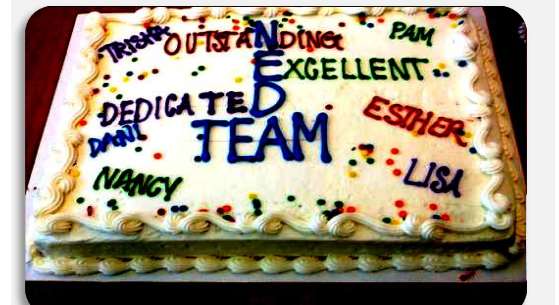
Non-Elderly People with Disabilities (NED) Category 1 Vouchers: Officially named Rental Assistance for Non-Elderly People with Disabilities, NED Category 1 vouchers are targeted to non-elderly people with disabilities. PHAs receive 1 year contracts that are renewed from the Housing Choice Voucher Program appropriation.

Non-Elderly People with Disabilities (NED) Category 2 Vouchers: Officially named Rental Assistance for Non-Elderly People with Disabilities, NED Category 2 vouchers are targeted to non-elderly people with disabilities that are transitioning from nursing homes and other health care institutions into the community. PHAs receive 1 year contracts that are renewed from the Housing Choice Voucher Program appropriation. PHAs must partner with a state-level Medicaid or health and human services agency responsible for the state's institutional transfer program.

HA Num	HA Name	FY 1997 - FY 2009 NED*	NED Category 2	Total NED
CA001	SAN FRANCISCO HSG AUTH	91		91
CA003	OAKLAND HOUSING AUTHORITY	85		85
CA006	CITY OF FRESNO HSG AUTH	75		75
CA007	COUNTY OF SACRAMENTO HOUSING AUTHORITY	100		100
CA028	COUNTY OF FRESNO HSG AUTH	75		75
CA056	SAN JOSE HOUSING AUTHORITY	175		175
CA059	COUNTY OF SANTA CLARA HOUSING AUTH.	0	10	10
CA062	CITY OF ALAMEDA HOUSING AUTHORITY	75		75
CA067	ALAMEDA COUNTY HSG AUTH	0	10	10
CA073	HSG AUTHORITY CITY OF NAPA	100		100
CA106	CITY OF REDDING HSG AUTH	34		34
CA128	CITY OF ROSEVILLE	75		75

Roseville Housing Authority Celebrates!

The Roseville Housing Authority is sharing with us, the public housing community, a piece of cake. The Authority is taking a moment to reflect on its successful team effort and mark the occasion with a moment of celebration. The Authority has fully leased up its **NED Vouchers**.



Way to go! . . . and, thanks for sharing the good news.

HUD published PIH Notice 2011-32, a critical document for ensuring the effective utilization of all NED vouchers. All PHAs will now be clear that, upon turnover, those vouchers must continue to be provided **ONLY** to non-elderly disabled households.

NEW

HUD recently launched a new website (http://portal.hud.gov/hudportal/HUD?src=/program_offices/public_indian_housing/programs/hcv/ned) that provides all the information related to vouchers targeted to Non-Elderly Disabled persons (referred to as NED vouchers) in one place. Most importantly, the website provides a link to a list of PHAs and the number of NED vouchers that HUD has established as their “baseline” for meeting their obligations [click here (MS-Excel)].

NED Category 2 Vouchers

On January 6, 2011, HUD awarded 948 Housing Choice Vouchers to 28 Public Housing Agencies to assist non-elderly people with disabilities to transition from nursing homes and other health care institutions into the community (referred to as Category 2 vouchers in the NOFA).

NEW

HUD recently released Frequently Asked Questions related to NED Category 2 vouchers. PHAs in 15 different states were awarded these vouchers, which require structured partnerships between PHAs and state-level Medicaid or health and human services agencies responsible for transitioning people from institutional settings into the community. Some of these state-level partnerships will leverage services made available to people with disabilities through the HHS Centers for Medicare and Medicaid (CMS) Money Follows the Person (MFP) grant program.

To support these new PHA/State agency partnerships as well as other transition activities, HUD and HHS have launched the Housing Capacity Building Initiative for Community Living Project. The goal of this initiative is to assist individuals with disabilities and chronic conditions who are at risk of institutionalization or who currently receive care in institutional settings, to obtain appropriate community-based housing.

For more information:

- CMS Money Follows the Person TA
- CMS Housing Capacity Building Initiative for Community Living Resource Center

NED Category 1 Vouchers

On October 1, 2010, HUD awarded 4,300 new Housing Choice Vouchers for non-elderly people with disabilities (referred to as Category 1 vouchers in the NOFA). Click here for a list of PHAs that were awarded these vouchers.

NEW

HUD recently released Frequently Asked Questions related to NED vouchers.

IMS CORNER

TIMELY REPORTING REQUIREMENTS FOR IMS/PIC

The data contained in the IMS/PIC data base is used to justify HUD's budget requests to Congress. HUD uses the PIC data base to administer, monitor and report on the management of its rental assistance programs. The data contained in this database must be

- accurate,
- complete and
- timely data

Therefore the PHAs must exercise great care in meeting the IMS/PIC data reporting deadlines.

HUD relies on the full cooperation from all PHAs in meeting their reporting requirements in a timely manner.

The following notices apply to PHAs administering Housing Choice Voucher (HCV) programs (including the project-based certificate, project-based voucher and homeownership programs), the Section 8 Moderate Rehabilitation (MR) program, the Public Housing (PH) program and the MTW program.

PIH 2011-65, "Timely Reporting Requirements of the Family Report (form HUD-50058 and form HUD- 50058 MTW) into the Public and Indian Housing Information Center" issued November 30, 2011. The purpose of this notice is to extend **Notice PIH 2010-25** which (1) established timeframes for *timely reporting of the Family Report (form HUD-50058)* into the Public and Indian Housing Information Center (PIC), explained PIC modifications and (2) clarified Family Self-Sufficiency (FSS) reporting requirements.

2012 Notices, Rules and Regulations

Below is a list of PIH notices which provide guidance, extensions, instructions, clarifications, announcements and other policy information. The notices are also available on [HUDclips](#).

Note: HUD announces the **end to hard copy mailing of PIH Notices**. Notices will be available electronically only and posted on this website.

2012 Notices	Issued/Expires	Subject/Purpose
PIH 2012-11	<p>Issued: Feb. 15, 2012</p> <p>Expires: Effective until revoked, superseded, or amended</p>	<p>Process for Public Housing Agency Voluntary Transfers and Consolidations of Housing Choice Vouchers, Five-Year Mainstream Vouchers, Project-Based Vouchers and Project-Based Certificates - The purpose of this notice is to clarify the circumstances under which HUD will consider a voluntary transfer or consolidation of budget authority (including net restricted assets (NRA), unrestricted net assets (UNA) and other capital assets) and corresponding baseline units for the HCV program (including PBVs, PBCs and MS5) from the divesting PHA's Consolidated Annual Contributions Contract (CACC) to the receiving or consolidating PHA(s)' CACC. [...]</p>

<p>PIH 2012-10</p> <p>Related attachment: Sample SSA SSN assignment letter</p>	<p>Issued: Feb. 14, 2012 Expires: Effective until revoked, superseded, or amended</p>	<p>Verification of Social Security Numbers (SSNs), Social Security (SS) and Supplemental Security Income (SSI) Benefits; and Effective Use of the Enterprise Income Verification (EIV) System’s Identity Verification Report - This notice explains the procedures public housing agencies (PHAs) are required to use for verifying social security numbers, social security benefits of applicants, participants and household members at the time of application for rental housing assistance programs and during mandatory reexamination of household income, as well as the procedures for effective use of EIV’s Identity Verification Report to reduce subsidy payment and administrative errors. Similar guidance was issued under notice PIH-2010-03. This notice supersedes the aforementioned notice. [...]</p>
	<p>Issued: Feb. 8, 2012 Expires: Dec. 31, 2012</p>	<p>Implementation of the Federal Fiscal Year 2012 Funding Provisions for the Housing Choice Voucher Program - This Notice implements the Housing Choice Voucher (HCV) program funding provisions of the “Consolidated and Further Continuing Appropriations Act, 2012” (PL 112-55), referred to hereafter as “the 2012 Act,” enacted on November 18, 2011. [...]</p>
<p>PIH 2012-8</p>	<p>Issued: Feb. 3, 2012 Expires: Effective until revoked, superseded, or amended</p>	<p>Guidance for Obtaining HUD Consent for Takings of Public Housing Property by Eminent Domain - This Notice provides guidance on the factors that HUD will consider in determining whether to consent to a taking of public housing property that was developed/acquired by, or is maintained with funds from the United States Housing Act of 1937 (the “Act”) by a governmental or quasi-governmental body using eminent domain authority (“Taking Body”). [...]</p>
<p>PIH 2012-7</p>	<p>Issued: Feb. 2, 2012 Expires: Effective until revoked, superseded, or amended</p>	<p>Demolition/disposition of public housing and associated requirements for PHA Plans, resident consultation, Section 3 and application processing - To explain application processing requirements in requesting HUD approval to demolish, dispose or both demolish-and-dispose of public housing under Section 18 of the United States Housing Act of 1937 (42 U.S.C. 1437p) (1937 Act). [...]</p>
<p>PIH 2012-4</p>	<p>Issued: Jan. 1, 2012 Expires: Effective until revoked, superseded, or amended</p>	<p>Effective Use of the Enterprise Income Verification (EIV) System’s Deceased Tenants Report to Reduce Subsidy Payment & Administrative Errors - This notice explains the procedures Public Housing Agencies (PHAs) are required to implement to deal with families with deceased household members. [...]</p>
<p>PIH 2012-3</p>	<p>Issued: Jan. 27, 2012</p>	<p>Housing Choice Voucher – Homeownership Option 10 Year</p>

Expires: Effective until revoked, superseded, or amended

Asset Exclusion - This Notice is to remind Public Housing Agencies (PHA) of the regulatory provision regarding how the value of a home purchased under the Housing Choice Voucher (HCV) homeownership option (24 CFR 982 Subpart M) is treated for the purpose of determining the family's annual income. [...]

PIH 2012-2

Issued: Jan. 20, 2012

Expires: Effective until revoked, superseded, or amended

Guidance on Public Housing Operating Funds - This Notice describes eligible uses of Operating Funds under the United States Housing Act of 1937 (the 1937 Act) and the Operating Fund rule (24 CFR 990) for Public Housing Agencies (PHAs) who administer the low-rent Public Housing Program. [...]

PIH 2012-1

Issued: Jan. 6, 2012

Expires: Effective until revoked, superseded, or amended

Income Exclusion of Kinship, Kin-GAP and Other Guardianship Care Payments - This notice supersedes notices PIH-2008-30 and 2008-40 and clarifies the treatment of income received from Kinship Guardian Assistance Payments (Kin-GAP), kinship care payments, and other guardianship care payments pursuant to 24 CFR § 5.609(c)(2).