

# NAHMA News

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

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## NAHMA Advocates Revisions To Previous Participation Proposed Rule

The Department of Housing and Urban Development (HUD) published a proposed rule in the Aug. 10 *Federal Register* that would revise the department's regulations for reviewing the previous participation in federal programs of certain participants seeking to take part in multifamily housing and health care programs administered by HUD's Office of Housing.

In written comments submitted in October, NAHMA applauded HUD's efforts to revise and streamline the so-called "2530" regulations and noted that there are a number of positive concepts set forth in the preamble, including

**NAHMA said that since so many concepts and details were not presented for review and comment in the proposed rule, HUD should reissue a revised proposed 2530 rule before proceeding to final rule making.**

minimizing burdens for HUD and its program participants and reducing the number of respondents who must file as participants.

However, NAHMA stated, the text of the rule rather than the preamble will control how HUD actually regulates the policy, and there were disconnects between assertions made in the preamble and the proposed regulations. The association pointed out the regulations include many open-ended, catch-all categories, which are overly broad and ambiguous, and may actually increase burdens on a number of participants.

### **STILL QUESTIONS THAT NEED ANSWERS**

Overall, most of NAHMA's comments focused on the need for more information on various parts of the proposed rule. For example, the proposed rule states that the commissioner's review shall consider undefined "general business practices and other factors" in determining whether a controlling participant is expected to operate a covered project in a manner consistent with HUD's purposes. How-

*continued on page 4*

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## Still Time To Get Involved

CONGRESS APPROVED A BUDGET deal in late October that keeps the automatic budget cuts known as sequestration off the table through 2017. And while this is a good thing, the devil is in the details as they say.

The deal increases the total funding available to discretionary programs in fiscal year 2016 by \$50 billion and by \$30 billion in FY 2017, split evenly between defense and domestic programs. But the actual amounts earmarked for affordable housing programs were yet to be hammered out by the congressional appropriations subcommittees as we went to print. So, while we can exhale a slight sigh of relief, we still need to advocate for full funding Project-Based Section 8, Housing Choice Vouchers, HOME Investment Partnerships and Section 521 Rural Rental Assistance in the federal FY 2016 budget.

NAHMA encourages members to visit the Grassroots Advocacy section on its website, [www.nahma.org](http://www.nahma.org). The Advocacy Toolkit page provides easy-to-use tools for participating in grassroots advocacy including frequently asked questions, best practice, tips for congressional visits, legislative priorities and talking points and, in partnership with Congressional Management Foundation (CMF), short how-to videos ranging from building relationships to strategies for influencing undecided lawmakers.

### SUCCESSFUL FALL MEETING

NAHMA wrapped up its annual meetings with the Regulatory Issues fall meeting in October, which drew more than 150 affordable housing professionals to Washington, D.C., to hear the latest updates from Department of Housing and Urban

Development (HUD) and other government officials. Additionally, attendees took part in a special presentation and problem-solving panel featuring Manikandan KP, a consultant for Housing for All at Ashoka, and heard keynote speaker Kevin Coupe explain how movies can teach you about leadership, marketing and surviving the workplace. To read more about the annual meeting, see page 17.

### CELEBRATING COMMUNITIES

NAHMA has received more than 30 entries for the 2015 Communities of Qualities Awards. Judging has taken place, and we will be announcing the winners in the next January/February issue of NAHMA News. The winners will be honored at the Federal Affairs Issues winter meeting, March 6-8, 2016. Look for the online meeting registration to open in late December.

### SUPPORT BUDDING ARTISTS

Finally, now is the time to celebrate the people who make up our wonderful communities by ordering a 2016 NAHMA Drug-Free Kids Calendars.

The calendars feature outstanding original artwork by children, seniors, and adults with special needs living in affordable multifamily housing. This year's contest celebrated community spirit with its theme and subtheme, Our Hands Are United: Reach Out and Be a Good Neighbor. To learn more about this special calendar, see page 22.

The cost is \$5.50 per calendar, which is a HUD and U.S. Department of Agriculture allowable project expense. **NN**

Kris Cook, CAE, is executive director of NAHMA.

ever, the proposed rule did not specify how HUD intends to determine whether controlling participants have control over the finances or operation of a covered project, and depending on how HUD decides to define such a term, this could result in a large number of individuals and entities that are considered to be controlling participants, NAHMA commented. Additionally, HUD has not specified how far back it will look when evaluating the previous participation record of controlling participants. NAHMA said it sees no reason for HUD to depart from the 10-year period specified in the existing regulations.

NAHMA pointed out the preamble suggested that additional guidance will follow the proposed revision to the rules, but it did not specify how or when such

ter, 5 CFR § (a)(1)(C) and (D).

Furthermore, presumably uninsured properties whose sole contact with HUD involves a Section 8 Housing Assistance Payments Contract would not be subject to any such requirements set forth in a mortgagee letter. NAHMA said the department has not indicated how it proposes to regulate such uninsured properties if its chosen vehicle to elaborate on its regulatory scheme is not applicable to a sizeable segment of the HUD-assisted industry.

### **REQUESTING SEVERAL CLARIFICATIONS**

In its comments, NAHMA noted it supports allowing high-volume participants to submit a 2530 once annually, with HUD providing preapproval of

preamble's claims that the proposed rule would "greatly streamline" HUD's previous participation review process, HUD's intention to "tailor" requested information to specific applicants contradicts that claim. Regulations cannot be so flexible that they risk invalidation on the grounds that they are void for vagueness, said NAHMA.

Because there are so many vague and undefined terms in the proposed 2530 regulations, NAHMA concluded it was premature to consider a final rule as the next step in the process, and said that HUD may violate the Administrative Procedures Act if it neglects to provide the public a meaningful opportunity to review and comment on the forthcoming revisions. The association recommended HUD revise and elaborate on



**HUD may violate the Administrative Procedures Act if it neglects to provide the public a meaningful opportunity to review and comment on the forthcoming revisions.**

guidance will be issued. It is unclear if the department intends to issue additional regulations or whether it will utilize notices or other guidance to set forth HUD policy and specify procedural requirements.

In a Sept. 16 HUD teleconference regarding the proposed rule, HUD staff said that the department intends to issue at least one mortgagee letter to elaborate on concepts not covered in the rule text. However, mortgagee letters are not subject to the Administrative Procedure Act, lack notice and comment opportunities, and should not be used as a substitute for formal rule making, NAHMA's comments pointed out.

The Administrative Procedures Act requires that all rules of procedure, all substantive rules of general applicability and statements of general policy or interpretation of general applicability must be published in the *Federal Regis-*

the participant for the coming year. However, the proposed rule said that HUD "requires participants to complete a Form 2530 for each project regardless of the number of Forms 2530 each participant completed in the recent past, regardless of how many projects the participant is involved in each year, and regardless of whether the participant is a well-established, experienced institutional entity already familiar to HUD."

NAHMA said the challenge with the 2530 process has always been the inconsistency from HUD office to HUD office on the review of the previous participation and what and when a 2530 review needs headquarters' approval or not. The regulation is unclear as to whether the review policy will be consistent.

In reference to the preamble Section III, Regulatory Flexibility Act, NAHMA pointed out that despite the

the proposed rule before final publication. Additionally, NAHMA said that since so many concepts and details were not presented for review and comment in the proposed rule, HUD should reissue a revised proposed 2530 rule before proceeding to final rule making.

NAHMA also noted that entities with large portfolios and many institutional investors need the speed of electronic transfer capabilities of the Active Partner Performance System (APPS). The association said that while the department is taking this opportunity to revamp the entire 2530 process, it hoped HUD also included updates to the technology that supports the previous participation file and review process.

NAHMA's comments in their entirety can be found on the HUD Issues webpage under the Agencies tab at [www.nahma.org](http://www.nahma.org). **NN**



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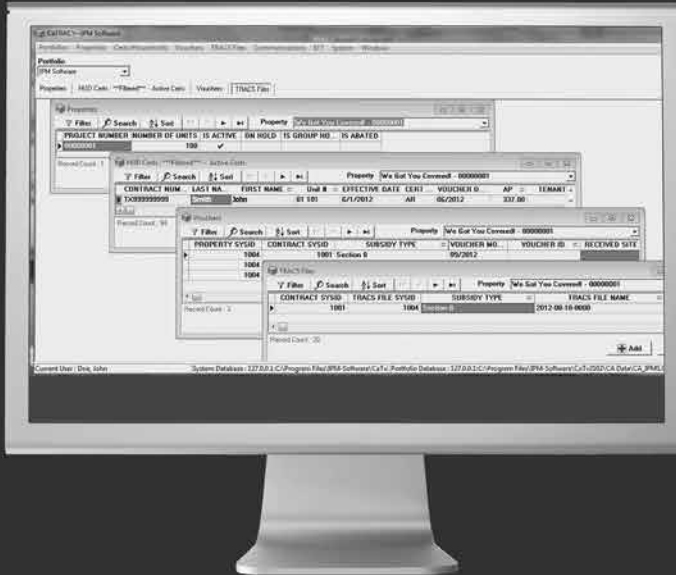
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# Helping End Veteran Homelessness

ON NOV. 5, FIRST LADY MICHELLE Obama released a video to landlords, encouraging them to help communities across the country end veteran homelessness. The first lady stated, "You all have the power to open doors for vets, and give them the stability they deserve, and help our country solve an issue that has been swept under the rug for far too long." Outreach to landlords is the latest action, led by the U.S. Interagency Council on Homelessness (USICH), which is a partnership of 19 federal agencies, including the U.S. Department of Housing and Urban Development (HUD) and the Department of Veteran Affairs (VA). USICH oversees the Obama administration's goal to end veteran homelessness by 2015. NAHMA, in November, participated on a conference call with HUD representatives on their current efforts to end veteran homelessness. On the call, HUD representatives highlighted two key initiatives:

**Interagency Landlord Engagement Campaign:** An interagency effort to increase landlord participation in the HUD-Veterans Affairs Supportive Housing (HUD-VASH) program.

**Creating a Homeless Preference:** HUD recently released the Opening Doors through Multifamily Housing: Toolkit for Implementing a Homeless Preference, a guide designed to facilitate community involvement and successful implementation of a homeless preference. The guide is available on the NAHMA HUD Issues webpage.

In addition to the HUD activities, other important actions were highlighted in a recent National Housing Conference (NHC) blog post, *Eight Actions to Help End Homelessness*

Among Veterans, by Michael Taylor, director, VA Homeless Veterans Outreach & Strategic Communications. Taylor provided several actions that assist organizations to "lend support, resources and voices to this cause":

**1. Connect veterans to VA.** If you encounter veterans who are homeless or at imminent risk of becoming homeless, encourage them to call or visit their local VA medical center, where staff are ready to assist. Veterans and their families can also access VA services by calling 1-877-4AID-VET (1-877-424-3838). For more information, visit <http://www.va.gov/directory/guide/>.

**2. Make a commitment.** If you're not already doing so, set aside housing units each year for veterans who are homeless. Agree to house veterans both eligible and ineligible for HUD-VASH vouchers and supportive services.

**3. Help with veterans' security deposits and move-in costs.** Even though many veteran clients have a HUD-VASH voucher, it can be hard for them to come up with the money to move in and buy furniture. Join with community partners such as Veterans Matter that raise funds to help veterans secure first and last months' rent, security deposits and move-in essentials so they can exit homelessness quickly and make their house a home. For more information, visit <http://veteransmatter.org>.

**4. Work with the VA Voluntary Service office at your local VA medical center.** Find or enlist other organizations in your area to provide security deposits, furniture, cookware and other move-in essentials for veterans exiting homelessness. For more information,

visit the VA Voluntary Service (VAVS), <http://www.volunteer.va.gov>.

**5. Participate in a Stand Down.**

Stand Down connects veterans in need with supplies and services that often lead to permanent housing. Consider contacting your area organizer to find out how to volunteer. For more information, visit <http://www.va.gov/homeless/events.asp>.

**6. Work with VA to recruit and hire veterans exiting homelessness.** Contact your local community employment coordinator at [va.gov/HOMELESS/cec-contacts.asp](http://va.gov/HOMELESS/cec-contacts.asp) to find out if job-ready veterans exiting homelessness in your area have skills that fit your job openings.

**7. Start a conversation.** Keep the issue of ending veteran homelessness front and center on social media. Discuss your organization's work in ending veteran homelessness on social media and encourage your members to share their many stories of success in housing veterans who are homeless. For more information, visit <http://www.va.gov/opa/socialmedia.asp>.

**8. Get involved in other ways.** Explore VA's Ending Veteran Homelessness website to learn about programs for veterans who are homeless and visit the Get Involved page to download outreach toolkits and information and share them with others. And be sure to check out the NHC Center for Housing Policy's June 2015 report on tailoring housing services for a diverse veteran population. For more information, visit <http://www.va.gov/homeless/>.

Please visit the NAHMA webpage for more information on how you join the effort to end veteran's homelessness. **NN**  
*Larry Keys Jr. is director of government affairs for NAHMA.*

## The Long Road Ahead Advocacy Efforts Must Address Appropriated Housing Programs

### HOW FAR WE HAVE COME.

WHEN I consider the current political disposition of the Low-Income Housing Tax Credit (LIHTC) and affordable housing in general, I can't help but think back to our industry efforts almost 20 years ago, when a much different Congress was contemplating ending the tax credit program. Back then, our House champion, Congresswoman Nancy Johnson (R-CT), and four of her Republican colleagues on Ways and Means stood up for the LIHTC and beat back the sunset effort by then-chairman Bill Archer (R-TX). It was a significant victory for an industry just getting its advocacy legs underneath it, which led to our subsequent success—an increase in the LIHTC credit cap.

Spring forward to today, and you find an advocacy machine that's cultivated congressional support that includes a majority of Ways and Means Republicans and Democrats and the chairpeople and ranking members of both tax-writing committees. Where once our industry found itself fighting for the very existence of the LIHTC, we now work with Republican leadership on how to strengthen and build upon the program.

Perhaps the most specific example of how far we've come was the support for the LIHTC by former Speaker of the House John Boehner (R-OH), who had not only spoken eloquently

about the impact of the program on his constituents but also had a grasp of the social and economic effect of affordable housing. His support meant much to our recent successes, which is why the environment that led to his expedited resignation gives us reason for concern.

Although we celebrate the success we've had in advocating for the LIHTC, while keeping an eye on pending tax reform, we're very concerned about the

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appropriated programs that work in tandem with the tax credit and without which the production and rehabilitation of affordable housing would be almost impossible.

The departure of Speaker Boehner is significant in that support within the Republican conference, at a time of continued budget cutting, is pivotal to our efforts to sustain and restore much-needed funding for HOME, Section 8, Community Development Block Grants, and the other programs that make up a significant portion of affordable housing support.

This funding is part of the discretionary spending in the budget that includes defense and nondefense programs. In 1965, the discretionary portion of the

budget was 66 percent of all spending. In 2014, this portion of the budget was down to 33 percent, and projections have it declining to 24 percent in 2024.

Magnifying the cuts in discretionary funding is sequestration, which resulted from the Budget Control Act of 2011. If not repealed, the body blow of sequestration, in combination with the "Washington has a spending problem" mentality, could render our impres-

sive industry advocacy mute as we see resources for housing and community development further whittled away.

Our industry as a whole must convince Congress it has pierced the floor of support for housing and that the public side of our public-private partnership must restore, if not increase, its investment in their communities. **NN**

*David Gasson is executive director of the Housing Advisory Group and vice president and director at Boston Capital. He can be reached on Twitter @dsgasson or through email, DGasson@bostoncapital.com.*

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# Coalition Comments on Proposed Fair Market Rates

**N**AHMA was one of eight industry organizations that submitted joint comments to the Department of Housing and Urban Development (HUD) regarding its fiscal year 2016 Proposed Fair Market Rents (FMRs) for the Housing Choice Voucher (HCV) Program and the Moderate Rehabilitation Single Room Occupancy Program.

The primary uses of FMRs are to determine payment standards for the HCV program, to determine initial renewal rents for some expiring Project-Based Section 8 contracts, to determine initial rents for housing assistance payment contracts in the Moderate Rehabilitation Single Room Occupancy program, and to serve as rent ceilings in the HOME program.

HUD's notice provided proposed FY 2016 FMRs for all areas that reflect the estimated 40th and 50th percentile rent levels trended to April 1, 2016. The FY 2016 FMRs are based on five-year data collected by the American Community Survey (ACS) from 2009 through 2013. The proposed FY 2016 FMRs incorporate a change in the level of statistical reliability that is allowed for an ACS estimate to be used in the calculation of FMRs. Previously, if the error of the estimate was less than the estimate itself, HUD used the estimate. The proposed FMRs use ACS estimates where the size of the error is limited to half of the estimate. An additional change to the proposed FY 2016 FMRs is the incorporation of the Feb. 28, 2013, Office of Management and Budget (OMB) metropolitan area definition update based on the 2010 Decennial Census data. The 2013 ACS data are the first to

use the new area definitions in the compilation of the ACS data.

The comments applauded HUD's efforts to improve reliability regarding FMR estimates, thereby decreasing the amount of year-to-year fluctuations that occurred this fiscal year when compared to last year, as well as HUD's continued usage of 50th percentile rents instead of a switch to Small Area Fair Market Rents (SAFMRs).

In 2014, the group expressed concern, in regards to the FY 2015 FMRs, about the statistical reliability of the methodology employed to estimate FMRs. At the time, the concern centered on procedures HUD could implement to reduce the number of large year-to-year fluctuations in FMRs. The most recent comments said, that while a 50 percent margin of error is still large, the group appreciated that HUD had made an effort to improve reliability of fair market rent estimates.

The comments encouraged HUD to publish information, as noted in a July 2015 comment letter, regarding the Small Area FMR Demonstration found in HUD's 2013 Cityscape (Volume 15, Number 1) prior to moving forward to the proposed rule phase. Additionally, the group encouraged HUD to provide industry stakeholders an opportunity to review the demonstration's findings ahead of any proposed rule public comment period.

Finally, the group commended HUD on adding additional details regarding what is necessary to file a FMR appeal, as well as the continued delivery of an Excel file that allows stakeholders to easily analyze proposed FMRs. **NN**

## Congress Approves Two-Year Budget Deal

Late October, the Senate passed a two-year budget deal that suspends sequestration and raises the debt ceiling. The deal was approved in a 64-35 vote. The Senate's passage of the agreement came after the House of Representatives passed the deal, with a 266-167 vote.

The budget deal suspends the federal borrowing cap until March 16, 2017, and grants funding relief to spending caps previously set by the sequester provision of the 2011 Budget Control Act. It provides an additional \$80 billion in funding over the next two years. Specifically, the deal increases the total funding available to discretionary programs in fiscal year 2016 by \$50 billion and by \$30 billion in FY 2017, split evenly between defense and domestic programs. The deal also provides additional funding for the Overseas Contingency Operations fund, which is used to finance military operations against the Islamic State group in Iraq and Syria and operations in Afghanistan.

At press time, the respective congressional appropriations committees had begun distributing the additional spending authority to each of the appropriations subcommittees so they could rewrite their funding bills based on the new levels. NAHMA will continue to advocate that Congress should fully fund all affordable housing programs, specifically renew all project-based rental assistance contracts, both for the Department of Housing and Urban Development and Department of Agriculture's Rural Housing, restore HOME funding, and provide sufficient funding for the Housing Choice Voucher program. Grassroots advocacy alerts, targeted at funding levels for housing programs, will be provided to members. **NN**

# Modernizing Housing Assistance

**N**AHMA submitted comments in November to Rep. Jeb Hensarling (R-TX), Financial Services Committee chairman, in response to his call for public comment on how best to fight the problems of poverty and housing affordability in America.

“Simply put, we must reform and innovate how we provide assistance for housing in the 21st century or we will continue to fail the very people who are in most need of our help. That is why I am calling on all interested advocates, organizations and ordinary citizens to join the effort to modernize the delivery of federal housing assistance and submit their ideas on how to restructure and rebuild [Department of Housing and Urban Development] HUD for today’s generation,” Hensarling said in a press release.

NAHMA’s comments focused on restructuring HUD to maximize its organizational efficiency; innovative approaches to address housing affordability that respect individual rights and promote individual responsibility; methods of targeting housing assistance to address generational cycles of poverty; and examples of successful implementation of such proposals at the local, national, or international level.

## RESTRUCTURING HUD

NAHMA made two recommendations: Upgrade/modernize HUD’s information technology (IT) systems, and establish a uniform federal standard for income certification procedures for all federal program mixed-financed properties.

Regarding HUD’s IT systems, NAHMA noted that in April 2013,

HUD began a series of restructuring and systemic changes within its Office of Multifamily Housing Programs and the Office of Field Policy and Management. The plan involved streamlining Multifamily’s organization in its Washington, DC, headquarters and consolidating its 50 state field offices into 10 offices, which will report to five hubs. Throughout the transformation initiative, NAHMA has worked with HUD to ensure that owners and management agents (O/As) engaged in Project-Based Section 8 contracts would continue to have reliable communication

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and service from HUD staff.

However, according to NAHMA’s comments, members have experienced many challenges when seeking assistance from their HUD field offices and/or hubs, largely due both to HUD’s lack of clarity as to newly assigned HUD project managers, as well as outdated systems. To address these issues, NAHMA recommended the committee direct HUD to implement adequate IT upgrades and resources to ensure efficient communication and business practices between agency staff and industry.

As for income certifications for federal program mixed-financed properties, NAHMA said the programs require owners and managers to complete separate income certifications that verify the eligibility of the tenants living in affordable housing. In some cases, these certifications determine tenants’ share of the rent.

NAHMA recommended that a uniform federal standard for income certification procedures should be imposed. Moreover, technology already exists that allows the owner/agent to submit data all at once electronically, and this data should be acceptable to all federal agencies, NAHMA said.

The association reasoned income certifications for both HUD multifamily subsidies and LIHTC properties serve the same purposes, yet there are a variety of differences between the certifications. As examples, rules often differ with regard to rounding amounts

to the nearest dollar, and the extent of certified income expenses for medical or child support payments vary. Another obstacle presented to housing providers is the wide variety of forms that are used in income certification. Under the LIHTC structure, NAHMA said, the rules and income certifications are delegated to the states, whereas HUD uses its own forms and procedures for its programs. Thus, property managers must maintain separate and parallel files to ensure compliance with all of the applicable regulatory schemes.

NAHMA estimated that implementing a uniform federal standard for income certifications would generate a net savings to the federal government of \$129 million over a 10-year period.

## OTHER RECOMMENDATIONS

Also in its comments, NAHMA suggested expanding access to voluntary



tenant service programs in multifamily housing programs.

To achieve the goal of addressing housing affordability and promoting individual responsibility, NAHMA said the committee should consider legislation which would extend job training programs found in public housing and voucher programs to programs administered by the Office of Multifamily Housing. For example, the Family Self-Sufficiency (FSS) program is the primary federal program for increasing employment and earnings and reducing reliance on government subsidies among recipients of housing subsidies. Until recently, FSS was limited to the recipients of Public Housing and House Choice Vouchers subsidies.

NAHMA recommended the program be expanded to all rental assistance programs, on a voluntary basis.

In addition to the FSS program, the association also recommended providing access to service coordinators for senior and disabled populations. As the national population continues to age, access to essential services will be central to all housing programs, NAHMA reasoned. Increased and stable funding is needed to support the current service coordinator program, particularly in Section 202/811 Project Rental Assistance Contract (PRAC) and tax credit properties, NAHMA said. In some instances, it's difficult to obtain a service coordinator program when a PRAC property doesn't have the funds

to support the program. The current funding level that is provided by HUD either through the property's operating funds or grants may not always support a full-time person, especially when funded by operating funds and tax credits. Overall, the salaries for these positions are very low whether the program is funded by a grant or operating funds, NAHMA said.

As examples of successful affordable housing programs, NAHMA highlighted a number of 2015 Vanguard Award winners, Park 7 Apartments, Washington, D.C.; Valley Brook Village, Basking Ridge, N.J.; Glenark Mills/Glenark Oaks, Woonsocket, R.I.; Voke Lofts, Worcester, Mass.; and The Commons at Imperial Hotel, Atlanta, Ga. **NN**

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# Housing Bills Have Three Chances to Pass Congress

**T**here are three housing bills tracking through the Senate on three different paths simultaneously. Each bill, The Preservation Enhancement and Savings Opportunity Act of 2015; the Private Investment in Housing Act; and the Tenant Income Verification Relief Act, were first introduced as individual bills. Then in October, Rep. Blaine Luetkemeyer (R-MO), chairman for House Financial Services Subcommittee on Housing and Insurance, introduced H.R.3700, the Housing Opportunity through Modernization Act of 2015. This bill combined numerous previously proposed changes to improve rental assistance programs. About two weeks later, House Financial Services Committee Chairman Jeb Hensarling (R-TX) rolled the three bills, along with other housing-related measures, into an amendment to H.R.22, the DRIVE Act.

While the DRIVE Act is a large transportation bill, the amendment offered by Hensarling included provisions from several housing bills that had already

passed the House of Representatives individually but had not been passed in the Senate. These bills include:

■ H.R.1047, the Housing Assistance Efficiency Act, introduced by Rep. Scott Peters (D-CA). This bill amends the McKinney-Vento Homeless Assistance Act to allow—in addition to a state, local government or public housing agency—a private nonprofit organization to administer permanent housing rental assistance provided through the Continuum of Care Program. H.R.1047 originally passed the House in July of 2015.

■ H.R.2997, the Private Investment in Housing Act, introduced by Rep. Dennis Ross (R-FL) on July 9. This bill provides the Department of Housing and Urban Development (HUD) with the authority to establish a demonstration program and enter into budget-neutral, performance-based agreements that result in the reduction in energy or water costs for multifamily housing properties. H.R.2997 was passed in House with a recorded vote of 395-28 on July 14, but it did not advance past

the Senate Banking, Housing and Urban Affairs Committee.

■ H.R.233, the Tenant Income Verification Relief Act, introduced by Rep. Earl Perlmuter (D-CO) on Jan. 8. This bill seeks to allow tenants on a fixed income to have their income certified and/or verified once every three years rather than annually. H.R.233 would help streamline and reduce the burdens placed on tenants for purposes of determining their eligibility for certain federal assistance housing programs, including seniors and other individuals and families who consistently maintain a fixed income. The bill passed the House, but it too did not advance past the Senate Banking, Housing and Urban Affairs Committee.

■ H.R.2482, the Preservation Enhancement and Savings Opportunity Act, introduced by Rep. Erik Paulson (R-MN) on May 20. This bill would amend the Low-Income Housing Preservation and Resident Homeownership Act of 1990 (LIPRHA) to allow owners, including nonprofits, of multifamily developments access to remaining profits after all oper-



## Improving Section 3 Modernization and Improvement Act of 2015

**ON OCT. 7, REP. NYDIA VELÁZQUEZ (D-NY) introduced the Section 3 Modernization and Improvement Act of 2015 (H.R.3697). The bill aims to increase enforcement and congressional oversight of Section 3 of the Housing and Urban Development Act of 1968.**

Section 3 of the Housing and Urban Development Act of 1968 requires recipients of Department of Housing and Urban Development (HUD) housing and community development funding to provide “to the greatest extent feasible” job training, employment and contracting opportunities for low- and very low-income residents and eligible businesses. Velázquez has stated that Section 3 has been inadequately enforced and has never reached its full potential and that this bill would help expand job opportunities for residents of public and assisted housing.

H.R.3697 would require that recipients of funding subject to Section 3 report annually to HUD on their compliance with the employment and contracting requirements and on their contractors and subcontractors performance. For any period during which

a recipient, or their contractor or subcontractor, did not meet their employment or contracting requirement, the report must describe actions that were taken to meet the requirement, including actions taken or that will be taken in future funding opportunities to address the deficiencies to meet employment and contracting requirements. These reports would then be delivered to Congress.

Additionally, HUD would develop and implement policies and procedures for administrative sanctions to be applied to recipients and their contractors and subcontractors that are determined do not comply.

“Federal housing funding is one of our most powerful tools for creating economic opportunity in traditionally underserved communities,” Velázquez said in a press release. “We must ensure that we fully leverage these resources to maximize job creation for families....”

Velázquez’s bill was referred to the House Committee on Financial Services. NAHMA will review this bill in consultation with its Federal and Regulatory Affairs committees.

ating expenses and maintenance costs. H.R.2482 passed the House, but did not advance past the Senate Banking, Housing and Urban Affairs Committee.

The provisions of H.R. 2997, 233, and 2482 were also included in Luetkemeyer's H.R.3700.

In releasing his bill, Luetkemeyer said, "I have worked with my colleagues to develop legislation that seeks to take the first steps to reform the programs and processes at HUD and RHS [Rural Housing Service]. These reforms will help to put our nation's housing programs on a path to maximize effectiveness and deliver more opportunity for both people in need and the organizations that serve them."

H.R.3700 also incorporates several provisions from previously introduced bills, such as the Section Eight Voucher Reform Act of 2011 (SEVRA) (H.R.1209), and a drafted bill which was not introduced, the Affordable Housing and Self-Sufficiency Improvement Act of 2012 (AHSSIA).

A few key provisions from these bills are intended to streamline the Section 8 Housing Choice Voucher (HCV) program. These include:

- Increasing the maximum contract term for project-based vouchers from 15 to 20 years;
- Streamlining income reviews/determinations;
- Streamlining physical inspection protocols;
- Authorizing HUD to collect utility data; and
- Authorizing USDA's Multifamily Housing Revitalization Program and provides authority for USDA to delegate guaranteed rural housing loan approval to preferred lenders.

H.R.3700 was sent to the House Financial Services Committee for review and markup.

NAHMA supported the provisions of these bills and has advocated for their passage. There has been strong bipartisan support for these bills throughout the 114th Congress. At press time, H.R.22 was headed to the Senate for consideration. **NN**

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# Discussing Affordable Housing Issues Domestically and Abroad

**T**he NAHMA Regulatory Issues fall meeting, Oct. 25-27, at the Fairmont Washington, D.C., attracted some 150 attendees. The event featured the keynote luncheon with author Kevin Coupe, sessions with Department of Housing and Urban Development and other government officials, and a special presentation and problem-solving panel featuring Manikandan KP, a consultant for Housing for All at Ashoka. Committee meetings, educational panels led by industry experts and the NAHMA Educational Foundation poster auction, which raised \$64,500 for the foundation's scholarship program, were also on the agenda.

Mark your 2016 calendars now, the NAHMA Federal Affairs Issues winter meeting is March 6-8, at the Fairmont, then the learning shifts to the West Coast for the NAHMA Public Policies summer forum, June 15, in San Francisco. NAHMA closes out 2016 back at the Fairmont, Oct. 23-25, for the Regulatory Issues fall meeting.

*All photos by Larry Falkow*



**Scott Farnes of FJ & Associates PLLC, above, provides a presentation at the general membership breakfast.**

**The HUD Regulatory Forum, below, featuring Ben Metcalf, deputy assistant secretary, Multifamily Housing; Nancie-Ann Bodell, director, Office of Asset Management and Portfolio Oversight; Delton Nichols, deputy director, Real Estate Assessment Center, Office of Public and Indian Housing; Larry Sisson, NAHMA Regulatory Affairs Committee chair; and Tom Bernaciak, Office of Multifamily Housing Production, draws a crowd.**





PAHMA board members Julie Walker from SeniorCare Management Inc., Connie Buza from Action-Housing Inc./Supportive Housing Management Services and Tricia Braniff from National Church Residences, above, wait for the next presentation at the NAHMA October fall meeting.

Keynote speaker, Kevin Coupe, above right, explains how movies can teach you about leadership, marketing and surviving the workplace.

Manikandan KP, a consultant for Housing for All at Ashoka, above far right, leads a special presentation and problem-solving session on affordable housing in India and the fledgling Indian Housing Federation.

Travis Hanna of Beacon Communities, right, asks a question during one of the regulatory affairs presentations during the NAHMA fall meeting.

NAHMA 2016 Drug-Free Calendar grand prizewinner, Stephanie Vázquez Collazo of Puerto Rico, below, explains the inspiration for her artwork during the NAHMA Educational Foundation poster auction, which was presided over by Gianni Solari and Gemi Ozdemir.





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## NAHMA Welcomes Newly Elected And Re-Elected Board Members

**NEW:** Pamela Monroe (term ends 2016);  
**RE-ELECTED:** Nancy Evans (2018), Melanie Kibble (2018), Christina Sanchez (2017), Larry Sisson (2018), Richard Skoczylas (2018) and Christopher White (2016); **PAST PRESIDENTS COUNCIL VOTING BOARD MEMBER:** Jim McGrath (2018)

## Many Thanks to Outgoing NAHMA Board Member

Bill Wollinger

## NAHMA Educational Foundation Welcomes Newly Elected Officers And Board Members

**OFFICERS:** Megan Davidson (2017) elected secretary.

**BOARD MEMBERS:** **NEW:** Daria Jakubowski (2018); **RE-ELECTED:** Leonardo Delgado (2018), Melissa Fish-Crane, chair (2018), Gemi Ozdemir (2018), Debbie Piltch (2018) and Robb Willis (2018)

## Foundation Thanks Outgoing Officers and Members

Janine Lind and Mark Livanec



Bill Kargman, top left, receives a special recognition for all of his support from NAHMA Educational Foundation chair Melissa Fish-Crane during the poster auction.

NAHMA's Brenda Moser, director of meetings and membership, top right, receives a plaque from Executive Director Kris Cook for her 10 years of service.

Delton Nichols, deputy director, Real Estate Assessment Center, Office of Public and Indian Housing; Larry Sisson, NAHMA Regulatory Affairs Committee chair and Tom Davis, director, Office of Recapitalization, above, take part in the HUD Regulatory Forum at the NAHMA October meeting.

# House Reviews the Future Of Housing

**T**he House of Representatives held two hearings earlier this year concerning the “Future of Housing in America.”

The first centered on the Department of Housing and Urban Development (HUD) and the other focused on the Rural Housing Services (RHS).

## HUD UNDER THE MICROSCOPE

The House Financial Services Committee held a hearing, June 11, titled “The Future of Housing in America: Oversight of the

Department of Housing and Urban Development.” HUD Secretary Julian Castro was present and delivered testimony on the state of the department as it turns 50 this year.

Committee Chairman Jeb Hensarling (R-TX) began the hearing by criticizing HUD and its failure to combat poverty in America: “The poverty rate today is essentially unchanged from when HUD was founded. Millions more Americans fall below the poverty line today, including an unbelievable one out of five children .... For whatever good HUD does, it clearly has not won the war on poverty.” Hensarling placed emphasis on the funding provided to HUD and his desire to see concrete information on how housing assistance has improved the lives of low-income Americans.

In her opening remarks, Committee Ranking Member Maxine Waters (D-CA) countered that HUD “provides critical rental and homeless assistance for our country’s most vulnerable populations.” She also criticized the FY 2016 House T-HUD Appropriations bill by saying “as we will see here

today, my colleagues have no interest in strengthening our national housing system. Their priorities, that is on the opposite side of the aisle, are clearly reflected in the recently passed HUD funding bill, which drives investment in this agency down to historic lows, undercutting programs which help families reach housing stability.”

Secretary Castro responded to comments that the department is failing at its mission by highlighting the essential services provided by HUD

**In her opening remarks, Committee Ranking Member Maxine Waters (D-CA) countered that HUD “provides critical rental and homeless assistance for our country’s most vulnerable populations.”**

and its ongoing efforts to improve saying, “our innovative rental assistance demonstration [RAD], which has helped communities leverage nearly \$1 billion in private market construction investments to address long-overdue repairs to public housing, and with an additional \$5 billion coming down the pipeline, it’s clear that we’re going to help ensure that public housing is quality housing for years to come.” He also said the challenges faced by HUD, particularly with its budget constraints, limit its opportunities for success: “... Under HUD’s current budget, we’re able to serve only one out of every four people who are eligible for our assistance. That’s why we’re examining our own operations to see how we can deliver results faster and more effectively to those that we serve.”

Much of the focus of the hearing was on the single-family side of HUD, and also the department’s ability to produce data on the effectiveness of

its programs. There was little agreement on how to improve HUD, and much of the back and forth discussions displayed the stark political divisions of the House committee.

## EXAMINING THE RURAL HOUSING SERVICE

On May 19, the House Subcommittee on Housing and Insurance held a hearing titled “The Future of Housing in America: Oversight of the Rural Housing Service.” The witnesses at

the hearing were Tony Hernandez, the administrator of RHS, and Mathew Scire, the director for financial markets and community investment at the Government Accountability Office (GAO). The purpose of the hearing was to examine the performance, challenges and budget priorities of the RHS. Specifically, the hearing focused on the role RHS plays in the single-family mortgage market, rental assistance programs and status of implementing findings of a 2012 GAO report. The report included a recommendation that RHS’s single-family loan guarantee programs be consolidated with similar HUD programs, administered by the Federal Housing Administration (FHA). The GAO report also recommended federal agencies work to streamline overlap in their rental assistance programs. The hearing mainly featured a lively discussion of consolidating federal housing programs, specifically RHS into HUD. **NN**



# HUD Surveys Random Projects

**T**he Department of Housing and Urban Development (HUD) has begun informing owners and agents of two nationwide studies being conducted by the department: the HUD Improper Payment for Quality Control for Rental Subsidy Determination Study (HUDQC Study) and the Utility Allowance Comparison Study (UA Study).

The HUDQC Study measures the amount and sources of error associated with determinations of eligibility and tenant rent in HUD programs and applicable utility allowance subsidies. The UA study will provide insight into the difference between program participants' utility allowance and their out-of-pocket utility costs, and the difference between the PHA-/Project-developed utility allowance schedule and a utility allowance schedule developed using HUD's Utility Schedule Model (HUSM).

Programs and projects were selected using a randomized process that

**HUD's General Counsel requires participation in the HUDQC Study. In January 2016, program participants will be required to complete another online survey on their project's certification practices, staff training and quality control methods.**

has been approved by HUD to ensure a variety of program types and project sizes for the study. Those who manage multiple Section 8 projects are more likely to be chosen and may have multiple projects selected in this study.

Field data collection for this study is scheduled from December 2015 through March 2016. While on-site, the field interviewer will collect tenant information needed for rent calculation. The field interviewer will collect this information by:

1. Abstracting data from selected tenant files and entering it into a laptop computer;
2. Obtaining photocopies of specific documents related to tenant rent, including EIV; and by
3. Conducting in-home interview with selected tenants.

HUD's General Counsel requires participation in the HUDQC Study. In January 2016, program participants will be required to complete another online survey on their project's certification practices, staff training and quality control methods.

To view a list of frequently asked questions regarding this study, visit the NAHMA website. **NN**



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## 2015 SCHOLARSHIP RECIPIENTS

# Great Human Beings, Outstanding Students

Each class of NAHMA Scholars contains a number of individuals with interesting and compelling profiles that help to make them worthy of the monetary awards provided to them. In 2015, 85 NAHMA Scholars were selected and each received \$2,500. These resident/recipients represent a wide demographic cross section of people and live all across the United States. Below are seven biographical summaries of outstanding students from the class of 2015.

As a single mother this senior at Wilkes University in Pennsylvania works hard to maintain her 2.85 GPA while fulfilling her responsibilities at her day job as well. A communications major, she previously received her associate degree from Lackawanna Community College before moving on

to Wilkes. She anticipated graduating in December 2015. Her initial goals were to get her degree and set a good example for her child—she soon will have done both.

This 32-year-old student with a 3.556 GPA at Northeastern University in Boston is a graduate student pursuing her nursing degree. She graduated

doctors on the staff to enhance her NAHMA application. She is a single mother with two children.

As an honorably discharged veteran and multiple-year NAHMA scholarship recipient this 28-year-old young man maintains a 4.0 GPA at Western Carolina University in North Carolina. He is an officer in the student govern-

**Outstanding students, attending quality schools and studying in fields that should lead them to employment are the hallmark of the 2015 class of NAHMA Scholars.**

magna cum laude from Syracuse University. She worked as a nurse's assistant at the prestigious Brigham and Women's Hospital where she decided to go on for the nursing degree. She was able to secure references from two

ment while working to complete his course work that will enable him to graduate in May 2016. He is a finance major and has worked an internship in the same field. He is already receiving employment opportunities and is

## Secure Your Calendar Before They Are All Gone

NAHMA's annual AHMA Drug-Free Kids Calendar is more than an arts project for the participants. It also encourages the

children involved to set goals, emulate good role models and live a drug-free lifestyle. It provides

educational scholarships not only to the contest winners, but to other dedicated students as well through the NAHMA Educational Foundation. And it is guaranteed to be a conversation starter in any office.

### ONE OF A KIND

The calendars feature outstanding original artwork by children, seniors, and adults with special needs living in affordable

multifamily housing. This year's contest celebrated community spirit with its theme and subtheme, Our Hands Are United: Reach Out and Be a Good Neighbor.

Stephanie Vázquez Collazo from Manatí, Puerto Rico, was selected the grand prizewinner in the 29th annual poster and art contest. Her artwork appears on the cover of NAHMA's 2016 calendar. Stephanie, 18, also received an all-expenses-paid trip to Washington, D.C., for NAHMA's Regulatory Issues fall meeting in October, as well as a scholarship of \$2,500 from the NAHMA Educational Foundation.

Each child winner of the NAHMA contest received a \$1,000 educational schol-

arship from the foundation. A \$1,000 cash award was made in the name of the adult winners to their community for use in purchasing or funding a project from which all of the community's residents will benefit. All winners are also featured in the 2016 calendar.

Additionally, participants in the annual art contests held by the local AHMAs are eligible to be selected as Regional AHMA Art Contest Honorable Mentions. Those selected for this distinction are featured in a special section of the NAHMA 2016 Drug-Free Kids Calendar and received a \$100 scholarship check.

For the contest, the artwork is divided into six categories with winners selected from each of the following: kindergarten-



To see the complete list of winners, visit [www.nahma.org/awards-contests/calendar-contest/](http://www.nahma.org/awards-contests/calendar-contest/).

considering graduate school to secure a Master of Business Administration or law degree.

After immigrating to the United States in 2010 from Haiti following the earthquake there, this young man is a student at Wentworth Institute of Technology in Boston. While he is in this country legally his immigration status renders him ineligible for federal student financial aid. Undeterred, he maintains a 3.09 GPA as a civil engineering major. His application contained two impressive references from engineering professors at Wentworth.

This 69-year-old recipient attends a program designed for senior citizens to secure an associate degree from the Abington Campus of Penn State University. She has attended the program as a part-time student for seven years and will receive her degree in May

2016. This accomplishment will fulfill a lifelong dream of securing a college degree. Her professors provided excellent references for her, noting her enthusiasm and dedication.

After completing her undergraduate degree in chemical engineering at the University of the Virgin Islands, this 21-year-old was recruited by Columbia University to work toward her graduate degree in the same field. Her list of awards and honors is too lengthy to note here. Her references from professors were outstanding. She moved to New York early in the summer of 2015 before her classes started to work on two special projects underway at Columbia at the request of the professors in charge. She is a multiple-year winner of a NAHMA scholarship.

This New Jersey resident is a multiple-year recipient of a NAHMA award.

In May 2015, he completed his associate degree in fashion merchandising from Mercer County Community College in New Jersey. He was subsequently granted admission and currently attends the very selective Laboratory Institute of Merchandising (LIM) in New York City. He has also worked part-time for several years in a variety of merchandising jobs. His job experiences, along with LIM's almost 100 percent job placement record, will hopefully land him a quality position in his chosen field.

Outstanding students, attending quality schools and studying in fields that should lead them to employment are the hallmark of the 2015 class of NAHMA Scholars. The 2016 NAHMA scholarship application will be available online at the beginning of February 2016. Be sure to alert your student/residents about this opportunity! **NN**

first grade, second-third grades, fourth-sixth grades, seventh-ninth grades, 10th-12th grades, and seniors and residents with special needs. Only students are eligible for the grand prize.

#### **PAYING IT FORWARD**

The original winning artwork submitted for the calendar contest was auctioned off at a reception during the NAHMA fall meeting with the proceeds benefiting the NAHMA Educational Foundation's schol-



Boone Atkins of Yardi, center, is the winning bidder for grand prizewinner Stephanie Vázquez Collazo's poster at the NAHMA Educational Foundation's poster auction presided over by Gemi Ozdemir.

arship program. Eighty-five student/residents were selected to receive scholarships from the foundation this year. Each

individual scholarship awarded was worth \$2,500 and the total amount of money awarded was \$212,500. This year's NAHMA Scholars were from 19 different states, the Virgin Islands and the District of Columbia and they represented 11 different AHMAs. Over the life of the Educational Foundation program, more than

\$734,000 worth of scholarships have been provided to worthy student/residents.

Because of the important anti-drug message that is always conveyed through the calendars, purchasing one is a Department of Housing and Urban Development and U.S. Department of Agriculture allowable project expense. You may also earn points in your state's tax credit Qualified Application Process.

Order your NAHMA calendar today, for just \$5.50 each, via the order form contained in this issue of *NAHMA News* or by going to NAHMA's website store at <http://www.nahma.org/store>. **NN**

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# REGULATORY WRAP-UP

A NOVEMBER NAHMANALYSIS, which reviews industry comments compared with recommendations adopted to the revised Section 8 Renewal Policy Guidebook, is available at NAHMA.org. Other key changes, which were not captured within NAHMA's comments, are also highlighted.

On Aug. 7, the U.S. Department of Housing and Urban Development (HUD) released the revised guidebook, which contains comprehensive guidance for renewing expiring Section 8 Housing Assistance Payment (HAP) contracts. The guidebook includes some policy changes, which apply to all renewal or amended rent packages received by HUD, or postmarked, Nov. 5, 2015, or later. On May 4, 2014, NAHMA joined with other industry partners to submitted comments on the draft renewal guide.

## HUD NEWS

**HUD HAS PUBLISHED THE OPERATING COST ADJUSTMENT FACTORS (OCAF) FOR 2016.** These factors are used for adjusting or establishing Section 8 rents under the Multifamily Assisted Housing Reform and Affordability Act of 1997 (MAHRA), as amended, for projects assisted with Section 8 Housing Assistance Payments. The factors are effective Feb. 11, 2016. As a reminder for HUD and Project-Based Contract Administration (PBCA) offices processing rent increases using Auto OCAF, once the 2016 Factors are updated in Integrated Real Estate Management System (iREMS), HUD requested that you delete any Amend Rents record

*continued on page 26*

## FHEO ANNOUNCES PROPOSED RULES

**IN A PRESS RELEASE ISSUED OCT. 21,** HUD's Office of Fair Housing and Equal Opportunity (FHEO) announced a proposed rule, **Quid Pro Quo and Hostile Environment Harassment and Liability for Discriminatory Housing Practices under the Fair Housing Act.**

NAHMA planned to review this proposed rule in consultation with its Fair Housing Committee and submit comments. The comment period for this proposed rule closed Dec. 21.

This rule proposed to codify through regulation the principles that quid pro quo and hostile environment harassment because of race, color, national origin, religion, sex, disability or familial status protected characteristic violate one or more provisions of the Fair Housing Act. The proposed rule defined quid pro quo and hostile environment harassment under the Fair Housing Act, added illustrations of prohibited quid pro quo and hostile environment harassment, and addressed how the traditional standards for direct and vicarious liability operate in the Fair Housing Act

context, including for claims of harassment.

The proposed rule further explained that whether a hostile environment had been created required an assessment of the totality of the circumstances, which includes, but is not limited to, the nature of the conduct; the context in which the conduct occurred; the severity, scope, frequency, duration, and location of the incident(s); and the relationships of the persons involved. For purposes of clarity and guidance, the proposed rule added to HUD's existing Fair Housing Act regulations examples of prohibited quid pro quo and hostile environment harassment under the act.

The proposed rule also described direct liability and vicarious liability as applied to all violations under the act, not solely harassment. According to HUD, the standards for both types of liability incorporated into the proposed rule follow well-established common law tort and agency principles and do not subject respondents or defendants to enhanced liability for violations of the act.

effective Feb. 11 and beyond that was created either automatically or manually with the old 2015 factor. A new record will automatically generate with the new 2016 factor.

**HUD ISSUED A NOTICE FOR MULTI-FAMILY OWNERS AND MANAGEMENT AGENTS** containing guidance on excluding the use of arrest records of residents or applicants in housing decisions. For the past five years, HUD has been an active member of the Federal Interagency Reentry Council. An important aspect of the council's work has been to have each federal agency identify and address collateral consequences that individuals and their families may face because they or a family member has been incarcerated. HUD stated that the purpose of this notice is to inform public housing agencies (PHAs) and owners that arrest records may not be the basis for denying admission or terminating assistance/evicting tenants, to remind PHAs and owners that HUD does not require their adoption of so-called "One Strike" policies, and to reinforce the obligation to safeguard the due process rights of applicants and tenants. The notice provided best practices and peer examples for PHAs and owners to review. In addition to this notice issued by the Office of Housing, HUD's Office of Public and Indian Housing released a similar notice on this guidance as it applies to other programs.

**ON OCT. 9, HUD POSTED THE UPDATED RENTAL ASSISTANCE DEMONSTRATION (RAD) QUICK REFERENCE GUIDE ONLINE.** The guide provided instructions to owners converting their projects to Project-Based Rental Assistance (PBRA) authorized under RAD. The updated guide provided information on continuing Family Self

Sufficiency (FSS) programs at PBRA properties. As current FSS participants will continue to be eligible for FSS once their housing is converted under RAD, guidance is provided for an owner to obtain the escrow amount by creating a miscellaneous adjustment on the property's Housing Assistance Payment (HAP) voucher. The guide also updated all references to the newly published RAD Notice PIH-2012-32 (HA), REV-2. This guide does not apply to RAD conversions to Project Based Voucher (PBV) assistance. The RAD Quick Reference Guide is available on both HUD.gov and the RAD Resource Desk, <http://portal.hud.gov/hud-portal/HUD?src=/RAD/library/tools> under What's New, October 9, 2015: New updates to RAD's PBRA Quick Reference Guide and at <http://www.radresource.net/> under Additional Resources Quick Reference Guide to Multifamily Housing Requirements (PBRA)(10.9.15).

## IRS NEWS

**THE IRS OFFICE OF CHIEF COUNSEL ISSUED A MEMORANDUM,** Noncompliance Resulting from Conflicting Program Requirements, March 26 that recommends the withdrawal of a previous memo issued by the IRS in August 2007. The August 2007 memo stated that if taxpayer policies are implemented that are in conflict with the requirements of the Low-Income Housing Tax Credit (LIHTC), such as not renewing a tenant's lease in a low-income unit when the tenant's income rises to a certain income threshold that violates a local, state or other federal program, then the property is considered not in compliance at all during the 15-year LIHTC period and no credit is allowable. Contrary to the August 2007 memo,

the March 2015 memo stated that not renewing a tenant's lease when a tenant's income rises to a certain income threshold that violates a local, state or other federal program does not mean that the building is not a qualified low-income building under the LIHTC requirements. Based on the 2015 memo, the IRS has said that not renewing a tenant's lease because a tenant is over the income limit does not automatically trigger noncompliance for the owner. This 2015 memo may give property owners and managers some relief from the 2007 memo, in that they might not immediately be subject to tax credit recapture when not renewing a lease in response to a tenant income increase. Still the 2015 memo was not officially distributed to the public and was instead circulated internally from the IRS's Office of Chief Counsel, and it explicitly states that the advice presented in the memo should not be used or cited as precedent. Rather, the memo simply reflects the current thinking of IRS's Office of Chief Counsel. Read the entire memo on NAHMA's website, [www.nahma.org](http://www.nahma.org).

**ON OCT. 21, THE IRS ISSUED THE INFLATION-ADJUSTED LIHTC AND PRIVATE ACTIVITY BOND CAPS FOR 2016** in Revenue Procedure 2015-53. For calendar year 2016, the amount used under § 42(h)(3)(C)(ii) to calculate the state housing credit ceiling for the LIHTC is the greater of (1) \$2.35 multiplied by the state population, or (2) \$2,690,000. This is an increase over the 2015 amounts, which were \$2.30 and \$2,680,000. The amount used under § 146(d) to calculate the state ceiling for the volume cap for private activity bonds in 2016 is the greater of \$100 multiplied by the state population (the same as 2015) or \$302,875,000, up from \$301,515,000. **NN**

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# EDUCATION CALENDAR

For information on specific classes being offered, contact the AHMA or organization directly. All dates and locations are subject to change. For the most up-to-date listings, visit the NAHMA website at <http://www.nahma.org/education/education-event-calendar/>.

## JANUARY

**6**  
**The Perfect File**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**11**  
**Advanced Issues in HUD Occupancy with an Intro into Mixed Finance Properties (ACPO)**  
Atlanta, GA  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**12**  
**Fair Housing Compliance (FHC)**  
Atlanta, GA  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**Avoiding the Top 10 EIV Mistakes**  
Conference Call  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**13-15**  
**Certified Professional of Occupancy (CPO)**  
Atlanta, GA  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**20**  
**Documentation of Resident Infractions**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**21**  
**Elderly Housing Symposium**  
Atlanta, GA  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**26-28**  
**CPO Course**  
SeaTac, WA  
AHMA of Washington  
360-561-3480  
<http://ahma-wa.org>

## FEBRUARY

**9**  
**Basic LIHTC Compliance**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**16**  
**Income & Assets Verification & Calculation**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**18**  
**Tricky/Sticky Income Issues**  
Conference Call Learning  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**22-24**  
**Ga. State Meeting for Affordable Housing**  
Atlanta, GA  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

## MARCH

**3**  
**Intermediate Tax Credit Compliance**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**9-11**  
**S.C. State Meeting for Affordable Housing**  
Columbia, SC  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**16**  
**1/2-Day Prep for Physical Inspections**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**17**  
**Property Management Skills**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**21-23**  
**Fla. State Meeting for Affordable Housing**  
Jacksonville, FL  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**22-24**  
**Tax Credit Certification Training with SHCM Exam**  
Maryland  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**29**  
**Using Online TRACS Reports to Stay a Step Ahead**  
Conference Call Learning  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

## APRIL

**13**  
**Miss. State Meeting for Affordable Housing**  
Jackson, MS  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**18-20**  
**Tenn. State Meeting for Affordable Housing**  
Murfreesboro, TN  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**26**  
**2016 Washington Affordable Housing Convention**  
Kennewick, WA  
AHMA of Washington  
360-561-3480  
<http://ahma-wa.org>

**26-28**  
**Ky. Housing Management Conference**  
Louisville, KY  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

## MAY

**10**  
**N.C. State Meeting for Affordable Housing**  
Greensboro, NC  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**11-12**  
**CPO Course**  
Maryland  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**16-18**  
**Ala. State Meeting for Affordable Housing**  
Birmingham, AL  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)

**17**  
**1/2-Day Fair Housing**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**1/2-Day, 2-Hour LIHTC Acquisition & Rehab Issues**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

**18**  
**Advanced LIHTC Compliance**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

## JUNE

**7-9**  
**Tax Credit Certification Training with SHCM Exam**  
Richmond, VA  
Mid-Atlantic AHMA  
804-673-4128  
<http://mid-atlantichma.org>

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- Certified Professional of Occupancy™ (CPO™)
- Fair Housing Compliance™ (FHC™)
- Advanced Issues in HUD Occupancy™ (ACPO™)
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- National Accredited Housing Maintenance Supervisor™ (NAHMS™)
- Credential for Green Property Management™ (CGPM™)

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## People Skills Tops the List of Job Requirements

REESE QUICK HAS BEEN IN THE property management business for 40 years thanks to his late wife, Janet.

"After I got out of the Army, I got married and my wife was a property manager," Quick said. "I was her maintenance guy and going to school on the GI bill. We were raising two children, learning the business and experiencing parenthood; we loved every minute. After earning his associate degree in business management, he too, got into on-site property management and successfully transitioned through hard work from maintenance person to property manager, regional manager,

veteran, I know I am blessed to have the life I have," he said.

Regardless of housing type, he said, as a property manager you have to be willing to make yourself accessible. "I love being out on the properties more than I do being in an office," Quick said. "I have a good office staff. I'm more hands-on. I like to kick the bricks and mortar, I have to keep moving." He admits he likes working with the Department of Housing and Urban Development (HUD). Besides getting him out of the office, Quick said his HUD visits allow him to practice the



enjoy working. Most people I know my age that retire regret it and die sooner than they should."

He said he loves the flexibility the job provides, as well as, travelling to educational seminars and conventions

and meeting with all sorts of people. And if time permits, he typically finds someone interested in playing a round of golf. Quick is also the newly elected president of SAHMA.

"This isn't a 9-to-5 job," Quick said of property management. He said anyone thinking of making it a career needs to like working with people. Additionally, he said education is "more important than it has ever been." He recommends new managers take advantage of educational opportunities presented by NAHMA and the local AHMAs.

Quick also finds time for family. He said before his wife of 38 years passed away, she told him to make sure he took care of their two children and three grandchildren. As a result, he said Saturdays are spent with the family at his house watching football and having cookouts.

"Family time is always a wonderful time," he said. "Last year, we had 42 people for Thanksgiving dinner. It was the first time in years we had the whole extended family together. I also enjoy spending time with my SDMC family, too. We find time to share during our state SAHMA meetings, our yearly managers' meetings and holiday activities. I consider all of SDMC's staff to be 'my family' too." **NN**

### "I like to kick the bricks and mortar, I have to keep moving."

vice president and then to president. He has spent the last 20 years at Southern Development Management Company in S.C., including serving as its president for the last 11 years.

"I like working with people. We have a lot of conventional properties and affordable properties," Quick said. "I have a passion for affordable housing."

Quick said conventional and affordable housing properties have many similarities but what separates them is that with affordable housing you are dealing with people who need help or who are trying to better themselves so that they can, as one of his property managers likes to say "move in, move up and move out." Quick is also grateful to do what he can for the elderly and for our veterans. "Being a Vietnam War

art of persuasion, "I can't just accept no for an answer. I have developed long-time relationships with our local HUD office staff, and those in other states as well. Closing the multifamily divisions is difficult to me on more than a professional level. The expertise and willingness to work together I have experienced with HUD has strengthened SDMC and enabled so many in need to find a safe and good place to live. We are all working toward the same goal."

He equally enjoys working with the owners of the properties Southern Development manages. "The people I work with are like family. They tell me if I'm going to retire, I have to give them a year's notice so they have time to sell their properties," Quick said laughing. "I'm not going anywhere. I

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

## thelastword

# Education Is Key to Maintaining A Strong Voice



THE THEME OF THIS YEAR HAS been education.

I spent my first term as NAHMA president visiting the different AHMA's and learning about the ways they handle their annual conferences as well as deal with local issues they face. I was amazed at how many people attended the AHMA-PSW conference and how well run and welcoming it was. I was happy to see how many people were able to participate in SAHMA's regional conference. I really enjoyed the southern hospitality in Atlanta. And of course, JAHMA had about 400 people at its spring meeting. It was really interesting to see how the different AHMA's are dealing with the cuts of federal funds for traveling, yet were still able to have Department of Housing and Urban Development (HUD) representation at their conferences.

I attended an American Society of Association Executives (ASAE) CEO Symposium and came away believing all the AHMA's should consider sending

their incoming officers to this leadership training program.

And like all of you, I've had to learn the new reality of the affordable housing industry in the wake of the HUD reorganization, local and federal budget shortfalls, and ever changing federal housing program changes.

Now it is time to turn my attention to 2016 and what I'd like to accomplish during the second year of my term. And once again, education is at the top of the list. We need to focus on educating our congressional leaders on the effects of the HUD restructuring in their states. I've had meetings with senators and Congress members and they have no idea what is really going on in their districts. When I tell them the stories from our members, they are surprised that the reports they are receiving differ from the real-life situation.

To that end, we also need to focus on educating our next generation of affordable housing managers. We need to encourage our younger managers to become more involved in their local

AHMA or NAHMA. The more experienced affordable housing specialists are maturing, which will cause a void. We need strong future leaders to advocate on the industry's behalf.

We need to come up with a way to keep affordable housing in the forefront. Affordable housing doesn't have a champion right now. Besides continual budget battles, we need to learn about and implement policies that support veteran housing, and HUD guidelines for criminal re-entry, as well as address policies that conflict with the Low-Income Housing Tax Credit (LIHTC) program such as not renewing a tenant's lease in a low-income unit when the tenant's income rises to a certain income threshold. And this is just a short list of the issues.

I look forward to working with all of you to accomplish these goals in the coming year. **NN**

*Ken Pagano, CPM, SHCM, NAHP-e, is president of Essex Plaza Management and president of NAHMA.*