

**DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
ADMINISTRATIVE SUPPORT OFFICES
OFFICE OF GENERAL COUNSEL**

Program Area Overview

The General Counsel is the chief legal officer of the Department and is the legal advisor to the Secretary and other principal staff of the Department. It is the responsibility of the General Counsel to provide legal opinions, advice, and services with respect to all programs and Departmental activities and to the development of the Department's programs and policies. The General Counsel is the head of the Departmental Enforcement Center (DEC), a non-attorney organization of financial and enforcement analysts, who enforce the Department's program requirements.

HUD's Office of General Counsel (OGC) consists of the Headquarters organizations, 10 Regional Offices of Counsel, 35 Field Offices of Counsel, and 5 DEC Satellite Offices. Since fiscal year 2008, OGC has consolidated legal operations and has closed legal operations in five field offices (Cincinnati, Columbia, Knoxville, Albuquerque and Sacramento).

The following table illustrates how OGC's work results in a positive return-on-investment/appropriation of more than three-to-one:

OGC Financial Impact in Fiscal Year 2013 as of September 30	
FY 2013 Appropriation (after sequestration):	\$90,177,000
MF Closing Fees/Collections:	258,984,224
MF Housing Project Recoveries:	26,911,257
FHA fund recoveries:	39,492,694
Debt collection activities:	1,476,358
Support of HUD's Affordable Rental Housing:	3,553
Fair Housing Act and Civil Rights Resolutions:	573,341
CPD/PIH - Recoveries:	<u>3,891,797</u>
Total return from OGC actions:	331,333,224
Return on appropriated funds:	367.43%

During fiscal year 2013, OGC attorneys negotiated acceptance by a bankruptcy trustee of a \$610 million proof of claim on behalf of Ginnie Mae in the Taylor Bean and Whitaker bankruptcy. In addition to conventional work performed by most departmental general

Administrative Support Offices-Office of the General Counsel

counsel offices, the HUD OGC also conducts high-dollar value insured loan closings for affordable multifamily housing, nursing homes and hospitals, generates recovery income for the Federal Housing Administration fund, and pursues programmatic and Fair Housing enforcement actions. For example, during fiscal year 2013 OGC assisted the Department of Justice in reaching a \$13 billion settlement with JPMorgan Chase, including \$4 billion in consumer relief.

In fiscal year 2011, OGC attorneys closed 1,656 loans with a value of \$16 billion. In fiscal year 2012, the number of loan closings increased to 2,051 and the value increased to \$18.6 billion. Loan activity continued upward in fiscal year 2013 with 2,428 closings at a value of \$23.2 billion.

TOTAL - SALARIES AND EXPENSES				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$86,329	\$89,709	\$90,789	\$1,080
Non-Personnel Services				
Travel	434	923	845	(78)
Transportation of Things	-	20	20	-
Printing and Reproduction	1,442	900	1,000	100
Other Services	1,271	843	900	57
Training	133	505	540	35
Supplies	245	300	320	20
Furniture	37	-	-	-
Claims and Indemnities	286	800	950	150
Non-Personnel Subtotal	3,848	4,291	4,575	284
GRAND TOTAL	\$90,177	\$94,000	\$95,364	\$1,364
Associated FTE	599.5	612.1	613.4	1.3

DESCRIPTION OF CHANGE FROM FISCAL YEAR 2014 TO FISCAL YEAR 2015

OGC requests \$95,364K and 613 FTE in fiscal year 2015, with an increase from fiscal year 2014 enacted by \$1,364K and 1.3 FTE. A nominal increase in funding is included to fund the pay raise, promotions and within grade increase.

- Personnel Services: An increase of \$1,080K and 1.3 FTE across several functions due to an increasing workload in providing legal services and advice, and anticipated attrition.

Administrative Support Offices-Office of the General Counsel

- Non-Personnel Services (NPS): An increase of \$284K.
 - A decrease of \$78K in Travel to fund other NPS expenses.
 - An increase of \$100K in Printing in the *Federal Register* and the *Code of Federal Regulations*.
 - An increase of \$57K in Other Services to support contracts for online legal research services.
 - An increase of \$35K in Training to support development in skills and knowledge of attorneys and the enforcement and financial analysts in the DEC.
 - An increase of \$20K in Supplies to support purchases of publications and online materials.
 - An increase of \$150K for Claims and Indemnities to accommodate the personnel and labor law actions arising from Departmental transformative activities and adverse results from funding constraints in fiscal year 2013.

SUMMARY OF SYSTEMS/TOOLS REQUIRED TO MANAGE PROGRAM

The Regulatory, Legislative and Enforcement (RLE) segment supports five HUD offices: the Office of General Counsel (OGC) which includes the Departmental Enforcement Center (DEC); the Office of Fair Housing and Equal Opportunity (FHEO); the Office of Lead Hazard Control and Healthy Homes and (OLHCHH); the Office of Departmental Equal Employment Opportunity (ODEEO); and the Davis-Bacon function from the Office of Field Policy and Management (FPM).

Below is a summary of the systems in the RLE segment funded by the Information Technology Fund:

- The creation of HUD Enforcement Management System (HEMS) in fiscal year 2014 will allow HUD to automate the enforcement business processes for OGC's DEC, FHEO, OLHCHH and FPM (Davis-Bacon). HEMS will allow the RLE segment to decommission five systems: ECIS, DECMS, ECPCIS, LETS, and FHITS. HEMS will also allow for the eventual decommissioning of LR2000, which supports Davis-Bacon compliance activities. The HEMS initiative will deliver operational efficiencies by enabling collaboration across multiple HUD enforcement offices through a shared database in an integrated environment.
- OGC will continue to use Legal Management Workload System (LMWMS) (formerly known as ETS) to track and report on its legal workload. LMWMS provides OGC with the ability to track workload, maintain data, and create reports related to legal cases and transactional work, operational, and management issues. This includes tracking over \$18 billion dollars of insured loans and litigation claims (\$600 million) against the Department.
- The RLE Segment will continue to use SharePoint Support Services to perform operations, and maintenance of its SharePoint-based sites and work products for both content and customized applications for the OGC Bi-Weekly Report, HUD Clearance Calendar, and other customized business tools.
- The Department will continue to use:
 - FDOonline for ethics financial disclosures. FDOonline allows approximately 2,500 HUD employees to file their annual 450 or 278 financial disclosures online in a secure cloud environment; and
 - EEO-MIS for personnel law reporting. EEO-MIS is a management tool for calculating, assessing, tracking, evaluating, and generating information about people in an organization's work force.

Administrative Support Offices-Office of the General Counsel

OGC will also continue to require access to various online legal support services. Financing for these systems comes from OGC NPS funding and include:

- PACER - Public Access to Court Electronic Records (PACER) is an electronic public access service that allows OGC users to obtain case and docket information from federal appellate, district and bankruptcy courts. Without PACER, OGC would not have access to court documents and be able to defend the Department.
- WestLegal Ed – Provides 600 OGC employees with a comprehensive library of over 7,000 online training courses. The service includes courses offering continuing legal education credits, which allow OGC attorneys to maintain their bar licenses and quickly get up to speed in new areas of law or take refresher courses in complicated areas of law such as bankruptcy.
- Lexis Online - Provides OGC with the ability to conduct legal research. As of fiscal year 2012, OGC cut its online legal research contracts by \$1.5 million and uses Lexis for most of its legal research activities. OGC's headquarters and field law libraries, containing hard copies of books and legal materials that are not available online, have been reduced as online research has increased.
- CyberFeds - Provides OGC up-to-date information on critical federal employment issues, provided by the nation's most recognized federal employment law experts.
- Hein Online - HeinOnline's library contains legislative histories and other legal content that is not available on Lexis or Westlaw.
- Congressional Quarterly (CQ.com) - Provides OGC up-to-date information on pending legislation and policy tracking.

BUDGET REQUEST BY FUNCTION

Function Title: Management

Function Description: The Management function includes the General Counsel and the immediate staff of the General Counsel. The General Counsel is the chief legal officer in the Department of Housing and Urban Development, serves as the Department's designated ethics official, and oversees the Departmental Enforcement Center. The General Counsel and the immediate staff of the Office of General Counsel provide legal opinions, advice, and services with respect to all departmental programs and activities. They represent the agency in litigation and enforcement actions; provide legal services in connection with the development, preparation, and presentation of the Department's legislative initiatives; have primary responsibility for the development of HUD program regulations; and assist in the development of HUD programs and policies.

Administrative Support Offices-Office of the General Counsel

Management				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$1,008	\$1,026	\$1,036	\$10
Non-Personnel Services				
Travel	10	22	20	(2)
Other Services	3	2	2	-
Training	2	6	6	-
Supplies	1	2	2	-
Non-Personnel Services Subtotal	16	32	30	(2)
GRAND TOTAL	\$1,024	\$1,058	\$1,066	\$8
Associated FTE	7.0	7.0	7.0	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$10K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- Travel decreased by \$2K to fund other NPS expenses.

Outcome Measures

In addition to providing leadership and direction for all the legal initiatives of the Department, the immediate staff of the General Counsel helped achieve numerous settlements with lending institutions that have included substantial payments to federal agencies and harmed borrowers. For example, during fiscal year 2013, this office assisted the Department of Justice (DOJ) in reaching a \$13 billion settlement with JPMorgan Chase, including \$4 billion in consumer relief. The immediate staff of the General Counsel also achieved an agreement in principle with SunTrust Mortgage for \$468 million. In fiscal year 2014, this office, along with the Office of Program Enforcement, helped secure a \$617 million settlement with JPMorgan Chase, the majority of which will come to the Federal Housing Administration. Throughout these settlement negotiations, senior management serves as primary liaison with State attorneys general, DOJ, and the government partners.

Function Title: OGC Operations

Function Description: The OGC Office of Operations provides the services required to support OGC and the accomplishment of its mission. The OGC Office of Operations provides management and legal support in the areas of field management, human resources,

Administrative Support Offices-Office of the General Counsel

ethics, workload tracking and e-Discovery. Responsibilities include coordination and oversight of the 10 regional and 35 field offices and coordination and management of the e-Discovery obligations of the Department. The Office of Operations also provides support services in the areas of audits management, administration, human resources management, facilities management, correspondence control, training management, budget formulation, budget execution, procurement of goods and services, cash management, travel support and management, emergency response and procedures and information technology coordination and support. OGC Office of Operations manages the budget allocations for the Department's printing in the *Federal Register* and payment of attorneys' fees (claims and indemnifications).

Operations				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$3,427	\$3,517	\$3,552	\$35
Non-Personnel Services				
Travel	14	29	27	(2)
Transportation of Things	-	20	20	-
Printing and Reproduction	1,442	900	1,000	100
Other Services	1,075	716	765	49
Training	5	20	21	1
Supplies	127	155	165	10
Furniture	37	-	-	-
Claims and Indemnities	286	800	950	150
Non-Personnel Services Subtotal	2,986	2,640	2,948	308
GRAND TOTAL	\$6,413	\$6,157	\$6,500	\$343
Associated FTE	23.8	24.0	24.0	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$35K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- A decrease of \$2K in Travel to fund other NPS expenses.
- An increase of \$100K in Printing of documents in the *Federal Register* and the *Code of Federal Regulations*, as well as other required reports and documents.

Administrative Support Offices-Office of the General Counsel

- An increase of \$49K in Other Services to support contracts for online-research services and training venues in mostly federal facilities.
- An increase of \$1K in Training to augment Operations staff skills and knowledge.
- An increase of \$10K in Supplies to support Operations staff.
- An increase of \$150K for Claims and Indemnities to pay attorney's fees associated with personnel and labor cases arising from HUD transformative activities and continuing legal challenges to the personnel actions taken in response to the fiscal constraints in fiscal year 2013.

Outcome Measures

In addition to providing administrative and human resources and field management support for 600 employees in fiscal year 2013, OGC Operations led efforts to:

- Draft the statement of work and procure the HUD Enforcement Management System to consolidate six Departmental legacy systems that support Fair Housing Act enforcement, Davis-Bacon compliance, Departmental Enforcement Center recoveries, debarments and suspensions, and lead-based paint abatement enforcement.
- Draft the plan for the Department's lapse in appropriations that occurred at the beginning of fiscal year 2014 and coordinate implementation of the plan.
- Manage the Department's e-discovery responsibilities, which include storing and holding electronic information for over 4,000 Departmental employees and providing search support to HUD attorneys who are obliged to produce discovery in litigation. OGC Operations also supports the e-discovery needs of OCHCO's FOIA function and OIG.

Function Title: OGC Multifamily Housing

Function Description: OGC Multifamily provides legal services in connection with statutory, regulatory, and case law interpretation as well as advice concerning proposed policy, related to the origination and asset management of FHA-insured loans for multifamily projects, residential healthcare facilities and hospitals. OGC provides legal advice and guidance in connection with FHA mortgage insurance and conducts insured loan closings for Multifamily, 202 (elderly)/811 (disabled) and OHP (healthcare including 232 loans using the LEAN) projects. OGC Multifamily provides legal advice and guidance on all aspects of asset management, conducts legal reviews of NOFA applications for 202/811 and mixed finance projects and reviews of pre-application packages for multifamily rental housing projects for legal sufficiency.

Administrative Support Offices-Office of the General Counsel

Multifamily Housing				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$21,701	\$22,173	\$22,601	\$428
Non-Personnel Services				
Travel	149	320	291	(29)
Other Services	49	32	34	2
Training	33	123	132	9
Supplies	33	40	43	3
Non-Personnel Services Subtotal	264	515	500	(15)
GRAND TOTAL	\$21,965	\$22,688	\$23,101	\$413
Associated FTE	150.7	151.3	152.7	1.4

FTE/Workload Summary & Summary of Change

- An increase of \$428K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, the pay raise and an increase of 1.4 FTE to absorb increasing workload in legal services provided and loan closings as HUD's productivity in these real estate transactions grows.
- A decrease of \$29K in Travel to fund other NPS expenses.
- An increase of \$2K in Other Services for online research services.
- An increase of \$9K in Training to support staff skill gaps.
- An increase of \$3K in Supplies to support OGC Multifamily Housing staff.

Outcome Measures

In fiscal year 2013, OGC Multifamily Housing efforts resulted in the following outcomes:

- Closing fees and collections totaling \$258.9 million;
- In fiscal year 2013, OGC Multifamily Housing attorneys closed insured loans valued over \$22.7 billion:
 - 144 loans on Section 202/811 properties for persons with disabilities and the elderly, with a total loan value of \$532.9 million;
 - 661 loans on properties for nursing homes, with a total loan value of \$5.1 billion;
 - 13 loans for hospitals, with a total loan value of \$1.1 billion; and
 - 1,610 loans for multifamily dwellings, with a total loan value of \$16.5 billion.

Administrative Support Offices-Office of the General Counsel

Function Title: Single Family Housing

Function Description: OGC Single Family provides legal services in connection with statutory, regulatory and case law interpretation, as well as advice concerning proposed policy related to FHA's single family mortgage programs and housing counseling functions. OGC also provides legal advice and guidance to the Single Family Homeownership Centers (HOCs) and to the Single Family Housing Asset Management's Servicing and Loss Mitigation Division, more commonly known as the National Servicing Center (NSC), staff with respect to underwriting, housing counseling programs, REO functions, and in servicing FHA's Secretary Held mortgage portfolio.

Single Family Housing				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$3,370	\$3,459	\$3,552	\$93
Non-Personnel Services				
Travel	7	15	14	(1)
Other Services	8	5	6	1
Training	5	19	21	2
Supplies	5	6	7	1
Non-Personnel Services Subtotal	25	45	48	3
GRAND TOTAL	\$3,395	\$3,504	\$3,600	\$96
Associated FTE	23.4	23.6	24.0	0.4

FTE/Workload Summary & Summary of Change

- An increase of \$93K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, the pay raise, and a 0.4 increase in FTE to handle a growing workload for legal services and advice.
- A decrease of \$1K in travel to fund other NPS expenses.
- An increase of \$1K in Other Services to support contracts for online research services.
- An increase of \$2K in Training to support staff skill gaps.
- An increase of \$1K in Supplies to support OGC Single Family staff.

Outcome Measures

- In fiscal year 2013, OGC Single Family function provided significant legal advice and drafting assistance to the Office of Single Family in revising the Consolidated Single Family Origination through Endorsement Handbook. This represents the consolidation of about seven handbooks and hundreds of mortgagee letters. This will be published in fiscal year 2014 and provide a single source of guidance for all Single Family programs of FHA and significantly assist lenders in streamlining their participation in the FHA program.
- OGC provided critical legal support and drafting assistance to produce the Interpretive Rule and implementing Mortgagee Letters that refined the Department's approach to down payment assistance programs operated by Governmental Entities in connection with FHA insured mortgages. These efforts simplified the approval process for down payment assistance programs and ensured Governmental Entities and Lenders were clear on their obligations under the National Housing Act.
- OGC identified and supported the use of emergency authority to make immediate revisions to the Department's Home Equity Conversion Mortgage program to significantly advance the program while protecting the Mutual Mortgage Insurance Fund. These improvements helped restore the HECM program to a Negative subsidy position and contributed to the continued recovery of the fiscal health of the Mutual Mortgage Insurance Fund.
- OGC assisted in the creation of the FHA Qualified Mortgage definition mandated by Dodd-Frank, which will ensure prospective borrowers are adequately evaluated, lenders are fully aware of their legal obligations and the Mutual Mortgage Insurance Fund is adequately protected.
- OGC supported the work of FHA in refining its non-performing asset disposition strategies to minimize negative impacts on communities when borrowers default on mortgages and reduce losses to the Mutual Mortgage Insurance Fund.

Function Title: Ginnie Mae

Function Description: OGC's Ginnie Mae function provides legal support to Ginnie Mae in its guaranty of mortgage-backed securities (MBS). The function provides legal advice on proposed policy and reviews and drafts proposed legislation and regulatory initiatives that may impact Ginnie Mae programs. This includes drafting issuer agreements, acknowledgement agreements, and risk mitigation agreements with participants in Ginnie Mae programs as well as working closely with the Department of Justice on Ginnie Mae related litigation. The function also provides oversight of legal services contractors that support Ginnie Mae, including review of legal documents for consistency with Ginnie Mae policy and avoidance of conflicts of interest.

Administrative Support Offices-Office of the General Counsel

Ginnie Mae				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$2,002	\$2,037	\$2,057	\$20
Non-Personnel Services				
Travel	6	12	11	(1)
Other Services	5	3	3	-
Training	3	11	12	1
Supplies	3	4	4	-
Non-Personnel Services Subtotal	17	30	30	-
GRAND TOTAL	\$2,019	\$2,067	\$2,087	\$20
Associated FTE	13.9	13.9	13.9	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$20K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- A decrease of \$1K in Travel to fund other NPS expenses.
- An increase of \$1K in Training to address staff skill gaps.

Outcome Measures

In fiscal year 2013, OGC Ginnie Mae attorneys' efforts resulted in the following outcomes:

- Supported issuance of 209 multiclass securities guaranteed by Ginnie Mae with a value of \$81,615,930,318.
- Negotiated acceptance by bankruptcy trustee of \$610 million Proof of Claim on behalf of Ginnie Mae in the Taylor Bean and Whitaker (TBW) bankruptcy.
- Secured release of approximately \$5 million frozen in TBW issuer accounts at Platinum Bank.
- Defended Ginnie Mae, with the Department of Justice, in 57 litigation cases naming Ginnie Mae as a defendant, resulting in dismissal/settlement of 31 cases.

Administrative Support Offices-Office of the General Counsel

Function Title: Program Enforcement

Function Description: OGC Program Enforcement develops and litigates enforcement actions against mortgagees and other program participants, both in-house and with the Department of Justice. This function includes enforcement of the Department's statutory, regulatory and contractual rights against those who participate in HUD programs, including a wide range of legal services in support of actions taken by the Departmental Enforcement Center, Multifamily Housing, Single Family Housing, PIH and CPD to enforce the Department's statutory, regulatory and contractual rights against those who participate in HUD programs.

Program Enforcement				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$5,616	\$5,760	\$5,817	\$57
Non-Personnel Services				
Travel	17	37	34	(3)
Other Services	13	8	9	1
Training	8	32	34	2
Supplies	8	10	11	1
Non-Personnel Services Subtotal	46	87	88	1
GRAND TOTAL	\$5,662	\$5,847	\$5,905	\$58
Associated FTE	39.0	39.3	39.3	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$57K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- A decrease of \$3K in Travel to fund other NPS expenses.
- An increase of \$1K in Other Services to support contracts for online research services.
- An increase of \$2K in Training to support staff skill gaps.
- An increase of \$1K in Supplies to support the OGC Program Enforcement staff.

Outcome Measure

In fiscal year 2013, OGC Program Enforcement’s efforts recovered more than \$39 million for the FHA fund, or \$1 million per FTE.

Function Title: Departmental Enforcement Center

Function Description: The Departmental Enforcement Center’s (DEC) mission is to strengthen the oversight of HUD programs and operations through monitoring, oversight, and enforcement so that programs operate efficiently, effectively, and with the highest degree of fiscal integrity.

Departmental Enforcement Center				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$13,968	\$15,066	\$15,215	\$149
Non-Personnel Services				
Travel	52	110	101	(9)
Other Services	33	22	23	1
Training	22	84	89	5
Supplies	13	15	16	1
Non-Personnel Services Subtotal	120	231	229	(2)
GRAND TOTAL	\$14,088	\$15,297	\$15,444	\$147
Associated FTE	97.0	102.8	102.8	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$149K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- A decrease of \$9K in Travel to fund other NPS expenses.
- An increase of \$1K in Other Services to support contracts for online research services.
- An increase of \$5K in Training for DEC staff.
- An increase of \$1K in supplies for the DEC staff.

Outcome Measures

In fiscal year 2013, the DEC's efforts yielded the following:

- Recoveries and penalties totaled \$48.1 million, including \$568,905 in recoveries to the FHA fund;
- Recoveries of \$3,891,797 to redress abuses of HUD's PIH and CPD programs;
- Recoveries \$26,911,257 for the Multifamily Housing Project and assisting 18,282 families; and
- Completion of 169 suspensions and 164 debarments of individuals responsible for \$2.7 billion in losses to HUD programs.

Function Title: Fair Housing

Function Description: OGC Fair Housing provides all legal activities associated with the national administration and enforcement of, and compliance with, the Fair Housing Act and equal opportunity and civil rights laws. This addresses programs and activities assisted or conducted by the Department, including: Title VI of the Civil Rights Act, Sections 109 and 111 of the Housing and Community Development Act, Sections 504 and 508 of the Rehabilitation Act, Title II of the Americans with Disabilities Act, the Age Discrimination Act, Section 3 of the Housing and Urban Development Act of 1968 and the Equal Credit Opportunity Act. OGC provides legal advice and counsel for all activities undertaken by the Office of Fair Housing and Equal Opportunity, including the investigation of Fair Housing Act complaints of discrimination, compliance activities under other civil authorities, and the administration of the FHIP and FHAP programs.

Fair Housing				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$7,229	\$7,943	\$7,845	(\$98)
Non-Personnel Services				
Travel	27	57	52	(5)
Other Services	19	12	13	1
Training	12	47	51	4
Supplies	12	15	16	1
Non-Personnel Services Subtotal	70	131	132	1
GRAND TOTAL	\$7,299	\$8,074	\$7,977	(\$97)
Associated FTE	50.2	54.2	53.0	(1.2)

FTE/Workload Summary & Summary of Change

- A decrease of \$98K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, the pay raise, and a 1.2 decrease in FTE due to attrition and increasing workload requirements in other functions.
- A decrease of \$5K in Travel to fund other NPS expenses.
- An increase of \$1K in Other Services to support contracts for online research services.
- An increase of \$4K in Training for staff.
- An increase of \$1K in supplies for the OGC Fair Housing staff.

Outcome Measures

- OGC Fair Housing issued 26 Fair Housing Act charges of discrimination.
- OGC Fair Housing resolved 14 complaints, obtaining \$562,341 in damages for victims of discrimination; \$11,000 in civil money penalties; creating 112 accessible units; and serving a population of 847.

Function Title: Community Planning and Development

Function Description: OGC CPD provides legal guidance and services in connection with the Office of Community Planning and Development's management of all of its programs provided for community development to States, local governments, units of local government and non-profits. Programs include, but are not limited to, the Community Development Block Grant (CDBG) program, the HOME program, the Section 108 Loan Guarantee Program, the Neighborhood Stabilization programs, Insular Areas CDBG Program and the Brownfields Economic Development Initiative.

Administrative Support Offices-Office of the General Counsel

Community Planning and Development				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$3,010	\$2,638	\$2,812	\$174
Non-Personnel Services				
Travel	6	12	11	(1)
Other Services	6	4	4	-
Training	4	15	16	1
Supplies	4	5	5	-
Non-Personnel Services Subtotal	20	36	36	-
GRAND TOTAL	\$3,030	\$2,674	\$2,848	\$174
Associated FTE	20.9	18.0	19.0	1.0

FTE/Workload Summary & Summary of Change

- An increase of \$174K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, and an increase of 1.0 FTE to respond to increasing workload requirements for legal guidance on HUD regulations and services connected to loan guarantees.
- A decrease of \$1K in Travel to fund other NPS expenses.
- An increase of \$1K in Training for OGC CPD staff.

Outcome Measures

In fiscal year 2013, OGC CPD's efforts yielded the following:

- Major revision to the HOME regulation published in July 2013;
- Implementation of Continuum of Care rule via Continuum of Care Registration Notice, Continuum of Care (CoC) Notice of Funding Availability, and a CoC Appeals Notice;
- Major Uniform Relocation Act opinion – Lincoln Fields; and
- Disaster Notices for Sandy reviewed and published in record time.

Administrative Support Offices-Office of the General Counsel

Function Title: Assisted Housing

Function Description: Provide legal guidance and services in connection with the Office of Public and Indian Housing’s management of the Public Housing program (including the formula grants under section 9), and all related public housing programs (i.e., Choice Neighborhood, HOPE VI, and MTW programs); as well as PIH and the Office of Housing’s management of the Section 8 programs; and Housing’s management of the 202 Supportive Housing Program for the Elderly and the Section 811 Supportive Housing Program for Persons with Disabilities, and related programs (i.e., the Rental Assistance Demonstration program).

Assisted Housing				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$3,542	\$3,927	\$3,967	\$40
Non-Personnel Services				
Travel	11	24	22	(2)
Other Services	10	6	7	1
Training	6	24	25	1
Supplies	6	8	8	-
Non-Personnel Services Subtotal	33	62	62	-
GRAND TOTAL	\$3,575	\$3,989	\$4,029	\$40
Associated FTE	24.6	26.8	26.8	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$40K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- A decrease of \$2K in Travel to fund other NPS expenses.
- An increase of \$1K in Other Services to fund contracts for online research services.
- An increase of \$1K in Training for OGC Assisted Housing staff.

Outcome Measures

- OGC Assisted Housing reviewed 284 waiver responses that reflect PIH and Office of Housing’s respective policy priorities.
- OGC provided substantial legal advice to PIH and the Office of Housing in both headquarters and the field to support the implementation of their assisted housing programs, including legal advice on a PIH Notice regarding the annual factors for

Administrative Support Offices-Office of the General Counsel

determining Public Housing Agency administrative fees for the Section 8 Housing Choice Voucher and Moderate Rehabilitation Programs; legal advice on a PIH Notice regarding set-aside funding availability for project-basing HUD-VASH vouchers; and an opinion to PIH-Office of Housing Voucher Programs regarding public housing agencies charging fees related to the administration of the housing choice voucher and project-based voucher programs.

Function Title: Ethics and Personnel Law

Function Description: OGC Ethics and Personnel Law includes all activities associated with the Department's ethics program and administrative appeals process to include, but not limited to implementing the Department's ethics program; operating a formalized and systematic process for managing and reviewing financial disclosure reports; providing customer service through advice and guidance to Department employees to ensure integrity in the Department's decision-making processes and foster public confidence in Government; performing ethics program administration through reporting on program activities to OGE; processing Secretarial and Deputy Secretarial Travel and non-federal source travel; providing a comprehensive ethics training program; issuing Freedom of Information Act appeals decisions and drafting Secretarial decisions in administrative proceedings such as Fair Housing Act complaints of discrimination. Additionally, the attorneys represent the Department in administrative hearings and litigation filed before the Equal Employment Opportunity Commission (EEOC), the Merit Systems Protection Board (MSPB), the Federal Labor Relations Authority (FLRA), and the Office of Special Counsel (OSC).

Ethics and Personnel Law				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$5,918	\$6,390	\$6,453	\$63
Non-Personnel Services				
Travel	66	141	129	(12)
Other Services	15	10	11	1
Training	10	38	40	2
Supplies	10	12	13	1
Non-Personnel Services Subtotal	101	201	193	(8)
GRAND TOTAL	\$6,019	\$6,591	\$6,646	\$55
Associated FTE	41.1	43.6	43.6	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$63K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- A decrease of \$12K in Travel to fund other NPS expenses.
- An increase of \$1K in Other Services to support contracts for online research services.
- An increase of \$2K in Training for staff.
- An increase of \$1K in supplies for the staff.

Outcome Measures

In fiscal year 2013, OGC Ethics and Personnel Law's efforts yielded the following:

- Conducted multiple training sessions for OGC attorneys and HUD staff, including four-day comprehensive training conference on labor and employment law for OGC attorneys.
- Provided approximately 122 ethics training sessions for a total of 2,696 employees trained (including annual ethics training), and annual ethics training for the United States Interagency Council on Homelessness (USICH).
- Served as lead legal representatives in labor contract negotiations in the national contract negotiations and negotiations involving HUD transformative activities such as the Small Office Closure Project and Multifamily Transformation Initiative.
- Opened and represented the Department in more than 107 new personnel litigation cases before courts and administrative tribunals (Merit Systems Protection Board, Federal Labor Relations Authority, EEOC and arbitrators).
- Provided legal guidance to OCHCO and senior management on implementing furloughs resulting from sequestration including drafting furlough notices, serving on the management team that successfully bargained with AFGE over the impact and implementation of the furloughs, coordinating OGC's defense of 100+ employees' appeals and complaints of the furloughs; and facilitating resolution of union grievance over furloughs.
- Conducted first-ever ethics survey of HUD employees to obtain data on employees' ethics knowledge base and the Department's ethics culture. More than 2,400 employees responded to the survey and the survey was identified as a model practice by the United States Office of Government Ethics (OGE).
- Timely reviewed and certified 2522 Confidential Financial Reports and 169 Public Financial Disclosure Reports.
- Drafted amendment to Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development to clarify standards governing prohibited financial interests. Amendment was published and became effective October 15, 2013.
- Timely issued decisions on 40 FOIA appeals filed with HUD and on two Secretarial appeals filed on decisions issued by HUD's Administrative Law Judges.

Administrative Support Offices-Office of the General Counsel

Function Title: Legislation and Regulations

Function Description: Activities associated with the Legislation and Regulations function include providing legal advice to the entire Department on legislative and regulatory matters, responsibility for the coordination, clearance and issuance of the Secretary’s legislative agenda and regulatory agenda, providing legal and drafting assistance on legislation to help stabilize the housing market and increase employment opportunities. Staff in this function plays a key role in regulatory reform and make recommendations and assist in removing regulations that are obsolete, outdated, or overly burdensome and implementing regulations that protect taxpayer funds, but allow flexibility to grantees to the extent feasible.

Legislation and Regulations				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$2,261	\$2,447	\$2,472	\$25
Non-Personnel Services				
Travel	1	1	1	-
Other Services	5	3	3	-
Training	3	12	13	1
Supplies	3	4	4	-
Non-Personnel Services Subtotal	12	20	21	1
GRAND TOTAL	\$2,273	\$2,467	\$2,493	\$26
Associated FTE	15.7	16.7	16.7	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$25K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- An increase of \$1K in Training for OGC Legislation and Regulations staff training.

Outcome Measures

In fiscal year 2013, Legislation and Regulations’ efforts yielded the following:

- Drafted 87 HUD-initiated legislative proposals of which 9 were enacted into law, provided technical drafting services to members of Congress on 13 bills, provided statutory analysis on an additional 12 introduced bills, and reviewed 190

Administrative Support Offices-Office of the General Counsel

legislative proposals, reports, memoranda, testimonies and other documents circulated by OMB for interagency review, 82 of which had the possibility for impact on HUD operations and/or programs and HUD provided responses;

- Coordinated publication of 413 documents in the Federal Register, of which 212 were Paperwork Reduction Act notices, and 51 were notices of federal property availability for the homeless. Of the remaining number, 30 rules were drafted by the Legislation and Regulation Division of which 8 were extensively reviewed by OMB, and 4 drafted and published notices of regulatory waivers, and other notices of various types including advance notices of proposed rulemaking, notices of fair market rents, and similar notices;
- Processed 149 "directives" which consist of handbooks, mortgagee letters and direct notices; and
- Reviewed 38 notices of funding availability.

Function Title: Administrative Law

Function Description: OGC Administrative Law provides legal advice and counsel associated with the Environmental Law, Historic Preservation, Davis-Bacon and related Acts, Fiscal Law, Freedom of Information Act, Privacy Act, Lead Hazard Control, Sustainability, Policy Development and Research and General Administrative Law.

Administrative Law				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$2,866	\$2,228	\$2,368	\$140
Non-Personnel Services				
Travel	9	18	17	(1)
Other Services	5	3	3	-
Training	3	12	13	1
Supplies	3	4	4	-
Non-Personnel Services Subtotal	20	37	37	-
GRAND TOTAL	\$2,886	\$2,265	\$2,405	\$140
Associated FTE	19.9	15.2	16.0	0.8

Administrative Support Offices-Office of the General Counsel

FTE/Workload Summary & Summary of Change

- An increase of \$140K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, the pay raise, and an increase of 0.8 FTE to respond to increasing workload in providing clearances, guidance, assistance, and responses.
- A decrease of \$1K in Travel to fund other NPS expenses.
- An increase of \$1K in OGC Administrative Law staff training.

Outcome Measures

In fiscal year 2013, OGC Administrative Law function:

- Reviewed 469 Freedom of Information (FOIA) response packages.
- Reviewed 21 matters relating to the Privacy Act, such as data sharing agreements or Systems of Records Notices (SORNs).
- Reviewed 53 Memoranda of Understanding, Interagency Agreements or Delegations of Authority.
- Provided legal guidance, including drafting legal memoranda concerning 87 fiscal law related matters. Provided legal assistance concerning 14 administrative civil money penalty actions and judicial injunctive relief actions against landlords and management companies in violation of the disclosure requirements of the Residential Lead-Based Paint Hazard Reduction Act, resulting in two settlements, \$49,500 worth of lead abatement work in four properties, and \$10,500 in fines.
- Collected \$1,476,358 in debts owed to the Department.

Function Title: Procurement Law

Function Description: OGC Procurement Law provides all legal activities associated with HUD's processing of its procurement/contract functions including, but not limited to, providing legal advice; conducting legal reviews of pre award activities and post award activities; and handling resulting litigation.

Administrative Support Offices-Office of the General Counsel

Procurement Law				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$2,059	\$2,135	\$2,161	\$26
Non-Personnel Services				
Travel	17	36	33	(3)
Other Services	5	3	3	-
Training	3	12	13	1
Supplies	3	4	4	-
Non-Personnel Services Subtotal	28	55	53	(2)
GRAND TOTAL	\$2,087	\$2,190	\$2,214	\$24
Associated FTE	14.3	14.6	14.6	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$26K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there is no increase in FTE.
- A decrease of \$3K in Travel to fund other NPS expenses.
- An increase of \$1K in OGC Procurement Law staff training.

Outcome Measures

In fiscal year 2013, the OGC Procurement Law function yielded the following:

- In fiscal year 2013, OGC conducted approximately 142 procurement reviews involving all HUD program areas for over \$1.4 billion in contract actions. The outcome of this activity was 197 legal reviews including solicitation assistance, technical evaluation and award requests, and contract administration requests which served HUD Goal #5 – achieve operational excellence by improving, planning, processes, accountability and transparency and also by developing and using customer feedback mechanisms;
- Handled 20 protests filed at the GAO;
- Handled three agency level bid protests;
- Handled five bid protests at the U.S. Court of Federal Claims (COFC);
- Handled three claims filed at U.S. COFC, including obtaining \$44,000 in damages on a fraud counterclaim; and
- Conducted 27 Technical Evaluation Panel reviews.

Administrative Support Offices-Office of the General Counsel

Function Title: Litigation

Function Description: Provides all activities associated with the conduct of litigation to include, but not limited to, preparing answers to complaints, motions to dismiss and motions for summary judgment; issuing litigation holds; preparing administrative records; propounding and responding to discovery, including document requests, interrogatories, requests for admission, expert reports and depositions; participating in hearings and trials; preparing appeals and petitions for certiorari; preparing requests to intervene and participating as amicus curie. OGC represents the Department in federal and State Court litigation and responds to requests for Departmental documents or employee testimony when HUD is not a party to the litigation.

Litigation				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$7,718	\$8,522	\$8,437	(\$85)
Non-Personnel Services				
Travel	39	84	77	(7)
Other Services	19	13	13	-
Training	13	48	51	3
Supplies	13	15	17	2
Non-Personnel Services Subtotal	84	160	158	(2)
GRAND TOTAL	\$7,802	\$8,682	\$8,595	(\$87)
Associated FTE	53.6	58.1	57.0	(1.1)

FTE/Workload Summary & Summary of Change

- A decrease of \$85K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, the pay raise, and a 1.1 decrease in FTE due to attrition.
- A decrease of \$7K in Travel to fund other NPS expenses.
- An increase of \$3K in Training to support staff skill gaps.
- An increase of \$2K in Supplies to support the Litigation staff.

Outcome Measures

In fiscal year 2013, OGC’s Litigation function opened 103 new defensive cases, defending in excess of \$134,874,888 in alleged claims against the Department.

Function Title: Native American Programs

Function Description: All activities associated with providing legal guidance and services in connection with the Office of Public and Indian Housing’s management of programs for Native Americans including, but not limited to, the Indian Housing Block Grant Program, the Section 184 Indian Home Loan Guarantee Program, the Indian Community Development Block Grant Program, and the Native Hawaiian Housing Program; and Legal advice and counsel for Indian CDBG grants, Indian Housing Block Grants, Native Hawaiian Housing Block Grants, Recovery Act Programs, Section 184 and Section 184A.

Native American Programs				
(Dollars in Thousands)				
	FY 2013	FY 2014	FY 2015	FY 2014 to FY 2015
Personnel Services	\$634	\$441	\$444	\$3
Non-Personnel Services				
Travel	3	5	5	-
Other Services	1	1	1	-
Training	1	2	3	1
Supplies	1	1	1	-
Non-Personnel Services Subtotal	6	9	10	1
GRAND TOTAL	\$640	\$450	\$454	\$4
Associated FTE	4.4	3.0	3.0	0.0

FTE/Workload Summary & Summary of Change

- An increase of \$3K in Personnel Services assumes a nominal increase in funding for promotions, grade increases, and the pay raise, though there’s no increase in FTE.
- An increase of \$1K in Training to support staff skill gaps.

Outcome Measures

- Work with attorneys and program staff from other agencies on various issues important to the Department including:
The implementation of the long awaited and very controversial Bureau of Indian Affairs leasing regulations in our Indian programs;
- The development and publication of a HUD notice on accessing GSA supply sources that has allowed tribes and Tribally Designated Housing Entities to save significantly on procuring goods and services; and
- OGC advice (working with other lawyers and program offices) led to publication of a public housing/Section 8 PIH Notice that addresses the proper treatment of payments received by Indian families pursuant to the Cobell settlement and various Tribal Trust Settlements that the United States entered into recently.