



BULLETIN

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AMERICAN ASSOCIATION OF HOMES AND SERVICES FOR THE AGING

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HUD Management Update

This edition of the HUD Management Update features the latest guidance resources for TRACS 202C, EIV, and FY2009 funding announcements. It also highlights new Sexual Harassment policy clarifications, cost of living adjustments, new AAFs, and the latest forms and releases.

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Fully Revised TRACS User Guide Details 10 Queries Now Available to Owners/Agents

Earlier this month, HUD posted a wholly revised Industry User Guide for TRACS Internet Applications to cover the new TRACS 2.0.2.C. The entire guide, posted chapter by chapter, can be found at <http://www.hud.gov/offices/hsg/mfh/trx/trxngde.cfm>

The Industry User Guide for TRACS Internet Applications provides detailed information to assist you in accessing and using the Voucher, Project/Contract, and Tenant Unit Address Queries. The Queries are used to facilitate retrieval of voucher and certification information.

The introduction chapter <http://www.hud.gov/offices/hsg/mfh/trx/iug/gde1.pdf> details a number of query capabilities that have been available to HUD field and headquarters personnel for the past year, and are now being offered to owners and management agents who can submit their query to TRACS via the Internet, including:

- Under/Over Payment Resolution
- Voucher Summary/Detail Reports
- Voucher Query Applications
- Manual Voucher Submission
- Certification Query Application
- Move-In/Move-Out Query
- Multiple Occupancy Query
- Project Evaluation Query
- Tenant Unit Address Query Application
- Verification Query

TRACS Software Version 202C and iMAX Submission Systems Transition Resources and Deadlines

HUD has posted an announcement on the TRACS webpage indicating that a list containing TRACS software vendor helpdesk information relative to TRACS 202C and iMAX is now posted on the TRACS Documents page.

Go to <http://www.hud.gov/offices/hsg/mfh/trx/doc/helpdeskvendors.pdf> to find out more.

Implementation of TRACS 2.0.2.C must be complete no later than March 31, 2009. Between December 1, 2008 and March 31, 2009, TRACS will accept both 2.0.2 B and 2.0.2.C files. And iMAX implementation is to be completed no later than February 20

iMAX Implementation must be complete between December 1, 2008 and no later than February 20, 2009 if you are reporting to a CA and February 28, 2009 if you are reporting directly to HUD.

Enterprise Income Verification (EIV) System Training Archives Now Available

If you missed the training, had viewing problems with the webstreaming, or just need to refer back regarding certain issue, HUD has posted the EIV training webcast and materials online.

Webcast archive: <http://www.hud.gov/webcasts/archives/iv.cfm>

Materials and agenda: <http://www.hud.gov/offices/hsg/mfh/rhiip/eiv/eivtraining.cfm>

Updated Sexual Harassment Policy Clarifies Owner/Agents Responsibility for Contractors

The US Department of Housing and Urban Development (HUD) issued new guidance on November 17 on the subject of sexual harassment in housing, a form of discrimination on the basis of sex, which a protected class within the Fair Housing Act as amended in 1988.

The press release issued by HUD states: "HUD's guidance [on sexual harassment] explains that property owners and property managers have a duty to prevent or stop sexual harassment committed by employees, agents, or contractors and that they may be liable for acts committed by such persons. For example, if an apartment manager authorizes a maintenance worker to enter a tenant's home to make a repair, and the maintenance worker sexually harasses the tenant, the management company may be held vicariously liable for the maintenance worker's actions.

The guidance also states that some courts have held management liable for sexual harassment that occurs between two tenants was aware of the issue and failed to take remedial action, and clarifies that sexual harassment includes instances where a woman sexually harasses a man as well as when it involves a couple of the same sex.

The full 5 page, 14 question-and-answer formatted guidance is available by going to

<http://www.hud.gov/content/releases/q-and-a-111708.pdf>

No SuperNOFA: This Year, Program-specific NOFAs Will Be Released Separately

HUD published December 29, 2008, a 38 page Federal Register document which provides policy requirements and all General Section language for the FY2009 discretionary funding programs. In the announcement, HUD states that this year they will release the program specific funding announcements as they are approved, instead of issuing a combined program SuperNOFA.

Register or Update Your Registration NOW at Grants.gov to be Ready for the Program NOFAs

This preliminary announcement regarding funding was made in advance of the release of actual program section funding announcements in order to help prospective applicants prepare for the submission process. It offers an overview of DUNS numbers, online submission, processing and technical filing requirements, etc. It also includes reminders about various executive orders and recommendations (including LEP, visit-ability/accessibility, and/or green design, etc), the need to register with Grants.gov, and places specific limitations on the salary that may be paid to consultants (see page 7 of 38, right hand column)

Specifically, the notice states: “HUD recommends that all prospective applicants take the time to carefully read the notice published Dec 5, 2008...which is available at <http://www.hud.gov/offices/adm/grants/fundsavail.cfm> and at <http://Grants.gov>. HUD’s Early Registration Notice provides step-by-step instructions for applicants who must register with Grants.gov and also provides renewal/update instructions for those who have previously registered. Prospective applicants should register or update their registration information upon publication of this notice so you are prepared when the Program Section NOFAs are published.”

Projected NOFA Release Timing and Funding

Appendix A (pp. 35 and 36 of 38) provides anticipated dates for the actual program funding announcements. Though subject to change, indications currently are that the ALCP program NOFA can be expected between January and March 2009, while the Section 202 and 811 programs are projected to be announced between February and April 2009, and the pre-development demonstration could occur between March and May 2009.

It should be pointed out that there is no mention of any new funding expectations for the multifamily Service Coordinator program. According to HUD program officials, at this point, given funding levels under the current CR, there is not be enough money to provide for any new service coordinator grants. However, once the HUD FY09 appropriation is completed (either independently or as part of some omnibus appropriation), should there be funding in excess of current grant extension needs, then a funding announcement would go out.

The full notice can be found at <http://edocket.access.gpo.gov/2008/pdf/E8-30600.pdf>

Latest Forms and Releases:

Cost-of-Living Adjustment (COLA) for 2009

On January 06, 2009, the COLA for beneficiaries of Social Security (SS) and Supplemental Security Income (SSI) benefits from the Social Security Administration (SSA) was loaded into EIV. The new benefit amounts, reflecting the 5.8 percent COLA increase for participant families, are displayed on the EIV Income Report.

Fiscal Year 2009 Contract Rent Annual Adjustment Factors (AAF) Factors Now Available

Those Section 8 projects that are still in their initial term, and Project-based Section 8 certificates which use the annual adjustment factor (AAF) can access the new Annual Adjustment Factors at <http://edocket.access.gpo.gov/2009/pdf/E9-374.pdf>. This notice does not apply to Budget-based Rents or to contracts renewed under MAHRA which utilize the Operational Cost Adjustment Factor (OCAF).

Updating Your Affirmative Fair Housing Marketing Plan?

New Affirmative Fair Housing Marketing Plan (AFHMP) form 935.2A for Multifamily Housing has a date-change only. If updating your form, be sure to find the latest on HUDClips at <http://www.hud.gov/offices/adm/hudclips/forms/files/935-2a.pdf>

Section 8 Renewal Guide Updates Posted

HUD's Office of Affordable Housing Preservation (OAHP) has revised Chapter 5 of the Guide, dealing with when properties are referred to OAHP for processing/review. The new material is posted at <http://www.hud.gov/offices/hsg/mfh/mfhsec8.cfm#s8rpg>

Latest Rent Control Study Discusses Results and Challenges

HUD posted a 2007 PDR study of quality control for rental assistance subsidy determination study. The contractors who performed the study discuss complications caused by such policies as requirements to predict income for the coming 12 month period – particularly for those with periodic income and seniors with variable medical expenses. A 208 page report is available at http://www.huduser.org/Publications/pdf/Quality_Ctrl_07.pdf

Military Basic Income Excluded from Tax Credit Property Income Calculations

Notice 2008-79 provides information for an amendment to IRC §142(d) excluding military basic allowance payments from income with determining if a household is income-qualified

OTHER RECENT RELEASES

Disaster Reminder: Flood Insurance Required in Special Flood Hazard Areas.

According to the HUD Multifamily hub for Alaska and the Pacific Northwest, the recent flooding in Washington and Oregon is a reminder that the requirement for flood insurance for properties located in a special flood hazard area is not only a standard requirement for insured projects per the Regulatory Agreement, but also in most Housing Assistance Payments (HAP) Contracts: "Flood Insurance. If the project is in a special flood hazard area, the Owner agrees that the project will be covered, during its anticipated economic or useful life, by flood insurance in an amount equal to its development or project cost (less estimated land cost) or to the maximum limit of coverage made available with respect to the particular type of property under the National Flood Insurance Act of 1968, whichever is less."

Email REAC's Technical Assistance Center When Needed

The end of the year has come, and the 90 day clock has begun for the submission of calendar-year end annual financial statements. So, here's a timely notification from REAC regarding ways to obtain assistance from the Technical Assistance Center when needed:

FASS-MF has been notified that during peak submission periods callers often experience lengthy hold periods when contacting REAC Technical Assistance Center (TAC). To circumvent this issue, we recommend sending your questions to the TAC via email at REAC_TAC@hud.gov. TAC representatives contact customers directly by email or phone. When emailing TAC please specify in the subject line that you are inquiring about a FASS-MF reporting problem.

You can also submit questions about other REAC systems using the email, but be sure to change the subject line to reflect the appropriate application.

The latest preceding AAHSA Housing Bulletin is dated November 2008, with additional updates provided in the intervening e-newsletters "AAHSA Housing Report" monthly and "AAHSA This Week".

For more immediate operational alerts, and to leverage member experiences/resources, join your fellow AAHSA- member housing providers on the AAHSA Housing Management listserv at <http://www.aahsa.org/article.aspx?id=988>

For more information on these and other HUD management issues, contact Colleen Bloom, AAHSA Associate Director for Housing Operations, at (202) 508-9483 or cbloom@aaahsa.org.