

JOINT AGREEMENT
Office of Fair Housing and Equal Opportunity
And
The Office of Housing

<p>General Operational Procedures for the Civil Rights Front-End and Limited Monitoring Reviews of Subsidized Multifamily Housing Projects</p>

This Agreement describes the coordination between the Offices of Multifamily Housing (Housing) and Fair Housing and Equal Opportunity (FHEO) required to implement the Civil Rights Front-End and Limited Monitoring Review Protocol (The Protocol). The purpose is to explain the roles and responsibilities of each office and their interaction with respect to the Protocol and civil rights related program requirements of multifamily housing program participants. In addition to Housing, many of these procedures also refer to “Performance-Based Contract Administrators (PBCA)” and “Non-Performance-Based Contract Administrators (NPBCA).” Both of these groups are collectively referred to as the Contract Administrator (CA).

All Housing, CA and FHEO staff should read the information on the HUD Web at the FHEO Website on civil rights related front-end reviews. The web site addresses are:

For Housing Staff: <http://hudweb.hud.gov/po/e/FEReview/CRREVIEW.htm>

For CA: <http://www.hud.gov/offices/fheo/library/CAReview.cfm>

Review the list of “Frequently Asked Questions” (FAQs) and answers. Print out the program specific checklists for Housing. The checklists are pdf files and will print from Adobe Acrobat.

Interim Procedures

The checklist in Attachment B is an interim procedure. Finalization will be contingent on Office of Management and Budget (OMB) approval of the checklists. Office of Multifamily Housing also anticipates developing new data sources for completion of the checklists. This will primarily be upgrades to the electronic database, Real Estate Management System (REMS) and enhancements to the Tenant Records and Characteristics System (TRACS). In addition, a Multifamily Housing Inventory Survey, which includes a certification by the owner on Form HUD-90059, will obtain information on project occupancy characteristics, notably for the elderly and persons with disabilities.

Headquarters Provided Training

Headquarters FHEO will provide basic training to its own field staff. FHEO will also provide training to Housing field staff and CAs once the Protocols are completed and implemented. This training will be in-depth. If required, local FHEO field staff will provide additional training.

Checklists and Other Protocols:

1. Attachment A – Review of the Affirmative Fair Housing Marketing Plan. To be used by Housing staff only. We anticipate a minor change to Form HUD-935.2 and this checklist with publication of the forthcoming revised Housing Occupancy Handbook.
2. Attachment B – On-Site Limited Monitoring and Section 504 Reviews. To be used by Housing staff or the CA when performing a management review. There are four parts to this checklist:
 - a. Part A: Preparation for the Review
 - b. Part B: On-Site Limited Monitoring Review
 - c. Part C: On-Site Section 504 and Limited Monitoring Review
 - d. Part D: Documents to bring back for FHEO

Field Office FHEO Responsibilities:

1. Provides training and technical assistance to all Housing and CA staff involved in the civil rights front-end and limited monitoring review responsibilities upon request or on an as-needed basis.
2. Conducts risk analyses on civil rights related program requirements to determine monitoring and compliance priorities, to identify which program participants FHEO will recommend for review during the year. Prioritized lists will be shared between FHEO, Housing and the Field Office Director, and a negotiated monitoring schedule will be developed for the local field office. The monitoring schedule should be based on all risk analyses, as called for in local Management Plans. Since every CA is required to conduct a management review for all Section 8 project-based properties in its portfolio every year, FHEO will accept the priorities established by the CA.
3. Provides Housing with information on any civil rights and fair housing (including Section 504) issues encountered with Housing program participants. FHEO will coordinate provision of this information with Field Counsel. Headquarters FHEO, with assistance from the Office of General Counsel for Fair Housing, and the Department of Justice (DOJ), will update this information throughout the year and share with FHEO field offices. This list is also available in FHEO's Civil Rights Front-End and Limited Monitoring Review Website. Within three (3) business days of receipt, FHEO Field Offices will forward any information to Housing that may be

relevant for Housing and CA staff, for program participants scheduled for review during the year.

4. Asks Housing to observe issues, or to have the CA observe issues, specific to the project during the management review.
5. Maintains a record of received checklists.
6. Follows up on all civil rights issues found and noted on completed checklists.
7. Reviews 35% of all checklists and attachments for quality control purposes.
8. Communicates to owner within ten (10) business days of the receipt of completed checklists and attachments with copies to Housing staff.
9. Copies Housing staff on all follow up and discusses problems, as necessary.
10. Provides a final resolution of civil rights/fair housing problems, including those for Section 504. Provides any requested guidance or technical assistance on civil rights, Section 504, or fair housing issues to the owner/agent. Works directly with the owner/agent but keeps Housing staff advised of all issues and progress.

Please Note: Other than for training, there is no communication between FHEO and the CAs.

Housing Responsibilities:

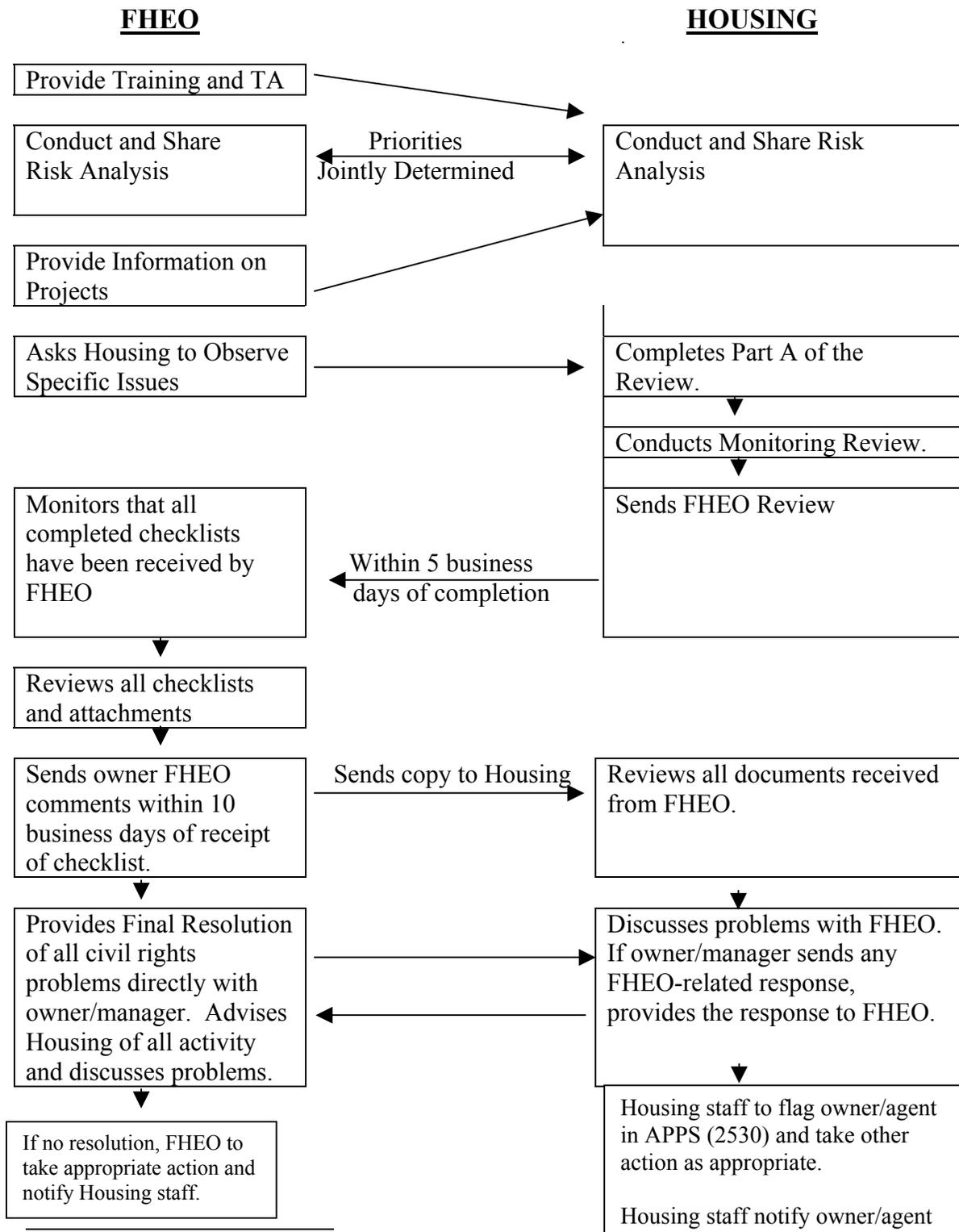
1. Conducts risk analysis to determine monitoring and compliance priorities. Prioritized lists should be shared between FHEO and the HUD Field Office Director so that a negotiated monitoring schedule can be developed for the field office. The monitoring schedule should be based on all risk analysis, as called for in the local Management Plans.
2. Provides CA with information supplied by FHEO for projects the CA will review, when applicable.
3. Advises CA to observe property-specific issues identified by FHEO, during the management review.
4. Completes Part A of the FHEO Limited Monitoring Review, during preparation for the management review, to determine if specific observations are required.
5. Conducts the FHEO Limited Monitoring Review using Parts B and C of Attachment B and gathers information, or gets an agreement that the owner/agent will forward information which is not readily available, to FHEO staff, using Checklist Part D of Attachment B.

6. Forwards all completed FHEO checklists and attachments to FHEO within five (5) business days of their own on-site reviews or receipt of the checklists from the CA, as applicable.
7. Reviews all correspondence between FHEO and owner/agent and discusses joint issues with FHEO.
8. Completes Attachment A and forwards to FHEO, along with the approved initial or updated Affirmative Fair Housing Marketing Plans (AFHMP) within five (5) business days following receipt of the AFHMP submitted by owner. FHEO follow-up is handled as specified under FHEO responsibilities.
9. Provides FHEO with any correspondence received from owner/agent in response to FHEO communication with the owner/agent.
10. Provide FHEO with the following information within five (5) business days of conducting a Portfolio Review.
 - a. A list of all projects owned or managed by the owner/agent. This should include name, address, number of units, unit sizes, population served (e.g., family/elderly), and whether subsidized or not.
 - b. Project profiles for each of the projects showing occupancy data by race, national origin, sex, and disability status; and
 - c. If applicable, census or other data showing demographic information about the local community and market area in which each project is located.

CA Responsibilities:

1. Completes “Preparation for Review” of the “On-Site Limited Monitoring and Section 504 Review” (Part A of Attachment B), based on information provided by Housing, to determine if specific observations are required during the review.
2. Conducts the civil rights limited monitoring reviews using the On-site Limited Monitoring and Section 504 Review Checklists (Parts B and C of Attachment B) and gathers material as described in Part D of Attachment B.
3. Forwards the On-site Limited Monitoring and Section 504 Review Checklist. (Attachment B) to Housing.

ACTIVITIES BY FHEO AND HOUSING FOR ON-SITE LIMITED MONITORING REVIEWS *



* When CAs performs the reviews, there is no interaction between FHEO and the CAs. Interaction between CAs and Housing is conducted in accordance with Housing’s own protocols.

