



## Multifamily Housing News

U.S. Department of Housing & Urban Development — San Francisco Multifamily Hub

**Hawaii**

**Northern California**

**Nevada**

**Arizona**

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### SPECIAL FEATURE

## Fair Housing and Equal Opportunity

Can you break a fair housing law even if you never intended to discriminate against someone? Owners of HUD-subsidized multi-family properties are subject to several important federal civil rights laws affecting both admission and occupancy. These requirements seek to ensure that all applicants have equal access to affordable housing and that owners treat all applicants and residents equitably.

Federal civil rights laws relating to fair housing prohibit discrimination in the sale, rental, or financing of housing based on race, color, national origin, sex, age, disability, religion, and familial status. In addition, the Fair Housing Act prohibits discrimination in most housing and housing-related transactions on the basis of race, color, religion, sex, age, disability, familial status, or national origin.

Sometimes even well trained, caring housing managers do things that may be seen as violating fair housing laws. This issue of Pacific Currents begins a discussion of Fair Housing and Equal Opportunity issues, starting with Affirmative Fair Housing Marketing Plans and Reasonable Accommodations. Future issues will include articles on:

- Tips on How to Avoid a Housing Discrimination Complaint
- A Housing Discrimination Complaint has been Filed Against Me, So Now What?
- Limited English Proficiency – HUD Proposed Guidelines and What They Mean to Housing Providers
- Application Do's and Don'ts for Housing Providers.

**We Have Moved!**

**New Phone Listing Pull-Out! INSIDE!**

**San Francisco HUD Office  
NEW LOCATION!**

*HUD National Web Site*

<http://www.hud.gov>

**San Francisco Multifamily Hub:**

<http://www.hud.gov/local/index.cfm?state=ca>

*Where To Find Our Previous Pacific Current Issues*

The San Francisco HUB publishes Pacific Currents quarterly. While we try to furnish our 4,000+ subscribers with a print copy, sometimes we are only able to post the newsletter on our website due to insufficient printing funds. Look for our latest issue here:

<http://www.hud.gov/local/ca/working/localpo/mfhsnews.cfm>

## Multifamily Hub News Staff

Multifamily Hub Director  
Janet L. Browder

Director, Operations — J. Patrick Goray

Editor-In-Chief — Christine Day  
Design, Layout, Advisor — Larry Chauvet  
Hub Lines Contributor — Jeri Henson



The Multifamily Hub News is distributed to Hub clients as well as other interested parties. Comments may be directed to Christine Day at (415) 489-6610 or Christine\_J.\_Day@HUD.GOV

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Larry\_A.\_Chauvet@HUD.GOV

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### Hub Lines . . .

Say little and do much.

— SHAMMAI

Today is the block with which we build.

— Henry Wadsworth Longfellow

All tasks have two levels; the doing and the learning.

— Stephen Chakwin

## Does Your Affirmative Fair Housing Marketing Plan Need a Tune-Up?

By Jeff Jackson, Office of Fair Housing & Equal Opportunity


How do you know if you have an effective Affirmative Fair Housing Marketing Plan (AFHMP)? The best way to judge the effectiveness of your AFHMP is by looking at the racial and ethnic demographics of the residents currently living in your building. If the racial and ethnic characteristics of your current residents are at least as diverse as the Housing Marketing Area (HMA) in which your complex is located, you've probably got an effective AFHMP. On the other hand, if you see some underrepresentation of any protected groups, that's probably a sign that your AFHMP needs an update. In the paragraphs below, we've provided some tips on analyzing and updating your AFHMP.

With publication of the new Multifamily Occupancy Handbook (HUD 4350.3) in May 2003, HUD reminded owners of subsidized properties that they must review their AFHMPs at least once every five years, and update as necessary (paragraph 4-12.F). Revised plans should be submitted to your HUD Multifamily Project Manager, and once reviewed, HUD will return an approved copy for you to keep in your records.

HUD's regulations regarding the AFHMP state, "It is the policy of the Department to administer its FHA housing programs affirmatively, as to achieve a condition in which individuals of similar income levels in the same housing market area have a like range of housing choices available to them regardless of their race, color, religion, sex, handicap, familial status or national origin" (24 CFR 200.600). HUD's Occupancy Handbook also notes that owners "must engage in affirmative marketing to groups least likely to apply for the housing" (paragraph 2-5.D).

In practical terms, this means that if you have fewer Blacks, Asians or Hispanics living in your building than in the surrounding Housing Marketing Area, you need to undertake more outreach to these groups, or to other protected classes, to ensure that they know about the housing opportunities in your building, and truly feel welcomed to come and apply for housing there. The steps below are suggestions for reviewing your AFHMP, and for analyzing whether you need to update it:

1. **Tabulate the racial and ethnic demographics of your current tenants.** HUD issued guidance to subsidized housing providers in 2002, which asked them to collect data according to the groups identified by Congress for the 2000 census. The five racial categories are: (1) American Indian or Alaska Native; (2) Asian; (3) Black or African American; (4) Native Hawaiian or Other Pacific Islander; (5) White. The two ethnic categories are: (a) Hispanic or Latino; (b) Not Hispanic or Latino. Each household will therefore have both a racial group, and an ethnic group. Develop a list of how many households are in each of the five racial groups, and how many households are in each of the two ethnic groups. By dividing the number of households in each group by the total number of households in your complex, you will derive percentages of each racial and ethnic group for your current tenants.



Quick Quiz ... No. 1

*Question:* How often should you review your AFHMP?

*Answer:* Found on page 19

2. Tabulate the racial and ethnic demographics of applicants on your waiting lists. Using the same methodology as above, derive the percentages of each racial and ethnic group for your applicants.

3. Download census data for census tract, county, Housing Marketing Area (HMA). By going to [www.census.gov](http://www.census.gov), and selecting the American Factfinder section, you will be able to type in the address of your complex and to readily identify the numerical census tract in which your housing is located. You can also access census data for the city, county, and metropolitan areas surrounding your complex from this same site. FHEO finds that using overall census characteristics data (i.e., not income-stratified data) is easiest to analyze, and so recommends downloading this information from tables “QT-PL” or “QT-P3”, which are best for this purpose.


4. Compare the racial and ethnic percentages for each group of your current tenants and list of applicants with the demographics for the city, county, or HMA. If there is a significant under-representation of any racial or ethnic group in your complex relative to the surrounding community, then those under-represented are the groups to which you will need to conduct outreach and marketing efforts. Although the racial and ethnic characteristics of your waiting list will probably mirror those of your current tenants, you should also compare the waiting list demographics with the surrounding community’s.

5. Analyze under-representation of any racial or ethnic group. HUD has no firm guidance on a specific percentage or number that would constitute “under-representation”. In a large complex,

your demographics should generally mirror those of the surrounding population—a difference of ten - percentage points would be cause for concern in a large complex, say of 100 units. However, in smaller complexes or on short waiting lists where adding a single person of a particular racial or ethnic group would move the assessment from under representation to equal representation relative to the community, there’s less cause for concern. But in any case, “0” representation of any of the larger racial or ethnic groups is cause for concern. Based on your comparison, identify those racial or ethnic groups which appear under-represented. These will be the groups to whom you will target outreach in your AFHMP.

Quick Quiz... No. 3

*Question:* In analyzing your need to market to underserved groups, you should compare the racial and ethnic characteristics of your current tenants with the racial/ethnic characteristics of:



- a. the nation;
- b. the state in which the complex is located;
- c. the county in which the complex is located;
- d. the housing marketing area in which the complex is located, which may include more than one county.


*Answer:* Found on page 19

6. Download the AFHMP form (HUD 935.2, current version) from HUD’s website ([www.hudclips.org](http://www.hudclips.org), select “Forms”). You may select a “fillable” version of the form that enables you to complete the entire form online, and then print it out. When developing a new AFHMP, always go to the HUD website and download the newest version of the AFHMP form.

7. On the AFHMP, enter into block 2 the type of marketing plan you’re developing. Identify whether your housing complex is located in a “minority area” (any single racial/ethnic group is 20% or more higher than the surrounding community; or the combination of all racial/ethnic minorities makes up more than 50% of the total population); “white” (the combination of all racial and ethnic minorities make up less than 10% of the total population in the census tract); or “mixed” (meaning that the population falls in between the above two categories).

8. On the AFHMP, enter into block 3 the racial and ethnic groups which you’ve identified as under-represented and to which you will be focusing your future outreach and marketing activities. If you’ve noticed that this form does not comply with the new racial categories noted in paragraph 1 above, congratulate yourself! HUD is in the

Quick Quiz... No. 2



*Question:* The goal of the AFHMP is to:

- a. establish racial and ethnic quotas in subsidized housing;
- b. ensure that individuals of similar income levels in the same housing marketing area have a like range of housing choices, regardless of race, color, national origin or other protected class;
- c. determine when it’s appropriate to re-open your waiting list.

*Answer:* Found on page 19



Quick Quiz... No. 4



**Question:** List the five racial groups, and two ethnic groups, which HUD recipients are now required to be utilizing.

**Answer:** Found on page 19

process of updating this form to reflect the proper categories, and will soon be revising this form to reflect those.

**9. Determine where potential applicants for your housing may be living.** Once you've identified the racial or ethnic groups that are under-represented, you will next have to give thought to where you'd want to advertise to attract them to your housing. For example, if Hispanics are under-represented in your complex or on your waiting list, are there neighborhoods in your city that are known to have large Hispanic populations? Once you've identified the areas where the under-represented racial and ethnic groups are located, and the viability of their willingness to move to a new area where your complex is located, then you'll know the areas where you'll need to focus your outreach and advertising. Keep in mind that in urban areas with good public transportation, people from the entire metropolitan area may be willing to relocate to gain access to a good place to live at an affordable rental rate. On the other hand, in suburban or rural areas where transportation and access to other amenities are difficult, people from the other side of the county may not be so interested regardless of the affordability or quality of housing you're providing.

**10. Identify the type of marketing and outreach campaigns that will be most effective in attracting under-represented groups.** Hispanic and Asian populations, which are likelier to have limited English proficiency, may not be reading the major English-language newspaper in their housing searches. So, consider advertisements in periodicals which are written in Spanish and Asian languages, and which have large readership in

Quick Quiz ... No. 5

**Question:** Upon completion of your revised AFHMP, you should submit it to:



- a. your local or regional Office of Housing
- b. your local Office of Fair Housing and Equal Opportunity
- c. HUD Headquarters Office of Housing
- d. either "a" or "b", above.

**Answer:** Found on page 19

those communities. If there are no such periodicals, consider translating all or part of your advertisement into those languages that are spoken by the largest minority groups that you have identified as under-represented. Information is available from the Census website which identifies the predominant languages spoken in communities. City governments, or their websites, may also be a good source of information on predominate languages spoken there. Also, don't forget your current residents who speak English less than well: ask them what periodicals they read. Once you've identified your media-based outreach and marketing strategy, enter this information into block 4a of the AFHMP.

**11. Using community contacts for outreach and marketing:** HUD staff hear time and again that the most effective way to attract interest isn't through conventional media, but through grass roots, faith-based, or other community organizations. In urban areas, local churches, groups that assist with immigrant and citizenship issues, disabled persons and other racial/ethnic advocacy groups have already developed trusting relationships with the groups you are focusing on. Consider making contact with representatives of these groups to emphasize your interest in attracting a diverse resident population and soliciting their help. Send them flyers with information about your housing opportunities. And follow-up on these from time to time, to be sure your flyers remain posted at their centers. Identify such outreach activities in block 4c of the AFHMP. Summarize all of your intended outreach and marketing activities into block 5 of the AFHMP.

**12. Enter "Experience and Staff Instructions" on the AFHMP, block 6.** You may attach to the AFHMP written instructions regarding non-discriminatory housing practices which you have developed, and which you have instructed staff to follow. Although there is no requirement, per se, that staff receive periodic instruction in matters related to fair housing, HUD encourages its housing partners to ensure that their staffs are familiar with federal and state fair housing laws. If you are interested in obtaining fair housing training for your staff, contact FHEO who can explore options with you.

**13. Enter any "additional considerations" onto the AFHMP, block 7.** What are examples of additional considerations? If you've adopted priorities or preferences in the administration of your housing, you may want to summarize these here. In some cases, locality or "live/work" preferences can have discriminatory impact and be in violation of fair housing laws, even if not intended to discriminate. By providing information to HUD about your tenanting practices, you give HUD a chance to review these and comment on potential problems.

14. Send the completed form to your HUD Multifamily Project Manager. If you have any questions about the form as you're completing it, call your HUD Multifamily Project Manager, or FHEO, to discuss. Then, once you've completed other areas of the form, and signed it, send the form to your HUD Multifamily Project Manager. If you haven't received the signed, approved form back from HUD within a few weeks, call your HUD Multifamily Project Manager to inquire into status. Keep the HUD-approved copy of your AFHMP on file and available. You will be asked to show a copy of your HUD-approved AFHMP during an occupancy or fair housing review.



Quick Quiz ... No. 6

*Question:* Are landlords prohibited from asking questions about race or ethnicity of applicants?

*Answer:* Found on page 19

You may be asking yourself, "Aren't we prohibited from asking questions about race/ethnicity of applicants?" Fair Housing laws do NOT prohibit the collection of racial and ethnic data when there is a legitimate, non-discriminatory purpose for collecting it. HUD requires this information to be collected or verified at time of application, lease-up, and subsequent recertifications (see record-keeping requirements of 24 CFR 121). The new Occupancy Handbook states that once collected, "it is good practice to avoid including this information on the property waiting list where it is not directly relevant to tenant selection and might result in discrimination against some applicants" (paragraph 4-16.D.4). So—you must collect the racial and ethnic data from your applicants and tenants and make it available to HUD, but it's better if you don't display it on your actual waiting lists or rosters, where such information might lead to misuse.

And what about people with disabilities, the protected classes other than race and ethnicity? If you find that any of the seven protected classes identified in the early paragraphs of this article are under-represented, or that units which are specially configured for the special needs of persons with disabilities, are under-represented in your housing or on your waiting list, you should conduct outreach to them, as well.

Lastly, don't forget about the requirement to post a Fair Housing Poster in your business office (see paragraph 4-12.G of the Occupancy Handbook. See also HUD's regulations for the Fair Housing Act at 24 CFR 110, for more information). HUD has copies of the poster in English, Spanish, and some other languages available free-of-charge and will mail them to you for the asking. Call FHEO at 1-800-347-3739 to request copies.

## Reasonable Accommodations for Persons with Disabilities

### Analyzing Tenants' and Housing Providers' Obligations

Complaints involving alleged denials of reasonable accommodations are now accounting for about 20% of all housing discrimination complaints filed in this region—numbering 200 or more per year. This article will explore the burden of a tenant or applicant who makes a request for accommodation, the housing provider's responsibilities and options, and offer some tips on how to avoid having a complaint filed against you on this issue.

What is a reasonable accommodation? Two federal civil rights laws impose the requirement to make reasonable accommodations—Section 504 of the Rehabilitation Act of 1973 (see HUD's regulations at 24 CFR 8.11); and the Federal Fair Housing Act (see 24 CFR 100.204), and they provide similar definitions. A reasonable accommodation is a request that a housing provider make an exception to a standard policy, practice or procedure, when such exception is necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. Although Section 504 uses the term "reasonable accommodation" to refer to requests to undertake structural modifications to a dwelling to provide for greater accessibility to a person with mobility impairments or special needs related to their handicap, the Federal Fair Housing Act uses the term "reasonable modifications" to address structural modifications (24 CFR 100.203).

In making a request for a reasonable accommodation, housing providers should recognize that the law recognizes that such requests can be

Quick Quiz... No. 7

*Question:* Requests for Reasonable Accommodation may be made by:



- a. a person with a physical or anatomical disfigurement
- b. a person with impairment of major life function, such as the ability to care for one's self, perform manual tasks, walking, seeing, etc.
- c. persons with medical conditions which are long-term or of indefinite duration
- d. any person with a note from a physician stating he or she is under the physician's care.

*Answer:* Found on page 19

made orally as well as in writing. However, it is HUD's experience that housing providers frequently defend against complaints of oral requests by saying that they didn't understand that a formal request for reasonable accommodation was being made. For this reason, HUD strongly recommends that housing providers adopt a formal, written Reasonable Accommodations Policy, which may require that requests for accommodation be made to the housing provider in writing, or even on specific forms prescribed by the housing provider.

Quick Quiz... No. 8

True or False: Requests for Reasonable Accommodation must be in writing.

Answer: Found on page 19



What are the requester's obligations in asking for a reasonable accommodation? Experts agree that a disabled person making a request for accommodation has an obligation to demonstrate four elements in order to justify his or her request to the housing provider. It should be noted that applicants as well as current tenants may make requests for accommodation based upon their special needs, so for the purpose of this article we will use the term "requester" when referring to the disabled applicant or tenant who is making such a request of a housing provider:

1. The requester is disabled by having a significant impairment of a major life activity. State fair housing laws also have reasonable accommodation provisions, and these do not always require the impairment to be "substantial" in nature. Examples of major life activities include functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, working, or others.

2. The requester has made a specific, written or oral request for an exception to a standard policy, practice or procedure of the housing provider. The requester must state in some detail what the accommodation is that is being requested. For example, if a person with sight limitations in low-light situations were to ask a housing provider to "improve safety in the complex;" this request would be too vague to permit appropriate response by the housing provider. A more-appropriate request might be made to replace low-wattage bulbs along the exterior route from parking lot to the requester's door with higher-wattage bulbs, to permit safer passage in low-light-level areas.

3. There is a connection, or nexus, between the impairment and the accommodation being requested. If a resident with an autistic child in the family asked

for permission to pay his rent ten days late, a housing provider would be well within his rights to deny such request because there was no apparent connection to the impairment and the accommodation being requested.

4. The housing provider has either denied the request, or has indefinitely delayed or otherwise refused to respond to it. It is good practice to acknowledge receipt of a written accommodation request, and to give the requester some idea when a decision will be made on the request. Delaying a response—particularly if the need is urgent—may be considered tantamount to denial.

What are the housing provider's responsibilities upon having received a request for reasonable accommodation? These are discussed below:

a. The housing provider may ask that the request be made in writing. FHEO recommends that Reasonable Accommodations policies be in writing, and that a copy of the policy be provided to any applicant or tenant at the time they move into the complex, and/or at annual recertifications. If prescribing forms to be used for such requests, a housing provider may also request that the requester's *health care professional certify both the existence of a disabling condition, and the need for the specific accommodation being requested.* Although fair housing laws generally prohibit asking questions about the nature of a person's disability, the law recognizes that people making requests for accommodation may have to provide some proof of the existence of a disability, though not specifics about the full extent of it.

Quick Quiz... No. 9

True or False: Requests for Reasonable Accommodation must be accompanied by a doctor's certification of medical diagnosis.

Answer: Found on page 19




Housing providers may also ask that verification of the disability and need for accommodation be mailed directly from the health-care professional to the housing provider (to prevent possible tampering or alteration). It may be an effective practice to ask that the health care provider certify the existence of a disabling condition, and need for accommodation, by signing the document under penalty of perjury, and by acknowledging that the health care provider is willing to testify to the certifications in a court of law, if necessary. Remember that certification of disability and need for accommodation can be done by any professional



who has actual knowledge of the requester's condition and needs, which means that it can be accomplished not just by a medical doctor, but by a nurse, a psychologist, a social worker, or others who have credentials in the physical or mental health treatment fields. Lastly, be sensitive to the fact that some disabilities may impair the ability to make written requests. If so, a housing provider should be willing to assist a tenant to complete the reasonable accommodation forms or paperwork, if necessary.

b. Provided that a requester has met the four conditions noted above, documenting these if requested by the housing provider, the law generally requires a housing provider to grant the accommodation. The *legally-recognized defenses for denying* a request for reasonable accommodation are one or both of the below:

Quick Quiz... No. 10




What are the legally-recognized defenses for denying a request for Reasonable Accommodation, provided that a health care provider has certified the existence of an impairment and need for the accommodation being requested?

*Answer:* Found on page 19

- **Undue administrative and financial burden.** An undue burden means that granting the accommodation would jeopardize the housing provider's business. For example, a request that a housing provider install a \$10,000 elevator to permit access to a second-floor unit would probably create undue financial burden for most housing providers. Alternatively, offering to help a mobility-impaired resident to relocate to a ground floor unit using the complex' maintenance staff for a couple of hours would in most cases not pose undue burden. The concept of proportionality must be considered: a large complex with greater resources and financial assets, the availability of other funding from HUD or other sources to help defray possible costs, and other options should be considered. Lastly, requests cannot be rejected merely on speculative grounds: a housing provider refusing to install an entry door ramp for a mobility-impaired requester cannot reject the request because he "thinks" a ramp would cost thousands of dollars. An actual estimate must be obtained as part of the financial burden analysis.
- **Fundamental change to the nature of the program.** The law generally does not require a housing provider to create new services or facilities in efforts to make reasonable

Quick Quiz... No. 11

True or False: If a housing provider is unable to provide the specific Reasonable Accommodation requested by a disabled applicant or resident due to undue administrative and financial burden, what additional options must the housing provider explore before rejecting the request?



*Answer:* Found on page 19


accommodations. For example, if a HUD Section 202 property has been admitting elderly and physically-disabled people over its history, and has support services to serve them such as paratransit and meals programs, the managers would probably not be required to hire an educational therapist in order to house a developmentally disabled applicant as a reasonable accommodation. However, housing providers must distinguish between *fundamental* changes, which are not required, and *minor* changes that can be accomplished without undue burden.

c. If unable to provide the specific accommodation the requester has sought because of undue burden or fundamental change, a housing provider still has an obligation to explore *alternative accommodations* with the requester through an *interactive process*. An alternative accommodation is one which will still meet the requester's needs, but which does not impose undue burden or fundamental change on the housing provider. It is especially important to keep the dialogue open and cordial. An alternative accommodation should be offered, at least as a follow-up to conversation, in writing. HUD has investigated denial of accommodation requests where a housing provider insisted that alternatives have been offered, but the complainant denied having knowledge of these, and there was nothing to substantiate that the alternative accommodations had actually been offered. Many reasonable accommodations complaints are filed merely because effective dialogue has failed.

*Continued on page 18*

Quick Quiz... No. 12

True or False: If a housing provider admits a companion dog as a Reasonable Accommodation to a disabled resident, the housing provider must rescind pet rules for all residents of the complex.



*Answer:* Found on page 19

## Lesley Gardens, Half Moon Bay, California



**L**esley Gardens is a newly constructed senior rental community located in the coastal farming town of Half Moon Bay, south of San Francisco. The design incorporates architectural elements of farm living, with spacious landscaped grounds and a large courtyard. There are community rooms in the main building, a lobby and adjacent office, a library and a computer room which provides free high speed access to the Internet for the residents. There are also two small lounge areas, a kitchen, meeting room and a large fireside community room with high ceilings and lots of light, which is an important design feature in a foggy coastal town like Half Moon Bay.

A long-awaited City park, as well as the future home of the Half Moon Bay Senior and Adult Day Health Care Centers, will be developed on the parcels adjacent to Lesley Gardens. Currently there is a row garden on the community center site, which was planted and is being cultivated by Mr. Salvador Virgen, a Lesley Gardens resident. He will be sharing the vegetables of his labor with his new neighbors at Lesley Gardens.

The project sponsors had a strong desire to enable local Coastside residents to find permanent affordable housing in their community. They have succeeded in this effort, as nearly all of the residents are from either Half Moon Bay or other parts of the San Mateo County Coastside.



**Project/Location:**

Lesley Gardens  
Half Moon Bay, CA

**Description:**

63 Affordable Senior  
Rental Units

**Project Size:**

48,698 Square Feet  
63 One-Bedroom Units  
1 Two-Bedroom Manager Unit

**Status:**

Construction complete  
January 2004

**Sponsors:**

The Lesley Foundation  
and Mid-Peninsula  
Housing Coalition

**Architect:**

Zimmerman & Associates

**Contractor:**

J.E. Roberts-Obayashi  
Corporation

**Funding Source:**

HUD Sec. 202 Capital Advance:  
\$7,341,000

San Mateo County CDBG:  
\$1,672,629

San Mateo County HOME :  
\$529,640

Federal Home Loan Bank  
Assisted Housing Program:  
\$298,500

Lesley Foundation:  
\$248,284



EQUAL HOUSING  
OPPORTUNITY





**San Francisco Regional HUD Office  
600 Harrison Street  
3rd Floor  
San Francisco, California 94107-1300**

Office of the Regional Director  
(415) 489-6401  
Fax: (415) 489-6419

Office of Counsel  
(415) 489-6500 Fax: (415) 489-6517

Community Planning & Development  
(415) 489-6597  
Fax: (415) 489-6601 and 489-6602

Economic and Market Analysis  
(415) 489-489-6520

Fair Housing & Equal Opportunity  
(415) 489-6524  
(800) 347-3739  
Fax: (415) 489-6560  
TTY: (415) 489-6564

Environmental  
(415) 489-6731  
Fax: (415) 489-6732

Office of Labor Relations  
(415) 489-6728  
Fax: (415) 489-6730

HUD Mail Room: (415) 489-6724

### Muni Bus Directions To the New HUD Office

**Destination:** 600 Harrison Street located at the corner of 2<sup>nd</sup> Street and Harrison Street.

**From Union Street:** The No. 45 goes to 2<sup>nd</sup> and Harrison while the No. 47 goes as far as 5th and Harrison.

**From Fisherman's Wharf:** The No. 10 will take you as far as 2<sup>nd</sup> and Harrison.

**From Pacific Avenue or Broadway:** The No. 12 will take you as far as 2<sup>nd</sup> and Harrison.

**From Market Street:** Any Electric Trolley or Muni bus heading toward Embarcadero will take you to 2<sup>nd</sup> and Market. Walk down 2<sup>nd</sup> Street four blocks to the corner of Harrison (600 Harrison Street).

**All Civic Center Buses** will stop at the corner of Mission and 2<sup>nd</sup> Street. Walk down 2<sup>nd</sup> Street three blocks to

### Golden Gate Transit Bus Directions To the New HUD Office

Harrison Street.

**All Financial District Buses** will stop at the corner of Howard and 2<sup>nd</sup> Street. Walk down 2<sup>nd</sup> Street two blocks to Harrison Street.

Driving Directions To the New HUD Office

From the East Bay Bridge:



1. Take the Bay Bridge, staying in LEFT lane. Take Main Street/Embarcadero exit on LEFT side of bridge.
2. Turn left at end of the ramp onto Harrison Street. Proceed on Harrison St. for three traffic lights. 600 Harrison St. is located on the right side at the corner of 2nd St. immediately after the third traffic light.

From South Bay:



1. Take 101 North or 280 North following the signs toward Downtown San Francisco/Bay Bridge/Route 80. Take the 4th Street exit which is the LAST San Francisco exit.
2. Make a left at exit traffic light, onto Bryant St. Stay on Bryant St. for two blocks and turn left onto 2nd St.
3. Travel one block and turn left onto Harrison Street . 600 Harrison is located on the right side of the block at the corner of 2nd St.

From the Ferry Building:

1. Follow Market Street to Steuart Street going towards Mission Street.
2. Turn left on Howard Street
3. Turn left on 1st Street
4. Turn right on Harrison Street
5. Arrive at 600 Harrison Street, San Francisco

From the Golden Gate Bridge:



1. Take the downtown Lombard Street exit. Stay on Lombard for about a mile.
2. Turn right on Van Ness Avenue.
3. Turn left on O'Farrell Street. Stay on O'Farrell for about 10 blocks and turn left onto Market St.
4. Turn right on 2nd St. Stay on 2nd St. for 4 blocks. Turn right onto Harrison St. The entrance to the parking garage is on the right side of the street immediately after your turn.

Office Location: The Harrison St. office is between 2nd and 3rd Streets at the corner of 2nd St. Harrison and 2nd Streets are both two-way streets. 3rd St. is one-way going north. The BART or MUNI Metro stop is Montgomery Street. MUNI bus lines #12 and #15 service 2nd St.

Parking:

Public parking in the building is identified by the following sign:



Note: parking is very limited and available only from 7:00 a.m. to 7:00 p.m.



Additional parking can be found behind the building, the entrance on 2nd St. and is based on availability.

**Pacific Currents - September 2004**

**U.S. Department of Housing—San Francisco Multifamily Hub**  
600 Harrison Street, 2nd Floor, San Francisco, CA 94107-1300

**Janet L. Browder, Director**  
(415) 489-6603—Email: janet\_l.\_browder@hud.gov

**Larry A. Chauvet, Assistant**  
(415) 489-6603—Email: larry\_a.\_chauvet@hud.gov  
Public Line: (415) 489-6603 Fax: 415-489-6608

**J. Patrick Goray, Director of Operations**  
(415) 489-6603—Email: j.\_patrick\_goray@hud.gov

**Jeri Henson, Program Assistant**  
(415) 489-6603—Email: geraldine\_g.\_henson@hud.gov  
Public Line: (415) 489-6603 Fax 1: 415-489-6608

**Dadios, Danny - CAOM**  
(415) 489-6609—Email: danilo\_a.\_dadios@hud.gov

**Naish, Matt - CAOM**  
(415) 489-6613—Email: john\_m.\_naish@hud.gov

**Day, Christine - Funding Coordinator**  
(415) 489-6610—Email: christine\_j.\_day@hud.gov

**Royster, Leanora - Administrative Staff Specialist**  
(415) 489-6614—Email: leanora\_m.royster@hud.gov

**Dutra, Bob - Information Specialist**  
(415) 489-6611—Email: robert\_a.\_dutra@hud.gov

**Smith, Deanna - Senior Project Manager**  
(415) 489-6615—Email: deanna\_l.\_smith@hud.gov

**Winemberg, Margie - Senior Project Manager**  
(415) 489-6616—Email: margie\_e.\_winemberg@hud.gov

-----  
**Tom Azumbrado, Director, Project Management**  
(415) 489-6617—Email: thomas\_w.\_azumbrado@hud.gov

Public Line: (415) 489-6617 Fax: (415) 489-6620

**Cindi Tsai, Program Assistant**  
(415) 489-6619—Email: cindi\_tsai@hud.gov

**Perry, Jackie - Program Assistant**  
(415) 489-6623—Email: jacqueline\_perry@hud.gov

**Gunn, Melvin - Contract Oversight Specialist**  
(415) 489-6621—Email: melvin\_w.\_gunn@hud.gov

**Myers, Jim - Architect/MAP Const. Coordinator**  
(415) 489-6622—Email: james\_a.\_myers@hud.gov

-----  
**Angela Corcoran — Chief, Asset Management**  
(415) 489-6626—Email: angela\_m.\_corcoran@hud.gov

Public Line: (415) 489-6626 Fax Line: (415) 489-6627

**Section 8 Contract Administration**

**Ruiz, Gus - Supervisory Project Manager**  
(415) 489-6639—Email: augusto\_d.\_ruiz@hud.gov

**Barrer, Larry A. - Project Manager**  
(415) 489-6628—Email: larry\_a.\_barrer@hud.gov

**Harris, Erma L. - Project Manager**  
(415) 489-6635—Email: erma\_l.\_harris@hud.gov

**Batker, Shelley - Program Assistant**  
(415) 489-6629—Email: shelly\_m.\_batker@hud.gov

**Kelleher, Gwen - Project Manager**  
(415) 489-6636—Email: gwen\_kelleher@hud.gov

**Cassimus, Jean - Project Manager**  
(415) 489-6630—Email: jean\_cassimus@hud.gov

**Khare, Rajani - Project Manager**  
(415) 489-6637—Email: rajani\_n.\_khare@hud.gov

**Chen, Susan - Program Assistant**  
(415) 489-6631—Email: susan\_s.\_chen@hud.gov

**Lee, Rita - Project Manager**  
(415) 489-6638—Email: rita\_l.\_lee@hud.gov

**Cuellar, Sylvia - Project Manager**  
(415) 489-6632—Email: sylvia\_l.\_cuellar@hud.gov

**Wang, Betty - Project Manager (Team Leader)**  
(415) 489-6640—Email: betty\_l.\_wang@hud.gov

**De Chavez, Marietta - Project Manager**  
(415) 489-6633—Email: marietta\_v.\_de\_chavez@hud.gov



**Pacific Currents - September 2004**

**Asset Management (Continued)  
Traditional Asset Management**

**Mann, Diana - Supervisory Project Manager**  
(415) 489-6650 — Email: diana\_c.\_mann@hud.gov

**Cachola, Mel - Project Manager**  
(415) 489-6641—Email: mel\_c.\_cachola@hud.gov

**Loy, Marcus - Project Manager**  
(415) 489-6646 — Email: marcus\_a.\_loy@hud.gov

**Foote, Marva A. - Project Manager**  
(415) 489-6634—Email: marva\_a.\_foote@hud.gov

**Morris, Janice - Program Assistant**  
(415) 489-6648 — Email: janice\_morris@hud.gov

**Kamp, Norman—Project Manager**  
(415) 489-6642—Email: norman\_s.\_kamp@hud.gov

**Park, June - Project Manager**  
(415) 489-6649 — Email: june\_s.\_park@hud.gov

**Lai, Andy - Program Assistant**  
(415) 489-6643 — Email: andy\_f.\_lai@hud.gov

**Picasso, Martha - Project Manager**  
(415) 489-6650 — Email: martha\_g.\_picasso@hud.gov

**Lane, Sharon - Project Manager**  
(415) 489-6644 — Email: sharon\_lane@hud.gov

**Skinner, Bob - Team Leader**  
(415) 489-6651 — Email: robert\_c.\_skinner@hud.gov

**Lewis-Morrison, Angela - Project Manager**  
(415) 489-6645 — Email: angela\_l.\_morrison@hud.gov

**Tedesco, John - Project Manager**  
(415) 489-6652 — Email: john\_s.\_tedesco@hud.gov

---

**Laurence J. Ferguson, Supervisory Project Manager/MAP Team Leader**  
(415) 489-6653 — Email: larry\_j.\_fergison@hud.gov

**Linda V. Johnson, Program Assistant**  
(415) 489-6655 — Email: linda\_v.\_johnson@hud.gov

Public Line: (415) 489-6653 Fax Line: (415) 489-6620

**Aranzubia, Frank S. - Architect/Construction Analyst**  
(415) 489-6656—Email: frank\_s.\_aranzubia@hud.gov

**Harris, Wayne - Appraiser**  
(415) 489-6662—Email: wayne\_d.\_harris@hud.gov

**Arastu, Alamidar - Architect**  
(415) 489-6657—Email: alamidar\_h.\_arastu@hud.gov

**Katz, Bob - MAP Coordinator/Senior Appraiser**  
(415) 489-6663—Email: robert\_h.\_katz@hud.gov

**Baumgartner, Patchara - Project Manager**  
(415) 489-6658—Email: patchara\_baumgartner@hud.gov

**Mijares, Clarita - Architect/Construction Analyst**  
(415) 489-6664—Email: clarita\_s.\_mijares@hud.gov

**Cabellon, Albert - Architect**  
(415) 489-6659—Email: albert\_b.\_cabellon@hud.gov

**Otocky, Michael - Mortgage Credit Analyst**  
(415) 489-6665—Email: michael\_j.\_otocky@hud.gov

**Chang, Jane J. - Senior Appraiser**  
(415) 489-6660—Email: jane\_j.\_chang@hud.gov

**Parker, Pam - Senior Appraiser**  
(415) 489-6667—Email: pamella\_r.\_parker@hud.gov

**Grumet, Dan - Mortgage Credit Analyst**  
(415) 489-6661—Email: daniel\_s.\_grumet@hud.gov

**Spillman, Frank - Project Manager**  
(415) 489-6668—Email: frank\_j.\_spillman@hud.gov

---

**Traditional Application Processing—Section 202/811 Team**

**Bill Rogina, Supervisory Project Manager**  
(415) 489-6653—Email: william\_j.\_rogina@hud.gov

**Dottie A. Johnson, Program Assistant**  
(415) 489-6670—Email: dottie\_a.\_johnson@hud.gov

Public Line: (415) 489-6653 Fax: (415) 489-6671

**Aguilar-Soto, Manuel - Project Manager**  
(415) 489-6672—Email: manuel\_j.\_aguilar-soto@hud.gov

**Campit, Flo A. - Mortgage Credit Analyst**  
(415) 489-6675—Email: flo\_campit@hud.gov

**Bartok, Lee Wm. - Construction Analyst**  
(415) 489-6673—Email: lee\_w.\_bartok@hud.gov

**Hayes, Michael J. - Senior Project Manager**  
(415) 489-6676—Email: michael\_j.\_hayes@hud.gov

**Brawn, Richard E. K. - Senior Appraiser**  
(415) 489-6674—Email: richard\_e.\_brawn@hud.gov

**Peters, Charles W. - Project Manager**  
(415) 489-6677—Email: charles\_w.\_peters@hud.gov

## Broadmoor Plaza, San Leandro, California



**B**roadmoor Plaza is located in the City of San Leandro, Alameda County, California. It is a new development that provides 60 units of affordable supportive housing for the elderly. It is located in the Broadmoor District of San Leandro, which features beautiful homes, with many historic design aspects. The property is situated around two secure spacious courtyards which accommodates gardening, gatherings, parties or even quiet retreats.

In addition, the residents are offered a wide range of amenities, including a library, computer lab, and a coffee bar with a café style seating area. This area includes a large original mural which depicts scenes of a San Leandro farmer's market circa 1940. The entry area features a two-tiered fountain with a distinctive decorative iron gate at the entry. This property represents a remarkable or significant redevelopment of a former new car dealership location which had stood vacant for



*Michael Hayes, Sr. Project Manager, Janet Browder, Multifamily Hub Director and Manuel Aguilar-Soto, Project Manager arriving at Grand Opening festivities.*

**Project/Location:**  
Broadmoor Plaza  
San Leandro, CA

**Description:**  
60 Affordable Senior  
Rental Apartments

**Project Size:**  
47,773 Square Feet  
59 One-Bedrooms  
(537-582 sq. ft)  
1 Two-Bedroom  
(679 sq. ft)

**Status:**  
Construction complete  
March 2004

**Sponsor:**  
American Baptist  
Homes of the West  
Pleasanton, CA

**Architect:**  
Pyatok Architects, Inc.

**Contractor:**  
J.E. Roberts-Obayashi  
Corporation

**Funding Source:**  
HUD Sec. 202 Capital Ad-  
vance \$5,693,000

City of San Leandro  
Redevelopment Agency:  
\$2,044,180

City of San Leandro HOME:  
\$541,643



EQUAL HOUSING  
OPPORTUNITY

## Neighborhood Network Center

### Yuba Gardens

On June 16, 2004 staff and residents of Yuba Gardens Apartments hosted an open house to celebrate the opening of their new Neighborhood Network Computer Center. An estimated sixty residents were in attendance to acknowledge their appreciation to HUD for helping them turn their dream into a reality.

Residents are gaining access to a wide range of services and programs, including: resume writing, job searches, homework assistance, distributive education access to Yuba Community College, Internet access and various computer training courses. Yuba Gardens Apartments is a 120 unit Section 8 property located in Marysville, CA.

Judging from the smiles at the Grand Opening, the Center has the ringing endorsement of the Yuba Garden's residents.



*Unetha Gage-Norman officially opens Neighborhood Network Computer Center*

### Town of Guadalupe Connecting Families with the Future

The Town of Guadalupe in Arizona celebrated Neighborhood Networks Week with an event coordinated by Ric Gerakos, Community Resource Representative, and Lynn Serfling, HUD Arizona Neighborhood Networks Coordinator. Home ownership packets were available along with brochures highlighting community resources. Applications and scholarship packets were available for enrollment in Head Start, South Mountain Community College, and Youth Build.

In addition to the above, local community resources such as the Town of Guadalupe Town Hall, Library, CAP Office, Boys and Girls Club,



*Computer Lab at South Mt. Community College of SMCC, Guadalupe Campus*

Senior Center, Guadalupe Senior Village, a 22 unit Section 202 elderly apartment complex, and Guadalupe Barrio Nuevo, a 60 unit family complex, were highlighted on a walking tour led by Christina Campoy, Youth Programs Director for the Town of Guadalupe.

The event culminated in the late afternoon with a BBQ at Guadalupe Barrio sponsored by Tiempo Management.

### Filipino Plaza Builds Partnership for Youth Programs

The Filipino Plaza Neighborhood Networks Center is working with the San Joaquin County Office of Substance Abuse to develop drug education and awareness programs for children and adults. Eight children recently completed a comprehensive drug education program, Building Awareness Through Support (BATS).

The 10-week program, taught by the Office of Substance Abuse's Lisa Roberts, incorporated activities in which the children focused on feelings; coping mechanisms; chemical dependency; family roles and systems; decision-making; alcohol, tobacco, and other drugs; and refusal skills. The center is planning a follow-up session for the parents to reinforce what their children have learned in these classes.

Frank Gatdula, the Neighborhood Networks Coordinator at Filipino Plaza, brought the program to the property after attending an adult drug education class and speaking with some counselors about the possibility of their bringing such a program to the children at Filipino Plaza.

In addition to the BATS program, the Office of Substance Abuse and Filipino Plaza are planning on collaborating on grant applications to fund new youth development programs at the center.



### Predevelopment Loan Program (PDLP)

The State of California is offering a predevelopment loan program to provide capital to finance the start of low-income housing projects. These are short-term loans, at three percent simple annual interest for up to two years. The maximum loan amount for purposes other than site option or site purchase is \$100,000.

Predevelopment costs of projects to construct, rehabilitate, convert, or preserve assisted housing are eligible. Eligible costs include, but are not limited to, site control, site acquisition for future low-income housing development, engineering studies, architectural plans, application fees, legal services, permits, etc. Priority will be given to developments, which are rural, located in the public transit corridors, or which preserve and acquire existing government-assisted rental housing at risk of conversion to market rents.

Local government agencies, nonprofit corporations, cooperative housing corporations, and limited partnerships or limited liability companies where all general partners are nonprofit mutual or public benefit corporations are eligible.

Applications are accepted, evaluated, and awarded on a continuous basis, as funds are available. For more information visit <http://www.hcd.ca.gov/calpdlp>

### Revised Prepayment Procedures

With the issuance of Mortgagee Letter 2004-21 HUD has begun streamlining HUD field office and HQ staff review of requests for mortgage insurance termination. Hub Directors will now review submissions of form HUD-9807 for mortgages insured under the following programs:

- Section 232 (All Nursing Homes and other Health Care Facilities);
- Section 241 Loans (Supplemental Loans);
- Section 207 (Rental Housing Loans); and
- Section 220 (Rental Housing Loans in Urban Renewal areas);
- See Appendix 1 of Mortgagee Letter 2004-21 for a detailed listing of applicable Mortgage Insurance Programs.

Mortgagee Letter 2004-21 is the first in a series that will revise the submission requirements for form HUD-9807 and the required review by the Multifamily Hub to complete the termination of mortgage insurance and release of the regulatory agreement.

### REAC Guidance – Air Conditioners

Recently, some owners have received exigent findings on their REAC inspections due to the installation of air conditioners in second floor bedroom windows. These air conditioners are often considered “obstructed egress.”

The physical protocol for blocked egress is based on the National Fire Safety standards that require two egresses from a room in the event of a fire. Window air-conditioners are treated as any other form of blocked window egress (furniture, window bars, etc.) The rule applies to the 1<sup>st</sup> through 3<sup>rd</sup> stories of the building. With regard to window air conditioners (or any other blocked window egress), if there is only one window in the room and the air conditioner is in that window then it is a violation.

If there are two windows in the room and one window is clearly accessible (no heavy furniture blocking it, no air conditioner) and the other window has an air conditioning unit in it, no violation would be recorded because there are two means of egress from the room (Door and one of the windows) in the event of a fire. If a violation is recorded in this case, the owner should submit a Technical Review appeal.

If the owner is putting the air conditioner in a window that is next to the front door and the room has another window, that is not a problem. If the owner is putting the air conditioner in the window and it is the only window in that room, it is going to be a violation even if it is next to the door, unless the unit is located on the 4<sup>th</sup> floor or above. The owner does have the option of submitting a Database Adjustment Appeal.

The owner can appeal the egress violation by submitting a database adjustment request. This entails having the Fire Marshall come out and examine the cited deficiency. If the Fire Marshall for the jurisdiction inspects the egress issue, in this case air conditioners, and is willing to write a letter saying that the specific deficiency is permitted under local code we will re-award the points and put a notation in the system that this is permissible under the local code so even if the inspector tries to record this deficiency during a future inspection it will not count against the property. (This normally works but owners should also save the letter just in case.) Some jurisdictions do not have a problem with window air conditioners so to get this type of letter is not uncommon.

**Indoor Mold Linked to Problems such as Asthma and Coughing**

A recent report by the Institute of Medicine found people living in homes that are damp, are more prone to coughing, wheezing and respiratory illness. The report also indicates that people with asthma are more likely to experience symptoms if they are exposed to indoor mold.

This is the first comprehensive review of current data on mold and dampness in homes. It encourages people who notice mold or moisture problems in their homes to address it immediately.

You can find out more about this report by visiting the following website: [www.iaqa.org](http://www.iaqa.org), or the Centers for Disease Control and Prevention at [www.cdc.gov](http://www.cdc.gov)

**EH&S Certifications**

There is a new EH&S certification format for all program participants. The form can be obtained on REAC's website at: <http://www.hud.gov/offices/react/pdf/mfownerehscertification.pdf>

EH&S Certifications must be signed by either *the Owner or the approved Management Agent*. If the management agent signs the EH&S certification, they must be the approved agent pursuant to the Management Agent and 2530 Previous Participation approval process.

**SHARE THE GOOD NEWS...**

This newsletter is sent to our industry partners, which include: Lenders, Developers, Management Agents, Property Owners, Consultants, Government Officials, Project Site Offices, etc. The residents of the developments have advised they are interested in the information in the newsletter. We request that the copy sent to the project site be posted in the community room, on a bulletin board or somehow shared with the residents. Residents could also be advised that the newsletter is on our website, ([www.hud.gov/local/index.cfm?state=ca](http://www.hud.gov/local/index.cfm?state=ca)) should they want to view it on their computer or in your Neighborhood Network location.

**Income calculation regarding Medicare Prescription Drug Cards and Transitional Assistance**

Notice 04-11 applies to owners/agents of Section 221(d)(3), Section 236), RAP, Rent Supp, Section 8, Section 202/8, Section 202 PAC, Section 202 PRAC, and Section 811 PRACs. The statutory requirement covers only those HUD program participants and applicants who are (1) receiving Medicare, and (2) have enrolled in the Medicare Prescription Drug Discount Card and Transitional Assistance Programs.

The Medicare Prescription Drug Discount Card and Transitional Assistance Programs began June 1, 2004. As of June 1, 2004, to limit the number of retroactive adjustments when calculating rental assistance, owners/agents must:

- \* Exclude from annual income the \$600 transitional assistance subsidy for applicants and tenants enrolled in the Medicare transitional assistance program, effective the date of receiving the benefits.
- \* Exclude from annual income any negotiated drug discount pursuant to the Medicare prescription drug discount card.
- \* In cases where medical expenses are normally deducted from a HUD participant's income, include as a medical deduction the Medicare assistance provided for the cost of drugs pursuant to prescription drug discount cards, negotiated drug price, or transitional assistance subsidies.

Family members are eligible for a discount drug card if they are enrolled under Medicare Part A or B, as long as they are not receiving outpatient drug benefits through Medicaid, including waivers under Section 1115 or the Social Security Act.

**Building Bridges**

**Second Annual Service Coordinator Conference**

**November 9, 2004**

Embassy Suites Hotel  
101 McInnis Parkway, San Rafael, CA

Cost to be determined

Sponsored by AHMA-NCN & CAHSA  
Save the date!

*Further information coming soon!*

## HUD Occupancy Handbook - Frequently Asked Questions

- Q. Some years ago I attended an occupancy training class and thought I remembered that refugees were not eligible for assistance during the first five years in this country. It was my understanding it was the responsibility of the sponsor to provide financial assistance to the refugee family during the first five years. I can find nothing in the 4350.3 to confirm my understanding.
- A. This is a question for the Department of Homeland Security, SAVE Program. You can call their toll free number at 1-800-467-0375. For questions regarding Department of Homeland Security SAVE procedures please call 202-514-2317. Please remember that the non-citizen restrictions do not apply to 202/811 projects.
- Q. If the resident has provided documentation of citizenship, such as a birth certificate or passport, but the owner has not obtained a declaration of citizenship as required, should assistance be provided until the declaration is received?
- A. A provision at page 3-23, paragraph K 1, prohibits delaying assistance to obtain verification of citizenship/immigration status. If the family submitted its information in a timely manner, then they would not be denied assistance. However, the owner should have had procedures in place to verify the persons status well in advance of other verification efforts.
- Since the tenant has presented a U. S. birth certificate or U.S. passport as proof of citizenship, there is no requirement for the owner to return subsidy to HUD.
- Q. Can you clarify if there is a section of the Fair Housing Act that does not allow for residential units to discriminate against children by requiring them to have a parent or guardian with them when using a swimming pool at a residential complex?
- A. Figure 6-5 on page 6-15 of Handbook 4350.3 provides the guidance you need. It provides guidance on what constitutes "Reasonable House Rules". For example, it is reasonable to ask all children to be accompanied by an adult when using building facilities, but it is unreasonable to ask all children to be accompanied by an adult at all times in the building. House rules that contain reasonable language would not violate the Fair Housing Act as long as the rule was enforced equally to all members of the community.
- Q. I read in CAHSA's's May 2004 edition of *News Front* that owners may charge late fees on Section 202/8 properties consistent with the new 4350.3 REV-1. I thought I'd read previously in your newsletter that late fees were not allowed in Section 202 and 811 properties.
- A. The Section 202 lease and the Section 202/811 PRAC leases do not include a provision regarding late fees and, therefore, late fees are not allowable. The provision was not included in these leases because of a Headquarters OGC opinion. Another Opinion states that lease addendums adding a late fee provision are not allowable. Handbook 4350.3 REV-1 is being revised and a note with this exception will be added.

### Las Vegas HUD Office Has MOVED!

300 S. Las Vegas Boulevard, Suite 2900  
Las Vegas, Nevada 89101-5833  
Multifamily Main Office: (702) 366-2150 Fax: (702) 388-5876

Frank Castro - Supervisory Project Manager  
(702) 366-2120 - Email: frank\_j.\_castro@hud.gov

Terry Foster - Program Assistant  
(702) 366-2121 - Email: terry\_l.\_foster@hud.gov

Mary Cain - Project Manager  
(702) 366-2122 - Email: mary\_e.\_cain@hud.gov

Blair Lund - Senior Project Manager  
(702) 366-2123 - Email: blair\_lund@hud.gov

Dave Ewing - Project Manager  
(702) 366-2121 - Email: david\_f.\_ewing@hud.gov

Brenda Payette-Zeh - Project Manager  
(702) 366-2124 - Email: brenda\_l.\_payette-zeh@hud.gov



*Continued from page 7*

One last thing: making reasonable accommodations for the special needs of a disabled tenant or applicant does NOT mean that you're required to change your policies for the entire complex. Housing providers often ask HUD how they should respond, for example, if other tenants in a no-pet building start asking why they can't have a dog after noticing that another resident has obtained one (which you have privately admitted as a reasonable accommodation, as a companion animal). You should never discuss the disability or reasonable accommodation request of any person with other residents. However, if you have a written Reasonable Accommodation Policy, you may simply hand that to the other tenants asking questions, and let them know that if they feel the policy applies to them, you're willing to discuss it with them. But admitting one companion animal for a disabled resident does not mean you have to rescind the no-pets policy for the entire complex. It also does not mean that the manager becomes

responsible for cleaning up after the companion animal, or tolerating misconduct by it that threatens the safety of other residents. Imposing extra deposits on guide, service, or companion animals is prohibited in HUD-subsidized housing (Occupancy Manual, paragraph 2-44.E).

The new Multifamily Occupancy Handbook has an excellent discussion of reasonable accommodations and other provisions relating to housing for persons with disabilities in Chapter 2. If you have questions about analyzing a request for reasonable accommodation, or responding appropriately to such a request, you should call or e-mail your Multifamily Project Manager, or FHEO at 1-800-347-3739.

*Thank You!*

*Pacific Currents would like to thank Chuck Hauptman and Annè Quesada of the San Francisco HUD Office of Fair Housing and Equal Opportunity for Jeff Jackson's assistance with the Fair Housing articles.*

### **Issuances**

Handbook 4350.3 REV-1, CHG-1, Occupancy Requirements of Subsidized Multifamily Housing Programs Issued August 26, 2004

Notice H 2004-08, Radon Gas and Mold Notice and Release Agreement

Notice 04-09, Compliance with Section 504 of the Rehabilitation Act of 1973 and the Disability/Accessibility Provisions of the Fair Housing Act of 1988

Notice 2004-10, Secretary-Held Mortgages – the Interest Rate Reduction Program

Notice H04-11, Income calculation regarding Medicare Prescription Drug Cards and Transitional Assistance

Notice H 04-12, Fiscal Year 2004 Annual Operating Cost Standards – Section 202 Supportive Housing for the Elderly and Section 811 Supportive Housing for Persons with Disabilities Program

Notice H 04-13, Extension of Notice H 03-13, Guidelines for Calculating and Retaining Section 236 Excess Income

Notice 04-15, Professional Liability Insurance for Section 232 Programs

Notice 04-16, Fiscal Year 2004 Policy for Capital Advance Authority Assignments, Instructions

Notice 04-17, Prepayments Subject to Section 250(a) of the National Housing Act

Federal Register, August 6, 2004, Proposed Fair Market Rents for the Housing Choice Voucher Program and Moderate Rehabilitation Single Room Occupancy Program Fiscal Year 2005

Federal Register, August 13, 2004, Notice of Certain Operating Cost Adjustment Factors for 2005

Federal Register, August 23, 2004, HUD-2004-0005; Changes in Certain Multifamily Mortgage Insurance Premiums

Mortgagee Letter 2004-21, Revised Procedures for the Submission of Form HUD-9807, Insurance Termination Request for Multifamily Mortgage

**Development Corner**

*Section 202/811 Initial Closings*

Dina Titus Estates, Las Vegas, Nevada, 19 units, Section 811  
SHDC No. 3—Kamada Road Group Home, Naalehu, Hawaii, 6 units, Sec. 811  
Sycamore Place II Senior Housing, Brentwood, CA, 40 units, Section 202

*Section 202/811 Final Closings*

Cedar Street Senior Apartments, Garberville, California, 10 units, Section 202  
Cottonwood Manor VI, Cottonwood, Arizona, 10 units, Section 202  
Maui Kakua Housing, Kahului, HI, 7 units, Section 811  
Ray Rawson Villas, Las Vegas, Nevada, 24 units, Section 811

**Initial/Final Endorsements**

Auburn Villa, Auburn, California, 50 units, Section 223(a)(7)  
Finisterra Apartment Homes, Tucson, Arizona, 300 units, Section 221(d)(4)  
Hammer Lane Village, Stockton, California, 130 units, Section 223(a)(7)  
Highland Manor Apartments, Carson City, Nevada, 52 units, Section 223(f)  
Matthew Henson Apartments, Phoenix, Arizona, 198 units, Section 221(d)(4)  
Mei Lun Yuen, San Francisco, California, 185 units, Section 223(a)(7)  
Morningside Villa, Phoenix, Arizona, 50 units, Section 223(a)(7)  
Paradise Shadows, Phoenix, Arizona, 67 units, Section 223(a)(7)  
Parkway Apartments, Elko, Nevada, 100 units, Section 223(f)  
Plaza Healthcare, Scottsdale, Arizona, 221 beds, Section 223(f)  
San Lorenzo Park Apartments, Santa Cruz, CA, 78 units, Section 223(f)  
The Plaza at Punchbowl, Honolulu, HI, 127 units, Section 232  
University West, Flagstaff, Arizona, 120 units, Section 223(a)(7)  
Vista Montana, Gilbert, Arizona, 341 units, Section 223(a)(7)  
Woodcreek Apartments, Las Vegas, NV, 232 units, Section 542(b)  
YWCA Apartments, San Francisco, California, 98 units, Section 223(f)

**Quiz Answers**

No. 1: Your AFHMP should be reviewed once every five years, and updated as necessary (MF Occupancy handbook, paragraph 4.12.F).

No. 2: "b" is correct (24 CFR 200.600)

No. 3: "d" is correct in most urban areas; c may apply to rural areas.

No. 4: The five racial groups are: American Indian/Alaska Natives, Asian, Black/African American, and Native Hawaiian/Other Pacific Islander. The two ethnic groups are: Hispanic/Latino, and Not Hispanic/Latino (HUD Secretary Memo "New OBM Standards for Federal Data on Race and Ethnicity" dated 8/13/02)

No. 5: "a" is the correct answer (instructions on current AFHMP HUD 935.2 form).

No. 6: No. Fair Housing laws do NOT prohibit the collection of racial and ethnic data when there is a legitimate, non-discriminatory purpose for collecting it.

No. 7: "b" is the correct answer (24 CFR 8.3; 8.11, 100.201/203).

No. 8: False. Requests for Reasonable Accommodation may be oral or in writing, although a housing provider may adopt a policy that requests be made in writing.

No. 9: False. Any qualified health care provider with actual knowledge of a client's condition may certify the existence of impairment of a major life function and the need for the accommodation being requested.

No. 10: Undue administrative and financial burden, or fundamental change to the nature of the program (24 CFR 8.11).

No. 11: The housing provider must still explore through an interactive process the identification of alternative accommodations which would be equally effective for the applicant or resident, but which would not post an undue administrative or financial burden.

No. 12: False. An exception to a standard policy, practice or procedure extended as a reasonable accommodation to a disabled resident is made only for that resident. it does not apply to other non-disabled residents of the complex.

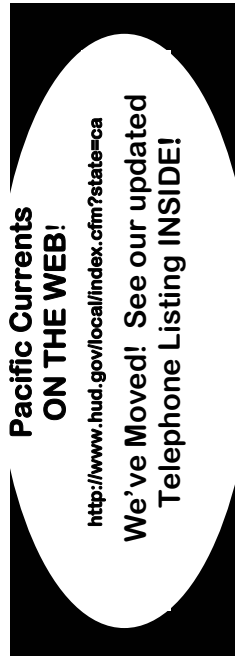


**ATTENTION PLEASE!**

**Industry Meeting Has Moved!**  
The October 21st Industry Meeting will be held at  
600 Harrison Street, Third Floor, San Francisco



U.S. Department of Housing and Urban Development  
Office of Multifamily Housing, 9AHM  
600 Harrison Street  
San Francisco, CA 94107-1300



## CALENDAR

### October, 2004

13 - 15 - Certified Occupancy Specialist,  
NCHM, Oakland, CA [www.nchm.org](http://www.nchm.org)

21 - HUD Multifamily Industry Meeting,  
600 Harrison Street, 3rd Floor,  
San Francisco, CA

### November, 2004

9 - Building Bridges 2nd Annual Service  
Coordinator Conference, AHMA-NCN &  
CAHSA

10 - 12 - Certified Manager of Maintenance,  
NCHM, Phoenix, AZ [www.nchm.org](http://www.nchm.org)

### December, 2004

4 - Multifamily Housing Audit Seminar,  
Sacramento, Quadel, [www.quadel.com](http://www.quadel.com)

8 - 10 - Certified Occupancy Specialist NCHM,  
Phoenix, AZ [www.nchm.org](http://www.nchm.org)

8 - 10 - Tax Credit Specialist, NCHM, Los Angeles  
[www.nchm.org](http://www.nchm.org)

