



June 29, 2020

PH PROGRAM NEWS

PIH Posts Explanation of July, August, and September Obligations

HUD’s Office of Public and Indian Housing ([PIH](#)) has [posted a document](#) explaining public housing operating fund obligations for July, August, and September 2020. According to the document, July, August, and September obligations are based on the actual eligibility as identified in the 2020 operating subsidy forms, which PHAs may view in the [operating fund web portal](#). All operating subsidy obligations are cumulative, meaning that public housing projects are provided funding in the amount of ninth twelfths of prorated eligibility. As such, to the extent that excess amounts were cumulatively obligated to a project previously, its current obligation will reflect a relative decrease. To the extent that insufficient amounts were cumulatively obligated to a project previously, its current obligation will reflect a relative increase.

The document also states that the Department undertakes a conservative methodology in determining proration levels prior to a determination of final eligibility. Because the [CARES](#) Act specified that supplemental operating funds would be added to normally appropriated operating funds, the CARES Act funds are included in the proration rate calculation. For the three months of funding, the Department considered 2020 interim eligibility to provide for an interim proration level of approximately 111.31%. The final proration will reflect the difference in the amount of the actual eligibility for final approved PHA subsidy requests and the normal 2020 Appropriation Act and the CARES Act. HUD plans to make this round of funding available through eLOCCS no later than July 1, 2020. The next round of funding is expected to be available in eLOCCS by October 1, 2020.

GENERAL NEWS

HUD Settles Discrimination Case against Alabama Housing Authority

In a [press release](#) Friday, the Department of Housing and Urban Development ([HUD](#)) announced that it has reached a [voluntary compliance agreement](#) (VCA) with a public housing authority in Alabama. The VCA settles allegations that the PHA maintained discriminatory housing practices in three of its senior properties.

[Title VI of the Civil Rights Act of 1964](#) prohibits discrimination on the basis of race, color, and national origin in programs and activities receiving federal financial assistance. In addition, the [Fair Housing Act](#) makes it unlawful to discriminate in the rental or sale of housing and in other housing-related transactions because of national origin, race, color, religion, sex, familial status, or disability.

The case began when HUD conducted a compliance review to assess the PHA’s compliance with Title VI. As a result, HUD identified discrimination in the PHA’s rental policies, waiting lists, and transfer requests with regard to its senior residents. Specifically, HUD’s review revealed that the PHA discriminated against elderly black applicants who applied for housing at more desirable properties by repeatedly skipping over them on the waiting list, even though they were next to receive a unit. Black applicants were also steered to less desirable units at one of the PHA’s racially and ethnically concentrated properties.

Under the terms of the [agreement](#), the PHA will:

- Pay \$200,000 in damages by creating a victims’ fund and providing direct compensation to the residents harmed by its discriminatory practices
- Update its policies relating to its waiting and transfer lists and evictions
- Train current and new employees who have contact with applicants or residents about Title VI, the Fair Housing Act, and other applicable civil rights requirements, with a specific emphasis on discrimination based on race, color, and national origin
- Ensure meaningful access to its programs and activities to individuals with limited English proficiency, including providing interpretation and translation services for those who visit, write, or call the PHA

HUD Charges Georgia Housing Providers with Disability Discrimination

In a [press release](#) Friday, HUD announced that it has [charged](#) the owners and property manager of an apartment complex in Georgia with discrimination for allegedly refusing to grant the reasonable accommodation request of a resident whose son has severe asthma. Specifically, HUD’s charge alleges that the housing providers denied a mother’s request to move to another apartment after mold, mildew and other water damage caused by repeated flooding in her apartment began to affect her son’s health.

The [Fair Housing Act](#) prohibits housing providers from denying or limiting housing to people with disabilities, or from refusing to make reasonable accommodations so that those with disabilities can reasonably use and enjoy their housing. This includes permitting residents with disabilities to move to another apartment when their disabilities make it necessary.

According to the press release, HUD’s charge alleges that the resident’s apartment flooded five times, causing the buildup of mold and mildew. As a result, one of the mother’s minor sons developed increasingly severe asthma symptoms that required multiple treatments by a specialist, including surgery. The mother requested to move to another unit because her son’s medical condition was getting worse due to the conditions in their unit, but the property manager denied her request.

HUD’s charge will be heard by a United States administrative law judge unless any party to the charge elects to have the case heard in a federal district court. If an administrative law judge finds after a hearing that discrimination has occurred, he or she may award damages to the family for harm caused by the discrimination. The judge may also order injunctive relief and other equitable relief, as well as payment of attorney’s fees. In addition, the judge may impose fines to vindicate the public interest. If the matter is decided in a federal court, the judge may also award punitive damages.



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Nan McKay & Associates 1810 Gillespie Way Suite 202 El Cajon CA 92020 United States
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