



# **Professional Certification Program Appeals and Complaint Procedures**

**(Date: October 4, 2005)**

## **I. Introduction**

The National Affordable Housing Management Association (NAHMA) Specialist in Housing Credit Management (SHCM) certification is administered by NAHMA staff (Education Programs department).

SHCM applications are reviewed by NAHMA's Education Programs department staff. If questions regarding an applicant arise, NAHMA staff will contact the applicant for further information. Applicants who are awarded the SHCM certification will receive a letter and a certificate from NAHMA. Those who are not awarded will receive a letter stating the deficiency in the application. Once the deficiency has been addressed the applicant may re-apply.

### **About the Designation:**

The SHCM certification is designed *by managers for managers* of properties developed and operated under the Low Income Housing Tax Credit (LIHTC) program.

In order to become SHCM certified, applicants must demonstrate a minimum of two years of housing credit management employment experience, successfully complete a minimum of 12 hours of housing credit specific coursework or training by an approved provider (listed on NAHMA's website), sit for the SHCM exam, and submit their SHCM application and \$150 application fee.

Those candidates with less than the required two years of employment experience may still take the SHCM exam, provide a certificate demonstrating 12 hours of housing credit training, and complete a SHCM application; however these candidates will need to participate in a "candidacy period" equal to the amount of time remaining to meet the two-year experience requirement. Once the candidacy period is satisfied, the candidate may then begin to use the SHCM certification.

For a limited period, housing credit professionals who have earned a certification based on criteria similar to the SHCM and awarded by a nationally recognized organization or entity, may apply to be “grandfathered” into the SHCM program. Under this special limited offer, previously certified professionals may earn their SHCM by submitting their Grandfather Application to NAHMA. With the Grandfather Application, the requirement to sit for the SHCM exam is waived.

Individuals who meet the criteria mentioned above may apply to NAHMA for a designation. Application fees should be sent directly to NAHMA.

In order to maintain and enhance the credibility of the Specialist in Housing Credit Management (SHCM) designation, NAHMA has adopted these procedures to allow applicants, consumers and others to bring appeals or complaints concerning the designation program to the NAHMA Board of Directors.

Appeals or complaints may be brought forth on grounds including:

- Gross negligence or willful misconduct in the performance of professional services, or other unethical or unprofessional conduct based on demonstrable evidence;
- Fraud or misrepresentation in the application for or the maintenance of any professional membership, professional accreditation, or other professional recognition or credential; or debarment from participation in state or federal affordable housing programs.

Also, applicants of the Specialist in Housing Credit Management (SHCM) program may file an appeal or complaint if they believe their application, or some other aspect of the program, was not conducted in a fair, objective or business-like manner, or in accordance with the program procedures set forth in the application materials.

These procedures apply to all appeals, complaints or inquiries received about the Specialist in Housing Credit Management (SHCM) certification program. It should be emphasized that actions taken under these procedures do not constitute enforcement of the law, although referral to appropriate federal, state or local government agencies may be made in appropriate situations. Individuals bringing appeals or complaints are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken.

The NAHMA Board reserves the right to waive or vary these procedures in any situation where a state or other governmental entity has additional or conflicting requirements for enforcement. Also, the NAHMA Board reserves the right to self-initiate complaints.

## **II. Complaint Review Panel**

The NAHMA Board of Directors is ultimately responsible for the development and

administration of the Specialist in Housing Credit Management Certification program and for implementation of these procedures. The Board is composed of 19 individuals nominated in accordance with NAHMA's Bylaws (a copy of NAHMA's Bylaws are available free upon request).

In the event of an appeal or complaint under these procedures, the NAHMA Board of Directors will appoint a Specialist in Housing Credit Management Certification Complaint Review Panel ("Review Panel"), which will consist of an odd-number of members (between three and nine), appointed by the NAHMA President and approved by the full Board.

All NAHMA Board members, Review Panel members, staff, and other individuals engaged in investigations or decisions with respect to any complaints under these procedures shall be indemnified and defended by NAHMA against liability arising from related NAHMA activities to the extent provided by law.

### **III. Appeals and Complaints**

#### **A. Filing an Appeal or Complaint**

An appeal or complaint must be in writing and signed by the individual(s) bringing the appeal or complaint ("Complainant"). The appeal or complaint is to be addressed to the Executive Director of NAHMA and it should indicate on what grounds the appeal or complaint is being brought. The Executive Director and President of NAHMA will review the letter. Should both the Executive Director and NAHMA President conclude, in their sole discretion, that the submission:

- Contains unreliable or insufficient information, or
- Is patently frivolous or inconsequential, they may determine that the submission does not constitute a valid and actionable complaint that would justify bringing it before a Specialist in Housing Credit Management Certification Complaint Review Panel for investigation. In such cases, the submission is disposed of by notice from the Executive Director to the Complainant. All such preliminary dispositions by the Executive Director and NAHMA President are reported to the Board, the Complainant, and to the property involved, if any. The names of all parties involved will be kept confidential.

If a submission is deemed by either the NAHMA President or the Executive Director to be a valid complaint, the Executive Director shall see that written notice is provided to the individual or party whose conduct has been called into question. The Executive Director shall ensure that the Complainant receives notice that the complaint is being reviewed.

The Complainant shall be advised in writing whether the complaint will be investigated further or dismissed within 45 days of the complaint being received by the Executive

Director and NAHMA President.

## **B. Investigating An Appeal or Complaint**

If the complaint has been deemed by the NAHMA President or the Executive Director to be a valid complaint, then the steps detailed below will be followed.

The NAHMA President will appoint a Specialist in Housing Credit Management Certification Complaint Review Panel ("Review Panel"), which will consist of an odd-number of members (between three and nine) appointed by the NAHMA President and approved by the full Board, to conduct an investigation. The NAHMA President will name a Chair of the Specialist in Housing Credit Management Certification Complaint Review Panel, and the Chair of the Review Panel will serve as the Investigating Member. The Review Panel members should have no perceived conflict of interest, including current or past business or family relationship, with any of the affected parties. The Investigating Member will investigate and make appropriate recommendations to the full Review Panel with respect to the appeal or complaint.

The Investigating Member is authorized to conduct an investigation into the specific facts and circumstances to whatever extent is necessary to clarify, expand, corroborate, or dispute the information provided by the Complainant.

The Investigating Member may contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint. This investigation may involve requests for additional information, and investigation by telephone or other communications, or whatever steps deemed reasonably appropriate. (Any expenditure of funds during the investigation process must be approved in writing in advance by the NAHMA Executive Director.)

All investigations will be conducted in confidence, with all written communications sealed and marked "personal and confidential," as appropriate. The investigations will be conducted objectively, without any indication of prejudgment. An investigation may be directed toward any aspect of an appeal or complaint that is relevant or potentially relevant.

The NAHMA President exercises general supervision over all activities of the Investigating Member and the Review Panel. The Investigating Member must prepare a written report of findings and a recommendation. The recommendation must be one of the following:

**1. No further action is required.** This recommendation is warranted should the complaint be found to be inaccurate or not supported by sufficient facts to warrant further action by the Review Panel. Should the NAHMA President and the Executive Director agree with the Investigating Member's recommendation, then the Complainant and any other affected parties shall be notified in writing. If either disagrees, then a hearing by the

full Specialist in Housing Credit Management Certification Complaint Review Panel consideration is required.

**2. Specialist in Housing Credit Management Certification Complaint Review Panel consideration of sanctions.** This recommendation is made when there is sufficient evidence or facts to adequately support the complaint.

### **C. Holding a Hearing**

If the recommendation is for consideration of a sanction based on the complaint, the affected parties shall receive a copy of the Investigating Member's report. The Executive Director will send a copy of that report with an indication that affected parties have 30 days to either request a hearing or respond in writing to the report.

The full Specialist in Housing Credit Management Certification Complaint Review Panel will serve as the Hearing Panel for the complaint.

Again, Hearing Panel members should have no perceived conflict of interest, including current or past business or family relationship, with any of the affected parties. In a case where a Hearing Panel member has a perceived conflict of interest with any of the affected parties, he or she will recuse himself or herself from the hearing. The NAHMA President will be the Hearing Panel Chair, and each member of the Hearing Panel shall receive a copy of the report of the Investigating Member and any written responses from the affected parties.

In most circumstances, a paper hearing, rather than a formal, in-person hearing will be held. A paper hearing will be conducted only by the Hearing Panel and will specifically exclude the Investigating Member. The Hearing Panel may also use a telephone conference call to conduct the hearing.

Should the Hearing Panel determine that an in-person hearing is appropriate, the Executive Director will arrange such a hearing. The parties involved are neither expected nor required to be represented by legal counsel. The hearing shall be conducted by the NAHMA President, with representations made by both the Investigating Member and the affected parties involved. Deliberations made by the Hearing Panel will be conducted in the absence of the Investigating Member and the affected parties.

### **D. Determining a Violation**

At the conclusion of either the paper, telephone or in-person hearing, the Hearing Panel shall reach its conclusion by majority vote. The Hearing Panel's decision will center on whether there has been a violation of generally accepted standards of fairness, objectivity, and due process in the administration of the Specialist in Housing Credit Management Certification program, or by a Specialist in Housing Credit Management Certification program participant as outlined in the Introduction of this document.

Should the Hearing Panel have sufficient evidence to determine that there has been a violation, the Hearing Panel shall also determine the appropriate sanctions as provided in item E below. In that case, the Hearing Panel's decision will be sent to the NAHMA Board members for informational purposes only. The Hearing Panel's decision will also be sent to all affected parties. If the Hearing Panel determines that no violation has occurred, the appeal or complaint shall be dismissed with notice to the affected parties, and any person contacted in the course of the investigation.

### **E. Determining Sanctions**

Any of the following sanctions, or others as deemed appropriate, may be imposed by the Hearing Panel upon the affected parties. The sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the parties involved:

- Confidential written reprimand;
- Suspension from participation in the Specialist in Housing Credit Management program for a designated period; or
- Revocation of the Specialist in Housing Credit Management Certification.

The Hearing Panel reserves the right to impose a combination of sanctions. Parties who have had their Specialist in Housing Credit Management Certification suspended or revoked must discontinue use of any Specialist in Housing Credit Management Certification branded materials. Suspended parties may not reapply for recognition for the period of time set by the Hearing Panel.

### **F. Maintaining Confidentiality**

It is not the intent of the NAHMA Board of Directors to negatively affect any party's personal or business reputation, and therefore, any appeals, complaints, hearings, sanctions or other activities outlined within these procedures will generally be communicated to affected parties only, and otherwise will be kept confidential, unless a compelling public safety or health concern should warrant their broader distribution.

### **G. Filing an Appeal of the Hearing Panel's Findings**

Within thirty days from receipt of notice of a determination by the Hearing Panel that a sanction has been imposed, the affected parties may submit a written request for an appeal to the NAHMA President. No formal hearing is necessary, nor is a personal appearance required. Upon receipt of a request for appeal, the NAHMA President shall appoint a special Appeals Committee consisting of no less than three nor more than five individuals serving on the Board who were not members of the Hearing Panel. Again, Appeals Committee members should have no perceived conflict of interest, including current or past business or family relationship, with any of the affected parties.

Any sanctions recommended by the Hearing Panel are suspended until the appeal is completed.

The Appeals Committee may review whether the determination made by the Hearing Panel was inappropriate because of:

- Material errors of fact, or
  - Failure of the Hearing Panel to conform to published criteria, policies, or procedures.
- The Appeals Committee shall conduct and complete the appeal within 90 days after receipt of the request for appeal. Written appellate submissions and any reply submissions may be made by the affected parties or their authorized representatives, as well as members of the Hearing Panel. Submissions are made according to whatever schedule is reasonably established by the Appeals Committee.

If the Appeals Committee concurs with the recommendation of the Hearing Panel, the sanction will be imposed as previously outlined. The decision of the Appeals Committee is final.

#### **G. Resigning from the Specialist in Housing Credit Management Certification Program During an Appeal/Complaint Procedure**

If an affected party who is the subject of an appeal or complaint voluntarily surrenders his or her designation or participation at any time during the pendency of a complaint under these procedures, the complaint is dismissed without any further action by the NAHMA Board or Specialist in Housing Credit Management Certification **Complaint** Review Panel. The entire record is sealed and the individual may not reapply for participation in the program until the appeal or complaint is addressed through the procedures outlined in this document.