

November 2015 General Management Review Discussion Points

- In June 2015, the Supreme Court ruled in a 5-4 decision that Fair Housing Law covers intentional discrimination **and disparate impact discrimination**. Disparate impact is housing practices that appear neutral, but have an unfair effect on members of a protected class. A community may be liable for adopting or enforcing a policy even if there was no intent to discriminate. Multifamily housing communities should expect increased scrutiny into certain housing policies believed to have a discriminatory effect on protected classes. Of most pressing concern are policies governing criminal background screenings, credit screening, and treatment of domestic violence. The courts set some key liability limits to address abusive disparate impact claims. The Court said that to challenge a policy it isn't enough to point to statistical differences; there has to be proof that a policy caused those statistical differences.
- Changes at MN Housing! Ashley Oliver has moved from supervising the PBCA group to the Housing Finance Agency Manager position overseeing Asset Management, Compliance, PBCA and Preservation teams, and Cassie Gordon has accepted the Middle Manager position supervising the PBCA team.
- MN Housing is looking for owners with properties who will partner with us to create integrated, supportive housing options for people with disabilities through HUD's Section 811 Rental Assistance Program. If you are interested, please ask your HMO for an 811 informational flyer.
- A new benefit, the MFIP Housing Assistance Grant, became effective 7/1/15 and may be received by households living in section 8 properties. If a household receives the grant, it must be counted as income on the 50059. It will be coded as MF-HG on the printout provided by the county.
- HUD released Housing Notice 2015-06 regarding the **Equal Access Rule** which states program eligibility determinations shall not be made with regard to actual or perceived sexual orientation, gender identity or marital status. It further prohibits owners and agents from inquiring about sexual orientation or gender identity of an applicant or resident. This does not prohibit applicants or occupants from voluntary disclosure or lawful inquiries from owners/ agents when necessary for emergency shelter housing or to determine the number of bedrooms a family may be eligible for. MH Housing strongly recommends adding language about the Equal Access Rule protections to your TSP and removing questions regarding gender from forms and applications. Please note that TRACS 202D does not require disclosure of gender on the Form HUD-50059. The notice is posted on HUDClips, under Notice 15-06 at <http://portal.hud.gov>.
- HUD's Office of Multifamily Housing Programs has completed implementation of the *Multifamily for Tomorrow (MFT)* transformation in the new Multifamily Midwest Region. Your property may have a new HUD Account Executive (formerly known as project manager) so be sure to check iREMS for the correct HUD AE. As part of *MFT*, the Midwest Region has adopted electronic mailboxes in lieu of U.S. mail. Going forward, emails to HUD staff (formerly project managers) should go to this mailbox: mn.incoming@hud.gov. **In order for HUD to know to whom the email should be routed, you must include the Property ID number in the subject line of the email. The format of this number is 800xxxxx (eight digits starting with 800).**

- HUD issued **Housing Notice H-2015-04, Methodology for Completing a Multifamily Housing Utility Analysis** on June 22, 2015. This notice provides instruction to owners and management agents for completing the utility analysis required at the time of the annual or special adjustment of contract rents and when a utility rate change results in a cumulative increase of 10 percent or more from the most recently approved utility allowance. The notice and attachments is posted on HUDClips, under Notice 15-04 at <http://portal.hud.gov>.
- O/A must address in their policies/ procedures how and when they will notify tenants who turn 18 between ARs of the requirement to sign consent forms 9887/9887A, lease and lease addenda. A tenant is not required to report turning 18 but an O/A may not use information from EIV without a signed 9887 consent form. We recommend written policies to ensure consistent application to all tenants.
- Many agencies are using debit or EBT cards to issue benefits such as SS/SSI, MFIP, child support or unemployment. We recommend adding a question to your application regarding these government issued benefit cards as they are assets. When interviewing a household who receives benefits but does not list any assets, follow up with a question such as, “Do you receive your benefits on a debit card?”

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