



October 4, 2021

PH PROGRAM NEWS

OPHI Posts Submission Schedule for Mixed-Finance Projects Closing This Year

HUD’s Office of Public Housing Investments (OPHI) has posted a [memorandum](#) dated September 20, 2021, which establishes the due dates for mixed-finance projects that need to close before the end of the calendar year. There are two key dates on the schedule:

- October 29, 2021, the deadline for submitting a development proposal
- November 12, 2021, the deadline for submitting final, unexecuted evidentiary materials

In addition to setting these deadlines, the memorandum encourages PHAs to submit both sets of materials before the due dates. You’ll find a link to the memorandum on the [mixed-finance public housing webpage](#).

GENERAL NEWS

HUD Publishes 2022 OCAFs

Today in the Federal Register, the Department of Housing and Urban Development ([HUD](#)) published a [notice](#) establishing operating cost adjustment factors (OCAFs) for project-based assistance contracts for eligible multifamily housing projects with anniversary dates on or after February 11, 2022. OCAFs are used to adjust Section 8 rents renewed under Section 524 of the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA).

HUD Publishes Annual Performance Plan for FFY 2022

HUD has released a [56-page document](#) that contains its annual performance plan for the next federal fiscal year (FFY 2022). The document allows readers to identify HUD’s FY 2022 performance targets, relative to HUD’s priorities and stewardship of public resources. According to the report’s introduction:

HUD’s mission is to create strong, sustainable, inclusive communities and quality affordable homes for all. HUD is working to strengthen the housing market to bolster the economy and protect consumers, meet the need for quality affordable rental homes, utilize housing as a platform for improving quality of life, build inclusive and sustainable communities free from discrimination, and transform the way HUD does business.

You’ll find a link to the document on [this page](#) at the [HUD website](#).

DOJ Settles Disability Discrimination Suit against Construction Company and Related Entities in NC and SC

In a [press release](#) last Thursday, the Department of Justice ([DOJ](#)) announced that it has reached an agreement to resolve a lawsuit alleging that a construction company and several related entities violated the [Fair Housing Act](#) and the [Americans with Disabilities Act](#) by failing to build 46 multifamily housing complexes in North Carolina and South Carolina with the required accessible features for people with disabilities. According to the announcement, all the complexes at issue were built with financial assistance from the federal government’s low-income housing tax credit program.

Under the settlement, which must be approved by the U.S. District Court for the Eastern District of North Carolina, defendants will pay all costs related to the retrofits, \$275,000 into a settlement fund to compensate individuals harmed by the inaccessible housing, and a civil penalty of \$25,000 to the government. The defendants will, among other things, replace steeply sloped walkways and install new walkways to help residents reach units, amenities, mailboxes and entrances to the properties, remove obstacles from pedestrian pathways, and widen doorways and modify bathrooms so they are accessible for individuals who use wheelchairs. The settlement also requires the defendants to receive training about the Fair Housing Act and the Americans with Disabilities Act to take steps to ensure that their future multifamily housing construction complies with these laws and to provide periodic reports to the Justice Department.

The Fair Housing Act prohibits discrimination on the basis of disability. The Act also requires housing built after March 1991 to contain accessible features for persons with disabilities. Failure to meet these standards it is considered unlawful discrimination. Likewise, the ADA protects individuals with disabilities from discrimination in public accommodations.



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