

CHAPTER 5. MONITORING CONCLUSIONS

- 5-1. REACHING MONITORING CONCLUSIONS. A monitoring conclusion is the determination reached by the reviewer regarding the adequacy of PHA performance in the implementation of civil rights-related program requirements. A monitoring conclusion may contain a statement regarding acceptable performance, a concern that a certain condition may cause a problem, as well as a finding which presents a major problem, its cause, condition and effect of the violation. Refer to Appendix 8 for a complete definition of "monitoring conclusion" and other applicable terms.
- 5-2. ADVISING THE PHA OF MONITORING CONCLUSIONS. Monitoring conclusions should be presented to the PHA at the exit interview, a subsequent meeting, or a telephone conversation. This will allow the PHA an opportunity to respond to the conclusions and provide additional information for consideration prior to the formulation of final conclusions and the issuance of the monitoring letter. If the monitoring conclusions are not presented during the exit interview, the PHA should be notified of any monitoring conclusions no later than two (2) weeks after the exit interview.
- 5-3. DOCUMENTING MONITORING CONCLUSIONS. All monitoring conclusions shall be properly documented, including those conclusions based solely on in-house reviews (see Chapter 3-4A). Monitoring findings shall be based on documented evidence of the PHA's failure to meet civil rights-related program requirements. Each finding must reference the appropriate legal authority or HUD directive and should state the corrective or remedial action HUD deems necessary. Whenever such actions are required, the PHA shall be given a due date for response. FHEO's formal notification of the PHA shall be coordinated with the Field Office Manager and Housing Management Division as set forth in this section.
- A. Contents of Monitoring Letter. The monitoring letter shall include the following elements:
1. Identification of programs monitored;
 2. FHEO staff who conducted monitoring;
 3. Date of monitoring;
 4. Scope of monitoring, including areas monitored and projects monitored;

5. Name and position of persons interviewed during monitoring;
 6. Monitoring conclusions (both positive and negative), supported by facts considered in reaching these conclusions;
 7. Specific corrective and remedial actions required, if any;
 8. Due date of corrective and remedial actions; and
 9. Offer of technical assistance, if appropriate.
- B. Format of Monitoring Letter. When an on-site monitoring review of a PHA is conducted, more than one assisted housing program (e.g., LIPH, Section 8) may be reviewed. Monitoring conclusions for all the assisted housing programs reviewed may be reported in a single letter. The monitoring letter shall be organized as follows:
1. An introduction giving the date of the review, names of FHEO staff who conducted the review, Assisted Housing programs reviewed, and names and positions of PHA staff interviewed;
 2. A listing of each assisted housing program reviewed, which shall be reported separately, and the specific areas reviewed (e.g., management and administration, employment and training, outreach and affirmative marketing) and the applicable CRRPR identified;
 3. A presentation of relevant information obtained on-site and from review of files and records in-house;
 4. Monitoring conclusions which are concerns or findings shall be clearly identified (see Appendix 8) in the area of review and actions prescribed in accordance with procedures outlined in Chapter 6;

5. Summary of major issues, restatement of concerns and findings, if any, and actions required by a specific date; and
6. Courtesy closing and acknowledgment of any particular courtesies demonstrated by PHA staff.

- 5-4. TEAM VISIT MONITORING LETTER. When FHEO participates in a team monitoring review with the Housing Management Division, a single letter should be sent to the PHA. A memorandum outlining FHEO monitoring conclusions and recommendations, if any, shall be sent from the FHEO Director to the Field Office Manager, Attention: Director of Housing Management. The contents of the FHEO memorandum shall be incorporated into a single monitoring letter coordinated by the Housing Management Division.
- 5-5. FHEO INDEPENDENT VISIT MONITORING LETTER. If FHEO staff conducted an independent monitoring review, the letter to the PHA is prepared by FHEO. Prior to the signature of the Field Office Manager, or designee, the Director of Housing Management shall be provided an opportunity to concur in the letter. If the Director of Housing Management does not concur, the reasons for nonconcurrency shall be documented in a memorandum to the Field Office Manager.
- 5-6. TIMING OF MONITORING LETTER. The monitoring letter should be sent to the PHA as early as possible after the monitoring visit, particularly if there are monitoring findings. Generally, the letter should be sent within 15 calendar days after conclusion of the on-site visit. A longer period may be needed for PHAs responsible for several programs and many projects or when several PHAs are monitored on a single trip. In no case should the time between the visit and the date of the letter exceed 30 calendar days.
- 5-7. DISTRIBUTION OF MONITORING LETTER AND DOCUMENTATION
- A. Distribution of letters. Copies of all Monitoring letters should be maintained in the respective FOD/POD files. Copies of

monitoring letters shall be distributed as follows:

1. Housing Management Division
 2. Regional FHEO Compliance Division
- B. Documentation Related to Override of Monitoring Conclusions. All significant actions and decisions related to FHEO monitoring should be documented. This would include any decisions by the Field Office

Manager to override the Director of FHEO's monitoring conclusions, findings and recommendations for corrective/remedial actions. A copy of the memorandum explaining the circumstances of the override shall be forwarded to Headquarters, FHEO Office of Management and Field Coordination.

- 5-8. FOLLOW-UP ACTION. The FHEO Division Director shall ensure that FHEO staff follow up on any corrective action regarding FHEO monitoring findings. Follow-up activity shall be coordinated with the Housing Management Division.
- A. In the event that the PHA fails to meet a due date for corrective action, a telephone call is appropriate and must be documented.
 - B. If the PHA has not responded within the specified time allowed for corrective action, a letter shall be prepared for signature of the Field Office Manager. The letter shall request the status of the required action and warn the PHA of the possible consequences of failure to comply, as provided in Chapter 6. A copy of the follow-up letter shall be provided to the Housing Management Division.
 - C. The grantee's proposed corrective and remedial action responsive to civil rights concerns shall be reviewed by FHEO staff. If the FHEO review indicates that the action was less than satisfactory, a letter shall be prepared to the PHA which specifies needed additional action and the due date for such action. A copy of the letter shall be provided to the Housing Management Division.

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- D. A new due date may be established subject to good faith efforts by the PHA to resolve the findings. A follow-up visit may be necessary to verify corrective action or to provide technical assistance when the PHA has been unable to resolve or correct the findings.

- 5-9. CLOSING MONITORING FINDINGS. If after review of documentation or subsequent on-site monitoring review it is found that the PHA has satisfactorily addressed the findings, a letter shall be prepared stating that the findings are closed. Copies of the letter shall be sent to the Housing Management and FHEO Regional Compliance

Divisions.

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