

CHAPTER 3. CERTIFICATION OF INDIVIDUAL

12. WHO MUST BE CERTIFIED. Certification is required for every person employed by a PHA or its agent as a:
- a. Housing Manager of 75 or more dwelling units; or
 - b. Assistant Housing Manager of 75 or more dwelling units.
13. WHEN CERTIFICATION MUST BE OBTAINED AND MAINTAINED. The effective date of the certification requirements is January 1, 1981. This means that, unless specifically exempted by the regulations:
- a. Every individual employed as a Housing Manager or Assistant Housing Manager on January 1, 1981, must obtain a certificate on or before that date, and
 - b. Every individual hired as a Housing Manager or Assistant Housing Manager after January 1, 1981, must obtain a certificate on or before the date when such employment begins.
14. EFFECT OF FAILURE TO OBTAIN OR MAINTAIN CERTIFICATION. Subject to the provisions of paragraph 23, the salaries of uncertified individuals who are required to be certified will not be considered eligible operating expenditures (whether or not operating subsidy is required) nor shall such salaries be approved as budget items. If such salaries are paid, the expenditure will be classified as an ineligible expenditure and so recorded on the PHA's Books of Account.
15. CERTIFICATION STANDARDS. The standards for the certification of individuals described below have been prescribed by HUD for use by the Approved Certifying Organization. While each Approved Certifying Organization is allowed considerable discretion as to its certification program, each organization's certification standards must comply with the following HUD requirements, subject to the provisions of paragraph 16 (relating to probationary certification) and paragraph 17 (relating to "grandparenting" and "blanketing-in"):
- a. Certification standards shall be reasonably related to job requirements of Housing Manager and Assistant Housing Manager positions. For this purpose, an organization's certification standards must:

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- (1) Adequately reflect the minimum uniform job qualifications which are necessary for satisfactory job performance in any Housing Manager or Assistant Housing Manager position, regardless of location, programmatic variations or differences in local conditions. While HUD recognizes that requirements for particular jobs vary considerably among different

PHAs and housing projects, there are, nevertheless, certain minimal qualification requirements which are valid on a uniform national basis. Detailed requirements are left to the discretion of the Approved Certifying Organizations, provided that the following basic elements are addressed to HUD's satisfaction:

- (a) Basic knowledge of the legal framework of the public housing program, including basic knowledge of the provisions of and relations among, pertinent provisions of Federal, State and local laws.
- (b) Basic knowledge of the functions of, and relations among, HUD, the PHA, and the local governing body.
- (c) Knowledge of the functions of, and relations among, the PHA's Board of Commissioners, its Executive Director, and its other employees.
- (d) Knowledge of the provisions of the Annual Contributions Contract and the Cooperation Agreement between the PHA and the local governing body.
- (e) Knowledge of PHA personnel policies and administrative practices.
- (f) Knowledge of methods for planning and controlling the conduct of the PHA's management workload.
- (g) Knowledge of the principles of, and techniques for, personnel supervision.
- (h) Knowledge of the principles of, and techniques for, the financial management of low-income housing, including PHA budgeting and fiscal procedures, cost controls and rent collection.
- (i) Knowledge of requirements and procedures pertaining to the rental and occupancy of low-income public housing (e.g., eligibility, income limits, computation of rental charges, leases, and termination of tenancy).

- (j) Knowledge of requirements and procedures for the maintenance and modernization of low-income public housing (other than technical assistance, engineering and architectural aspects).
- (k) Knowledge of requirement and procedures for supply management for low-income public housing.

- (l) Knowledge of policies, procedures and techniques relating to tenant-management relations in low-income public housing.
- (m) Knowledge of policies, procedures and techniques for meeting the social service needs of tenants of low-income public housing.
- (n) Knowledge of civil rights laws and executive orders applicable to the Low-Income Public Housing Program, i.e., Title VIII of the Civil Rights Act of 1968, Executive Order 11063, Title VI of the Civil Rights Act of 1964, Executive Order 11246, Section 3 of the Housing and Urban Development Act of 1968, and Executive Orders 22625 and 12138 relating to the utilization of minority and female-owned businesses in federally-assisted construction contracts.

b. Certification shall take into account minimum levels of experience and education, which may include consideration of training, aptitude, performance, civil service status and accomplishments in the field of housing management. For this purpose an organization's standards:

- (1) May prescribe a minimum standard of acceptable experience in the housing management field.
- (2) Shall not impose as a prerequisite any level of formal education, beyond high school or equivalency.

16. PROBATIONARY CERTIFICATION. To provide latitude to retain or hire an individual who may not immediately meet the standards for certification at the time when certification is first required under paragraph 13, but who has potential for meeting those standards, an Approved Certifying Organization may issue to such an individual a probationary certificate for a period of one year. The Approved Certifying Organization may extend

the term of the probationary certificate for one additional year in order to allow the applicant sufficient time to obtain a permanent certificate. In no case may a probationary certificate be in effect for longer than two years. Each probationary certificate shall clearly state that it is probationary and shall specify its expiration date. The salaries of individuals holding probationary certificates are considered to be eligible operating expenses only until the expiration date of the certificate.

17. SPECIAL METHODS. The following special methods of obtaining certifications are applicable only to the start-up phase of the program; use of these methods is within the discretion of each Approved Certifying Organization:

- a. Based on On-The-Job Performance (Grandparenting)
Certification may be based solely upon satisfactory on-the-job performance in the housing management field for not less than four years. However, such certification shall be valid only if granted prior to January 1, 1981.
- b. Based on prior Certification (Blanketing-In). Immediately upon receiving notification from HUD that its application to become an Approved Certifying Organization has been approved and no longer than 60 days following that notification, an Approved Certifying Organization may submit to HUD a list of all individuals who already possess a certification from the organization, provided:
 - (1) The certification is reasonable evidence that the certificate holder is qualified as a housing manager; and
 - (2) The certification is currently recognized by the Approved Certifying Organization at the time the list of names is tendered to HUD.

Upon receiving this list HUD will notify the Approved Certifying Organization that the certifications issued to the listed individuals may be considered as satisfying the certification requirements.

18. INFORMATION ON CERTIFICATION PROCEDURES. Each Approved Certifying Organization shall be responsible for the publication and distribution to PHAs, state Housing Agencies and individuals of any detailed information on its certification program. HUD will publish periodic lists of Approved Certifying Organizations, but will not undertake the publication and distribution of detailed information on the Certification program.

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19. PROCEDURES FOR OBTAINING CERTIFICATION. The procedures for obtaining certification shall be as prescribed by each Approved Certifying Organization. While each Approved Certifying Organization is allowed considerable discretion as to its certification procedures, each such organization's procedures must comply with the following requirements:

- a. Application. Each individual desiring certification shall be responsible for submitting a written application to the approved Certifying Organization of his/her choice, in accordance with that organization's prescribed application format and procedures. Alternatively, a PHA may submit the application for any individual currently employed by the PHA. Copies of applications shall not be sent to HUD.
- b. Review of Applications. Each Approved Certifying

Organization shall be responsible for reviewing all applications for certification which are submitted to the organization and for such other review and action as may be required by the organization's procedures to determine whether applicants met the organization's certification standards and whether there are grounds for denying certification in accordance with paragraph 20.

- c. Issuance of Certificates. Upon determination by an Approved Certifying Organization that an applicant has met the organization's certification standards and that there are no grounds for denying certification pursuant to paragraph 20, the organization shall issue a certificate to the applicant. (For special requirements applicable to probationary certificates, see paragraph 16.)

20. DENIAL, REVOCATION OR SUSPENSION OF CERTIFICATES.

- a. Grounds for Denial, Revocation or Suspension. Denial of a certificate May be based solely upon an applicant's failure to meet the certification standards adopted by an Approved Certifying Organization in accordance with paragraphs 15 through 17. Regardless of whether an applicant or certificate holder initially meets or continues to meet such standards, an approved Certifying Organization may deny, revoke or suspend a certificate on any one or more of the following grounds:

- (1) Acts of fraud, deceit or misrepresentation in obtaining or seeking to obtain, a certificate.

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- (2) Acts of gross negligence, incompetency or misconduct in carrying out duties in connection with employment by a PHA.

- (3) Conviction of a crime involving moral turpitude.

- (4) Willful disregard of HUD regulations and requirements applicable to the Low-Income Public Housing Program.

- b. Procedures for Denial, Revocation or Suspension. Denial, revocation or suspension of a certificate shall be subject to the following procedural requirements:

- (1) The Approved Certifying Organization shall serve a written notice on the applicant or certificate holder that denial, revocation or suspension is being considered. The notice shall set forth the reasons for the proposed action with reasonable specificity, and shall advise the applicant or certificate holder that he/she has a specified number of days (which shall be at least 15 days from receipt of the notice) to respond in writing.

- (2) If the applicant or certificate holder does not submit a written response within the period specified in the Approved Certifying Organization's notice, the organization may deny, revoke or suspend the certificate by written notice to the applicant or certificate holder. In cases where the individual is currently employed by a PHA, a copy of that notice shall be sent to the employer-PHA.
- (3) The applicant or certificate holder may examine and, at his/her expense, copy all documents, records, standards and procedures of the PHA which are relevant to the matter.
- (4) If the applicant or certificate holder submits a written response to the Approved Certifying Organization's notice within the time specified, he/she shall have the right to present evidence and arguments in opposition to the proposed denial, revocation or suspension and to controvert evidence relied upon by the Approved Certifying Organization. This right may be exercised in writing, or at an informal hearing, or both, at the option of the applicant or certificate holder. To preserve his/her right to an informal hearing, the applicant or certificate

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- holder must submit a written request for such a hearing within the time specified in the Approved Certifying Organization's notice issued pursuant to paragraph 20b(1).
- (5) Whenever an applicant or certificate holder submits a written request within the time so prescribed for an informal hearing, he/she shall be entitled to confront in a reasonable manner and cross examine all witnesses on whose testimony or information the Approved Certifying Organization relies. Evidence pertinent to the issues reflected in the Approved Certifying Organization's notice may be received and considered without regard to its admissibility under rules of evidence employed in judicial proceedings. Testimony shall be recorded and such records shall be maintained for a period of not less than 90 days.
 - (6) Upon considering all evidence and arguments presented, in writing and/or at an informal hearing, the Approved Certifying Organization shall determine whether the certificate shall be denied, revoked or suspended and promptly advise the applicant or certificate holder in writing of its decision, with a copy to the employer-PHA and HUD. An adverse decision shall set forth with reasonable specificity the organization's findings and

shall advise the applicant or certificate holder of his/her right to appeal.

21. APPEALS.

- a. Who May Appeal. Upon denial, revocation or suspension of a certificate under paragraph 20, the applicant or former certificate holder whose certificate was denied, revoked or suspended may, at his/her option, file an appeal with the Approved Certifying Organization which denied, revoked or suspended the certificate.
- b. How and When Appeal Must be Filed. An appeal shall be filed by sending a written notice of appeal to the appropriate Approved Certifying Organization within the period specified in the organization's notice of its denial, revocation or suspension (but such period shall be not less than 15 days from date of receipt of the organization's notice of such action).

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- c. Methods of Appeal. The applicant may at his/her option, pursue an appeal by written submissions or at a hearing, or both. If the applicant desires to exercise his/her right to a hearing, his/her notice of appeal must include a request for a hearing. If a hearing is requested, the applicant shall have the right to be represented or accompanied by a person of his/her choice, and shall be afforded the opportunity to present oral testimony and cross-examine witnesses.
 - d. Time and location of Hearing. An attempt should be made by the Approved Certifying Organization to schedule the time and location of the hearing in a fashion to minimize costs and attempt to insure that accessibility is not an unreasonable limiting factor in filing and pursuing appeals. The costs of appeal shall be borne by the applicant and the Approved Certifying Organization.
 - e. Decision on Appeal. The Approved Certifying Organization shall consider the appeal on the record and the basis of the evidence presented, and have the right to add to the record and the basis of the evidence presented, and have the right to add to the record affidavits, testimony or information in support of the applicant or the denial, revocation or suspension of the certificate. As promptly as possible from the filing date of the appeal (generally within 120 days from the filing date), the Approved Certifying Organization shall render its written decision on the appeal, setting forth the reasons for its decision. A copy of the decision shall be furnished to the applicant, and, if the applicant is employed by a PHA, to the employer-PHA and HUD.
 - f. Maintenance of Record. All materials, files or information

submitted in regard to an appeal shall be maintained by the Approved Certifying Organization for not less than 120 days following the decision on the appeal and shall be available for public inspection to the full extent of the law.

22. ISSUE OF REINSTATEMENT OF CERTIFICATE AFTER DENIAL, REVOCATION OR SUSPENSION. The denial, revocation or suspension of a certificate shall not prevent an Approved Certifying Organization's subsequent issuance or reinstatement of a certificate to the individual who was the subject of such denial, revocation or suspension, if the organization determines that the reasons for denial, revocation or suspension have been overcome.

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