

# NAHMA News

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

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## Congress Passes FY 2021 Funding, COVID Relief

In late December, Congress passed a year-end legislation package that combined a \$900 billion COVID-19 relief bill, \$1.4 trillion omnibus fiscal year (FY) 2021 funding bill, and tax provisions. The bill was signed into law on Dec. 27.

Overall, the funding levels for both the Department of Housing and Urban Development (HUD) and the Department of Agricultural (USDA) are positive and maintain funding increases from FY 2020, despite both agencies facing significant cuts proposed in the previous administration's FY 2021 budget request and the threat of yearlong continuing resolutions.

For HUD, the FY 2021 omnibus provides \$49.6 billion, a \$561 million increase from last fiscal year, and over \$12 billion more than the budget request. For USDA Rural Development, the FY 2021 omnibus provides mostly the same funding with some increases to preserve rural housing. In providing increased funding, Congress rejected proposed rent reforms to HUD's rental assistance programs, as well as proposed elimination of several critical affordable housing programs, including the Public Housing Capital Fund, Housing Trust Fund, HOME Investment Partnerships Program (HOME), Community Development Block Grants (CDBG), Choice Neighborhoods, and the U.S. Interagency Council on Homelessness.

*continued on page 4*

## Biden Proposes New Relief Bill

AT PRESS TIME, ON JAN. 14 THEN-PRESIDENT-ELECT JOE BIDEN released his \$1.9 trillion legislative proposal for a comprehensive COVID-19 relief package, including providing essential resources and protections for workers and low-income renters. The package includes more than \$400 billion to respond to COVID-19 and to try to speed up the vaccine rollout; \$1 trillion in direct relief to households; \$30 billion in emergency rental and utility assistance; and approximately \$440 billion for small businesses and communities hit hard by the pandemic.

Specifically, the proposal includes providing \$1,400 per person in direct payments to help households cover their expenses. The plan would also expand eligibility to adult dependents who have been left out of the previous rounds of relief and to all mixed households. The Biden proposal would also extend the federal moratoriums on foreclosures and evictions—set to expire at the end of January—to September 2021. The plan would increase supplemental unemployment insurance to \$400 a week from \$300 a week and would also be extended to September 2021. The legislation would provide a 15% increase in food assistance and would provide an increase to the Child Tax Credit. The Biden proposal would also bring the federal minimum wage up to \$15 an hour.

Legislative momentum, however, will likely be slow amid a fraught Senate impeachment and the pressing need to confirm nominees to lead federal agencies and departments.





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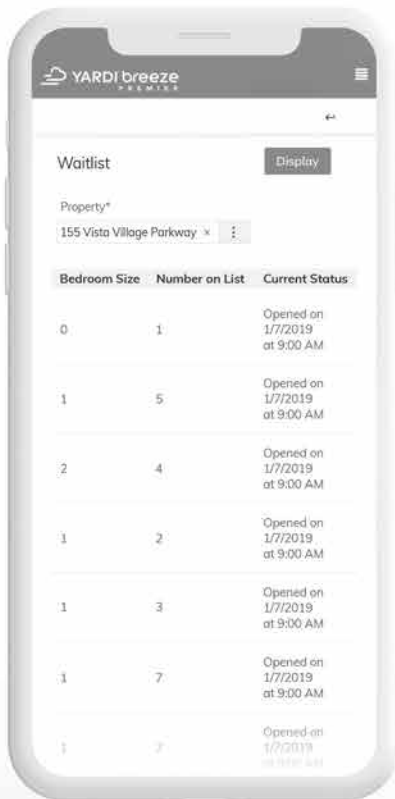
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## Sharing Some Good News

IN A YEAR DOMINATED BY A GLOBAL pandemic, NAHMA can shine a light on some good news.

### CELEBRATING SUCCESSES

As in years past, we do start our year on a high note: announcing the winners of the 2020 Communities of Quality Awards program and the 2020 NAHMA Industry and AHMA Awards. Even amid these challenging financial times, affordable housing managers, owners, and developers are doing an outstanding job creating safe, quality homes for the nation's low to moderate income renters. You can read about all of these remarkable communities

Call, write, email—do whatever you can to make sure your voice is raised in support of affordable housing.

Congress is turning its attention to another COVID relief bill, as well as fiscal year 2022 appropriations. So, we ask our members to continue to lobby their elected U.S. Congress members, and their staff, on behalf of the affordable housing industry.

### SUPPORTING EDUCATION

Through the generous support of NAHMA members, last year the NAHMA Educational Foundation awarded 108 scholarships totaling \$270,000 to worthy student residents from AHMA-affiliated commu-

**“Even amid these challenging financial times, affordable housing managers, owners, and developers are doing an outstanding job creating safe, quality homes for the nation’s low to moderate income renters.”**

and leaders in this issue of *NAHMA News*; please see the articles on Pages 16 and 26.

Additionally, the application for the 2021 Vanguard Award is available online and is due June 4. For more information about the awards or to download an application, visit the Vanguard Award webpage under the Awards & Contests tab at [www.nahma.org](http://www.nahma.org).

### MAKING A DIFFERENCE IN 2021

One of our greatest wishes for the new year is that you will see 2021 as the year you have your voice heard in both houses of Congress. Nothing matters more to elected officials, whether in the District of Columbia or at the local and regional levels, than hearing from a constituent.

nities. Now entering its 15th year, the program has awarded more than \$1,685,000 over the program's life.

Additionally, the NAHMA Educational Foundation's annual gala in October, which took place virtually, raised more than \$500,000 for the foundation's scholarship program.

To see a complete list of the 2020 Education Foundation supporters, please see Page 28.

Also, we ask that you help us spread the word about the scholarship program to your residents. The scholarship application is now available online; see Page 25 for more information. **NN**

*Kris Cook, CAE, is executive director of NAHMA.*

**APPROPRIATIONS FOR HUD'S AFFORDABLE HOUSING PROGRAMS**

The FY 2021 omnibus provides increased funding levels for nearly all of HUD's affordable housing and community development programs, including \$13.4 billion for Project-Based Rental Assistance (PBRA), an \$823 million increase over last year's funding level. The omnibus provides \$350 million for Performance-Based Contract Administration (PBCA) oversight, and the Senate Appropriations Committee Report directs HUD "to ensure that any solicitation for PBCA does not impede housing finance agencies from bidding on state-based contracts."

The omnibus provides \$25.7 billion for Tenant-Based Rental Assistance, or Housing Choice Vouchers (HCV), an increase over FY 2020 enacted levels, with \$23 billion for voucher renewals.

HUD Section 202, Housing for the Elderly, receives \$855 million, an increase over FY 2020 enacted levels. The omnibus provides \$52 million for new capital advances and PBRA contracts, up to \$125 million for service coordinators, the continuation of existing congregate service grants, and \$5 million for intergenerational dwelling units.

The Integrated Wellness in Supportive Housing (IWISH) program is also extended in the omnibus. The Senate Appropriations Committee Report directs HUD to "evaluate methodologies to improve the PRAC/SPRAC [Senior Preservation Rental Assistance] contract renewal process, identify existing funding and

administrative mechanisms to assess the scheduling of renewal anniversary dates to more effectively meet the renewal need, and report to congressional committees."

Like Section 202, HUD Section 811 receives new capital advance funding totaling \$54 million. Overall, the program funding is increased to \$227 million in FY 2021 from \$202 million in FY 2020.

**The FY 2021 omnibus provides increased funding levels for nearly all of HUD's affordable housing and community development programs, including \$13.4 billion for Project-Based Rental Assistance (PBRA), an \$823 million increase over last year's funding level.**

After being targeted for elimination under the Trump administration's FY 2021 budget request, both the HOME and the CDBG programs remained funded, with CDBG receiving a slight increase under the omnibus spending bill: Funding for HOME remains flat at \$1.3 billion, and the

funding for the Community Development Fund is \$3.4 billion.

**APPROPRIATIONS FOR USDA RURAL HOUSING PROGRAMS**

In the FY 2021 omnibus, some of USDA's rural housing programs also see an increase over FY 2020 enacted levels, with the funding levels being sufficient to renew existing affordable housing contracts.

The omnibus provides \$1.4 billion for the Section 521 Rental Assistance (RA) program, representing a slight increase from the previous year.

Lawmakers continue to pay more attention to the impending number of Section 515 properties reaching their mortgage maturity dates. The omni-

Housing and Urban Development Fiscal Year 2021 Appropriations Act HUD Programs	Last Year (FY 2020)	FY 2021 Enacted (current)
Tenant-Based Rental Assistance	\$23,874	\$25,777
Contract Renewals	\$21,502	\$23,080
Project-Based Rental Assistance	\$12,570	\$13,465
Housing for the Elderly (Section 202)	\$793	\$855
Capital Advance	\$90	\$52
Service Coordinators	\$100	\$125
FY 2020 Home Modifications—Aging in Place/ FY 2021 Intergenerational Dwelling Units	\$10	\$5
Supportive Housing for Persons with Disabilities (Section 811)	\$202	\$227
Capital Advance	\$40	\$54
Community Development Fund	\$3,400	\$3,475
HOME	\$1,350	\$1,350

FIGURES EXPRESSED IN MILLIONS

bus maintains the \$40 million funding level from last year's enacted level.

Despite the Trump administration's request to zero out funding for the Multifamily Revitalization Program, the omnibus provides a slight increase to the program. The new total funding level of \$68 million maintains \$28 million for the Preservation Demonstration, while Rural Housing Vouchers' funding is increased to \$40 million.

Lastly, the Section 538 Loan Guarantee remains flat at \$230 million.

### COVID-19 RELIEF LEGISLATION

A \$900 billion COVID-19 relief bill was included with the FY 2021 appropriations package. The following are some economic and housing-related highlights of this pandemic relief package.

#### Support for Small Business:

Includes over \$284 billion for first and second forgivable Paycheck Protection Program (PPP) loans; expanded PPP eligibility for nonprofits and local newspapers, TV, and radio broadcasters; essential modifications to PPP to serve the smallest businesses and struggling nonprofits and better assist independent restaurants; and \$15 billion in dedicated funding for live venues, independent movie theaters, and cultural institutions. The legislation also includes \$20 billion for targeted Economic Injury Disaster Loans, critical to many smaller businesses.

**Community Development Financial Institutions and Minority Depository Institutions:** Includes dedicated PPP set-asides for very small businesses and lending through community-based lenders like Community Development Financial Institutions (CDFIs) and Minority Depository Institutions (MDIs); \$9 billion in emergency U.S. Treasury capital investments in CDFIs and MDIs to support lending in low-income and underserved communities, including persistent poverty coun-

ties that may be disproportionately impacted by the economic effects of the COVID-19 pandemic; and \$3 billion in emergency support for CDFIs through the CDFI Fund to respond to the economic impact of the pandemic on underserved low-income and minority communities.

**Rental Assistance:** Includes \$25 billion in emergency rental assistance and an extension of the Centers for Disease Control and Prevention eviction moratorium to Jan. 31, 2021. Regarding rental assistance, the bill states, "Funds would be required to be allocated to state and local governments (grantees) within 30 days of enactment. Eligible households are defined as renter households who: (1) have a household income not more than 80% of Area Median Income (AMI); (2) have one or more household members who can demonstrate a risk of experiencing homelessness or housing instability; and (3) have one or more household members who qualify for unemployment benefits or experienced financial hardship due, directly or indirectly, to the pandemic. Assistance would be prioritized for renter households whose incomes do not exceed 50% of AMI, as well as renter households who are currently unemployed and have been unem-

ployed for 90 or more days. Financial assistance provided under this section is nontaxable for households receiving such assistance."

**Strengthens the Low-Income Housing Tax Credit:** Provides a permanent 4% rate floor for calculating credits related to certain acquisitions and housing bond-financed developments for purposes of the Low-Income Housing Credit (LIHTC). It also includes a \$1.2 billion allocation of disaster LIHTC authority for the 11 states and Puerto Rico that experienced non-COVID-19 major disasters in 2020.

**Direct Payment Checks:** Includes a new round of direct payments worth up to \$600 per adult and child.

**Enhanced Unemployment Insurance Benefits:** Prevents the expiration of Unemployment Insurance (UI) benefits for millions and added a \$300 per week UI enhancement through March 14, 2021, or April 5, 2021, if the individual has not reached the maximum number of weeks.

**Carbon Monoxide Alarms or Detectors in Federally Assisted Housing:** Authorizes \$300 million over three years to support a new requirement to install and maintain carbon monoxide detectors in federally assisted housing. **NN**

USDA Rural Development Fiscal Year 2021 Appropriations Act RHS Programs		
	Last Year (FY 2020)	FY 2021 Enacted (current)
Section 521 Rental Assistance	\$1,375	\$1,410
Section 515 Rental Housing Direct Loans	\$40	\$40
Multifamily Revitalization	\$60	\$68
Preservation Demonstration	\$28	\$28
Section 542 Rural Housing Vouchers	\$32	\$40
Section 538 Loan Guarantee	\$230	\$230
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# President Biden Begins Moving His Policy Agenda

TO BEGIN HIS ADMINISTRATION'S policy direction, President Joe Biden signed a series of presidential executive orders. On his first day, President Biden ordered the Centers for Disease Control and Prevention (CDC) to extend the federal eviction moratorium until at least March 31, 2021, for nonpayment of rent. In addition, the president has also signed executive orders on advancing racial equity and support for underserved communities through the federal government, regulatory freeze and review, climate change, and naming acting federal agency leadership.

President Biden told lawmakers there was no time to waste to help struggling

housing, and urgently providing rental assistance to households at risk of eviction. During her testimony, Rep. Fudge reiterated that millions of Americans are behind on rent, and almost 3 million homeowners are in forbearance. Rep. Fudge also stated that the \$25 billion that Congress has provided in rental assistance and the government's extension of the eviction moratorium are not enough and that more assistance is clearly needed.

## THE 117TH CONGRESS TAKES SHAPE

Following a contentious election, the new 117th Congress was sworn in on Jan. 3. Democrats now hold the slim-

In the House, Democrats retained the majority—222-211 with two seats vacant—and Rep. Nancy Pelosi (D-CA) remained speaker of the House.

While Democrats now have a narrow legislative edge in both chambers, the two parties will still need to establish a power-sharing agreement in the Senate for floor proceedings and assigning committee seats. Assignments for other members to serve on committees will likely be finalized in both the Senate and the House in the coming days. NAHMA will provide further updates as committee assignments are announced.

This political trifecta—where one party controls the White House and both chambers of Congress—gives Biden more room to enact his legislative agenda and push through legisla-

**President Biden told lawmakers there was no time to waste to help struggling Americans and lift millions of people out of poverty. However, legislative momentum will likely be slow amid a Senate impeachment trial focused on his predecessor and the pressing need to confirm nominees to lead federal agencies and departments.**

Americans and lift millions of people out of poverty. However, legislative momentum will likely be slow amid a Senate impeachment trial focused on his predecessor and the pressing need to confirm nominees to lead federal agencies and departments.

In late January, the Senate Committee on Banking, Housing and Urban Affairs held a hearing to consider the nomination of former Rep. Marcia Fudge (D-OH) to be secretary of the Department of Housing and Urban Development (HUD). Once confirmed, Rep. Fudge plans to focus her tenure on bolstering fair housing protections, expanding access to affordable

most of possible majorities in the Senate, with two new Democrat senators, the Rev. Raphael Warnock and Jon Ossoff, winning their Jan. 5 Georgia Senate run-off elections. As a result, the Senate is evenly divided between 50 Republicans and 50 Democrats, including two Independents who caucus with the Democrats. Vice President Kamala Harris will decide the outcome of any tied votes through her role as president of the Senate, giving the Democrats the voting majority. Sen. Chuck Schumer (D-NY) will be the next majority leader, and Sen. Mitch McConnell (R-KY) will be the minority leader.

tion that faced significant roadblocks from the Republican-led Senate over the past few years. Biden is facing pressure from the left of his party to pass bolder COVID-19 relief legislation and he vowed during the campaign to pursue a \$2,000 stimulus immediately after taking office. Additionally, holding the Senate majority makes it much easier for Biden's Cabinet nominees during the confirmation process, including the Department of Housing and Urban Development secretary nominee, Rep. Marcia Fudge (D-OH). **NN**

*Larry Keys Jr. is director of government affairs for NAHMA.*

# IRS Issues Housing Credit Relief in Response to COVID-19 Crisis

THE INTERNAL REVENUE SERVICE issued long-awaited guidance (Notice 2021-12) to extend Housing Credit program deadlines and provide other flexibilities in light of the COVID-19 pandemic.

In July, the IRS issued IRS Notice 2020-53, which provided important deadline extensions and other accommodations for the Housing Credit, including extensions of the 10% test and rehabilitation expenditures deadlines, compliance and review moratoriums, and other flexibilities needed to address COVID-19-related challenges, like social distancing policies. How-

■ Extensions until Dec. 31, 2021, or one year from the original end date, whichever is earlier:

- The placed in service deadline, if the building was due to be placed in service in 2020,
- The reasonable restoration period for the restoration or replacement of a casualty loss, though the state agency may require a shorter extension, and
- The correction period if set by the state agency between April 1, 2020, and Sept. 30, 2021.

■ Extensions until Sept. 30, 2021, or one year from the original end date,

- A moratorium on income recertifications and compliance monitoring inspections or reviews,
- Closed common areas will not reduce eligible basis,
- QAP [Qualified Allocation Plan] hearings may take place by phone, and
- A continuation of the flexibility allowing for the emergency housing of medical personnel and other essential workers.

■ Additionally:

- If the close of the first year of the credit period with respect to a building is on or after April 1, 2020, and on or before June 30, 2021, then the qualified basis for the building for the first year of the credit period is calculated by taking into account any increase in the number of low-income units by the

close of the six-month period following the close of that first year. **NN**

**In November, the AHTCC [Affordable Housing Tax Credit Coalition] led an effort in which over 140 of our partners signed onto a letter to the IRS and Treasury Department to request deadline extensions and other accommodations for the Housing Credit in light of the ongoing disruption to affordable housing development, construction, and operations brought on by the COVID-19 pandemic.**

ever, many of these deadlines expired at the end of 2020 and were in need of further extension.

In November, the AHTCC [Affordable Housing Tax Credit Coalition] led an effort in which over 140 of our partners signed onto a letter to the IRS and Treasury Department to request deadline extensions and other accommodations for the Housing Credit in light of the ongoing disruption to affordable housing development, construction, and operations brought on by the COVID-19 pandemic.

The new guidance provides:

whichever is earlier, for properties where the original deadline was April 1, 2020, to Sept. 30, 2021:

- The 10% test deadline,
- The 24-month minimum rehabilitation expenditure period, and
- The two-year rehabilitation expenditure period for bonds used to provide qualified residential rental projects.

■ Extension until Sept. 30, 2021, for:

- The 12-month transition period to meet set-asides for qualified residential rental projects.

■ Through September 2021:

*Megan John, a senior policy analyst at AHTCC, supports the organization's legislative and regulatory efforts to expand and strengthen the Low-Income Housing Tax Credit through advocacy and member engagement.*

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# Data and Research that Support Affordable Housing

HUD User is the source for affordable housing research, reports, and data from the U.S. Department of Housing and Urban Development's Office of Policy Development and Research (PD&R). Visit **HUDUser.gov** to explore the various resources available on HUD User, including Income Limits and Fair Market Rents for assisted housing units.

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# Key Affordable Housing Legislation in the 116th Congress

**E**arly in 2020, Congress' well laid out plans and legislative agenda for the second half of the 116th Congress, which convened Jan. 3, 2019, and ended on Jan. 3, 2021, were upended by the COVID-19 pandemic. The ensuing months brought a torrent of legislative initiatives, proposals, hearings, and laws, all aimed at protecting the American people and helping stem the impact of the pandemic.

While the pandemic was a focus of this past year, lawmakers introduced various bills to address affordable housing issues.

## COVID-19 RELIEF PACKAGE

As the 116th Congress drew to a close in late December 2020, congressional leaders were able to reach a deal on a \$900 billion COVID-19 relief bill to provide direct support to the hard-hit workers amid the continuing pandemic. The bill provides \$25 billion in critically needed rental assistance for families struggling to stay in their homes, as well as an extension of the eviction moratorium until Jan. 31. The relief bill provides direct payments of \$600 to most Americans making less than \$75,000 and \$300-per-week in enhanced unemployment benefits through April 31. Expiring programs for gig workers and the long-term unemployed also continue. The package enhances the Low-Interest Housing Tax Credit (LIHTC) by enacting a minimum 4% housing credit rate to help increase affordable housing construction and provide greater certainty to new and ongoing affordable housing projects including a \$1.1 billion allocation of disaster LIHTCs for 11 states and Puerto Rico. The legislation provides \$284 billion for the Paycheck Protection Program (PPP) that offers forgivable loans to small businesses and includes money for transportation—including

ing for airlines—vaccine distribution, schools and universities, and food aid. The relief bill was attached to a \$1.4 trillion omnibus government funding package that funds the federal government through the end of the fiscal year on Sept. 31, 2021. The legislation was signed into law on Dec. 27, 2020, funding the government and providing much-needed pandemic relief.

## THE CARES ACT

In March 2020, the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) became the first significant piece of legislation aimed at renters during the second half of the 116th Congress. It included numerous programs and provisions to provide economic and financial relief to individuals, businesses, and governments impacted by the coronavirus. In addition to expanding unemployment benefits and providing a \$1,200 relief payment to eligible individuals, the CARES Act also included several housing-specific provisions, including supplemental appropriations for Department of Housing and Urban Development (HUD) programs and forbearance for homeowners and multifamily properties. The bill also provided the HUD secretary broad authority to waive existing regulations for specific HUD programs if necessary.

## EVICTION MORATORIUM

On Aug. 8, 2020, Trump signed an executive order related to COVID-19 and housing. The executive order directed several federal agencies to examine authorities or resources they could use to further assist renters or homeowners affected by COVID-19 to avoid eviction or foreclosure. It did not itself provide any new resources or implement any additional actions related to evictions and foreclosures. The executive order,

among other things, directed the secretary of Health and Human Services (HHS) and the Centers for Disease Control and Prevention (CDC) to consider whether measures to temporarily pause evictions were necessary to prevent the spread of COVID-19 between states. On Sept. 4, 2020, the CDC announced a national eviction moratorium to last until the end of 2020.

Congress considered several proposals that sought to prevent evictions further. Introduced in both the House (H.R.7402) and the Senate (S.4097), the Protecting Renters from Evictions and Fees Act of 2020 would have expanded the moratorium on evictions to include all renters, as opposed to residents of federally assisted properties and extend the moratorium until March 27, 2021. Neither bill became law.

Congress also considered S.3620, legislation to establish a \$75 billion Housing Assistance Fund at the Treasury Department. The proposal would create a fund that would help protect renters, homeowners, and communities by preventing avoidable foreclosures, evictions, and utility shut-offs and included a small state minimum, ensuring each state would receive no less than \$250 million. The Housing Assistance Fund would build off of the Hardest Hit Fund's success, which provided funds to state housing finance agencies to direct targeted foreclosure prevention assistance to households and neighborhoods in states hit hard by the economic and housing market downturn that began in 2008. This bill did not become law.

S.3030, the Eviction Crisis Act, was introduced seeking to create an eviction database as well as an eviction advisory council of HUD housing experts with the intent to stop preventable evictions from happening, collect and analyze more data on evictions, and mitigate

the effect an eviction filing can have on a renter's ability to find new housing. The bill would have created a program to fund state and local governments that want to experiment with alternatives to traditional housing courts, such as landlord-tenant community courts that combine a legal process with social services to help landlords and tenants. An Emergency Assistance Fund would be created and funded to provide one-time grants to renters facing a great financial setback. These funds would receive matching contributions from the federal government. The bill would also require consumer reporting agencies to give renters a copy of their tenant screening report and require tenant background check. The bill also did not become law.

### **SUPPORTING HOUSING SERVICES AND SERVICE COORDINATORS**

Attempting to address the funding shortfalls for service coordinators and supportive housing services, Congress considered several bills, including H.R.6503, the Pandemic and Public Health Emergency Support for the Elderly and Persons with Disabilities Act. As deemed necessary, H.R.6503 would have provided funding for multifamily service coordinators and service coordinators in public housing during the COVID-19 emergency period. The legislation would provide funding and grants for housing support services including the delivery of medicines, groceries, meals, and household supplies, Project-Based Rental Assistance (Section 202 and Section 811), and other assistance and services. Congress also considered S.4177, the Emergency Housing Assistance for Older Adults Act, which

would have provided \$1.2 billion to the Section 202 Supportive Housing for the Elderly and Section 8 Project-Based Rental Assistance programs, including \$845 million for obtaining personal pro-

## **Attempting to address the funding shortfalls for service coordinators and supportive housing services, Congress considered several bills, including H.R.6503, the Pandemic and Public Health Emergency Support for the Elderly and Persons with Disabilities Act.**

ductive equipment, cleaning, and disinfecting properties, hiring additional staff and providing rental assistance.

### **COMMUNITY DEVELOPMENT/ REVITALIZATION**

Congress also considered S.4073, the Neighborhood Homes Investment Act. This legislation sought to revitalize housing in distressed neighborhoods by creating a federal tax credit to cover the "appraisal gap" that prevents single-family housing development in many low-income neighborhoods. Seeking to help existing homeowners in low-income neighborhoods rehabilitate and stay in their homes, the bill created a federal tax credit covering the cost between building or renovating a home in these areas and the price at which they can be sold, known as the appraisal gap.

### **THE HEROES ACT**

The Heroes Act (H.R.6800) included several affordable housing-related provisions, such as additional funding for some existing housing programs as well as for specific new programs to respond to pandemic-related housing needs, and was an attempt to cushion the economic blow of the coronavirus crisis with a more robust second round of economic impact payments of \$1,200 per taxpayer and \$500 per dependent.

It also included expanding the CARES Act eviction moratorium for 12 months, foreclosure moratorium, mortgage forbearance provisions, and access to financial support for landlords and mortgage

servicers. The Heroes Act was passed in the House in May but never taken up in the Senate. The act provisions were later included in a standalone bill, the Emergency Housing Protections and Relief Act of 2020 (H.R.7301), and in a revised version of the Heroes Act (H.R.925). Both companion bills also passed in the House but were never considered by the Senate.

### **NEED FOR ADDITIONAL RENTAL ASSISTANCE**

Congress considered S.3685, the Emergency Rental Assistance and Rental Market Stabilization Act of 2020. This legislation would have provided \$100 billion in emergency rental assistance distributed through the Emergency Solutions Grant program framework, a federal homeless assistance program that offers temporary rental and utility payment assistance to households. HUD would oversee the distribution of \$100 billion to low-income families experiencing homelessness or at risk of homelessness during the COVID-19 emergency. Under the proposed law, HUD would have to allocate \$50 billion to states and communities within a week of the bill being signed into law. The other half of the money was to be distributed within 45 days of the law's enact-

*continued on page 12*

ment based on the needs of extremely low- and very low-income renters and the economic disruptions caused by the coronavirus. A companion bill, H.R.6820, was also introduced in the House. Neither bill became law.

### **HOUSING TAX CREDIT**

Several bills were introduced in both chambers in the previous Congress that would have impacted the Low-Income Housing Tax Credit (LIHTC) program. H.R.2, the Moving Forward Act, was a significant transportation proposal introduced in the House. It included funding for housing infrastructure and increased federal investment in affordable housing by expanding the LIHTC with housing incentives for rural and tribal communities and individuals who are at risk of becoming homeless. The bill would have created a new tax credit through the Neighborhood Homes Investment Act, which would subsidize certain development costs to encourage the rehabilitation of vacant homes or construction of new homes in economically distressed areas. The Moving Forward Act would also have invested more than \$100 billion to create or preserve 1.8 million affordable homes and increase the available housing stock's environmental sustainability. The proposal also included investment in local financing and community development and would have expanded and made permanent the New Markets Tax Credit and promoted investments in tribal communities. The Moving Forward Act was passed in the House in July but was never considered by the Senate.

Introduced in the House, H.R.3077, the Affordable Housing Credit Improvement Act would enact a minimum 4% Housing Credit rate. It would lower the 50% threshold of bond financing required per development to trigger the 4% Housing Credit. A companion bill was also

introduced in the Senate (S.1703), but neither of the bills became laws.

Introduced in the Senate, S.4078, the Emergency Affordable Housing Act, sought to preserve and expand affordable housing amidst the COVID-19 pandemic and economic crisis. The bill included several Housing Credit priorities and several new Housing Credit proposals, including a permanent 4% Housing Credit rate, an increase in Housing Credit allocation, a lowering of the "50% test" for bond-financing, and a change to the Qualified Contract process. The bill did not become law.

In response to the multiple environmental disasters impacting large swaths of the country, the Senate introduced S.4621, the 2020 Disasters Tax Relief Act. The legislation, for areas affected by the Iowa derecho, wildfires in Califor-

nia and Oregon, and areas affected by hurricanes Laura and Isaias, would have increased the LIHTC allocation as much as 50% in 2021 for 2020 disaster areas. Specifically, the bill would raise the state credit ceiling for LIHTC for 2021 to provide additional projects within 2020 disaster areas. The increase would be equal to the credits allocated to projects in disaster areas, up to 50% of the state's total 2020 credit allocation.

### **PRESERVATION**

Congress considered H.R.8824, the Federal-Financing Bank Risk-Sharing Act of 2020, a bill that would have reestablished the Federal-Financing Bank and Risk Sharing Program, which helped with creation and preservation of affordable rental housing in New York City and across the country. Specifically, it would reimplement the program and expand it to make

### **RURAL HOUSING**

S.3452, the Affordable HOME Act (Making Affordable Housing Opportunities More Equitable Act), was introduced as a comprehensive bill designed to impact current policies and funding levels in affordable housing. Addressing rural housing needs, the proposal would have authorized the Multifamily Preservation

**S.3452, the Affordable HOME Act (Making Affordable Housing Opportunities More Equitable Act), was introduced as a comprehensive bill designed to impact current policies and funding levels in affordable housing.**

and Revitalization program, allowing for loan restructuring and decoupling of rental assistance from the Department of Agricultural (USDA)-backed mortgages as a way to preserve the current affordable housing stock in rural areas. The bill included \$1 billion over 10 years to construct multifamily rental housing projects financed through USDA Section 515. Also included were grants for nonprofits, resident cooperatives, tribal housing authorities, public housing agencies, or other state housing entities to acquire and preserve manufactured housing communities. Several provisions impacting the Fair Housing Act were also included—one provision would have added source of income as a protected class under the Fair Housing Act, prohibiting landlords from denying leases to voucher households. This bill never received a vote in the Senate. **NN**





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# RD Issues New VAWA Guidance

**T**he Department of Agricultural (USDA)'s Rural Housing Service published an unnumbered letter: "Ensuring Access to Safe Housing for Rural Development Tenants Violence Against Women Reauthorization Act of 2013." The unnumbered letter provides guidance on how to serve the needs of victims of domestic violence, dating violence, sexual assault, or stalking and comply with the Violence Against Women Reauthorization Act of 2013 (VAWA). Specifically, the guidance includes suggestions on how to best ensure that the VAWA protections are available to residents who need them, given concerns of limited staffing levels and capacity to improve victim outcomes. The unnumbered letter applies to the Rural Development (RD) Multi-Family Housing Section 515 Rural Rental Housing, Section 514/516 Farm Labor Housing, Section 538 Guaranteed Rural Rental Housing Section 533 Housing Preservation Grant programs.

## AGENCY RECOMMENDED GUIDANCE

The USDA is in the process of revising current regulations to include updated VAWA policies through a proposed rule that was published in the *Federal Register* on Sept. 23, 2020. Until the final rule is published, USDA recommends using the guidance provided in the unnumbered letter.

■ Borrowers should continue to follow current USDA policies for extended absences, which the approved lease can allow the owner to approve with resident notification. While this benefits a wide range of households, it would also help survivors of domestic violence, dating violence, sexual assault, and stalking who need to flee their homes immediately for safety.

■ Borrowers must be responsive and urgently consider allowing eligible residents who reasonably believe that they face an actual and imminent threat of domestic violence, dating violence, sexual assault, or

stalking to transfer to another available and safe RD unit. The Rural Development Local Servicing Official will issue a VAWA Letter of Priority Entitlement (LOPE) per the Rural Development's Emergency Transfer Plan, stating that the resident may receive priority placement in an available RD unit within given timeframes. Requests for an external transfer when a safe unit is not available must be handled with the same urgency.

■ Borrowers must continue to distribute form HUD-5380 Notice of Occupancy Rights and form HUD-5382 Certification of Domestic Violence and Alternate Documentation Form to all applicants and existing residents upon each of the following three occasions: 1) when an individual is denied residency; 2) when an individual is assigned a Rural Development unit; and 3) with any notification of eviction or termination of assistance. Documents, such as termination notice and the Department of Housing and Urban Development (HUD) forms should be given to each adult member of the household, not just the head of household.

■ Borrowers should prioritize victims' requests and process emergency transfers and lease bifurcations as quickly as possible. This would include accepting verbal statements regarding incidents of violence or, if written documentation is requested, accept a self-certification or sworn statement. If the emergency transfer cannot be made immediately, frequent status updates must be given while exercising extreme caution to maintain confidentiality.

■ Evictions, lease bifurcations, and terminations of assistance against victims due to the presence of an actual and imminent threat caused by a perpetrator should be utilized only when there are no other actions that could be taken to reduce or eliminate the threat. Other possible actions include but are not limited to transferring the victim to a different RD unit, barring the alleged abuser from the property, and contacting law

enforcement to increase police presence.

■ When processing a bifurcation, borrowers should consider allowing more time for victims to demonstrate eligibility for the existing housing program or another subsidized housing program, where an alleged perpetrator, who was head of household, has been removed because of violence.

■ HUD's VAWA forms listed in the unnumbered letter are available from HUD's VAWA website. Form HUD-5380 Notice of Occupancy Rights and form HUD-5382 Certification of Domestic Violence and Alternate Documentation Form are available in multiple languages.

■ When communicating with an applicant or resident who has requested VAWA protections, the borrower and management agent must provide safe options to communicate with victims while exercising strict measures for maintaining confidentiality. Precautionary steps must be taken to avoid inadvertent disclosure of confidential information to another individual or entity.

■ The following best practices are designed to address the challenges of collecting information from and communicating with a victim while maintaining flexibility and meeting the confidentiality requirements of VAWA:

- Conduct the intake session in a private room, where the individual and staff person can talk without the risk of other staff or clients overhearing.
- Explain the management agent's information-sharing policies.
- Communicate to the individual who is responsible for handling questions or complaints about confidentiality.
- Provide adequate time for the individual to review and sign forms.
- Post confidentiality notices in the intake room and around the property's common areas.
- Ensure relevant staff understands confidentiality policies and procedures through

regular staff training.

- Unless given permission from the victim to do so, do not send mail or leave messages of any type that contain confidential information or refer to VAWA. The alleged perpetrator may have access to the victim's mail or be the co-head of the household, or the alleged perpetrator may be employed at the victim's residence.

- When discussing these matters directly with the victim, ensure that no one can overhear the conversation. Make arrangements that do not place the victim at risk, such as making the documentation request in a private room, not in an open space at the management office.

- Direct staff to respond to third-party inquiries only after verifying that written client consent has been obtained.

- Clarify information sharing policies with referring/referral agencies and other service and business partners.

- Maintain distinct phone lines for specific purposes.

- Avoid using language referencing domestic violence or sexual assault in agency names, program names, organization names, and staff titles.

- Use a management agent controlled post office box to receive written correspondence.

- Serve individuals off-site as needed or when appropriate.

- Provide interpretation and/or documents translated into the appropriate language when necessary.

- Provide accessible documents or assistance filling out forms for individuals with disabilities.

- Borrowers should consider adopting a preference for admission and make every effort to accept admission applications from victims at any time, even when a waiting list may be closed. Also, eligible victims currently in congregate living situations should be permitted to move into safe housing, which will allow for compliance with social distancing requirements.

- To better accommodate victims who do not feel safe attending hearings where their alleged perpetrators would be present, borrowers should use available technology so that survivors have safe

options to testify at hearings where their housing subsidy is at stake.

- Borrowers should make available to residents a list of other RD and non-RD housing providers in the local area who assist victims of VAWA-related crimes.

- A list of programs and phone numbers of advocacy organizations that assist victims of domestic violence, dating violence, sexual assault, and stalking on an emergency basis should be made readily available.

## VAWA BACKGROUND

VAWA provides legal rights and protections for applicants and residents who are actual or threatened victims of domestic violence, dating violence, sexual assault, or stalking, as well as members of their household.

These include protections for victims from being denied admission to, denied assistance under, terminated from participation, or evicted from specific covered housing programs if the applicant or resident otherwise qualifies for admission, assistance, participation, or occupancy.

VAWA protections are available to all eligible individuals and households regardless of gender identity, race, color, national origin, sex, sexual orientation, familial status, disability, or age. Under VAWA, borrowers are subject to the Fair Housing Act and Civil Rights laws and must make reasonable accommodations as necessary to ensure that victims with disabilities can appropriately access any rules, policies, practices, or services to receive VAWA protections.

Borrowers should ensure effective communication with persons with disabilities, e.g., providing sign language interpreters for persons who are deaf, accessible documents and assistance filling out forms for persons who are blind or have low vision, and providing language assistance for persons with limited English proficiency.

Criminal activity directly related to domestic violence, dating violence, sexual assault, or stalking, engaged in by a member of a resident's household or any guest or other person under the resident's control, shall not be cause for termination of assistance, tenancy, or occupancy rights of the victim of the criminal acts. **NN**

## Biden Taps Rep. Fudge to Head HUD



**IN EARLY DECEMBER, THEN PRESIDENT-elect Joe Biden nominated U.S. House Rep. Marcia L. Fudge (D-OH) to serve as the secretary for Housing and Urban**

**Development (HUD).**

**"Rep. Fudge is a longtime champion of affordable housing and community development, and we know she will do an outstanding job serving the American people. We are grateful to have her considerable talents and knowledge to guide HUD as our nation pulls through the COVID-19 pandemic that has devastated the housing market. We wish Rep. Fudge much success in leading HUD during this unprecedented time and look forward to advancing our shared goals of providing decent, safe, and affordable housing to all Americans and improving residents' lives," Kris Cook, CAE, NAHMA executive director, said.**

**As an advocate for solutions to the nation's most pressing issues who was first elected to Congress in 2008, Fudge serves on the Committee on House Administration, House Committee on Agriculture, and House Committee on Education and Labor. She is the chair of the Committee on House Administration Subcommittee on Elections and chair of the Committee on Agriculture Subcommittee on Nutrition, Oversight, and Department Operations.**

**A member of several congressional caucuses, she is also a past chair of the Congressional Black Caucus. Fudge has served Ohio's citizens for more than three decades, beginning with the Cuyahoga County Prosecutor's Office. She was later elected as the first African American and first female mayor of Warrensville Heights, Ohio.**

**Fudge earned her bachelor's degree in business from The Ohio State University and her juris doctor degree from the Cleveland State University Cleveland-Marshall School of Law. She is a past national president of Delta Sigma Theta Sorority Inc. and a member of its Greater Cleveland Alumnae Chapter. **NN****



# THREE COMMUNITIES EARN COQ AWARDS

**NAHMA is pleased to announce that three communities won 2020 Communities of Quality (COQ) Awards this year. Since 1992, these awards have honored the best multifamily affordable housing communities across the country.**

Entrants are judged on how they manage their properties' physical, financial, and social conditions and how well they convey their success in offering the highest quality of life for their residents.

The 2020 COQ Awards will be presented in a virtual ceremony on March 8 during NAHMA's Biannual Top Issues in Affordable Housing virtual winter conference, March 8-11. For details on the NAHMA meeting, visit <https://www.nahma.org/meetings/>.

"There is no other award that focuses so comprehensively on the everyday life and management expertise of affordable housing properties," NAHMA Executive Director Kris Cook, CAE, said.

This year's COQ Awards program is jointly sponsored by HD Supply Multifamily Solutions, a leading supplier of maintenance and renovation products to the multihousing industry, and Mohawk Industries, a leading global manufacturer that creates products to enhance residential and commercial spaces around the world.

NAHMA congratulates the winners. For a more detailed description of each property, visit the COQ Awards Program webpage at [www.nahma.org](http://www.nahma.org).

## **EXEMPLARY FAMILY DEVELOPMENT**

### **Eggerts Crossing Village Lawrenceville, N.J.**

**OWNER: LAWRENCE HOUSING ASSOCIATES (LHA)**

**MANAGEMENT: PRD MANAGEMENT INC.**

**AHMA: JAHMA**

Eggerts Crossing Village (ECV) was built in 1974, and 46 years later, the property is home to many families, offering them a welcoming community with special programs, events, and amenities.

ECV has been dedicated to providing its residents with a beautiful community that meets all of their needs. Located in Lawrenceville, N.J., just outside of Trenton, Eggerts Crossing Village was the first subsidized family rental housing development in Lawrence Township. ECV has helped to revitalize the township by creating a community that residents are proud to call home.

The property offers 100 units of one- to five-bedroom townhouses and garden apartments. Of those, 40 units have a contract with the Department of Housing and Urban Development (HUD) for subsidies, while the remaining 60 units are rented at market rate.

Approximately 368 residents live at ECV, with 170 of them being children.

With its recent renovations, numerous academic and community programs, and dedicated staff, Eggerts Crossing Village is an exemplary property for families and individuals.





Entrants are judged on how they manage their properties' physical, financial, and social conditions and how well they convey their success in offering the highest quality of life for their residents.



**TOP, LEFT AND RIGHT: Eggerts Crossing Village**  
**ABOVE: St. Peter Manor**

#### **EXEMPLARY DEVELOPMENT FOR THE ELDERLY**

##### **St. Peter Manor Memphis, Tenn.**

**OWNER: ST. PETER MANOR LP**  
**MANAGEMENT COMPANY: WESLEY LIVING**  
**AHMA: SAHMA**

The newly renovated St. Peter Manor sits on what was once a Catholic Orphanage. Today, a sprawling 10-story apartment complex occupies the site, complete with a chapel, community center, and wonderfully landscaped green space for residents' relaxation and pleasure. Located in the Midtown district's heart, which is the cultural and entertainment center of Memphis, St. Peter Manor is conveniently located within walking distance of

shopping and entertainment.

St. Peter Manor also shares a development site with the Target House, where families are housed when their children are receiving cancer treatment at St. Jude's Children Research Hospital.

Originally built in the late 1970s, St. Peter Manor provides homes to 283 elderly families with a Section 202/8 subsidy.

With an emphasis on overall health—for reduction of risk factors for dementia and cardiovascular disease and fall prevention, St. Peter Manor offers physical fitness, health education classes and has an exercise physiologist to assist residents with fitness workouts, healthy eating and life alternatives, line dancing, and a chair volleyball league.

## COMMUNITIES OF QUALITY 2020 WINNERS

### OUTSTANDING TURNAROUND OF A TROUBLED PROPERTY

#### Moorhead Tower Apartments Pittsburgh, Penn.

**OWNER:** MOORHEAD PRESERVATION LIMITED PARTNERSHIP

**MANAGEMENT COMPANY:** BEACON RESIDENTIAL MANAGEMENT LLC

**AHMA:** PAHMA

Moorhead Towers Apartments, a 141-unit affordable housing high-rise building in Pittsburgh, was once a property that management agents did not want in their portfolio.

Physically, the property's functional obsolescence prevented management from having a practical approach to serving the resident population, most of whom are visually and hearing impaired. The building's physical obsolescence was eliminated through refinancing, and an environment that was more responsive to resident's needs was created.

While effectively managing the property's physical and fiscal needs, Beacon's management approach at Moorhead has allowed a vulnerable resident population to become empowered, engaged, and integrated into a community that was underserved for many years.

Through these efforts, what once was a tired property in a deteriorated area of Pittsburgh has become a vibrant, community-minded, resident-focused property, with residents who are empowered to live more independently. As a result, Moorhead has become the gold standard of affordable housing in the Pittsburgh market. **NN**



**CLOCKWISE FROM TOP:** Moorhead Tower Apartments exterior; Moorhead Tower Apartments computer room; St. Peter Manor grocery store.



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# JCHS Report Looks at Service Coordinators During Pandemic

**T**hroughout the COVID-19 pandemic, service coordinators have provided vital support for older adult residents in their respective communities, far above and beyond their everyday responsibilities to help residents remain self-sufficient. NAHMA members are well aware of how the pandemic has significantly disrupted and altered their residents' lives. In many cases, senior residents have been impacted the hardest; thus, the work-lives and duties of service coordinators have changed.

A new report, "For Older Adults in Publicly Funded Housing During the Pandemic, Service Coordinators Help Build Resilience," from Harvard University's Joint Center for Housing Studies, in partnership with the American Association of Service Coordinators, (AASC) "presents results from a survey conducted between June 23 and

July 17, 2020, to explore the experiences of these service coordinators during the early months of COVID-19.... The center developed an online survey, and AASC disseminated it by email to all of the 3,500 service coordinators in its membership. A total of 1,175 surveys were completed by those working in multifamily properties, representing a roughly 30% response rate. Respondents worked for publicly subsidized properties that spanned 47 states as well as Washington, D.C., and Puerto Rico. Many of the properties rely on multiple funding streams: 38% of properties employing survey respondents used Section 202, 25% were funded as public housing, and 42% accepted Housing Choice Voucher Program Section 8 waivers."

A NAHMA analysis highlights the report's key findings on how service coordinators' priorities and work-lives changed during the pandemic.

## KEY FINDINGS

The pandemic's mortality rates have been the highest in minority and senior populations. The Harvard report finds that "respondents estimated that three-quarters of residents they served were at least 62 years old, and also that 36% of residents were people of color .... At the time of the survey, about a third of respondents were aware of at least one resident on a property they served who had tested positive for COVID-19. Rates were highest among service coordinators working in public housing properties, and lowest among residents funded by Section 202 .... Service coordinators who worked with more residents were more likely to know of at least one resident with COVID-19."

**The pandemic has highlighted the critical role service coordination plays in residents' lives, especially in times of uncertainty and rapid change.**

Regarding testing, the report states, "Residents' access to COVID-19 testing varied by location. Only 9% of properties offered coronavirus testing on-site; another 77% reported that testing was available off-site. However, at the time of this survey, asymptomatic testing was not typical practice. On-site testing rates increased to 15% of properties where at least one resident had been diagnosed with COVID-19."

The report finds that most service coordinators indicated the pandemic disrupted or prevented essential in-person resident assistance needed to complete household tasks, such as assistance with dressing, running errands, compiling the documentation, and completing forms for acquiring and maintaining benefits, and providing increased translation to non-English speaking residents. This disruption was primarily due to property

access being restricted to visitors. This left service coordinators filling this gap and providing assistance to residents, including assistance usually provided by professional caregivers. The report finds that "a large part of 'filling the gaps' involved communicating with informal and formal members of residents' support networks .... Half of coordinators spent more time facilitating virtual medical care, and 35% spent less time coordinating medical transportation. Forty-six percent spent more time coordinating with family and informal supports while 34% spent more time coordinating with formal healthcare resources .... Thirty-six percent of coordinators spent more time assisting non-English speaking residents during the pandemic."

Service coordinators also shared that they communicated the updates to property rules on contact and visitation with residents' families.

The report documents that over time, essential life resources and necessities, like personal protective equipment, medicine, food, and supplies have become more readily available for residents. These resources were scarce in the early days of the pandemic due to social distancing requirements and supply shortages.

The report states, "Service coordinators estimated that 87% of residents had access to reusable cloth masks or disposable surgical masks, and 17% had N95 masks or face shields. Respondents estimated that 40% of residents of their properties did not have the food, medicine, or household supplies they would need to isolate for a week. Service coordinators estimated that 61%

of residents had enough food to socially isolate for a week, while 65% had needed medications and medical supplies to last that long. Slightly fewer, 58%, were estimated to have household goods such as paper and cleaning products ... 78% spent more time helping residents with the purchase or delivery of food, 46% were more involved in the purchase or delivery of medications or medical supplies, and 64% were more attentive to the purchase or delivery of household goods.”

As a result, many service coordinators ensured residents were noticed by donor organizations and served as an access and distribution point for donations to residents. Given the shift to online ordering at stores, service coordinators also assisted residents who did not have the internet or the technology skills to do it themselves.

The report finds that information dissemination was a critical responsibility for service coordinators. Many had to adapt and develop new communication systems to disseminate pandemic-related updates on mask-wearing and social distancing, identify needs, provide resources, prevent scamming, and ease resident loneliness and anxiety.

The report states, “Seventy-four percent of service coordinators noticed more loneliness or anxiety among residents .... On average, service coordinators estimated that 38% of residents had both internet service and an internet-capable device such as a computer or tablet .... Prior to the pandemic, service coordinators estimated that they interacted with 57% of residents in a typical week. This dropped slightly to 50% during the pandemic, including both face-to-face and virtual interactions. Telephone communication was relied on by 90% of service coordinators to communicate with residents .... Over three-quarters of coordinators posted notices around the build-

ing, especially focusing on high traffic nodes such as mailboxes and community bulletin boards. Seventy-eight percent reported that they often delivered fliers and newsletters to residents’ doors .... Over three-quarters of service coordinators reduced time spent organizing social activities, physical activities, and access to religious worship.”

As a result, the report finds service coordinators “increased referrals to professional mental health providers, community crisis lines, prayer lines, and both local and national phone chat and peer support hotlines for residents to connect with other older adults. Many service coordinators initiated proactive wellness checks with residents. Peer supports also emerged as a central strategy to address loneliness and anxiety as service coordinators sought opportunities to emphasize communal decision-making and to bring a sense of agency and a sense of community to residents’ pandemic experiences.”

The report finds that pandemic-related demands have changed service coordinators’ workplace practices, including changes to time allocation, work location, and sources of information.

The reports states, “while 85% of coordinators spent more time responding to public health recommendations, 77% also spent more time on facilities management activities such as cleaning, particularly focusing on common areas and high-touch spaces such as doors, stairwells, and elevators .... Increased time spent on facility maintenance and administration is particularly significant, given that more than half of the coordinators were working remotely. Fifty-nine percent of service coordinators worked exclusively from home, while 38% did not work remotely at all .... Thirty-eight

percent of coordinators spent more time helping residents navigate benefits. .... Thirty-five percent of respondents also spent more time on documentation tasks during the pandemic, like reporting the property’s COVID-19 statistics to county health infrastructure or documenting receipt or distribution of donations.” Despite the changes, the report finds that when “service coordinators were asked if they agreed with managers of the property about what needed to be done to address pandemic challenges, 71% of respondents reported feeling aligned with managers most of the time. Coordinators appreciated this cooperation with property managers.”

## CRITICAL ROLE

The pandemic has highlighted the critical role service coordination plays in residents’ lives, especially in times of uncertainty and rapid change. The report ends with two very important sections: Service Coordinators Identified Ongoing Challenges that Need to Be Addressed, and Changes in Practice that Service Coordinators Hope to Maintain.

Regarding ongoing challenges that will need addressing, service coordinators noted a few significant challenges: support for residents’ mental and physical health; help to meet residents’ needs for social support; building and maintaining partnerships; and expanding access to the internet, along with increasing access to devices, and resident capacity to use the technology. As far as practices to maintain, service coordinators identified: “thinking outside the box”; remote work; social distancing/hygiene; increased communication with residents; a sense of resident community and empowerment; and maintaining new community partnerships. **NN**

# NAHMA Comments on AIT and FSS Rules

**N**AHMA has joined with industry partners to provide comments on two proposals: the Family Self-Sufficiency (FSS) proposed rule and the IRS Average Income Test rule.

## FAMILY SELF-SUFFICIENCY PROGRAM

NAHMA joined 33 industry partners on a joint letter to the General Counsel Office of the Department of Housing and Urban Development (HUD), providing comments on FR-6114-P-01, Streamlining and Implementation of Economic Growth, Regulatory Relief, and Consumer Protection Act Changes to Family Self-Sufficiency Program, Docket ID HUD-2020-0063.

The comments point out several changes to the program included in the proposed rule that the industry strongly supported and urged HUD to retain in the rule's final version.

**Among them:** allowing any adult in the household to participate, modification of Welfare Independence Policy, the prohibition of adding other mandatory goals, deletion of fair market rent provision, and allowing the use of non-HUD contract of participation forms.

The industry also made suggested changes to the proposed rule. For exam-

ple, the comments said, "the proposed rule allows families to continue to participate in the initial agency's FSS program if an FSS family ports to a public housing agency (PHA) that operates an FSS program, so long as the initial and receiving PHA agree to this arrangement. As such, families porting to PHAs without FSS programs should be afforded this opportunity when the initial PHA and family believe it is feasible for the family to remain in the program. We urge HUD to make this change in the final rule."

The comments also pointed out several instances in which more details were needed for the FSS funding formula.

The industry groups recommended the rule be revised to ensure it supports

## IRS AVERAGE INCOME TEST RULE

NAHMA submitted comments to the Treasury assistant secretary and the IRS on REG-104591-18 Low-Income Housing Tax Credit Average Income Test Regulations, saying, "NAHMA is concerned the proposed changes may adversely impact an important tool to expand the supply of affordable housing across the nation. We understand that many of these same concerns have been shared by affordable housing developers, private providers, investors, and finance stakeholders."

According to the comments, the proposed rule requires all low-income units in a project to average no more than 60% of area median income (AMI)

**According to the comments, changing unit designations is an important mitigating action to correct noncompliance. For the benefit of Housing Credit property residents, NAHMA said it supports allowing owners to modify unit designations, so long as the applicable state housing finance agency provides for such designation changes in its policies and approves of the changes the owner would like to make.**

the successful operation of independent Project-Based Rental Assistance FSS programs.

"The extension of FSS eligibility to residents of PBRA-assisted properties, and the extension of eligibility for FSS coordinator funding to independently operated PBRA FSS programs, are important elements of the Act's FSS provisions which should be fully realized in HUD's final FSS rule," according to the comments.

Other recommendations made by the industry were in the areas of performance standards, recertification requirements, cash welfare, forfeited escrow, interim disbursements, the option to pause participation, the definition of eligible families, and the definition of the FSS program.

as a condition of meeting the Average Income Test (AIT) minimum set-aside.

NAHMA said this is inconsistent with Internal Revenue Code (IRC) §42, as a minimum set-aside should always be a "minimum." Specifically, §42(g)(1)(C)(i), requires only that "40% ... of the residential units in such project are both rent-restricted and occupied by individuals whose income does not exceed the imputed income limitation designated by the taxpayer with respect to the respective unit" to achieve the minimum set-aside requirements. The IRC also sets forth a separate Average Test.

In contrast, the proposed rule requires that all low-income units average 60% or less to meet the minimum set-aside.



The NAHMA's comments to IRS/Treasury are available by visiting <http://www.nahma.org/wp-content/uploads/2021/01/NAHMA-Comments-LIHTC-Average-Income-Test-FINAL.pdf>.

The industry group comments on Family Self-Sufficiency can be found by visiting, <http://www.nahma.org/wp-content/uploads/2021/01/jointly-submitted-FSS-comments-11-20-20-002.pdf>.



NAHMA said the consequence of not achieving that average is the loss of all credits on the property for at least a period of time, not only the loss of the credits associated with the noncompliant unit(s). NAHMA said the inability to meet the Average Test should be considered noncompliance of the individual unit(s) in question, not a violation of the minimum set-aside unless the noncompliance is so extreme that fewer than 40% of the units meet a 60% average. The penalty for noncompliance—the potential loss of credits and/or recapture on a specific unit(s)—is sufficient to encourage compliance with the Average Test.

According to the comments, changing unit designations is an important mitigating action to correct noncompliance. For the benefit of Housing Credit property residents, NAHMA said it supports allowing owners to modify unit designations, so long as the applicable state housing finance agency provides for such designation changes in its policies and approves of the changes the owner would like to make. The proposed change to §1.42-15 contradicts the proposed new regulation at §1.42-19, as §1.42-15 allows for modifications of income designation, whereas §1.42-19 prohibits such changes. The proposed rule is also at odds with long-standing IRS policy concerning transfers of households between units within a project. In contrast, the AIT proposed rule would

lock the qualifying designations down by unit far more rigorously. It would make management and compliance relating to transfers for AIT projects far less flexible than is allowed for the other minimum set-asides. The flexibility allowed in this policy has always provided a safe harbor for compliance at Housing Credit properties with other relevant housing laws and regulations.

NAHMA said, by prohibiting the taxpayer from changing the designated imputed income limitation of individual units once made, the proposed rule not only stymies practical implementation of AIT but also sets up the potential for conflicts with other federal housing programs (HOME, Section 8 programs, and Housing Trust Fund), the Fair Housing Act, §504 of the Rehabilitation Act of 1973, and the Violence Against Women Act (VAWA). Any conflict with these federal laws could lead to litigation, creating liabilities for state agencies and property owners.

“If the proposed rule is made final without the above concerns addressed, the IRS should provide owners of AIT properties an opportunity and a reasonable period under the circumstances to choose a different minimum set-aside and grandfather existing residents who have been allowed occupancy in good faith in accordance with the statute and state agency policies without reduction in qualified basis,” according to NAHMA’s comments. **NN**

## Nominate Your Community for the Vanguard Awards

**THE DEADLINE FOR NOMINATING** a property for one of NAHMA’s 2021 Affordable Housing Vanguard Award is June 4. The application can be downloaded from the Vanguard Award webpage, [www.nahma.org/awards-contests/vanguard-award](http://www.nahma.org/awards-contests/vanguard-award).

The Vanguard Award recognizes new, quality multifamily affordable housing development. The award pays tribute to developers of high-quality, affordable housing; demonstrates that exceptional new affordable housing is available across the country; reflects the creativity and innovation that must be present to create superior properties given the financing and other challenges to development; highlights results of private-public partnerships required to develop today’s affordable housing; and shares ideas for unique design and financing mechanisms with industry practitioners to further stimulate creative development in the affordable multifamily industry.

“The Vanguard Award complements NAHMA’s Communities of Quality (COQ) National Recognition Program, through which multifamily properties are certified as having achieved a high standard of excellence in the way they are managed, the services they provide residents, the experience and training of personnel, and other criteria,” said Kris Cook, CAE, executive director of NAHMA. “The Vanguard Award was created to honor communities that are too new to meet the qualifications for the COQ program. As the properties mature, they will become eligible—and will be encouraged—to enter NAHMA’s COQ National Recognition Program.”

### The Vanguard Award Categories include:

**New Construction**, two subcategories: more than 100 units and under 100 units; **Major Rehabilitation of an Existing Rental Housing Community**; **Major Rehabilitation of a Nonhousing Structure into Affordable Rental Housing**; and **Major Rehabilitation of a Historic Structure into Affordable Rental Housing**

**Who May Apply:** Affordable multifamily housing communities that are less than 4 years old—as of June 4, 2021—may apply, based on date of completion of new construction or completion of major rehab. Please note: A management company can submit one entry for each of the four categories; however, each entry must be a different property.

**Where and When to Apply:** Applications and information about entry fees, judging criteria, the benefits of winning an award, and more is on NAHMA’s website at [nahma.org](http://nahma.org). Click on Vanguard Award Overview.

**The Awards Ceremony:** Winners of the Affordable Housing Vanguard Awards will be recognized at an awards ceremony at the NAHMA fall meeting in Washington, D.C., Oct. 20-22.

## Access NAHMA Information While On The Go

The NAHMA app allows users to access NAHMA website content, including the latest legislative and regulatory news, register for events, or make purchases in the NAHMA Online Store on any smart device.

Download the NAHMA app today, available in the Apple AppStore and Google Play, or on the NAHMA website.





# FHEO Releases State of Fair Housing Report

**T**he Department of Housing and Urban Development's (HUD) Office of Fair Housing and Equal Opportunity (FHEO) posted the State of Fair Housing Annual Report to Congress for Fiscal Year (FY) 2018-2019.

"The report details the tremendous progress we at HUD, with the support of our state and local partner agencies, are making in addressing discrimination in housing and ensuring that everyone has an opportunity to obtain and enjoy the housing of their choice," according to an announcement by Anna María Farías, then-assistant secretary, Fair Housing and Equal Opportunity.

The report includes information about HUD's Fair Housing initiatives, including HUD's partnership with the Department of Justice (DOJ) to prevent sexual harassment in housing. The comprehensive initiative includes an inter-agency task force staffed by representatives of the two agencies and a public awareness campaign that helps victims throughout the nation to locate community resources and report harassment.

According to the announcement, the report also details HUD's enforcement measures, including the HUD secretary-initiated complaint and charge against Facebook for its violation of the Fair Housing Act.

## SEXUAL HARASSMENT TRAINING INITIATIVE

According to the report, HUD and the DOJ joined forces to create an inter-agency task force to increase public awareness and report sexual harassment in housing. The HUD-DOJ Task Force to Combat Sexual Harassment in Housing developed a shared strategy for combatting sexual harassment in housing across the country, focusing on five key areas: 1) continued data sharing and analysis, 2) joint development of train-

ing, 3) evaluation of public housing complaint mechanisms, 4) coordination of public outreach and press strategy, and 5) review of federal policies.

The joint effort resulted in HUD's Sexual Harassment Training Initiative, which aimed to empower public housing authorities—executive directors/officers, employees, residents, and private landlords in the housing choice voucher program—to address and prevent sexual harassment in housing.

The self-paced virtual training includes educational videos and fact sheets that teach participants how to recognize sexual harassment and address it. And it provides best practices for preventing sexual harassment in housing. The attendees complete the training on HUD Exchange. According to the report, since the initiative's launch, individuals and organizations from 45 states, the District of Columbia, and Puerto Rico have completed the training.

## ENFORCEMENT EFFORTS

The Fair Housing Act prohibits discrimination based on race, color, national origin, religion, sex, disability, and familial status in the sale or rental of a dwelling and other housing-related transactions.

According to the report, HUD and Fair Housing Assistance Program (FHAP) agencies completed 7,874 investigations resulting in \$18,022,717 in monetary relief in housing discrimination cases in FY 2018. For FY 2019, HUD and FHAP agencies completed 7,679 investigations resulting in \$16,698,599 in relief.

The report said disability continues to be the top allegation of discrimination filed under the Fair Housing Act, with 4,705 complaints filed in FY 2018 and 4,767 complaints filed in FY 2019. Race was the next most common basis, making up 2,049 complaints in FY



To read the FY 2018-2019 Annual Report on Fair Housing, visit [https://www.hud.gov/program\\_offices/fair\\_housing\\_equal\\_opp/annualreport](https://www.hud.gov/program_offices/fair_housing_equal_opp/annualreport).

2018 and 2,002 complaints in FY 2019. Familial status, sex, national origin, and retaliation each made up between 743 and 999 complaints each fiscal year, while color and religion were the least reported bases. Overall, the number of complaints from each basis in FY 2018 and FY 2019 were very similar. Complaints are often filed under more than one basis, according to the report.

The report also highlighted separate and unrelated Voluntary Compliance Agreements with Maryland's Department of Housing and Community Development and the city of Los Angeles in response to complaints of violations of civil rights laws.

In the Maryland case, the Baltimore Regional Housing Campaign (BRHC), a coalition of housing and civil rights organizations, alleged that the state applied discriminatory policies in its administration of the Low-Income Housing Tax Credit program in violation of Title VI of the Civil Rights Act of 1964 and the Fair Housing Act. The settlement prohibits policies that allow local communities to veto affordable housing, which is often used to bar the development of affordable housing in predominantly white, high opportunity areas. The settlement also requires the state to develop 1,500 affordable housing units in areas of opportunity in the Baltimore region, with more than 1,000 of those units being new construction. The settlement also requires the state to pay \$225,000 to sustain BRHC's mission of working to increase choice, educational opportunity, and social equity for low-income families in the Baltimore region's organizations.

In the Los Angeles case, according

to the report, for years, people with disabilities, including countless homeless individuals and veterans, have faced a housing crisis in the city of Los Angeles because affordable housing developments were not built to comply with federal accessibility requirements. This form of discrimination results in physical barriers, such as stairs and narrow doorways, which systemically exclude certain people with disabilities from housing. HUD investigated and uncovered widespread noncompliance with federal accessibility requirements in affordable housing developments throughout the city. The investigation team found that the city used HUD's HOME and CDBG funds, Low-Income Housing Tax Credits, and tax increment bond financing to build over 800 affordable housing developments but failed to ensure those developments were accessible to persons with disabilities.

After several years of negotiation, HUD and the city executed a 10-year Voluntary Compliance Agreement (VCA) to provide accessibility across the city's multi-billion-dollar affordable housing portfolio. The VCA will produce over 4,600 fully accessible homes for persons with disabilities and leverage the city's broader effort to address homelessness, promising a full 15% of all new affordable homes to be accessible and available to persons with disabilities. The VCA incorporated a state-of-the-art program to incentivize "super accessible" homes, utilizing new technology and enhanced accessible design features that exceed current federal standards, such as keyless entry, full-extension pull-out storage, roll-in showers, and motion-activated controls.

According to the report, in FY 2019, HUD awarded approximately \$38 million to 170 national and local fair housing organizations to assist people who have been victims of housing discrimination and promote awareness of the rights afforded by the Fair Housing Act. In FY 2018, HUD awarded approximately \$38 million to 150 national and local fair housing organizations to confront the Fair Housing Act violations. **NN**

## Scholarship Application

### Available Online

**THE NAHMA EDUCATIONAL FOUNDATION KICKED OFF the scholarship season by releasing the 2021 scholarship application on Jan. 15. This will be the 15th consecutive year that the foundation will be making scholarships available to worthy student residents.**

**"The NAHMA Educational Foundation Board of Directors is so very appreciative of the continuing generosity of our many donors during these difficult times. Their support will allow the foundation to continue making \$2,500 individual awards in 2021. So please encourage your residents to apply for a scholarship this year," NAHMA Educational Foundation Chairperson, Alice Fletcher, said when the application was released in January. In 2020, the foundation awarded 108 scholarships worth a total of \$270,000.**

**The criteria for a completed application and the selection criteria remain the same as they have been for the past several years. Eligibility for the program requires that an applicant be a resident in good standing at an AHMA/NAHMA affiliated apartment community and be either a high school senior with a minimum grade point average of 2.5, a general equivalency diploma holder or a matriculated student with a minimum grade point average of 2.3 at an accredited college or trade/technical school. Applications from students in graduate-level programs will not be accepted.**

**The required application components include an application form, two references, an essay, and a certification of residency in good standing form. Additionally, a grade transcript—due to COVID-19 considerations, an unofficial grade transcript will be acceptable—showing grades through the fall 2020 semester is the only component submitted to the foundation via U.S. mail. All of the other required forms are provided within the web-based software; hence, no hard copies are needed.**

**The foundation urges you to promote the scholarship program and how to access the application to your residents. Please encourage them to get started on completing an application. More than enough time remains between now and the May 15 deadline for a resident to submit a completed application. Last year, nearly 80% of applicants filing a completed application received a scholarship. It is time well spent for any eligible good student to apply.**

**The NAHMA Scholarship Program has established a proud legacy of providing financial assistance to student residents attending post-secondary school. Help the foundation help your residents by making them aware of this terrific program! **NN****



Applicants can access the application by going to <https://nahma.communityforce.com> or visiting [www.nahma.org](http://www.nahma.org) and clicking on the Educational Foundation icon. The application is digital and must be filed online. The deadline for completed applications is May 15, at 10 p.m. Eastern time.

# NAHMA Honors Affordable Housing Industry's Best

NAHMA announces the winners of its annual Industry and AHMA Awards, which will be presented during its Biannual Top Issues in Affordable Housing virtual winter conference, March 8-11. The list of award winners includes individuals and organizations whose professionalism, dedication, and accomplishments in assuring quality housing for low-income Americans raise the multifamily affordable housing industry standards. More detailed descriptions of award winners will be provided in the March-April issue of *NAHMA News*.

## **NAHMA INDUSTRY STATESMAN AWARDS: KAREN STEINBAUM, NAHP-E**

*Given annually to NAHMA Executive Council members who are either in or nearing retirement, in recognition of many years of outstanding leadership and service to NAHMA.*

Karen Steinbaum, who has retired from SK Management, began her career when a woman in business was uncommon. Still, she overcame all obstacles to lead her company as well as to become a leader in the affordable housing industry. Through her tireless efforts, she became a mentor to many and led others to excellence. Her company provided many careers in property management and countless homes for low-income families, seniors, and persons with disabilities. Many of her mentees became leaders in the industry in their own rights, a progression which she always championed.

## **NAHMA INDUSTRY ACHIEVEMENT AWARD: DEBBIE PILTCH, SHCM, CPO, NAHP-H, FHC**

*Given annually to a NAHMA Executive Council member who has contributed significant or noteworthy leadership or other contributions to NAHMA within the past year or two.*

Much of the virtual training offered by the AHMAs started with Debbie Piltch, and her efforts, ideas, and support have been instrumental in finding a way to allow the AHMAs to continue to train throughout the pandemic. She taught the first virtual Fair Housing Compliance course in April. She is also a member of the Blended Compliance Designation (BCD) Task Force, including being involved in the course rewrite process and volunteering weeks of her time to give a careful review of changes to the manual from the BCD Task Force.

## **INDUSTRY PARTNER AWARD: MICHAEL CUMMINGS**

*Given annually to a government agency or other affordable housing organizational partner that has made a significant contribution to the cause of affordable housing in the previous year.*

Michael Cummings is the vice president of Southwest Housing Compliance Corporation (SHCC), an Austin Housing Authority division, Austin, Texas. In his leadership role

with SHCC, the Performance-Based Contract Administration (PBCA) for Texas and Arkansas, Cummings has made the agency a true partner to the owners and managers of the properties in the SHCC portfolio, always willing to listen and give careful consideration to the industry's concerns and work towards a fair and equitable solution. During the pandemic, Cummings has put the concern for the health and safety of property staff and residents first in postponing all Management and Occupancy Reviews and working with owners and agents to find ways to meet their regulatory obligations during this difficult time.

## **AHMA OF THE YEAR**

*Given to AHMAs using criteria such as size, number of members, success in membership recruitment, membership retention, education and training course attendance, financial stability, and other factors.*

**Large:** In 2020, **SAHMA** made updates to its membership model to reflect the number of units owned and managed in the southeast, all while the association maintains an 84% retention rate. SAHMA, which covers eight southeastern states and the Caribbean, continued to grow its SAHMA-U webinar opportunities, resulting in 52 live webinars throughout the year while adding 10 additional on-demand webinars to its expanding library. Due to the COVID-19 pandemic, SAHMA was only able to hold two state conferences before travel and large group gatherings came to a halt. As a result, SAHMA canceled its remaining state conferences and hosted its annual Leadership Affordable Housing Conference virtually rather than in-person. The COVID-19 pandemic challenged the association to evaluate and reimagine many of its in-person events, but most member services continued uninterrupted.

**Medium:** **JAHMA**—serving property managers and owners in New Jersey—canceled its Spring Management Event and replaced it with weekly virtual meetings to share information, strategies, and COVID-19 safety tips. Additionally, a COVID-19 page was created for the JAHMA website, which

shared coronavirus updates from NAHMA, from the Department of Housing and Urban Development, the New Jersey Housing and Mortgage Finance Agency, and local vendors. Going virtual was brand new for JAHMA. It was necessary to jump into the virtual training world with both feet. This started with a series of COVID webinars with topics ranging from Communication Challenges to Income Calculations. JAHMA was also able to offer multiple NAHMA credential trainings. Restructuring the JAHMA membership categories and nonmember outreach has allowed the association to maintain membership and increase numbers in some areas.

**Small: AHMA-NCH**, serving Northern California and Hawaii, maintained a 93% retention rate for total properties and units while also picking up three new management companies. AHMA-NCH pivoted to online training in early March and partnered with NAHMA to transition the certification classes' conversion to online status. Additionally, to serve its Associate members, AHMA-NCH created webinar opportunities for educating its members while offering a chance to display their products. As the pandemic continued and in-person access to state representatives was eliminated, AHMA-NCH employed grassroots tactics to notify members of important issues taking place within the state and utilized their strength in continuing to advocate for affordable housing.

#### AHMA COMMUNITIES OF QUALITY PROGRAM AWARD

*Given to AHMAs according to size that have a substantial number of COQ awards in their area, demonstrate support for the program, and introduce new or innovative activities.*

**Large: SAHMA** has 599 COQ National Recognition Program participants, with six new communities since the previous year. Also, 10 SAHMA member companies have received the Communities of Quality Corporate Partner Designation.

#### AHMA INNOVATION AWARD

*Given in recognition of a new program, service, or activity that an AHMA began sometime in late 2019 or in 2020.*

**Large:** Due to the pandemic, **SAHMA** quickly pivoted its focus for education and training from in-person conferences and events to online educational opportunities with the cancellation of many of its state-level conferences. They bolstered their on-demand SAHMA-U Learning Library and increasing the opportunities for live webinars. Additionally, SAHMA decided to utilize live and on-demand features during its three-day virtual leadership conference to maximize attendees' educational benefit by offering live sessions and

providing access to all content until the end of the week. As a result, SAHMA was able to give the participants 17 hours of continuing education. SAHMA was also able to retain about 90% of its registrations with the decision to move the leadership conference from in-person to virtual.

**Small: AHMA-PSW**, representing management agents and owners of over 85,000 housing units in Arizona, Nevada, and Southern California, launched the AHMA-PSW Foundation's 5K Virtual Run as a way to have members and nonmembers participate, share their experience, and have fun while raising money for the AHMA's scholarship program during the pandemic. The virtual event was held over six weeks to allow members time to join at their own pace, understand the ground rules, share their experience and participate in a fun and healthy activity. Additionally, the association released the AHMA-PSW in Action 2020 publication, a project that captured the essence of the voluminous amount of work accomplished by the AHMA while working remotely and building community with members in a different way.

**Very Small: LAHMA**, serving Louisiana, created a webinar for its members that was also broadcast on public television for the community at large, called COVID Awareness: Past and Present. The program was moderated by Norman Robinson, a former local news personality, and featured a panel of experts consisting of Sarah Babcock, director of Healthy Environments and Communications at the New Orleans Health Department, Dr. Julio E. Figueroa, professor of medicine, chief of infectious diseases for Louisiana State University School of Medicine, and Kris Cook, executive director of NAHMA. The panel provided insights on dealing with issues related to the pandemic and its effects on affordable housing staff and residents.

#### NAHMA COMMUNITIES OF QUALITY AWARD

*Given annually to a NAHMA Executive Council member who has the most newly listed properties on the NAHMA National Recognition Program COQ Registry-based on data maintained by NAHMA staff.*

Most new in 2020 is awarded to **GK Management Co.**, headquartered in Culver City, Calif.

#### NAHMA PRESIDENT'S AWARD

*Given annually by NAHMA's president for outstanding leadership or other contribution to NAHMA and the affordable multifamily housing industry—to be named by NAHMA's president at NAHMA's annual winter meeting during the March 9 virtual awards ceremony. NN*



## Thank You to NAHMA Educational Foundation Supporters

The NAHMA Educational Foundation thanks its generous supporters of 2020. Their contributions benefit postsecondary school scholarships to residents of NAHMA- and AHMA-member properties.

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TO READ THE NOTICES below in their entirety, visit the issuing agency's webpage under the Agencies tab at [nahma.org](https://www.nahma.org). For all updates related to the COVID-19 coronavirus, visit the Coronavirus Information and Resources webpage at <https://www.nahma.org/coronavirus-information-and-resources/>.

## IRS NEWS

**THE DEPARTMENT OF TREASURY ON JAN. 19 PUBLISHED FREQUENTLY ASKED QUESTIONS (FAQS)** and guidance regarding the requirements of the Emergency Rental Assistance program established under the recent Consolidated Appropriations Act. The FAQs address such issues as determining income eligibility, why payments may not be duplicative of any other federally-funded rental assistance provided to an eligible household, and how to comply with Treasury reporting and recordkeeping requirements.

**THE INTERNAL REVENUE SERVICE ISSUED GUIDANCE TO EXTEND HOUSING CREDIT PROGRAM DEADLINES** and provide other leeway and flexibilities in response to the COVID-19 pandemic. Notice 2021-12 extends several deadlines that expired at the end of 2020, including a moratorium on income recertifications and compliance monitoring inspections or reviews, closed common areas will not reduce eligible basis, qualified allocation plan (QAP) hearings may take place by phone, and a continuation of the flexibility allowing for the emergency housing of medical personnel and other essential workers through September 2021. The following was extended through Sept. 30: The 10% test deadline, the 24-month minimum rehabilitation expenditure period, the 12-month transition period to meet set-asides for qualified residential rental projects,

and the two-year rehabilitation expenditure period for bonds used to provide qualified residential rental projects through Sept. 30. The following was extended until Dec. 31: The placed in service deadline, if the building was due to be placed in service in 2020, the Reasonable Restoration Period in the case of a casualty loss not due to a pre-COVID-19-pandemic Major Disaster, and of section 8.02 of Rev. Proc. 2014-49 in the case of a casualty loss due to a pre-COVID-19-pandemic Major Disaster, and the correction period if a correction period set by the agency ends on or after April 1, 2020, and before Sept. 30, 2021. For purposes of § 42(f), if the close of the first year of the credit period with respect to a building is on or after April 1, 2020, and on or before June 30, 2021, then the qualified basis for the building for the first year of the credit period is calculated by taking into account any increase in the number of low-income units by the close of the six months following the close of that first year.

## SBA NEWS

**ON JAN. 6, THE SMALL BUSINESS ADMINISTRATION (SBA) ISSUED GUIDANCE** for implementing the new modified Paycheck Protection Program (PPP) provided under the recently passed FY 2021 Consolidated Appropriations Act, Coronavirus Response and Relief Supplemental Appropriations Act. The guidance includes two interim final rules:

■ **The Business Loan Program Temporary Changes; Paycheck Protection Program as Amended** consolidates the rules for PPP forgivable loans for first-time borrowers and outlines changes made by the Economic Aid to Hard-Hit Small Businesses, Nonprofits, and Venues Act.

■ **The Business Loan Program Temporary Changes; Paycheck Protection Program Second Draw Loans** lays out the guidelines for new PPP loans to businesses that previously received a PPP loan.

The SBA also released a Guidance on Accessing Capital for Minority, Under-served, Veteran and Women-Owned Business Concerns. The guidance included a commitment from the SBA to make at least the first two days of the PPP application window open exclusively to applications from community financial institutions that serve minority- and women-owned businesses. The program opened to all participating lenders shortly thereafter and will remain open through March 31.

## IRS NEWS

**IN RESPONSE TO RECENT FEEDBACK FROM CAPITAL NEEDS ASSESSMENT (CAN)** E-tool users, HUD has published CNA 3.0 Known Issues and Solutions on the CNA E-tool web page. The document describes existing issues within the CNA e-Tool web application and the temporary solutions for users. **NN**

## FEDERAL EVICTION MORATORIUM EXTENDED

**AS PART OF PRESIDENT JOE BIDEN'S DAY ONE EXECUTIVE ORDERS** signed Jan. 20, the Centers for Disease Control and Prevention (CDC) has extended the federal eviction moratorium until at least March 31, 2021. Biden has also requested the Veterans Affairs, Agriculture, and Housing and Urban Development departments to consider extending foreclosure moratoriums for federally guaranteed mortgages and continuing applications for forbearance for federally guaranteed mortgages until at least March 31. Additionally, on Jan. 19, the Federal Housing Finance Agency extended its foreclosure and eviction moratoriums until Feb. 28, 2021. The president has requested the agency to consider extending the foreclosure moratorium further and continue forbearance applications for all loans guaranteed by Fannie Mae and Freddie Mac.

## Forty-five Years of Experience In the Relationship Business

SINCE STEPPING DOWN AS president and CEO of Community Realty Management in 2019, Michael Simmons has been filling the full-time senior advisor and business development officer role. A role, one could say, was tailor-made for him.

"I reach out to existing as well as prospective clients seeking new opportunities for the company to grow," he said. "In my over 45-plus years, I've developed a number of contacts and resources for our portfolio. Property management, in addition to being a service business, is a relationship business, not just with our residents, but with our investor clients, LIHTC partners, lenders, local communities, and regulatory agencies."

In 1972, he responded to an advertisement for a property management firm located in Pleasantville, N.J., called U.S. Home Management. In 1974, a segment of the firm evolved into Community Realty Management, and the rest, as they say, is history.

"I've been with CRM since it started. I'm one of the original executive team members," he said.

He worked his way through the company, serving as director of operations, vice president, executive vice president, and then the president and CEO for 16 years.

As part of the succession plan created with the corporate board of directors, Simmons stepped down two years ago and took on his current role to serve as an advisor to his successor, in addition to that of business development and broker of record.

"As with any company, succession

planning is part of your career. My successor did it with me. Now, it's my turn," Simmons said. "I'm involved with preserving and nurturing the relationships with clients that I've built over the last 45 years. We didn't want to lose that at least not right away."

Simmons said providing decent and safe housing is a noble profession and that more than 20,000 people live in CRM communities, whose portfolio is more than 90% affordable housing. CRM has properties in Indiana, Maryland, Missouri, New Jersey, New York, Oklahoma, Pennsylvania, and the U.S. Virgin Islands.

Even though he has stepped away from the top leadership role, Simmons is not planning his retirement just yet.

"I plan to continue in the industry. It is something I enjoy. I like the relationships," he said. "At least for a few more years anyway. I plan to stay actively engaged."

He is also enjoying a new opportunity to engage as he begins his two-year term as NAHMA president.

Simmons also holds a Certified Property Management designation from the Institute of Real Estate Management (IREM) and is a licensed real estate broker in four states. He has served on the Atlantic City and County Board of Realtors; was a long-term member of the Federal Housing Advisory Board for IREM; and has served as national president of IREM and president of the IREM Foundation. He also currently serves on the Drexel University Real Estate Management & Development Advisory Board.



This past December, Simmons and his wife, Victoria, celebrated their 50th wedding anniversary. The couple likes traveling, and of course, anyone who has ever attended a NAHMA meeting knows Mike is a cigar buff.

Simmons also has an extensive collection of Lladro porcelain figurines that he began collecting in the mid-80s.

"We've visited the factory in Spain. I have over 30 pieces," Simmons said. "I was supervising a property in St. Croix, and there was a shop that sold the porcelain figures. I thought they were so striking and artistic." **NN**

*Jennifer Jones is manager of communications and public relations for NAHMA.*

### Welcome New Members

**NAHMA welcomes the following new members as of Feb. 1, 2021.**

#### EXECUTIVE

George Griffin, Houston Housing Authority, Houston, Texas

Kevin McKee, Rose Community Management, Independence, Ohio

Amy Young, Fairfield Homes, Lancaster, Ohio

#### AFFILIATE

Karen Ventrice, CMS, Bremerton, Wash.

# EDUCATION CALENDAR

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

**EDITOR'S NOTE:** Due to the evolving health recommendations due to the COVID-19 coronavirus, please contact the AHMA directly for the most up-to-date status of all in-person and virtual events and educational offerings.

## MARCH

- 3**  
**Death of a Resident**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- 4**  
**The Owner Handbooks**  
Webinar  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- The Not-So-Average LIHTC Average Income Minimum Set Aside Test-Update**  
Live Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- 9**  
**Conquering LIHTC Utility Allowances**  
Live Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- 10**  
**Understanding LIHTC with RD**  
Webinar  
AHMA of Washington  
360-561-3480  
[www.ahma-wa.org](http://www.ahma-wa.org)
- Income & Assets Verification & Calculation**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- Lease Violations: How to Prepare & Serve Correctly**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)
- 11**  
**Half-Day Fair Housing Approved for DPOR Certification**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- Eviction Moratoria Update + The ABCs of Documenting & Writing Lease Violation Notices**  
Live Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- Effective Preventive & Predictive Maintenance Planning**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)
- 16**  
**Intermediate LIHTC Compliance**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- 16-17**  
**Fair Housing Compliance (FHC) Certification**  
Virtual Training  
SAHMA  
800-745-4088  
[www.sahma.org](http://www.sahma.org)
- Professional Development Series: Session 2-Exceptional Customer Service**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)
- 17**  
**Half-Day Preparing for Physical Inspections**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- Conquering the Five Most Common Eligibility Errors in Affordable Housing**  
Live Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- 18**  
**Half-Day Diversity/Discrimination and Systemic Racism in Affordable Housing**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- SHCM Exam Prep: Certifying Income Eligibility**  
Webinar  
SAHMA  
800-745-4088  
<https://www.sahma.org>
- 23**  
**Handling an MOR on a Tax Credit Property**  
Webinar  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- 23-24**  
**Accelerated Certified Professional of Occupancy (CPO)**  
Virtual Training  
SAHMA  
800-745-4088  
<https://www.sahma.org>
- 23-25**  
**Conquering LIHTC Compliance**  
Live Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- 25**  
**HUD Refresher**  
Webinar  
MAHMA  
614-481-6949  
<http://mahma.com>
- Introduction to Green Building Principles & Practices**  
Webinar  
SAHMA  
800-745-4088  
<https://www.sahma.org>
- Keep Your Waitlist in Compliance Using Automatic Waitlist Purge**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)
- ## APRIL
- 7**  
**Conquering Tenant LIHTC File Audits**  
Live Webinar  
Oregon AHMA  
503-357-7140  
[www.oregonaffordablehousingmanagement.com](http://www.oregonaffordablehousingmanagement.com)
- 8**  
**Slips, Trips, & Falls**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)
- 13-14**  
**NAHMA's Fair Housing Compliance (FHC) Course**  
Virtual Training  
Mid-Atlantic AHMA  
804-564-7898  
[www.mid-atlanticaahma.org](http://www.mid-atlanticaahma.org)
- Professional Development Series: Session 3-Basics of Effective Written Communications**  
Webinar  
AHMA-PSW  
866-698-2462  
[www.ahma-psw.org](http://www.ahma-psw.org)

PROTECTING THE INTERESTS OF AFFORDABLE HOUSING PROPERTY MANAGERS AND OWNERS

## thelastword

# Looking Ahead to Better Times



AS I BEGIN MY TWO-YEAR TERM as NAHMA president, we are entering our second year of uncertainty due to a global pandemic. I see one of my main focuses as making sure we all can get past the challenges brought on by the pandemic and get back to routine business—whatever routine may be in the future.

Even in good times, it can be challenging to find dedicated employees. Education and professional development have always been one of the cornerstones of NAHMA and the AHMAs. This past year forced the associations to find new ways to fulfill our industry's educational needs. NAHMA and the AHMAs were able to stay the course, albeit using a different vehicle. Instead of in-person instruction, courses were adapted for the virtual space.

We all became very versed in Zoom meeting etiquette this past year. NAHMA staff was able to successfully hold its first virtual meeting in October. The virtual space required the association to rethink how to hold the annual meetings. Sessions were focused on up-to-date regulatory

issues and relevant topics such as Diversity, Equality and Inclusion policies, technology trends, and all things pandemic-related.

As of press time, NAHMA was preparing for its second virtual meeting. In fact, for many of us, the 2020 annual March meeting was the last time we all got to meet in person. I'm hopeful we will get to do so again in October.

The pandemic forced NAHMA and the AHMAs to reconsider how they operated, and more importantly, kept members informed of ever-changing conditions and regulations being driven by the coronavirus. NAHMA quickly created a weekly COVID-19 Conference Call, which continues to be very well received.

Grassroots advocacy also had to adapt. Instead of the annual trip to Capitol Hill, members were asked to electronically reach out to their congressional representatives through email and social media. While the coronavirus dominated congressional legislation, it was essential to make sure the industry was heard on issues such as the eviction moratorium, personal protective

equipment needs, rental assistance, and of course, funding the departments of Housing and Urban Development and Agriculture's Rural Development.

Moving forward, we need to focus on what our new normal may be as we slowly emerge from the pandemic. How will the lessons we learned during this time impact how we continue to do business in the future?

We will be looking at NAHMA's strategic plan, making sure we are still on course to accomplish the goals set pre-COVID. It is also a time to reevaluate what programs we offer and how we are delivering those services.

Finally, I'd like to thank outgoing NAHMA president Tim Zaleski for his leadership, especially this past year. Despite the challenges, Tim, and the NAHMA staff, were able to provide the quality programs members have come to rely on. **NN**

*Michael Simmons, NAHP-e, is senior advisor, business development officer & broker of record for Community Realty Management Inc., and serves as NAHMA president.*