



PRACTICAL POINTS

Official Newsletter of PMCS, Inc.

SPRING 2023 | Fair Housing Edition

Industry Updates

VAWA Reauthorized!

The Violence Against Women Act has been reauthorized and amended as of March 15, 2022. The amended act was effective on October 1, 2022, and on January 4, 2023, HUD published a notice in the Federal Register describing how the 2022 amendment affects HUD's programs. Provisions of VAWA 2022 may also be found in the Consolidated Appropriations Act of 2022 in Title VI of Division W, known as "Safe Homes for Victims".

As part of the amendment, several covered housing programs have been added.

These programs include Rural Development Voucher Program, Housing Trust Funds (officially added), Housing Assistance programs under Title 38 for Veterans, and any other federal housing program that provides income and rent-restricted housing to low or moderate-income households.

There are several key changes to note within the amendment, all of which will be implemented and enforced by the Fair Housing and Equal Opportunity Office, also known as FHEO.

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VAWA Reauthorized! (continued)

FHEO will enforce the housing protections of VAWA in the same manner currently being used to enforce the Fair Housing Law. The VAWA complaint and investigation process is described in FHEO Notice: FHEO-2023-01, and VAWA compliance reviews will be incorporated into HUD's existing compliance review process.

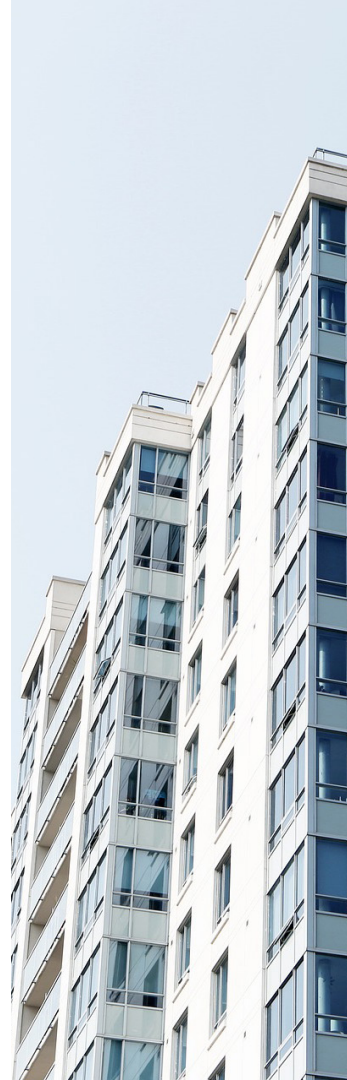
In addition to the compliance review process, the 2022 reauthorization includes the requirement of HUD to establish an "Office of Gender-Based Violence Prevention", as well as a Violence Against Women Act Director. This reauthorization also makes it clear that all covered housing agencies are prohibited from retaliation against an applicant or tenant requesting VAWA protections. Included in this prohibition of retaliation are those individuals that assist in, testify in, or otherwise participate in any VAWA related matter.

Another key point of the amendment is the right to report crimes and emergencies without retaliation in the form of fees or penalties.

The 2022 reauthorization has amended the definition of a homeless person or family to be one that is "experiencing trauma or lack of safety" due to a VAWA related situation. The definition of "domestic violence" has been revised and the definitions of "economic abuse" and "technological abuse" have been added.

All existing VAWA forms are currently under revision and renewal. Current forms with the expiration date of 2017 continue to be valid documents until revised forms are published.

For additional information on the VAWA Reauthorization, please visit www.hud.gov/vawa.



HUD Reinstates the "Discriminatory Effects Rule"

HUD has recently announced its plans to restore the 2013 "Discriminatory Effects" rule to the Fair Housing Act, which addresses policies that unnecessarily cause systemic inequality in housing. In this final rule, HUD emphasizes that the 2013 rule is more consistent with the purpose of the Fair Housing Act, prioritizing the elimination of discriminatory practices in housing, and would rescind a 2020 rule regarding disparate impact claims. Realistically, the 2020 rule never went into effect due to an injunction issued in a lawsuit. Nonetheless, HUD notes that the 2013 rule still stands and all entities that have been complying with this rule need not change any practices to be compliant with the final rule.



HUD Issues Affirmatively Furthering Fair Housing Proposed Rule

The proposed AFFH final rule, published January 19, 2023, would restore much of the 2015 AFFH rule's structure with modifications to increase transparency, accountability, and reduce burdens on program participants. Under the proposed rule, HUD requires program participants to submit an Equity Plan every five years; in this instance, program participants include state and

local governments, as well as public housing authorities that administer HUD programs. The program participants are expected to incorporate all housing and community resources at their disposal when creating this equity plan. This proposed rule would include all housing programs not under HUD's jurisdiction, such as Low-Income Tax Credits (LITC).

Training Schedule

Focused Topics

TRACS Fundamentals | June 6

TRACS Voucher and Cert Queries | June 8

Industry Updates: HOTMA and TRACS 203A | July 13 & September 12

Fair Housing Series

Affirmative Fair Housing Marketing Plans | May 2

EIV Series

EIV Master Reports and Existing Tenant Search | May 4

EIV Income Reports and Fundamentals of Discrepancies | May 11

Practice Resolving EIV Discrepancies | May 18

Advanced EIV Discrepancy Case Studies | May 25

Creating and Reporting EIV Repayment Agreements | June 1

Low Income Housing Tax Credit (LIHTC) Program Series

LIHTC Program Fundamentals and Overview | June 15

LIHTC for the New Manager | June 22

LIHTC in Blended Subsidy Properties | June 29

New Manager Series

Tenant Interviews | September 7

Calculating Annual Income for 50059s | September 14

Determining the Cash Value of Assets | September 21

Expenses and Deductions | September 26



Did You Know?

Assistance Animal Guidance – FHEO-2020-01

This long-awaited guidance was provided in January of 2020 and replaced guidance previously published in January of 2013. This notice applies to all housing providers covered by the Fair Housing Act (FHA) and administers guidance, as well as a set of best practices for complying with the FHA and ADA (Americans with Disabilities Act) when assessing requests for reasonable accommodations to keep animals in housing. This recent notice discussed the two types of assistance animals – Service Animals, which are considered those that work, provide assistance, or perform tasks for the benefit of a person with a disability, and Support Animals, which are those that provide emotional support that alleviate one or more identified effects of a person’s disability.

This guidance not only provides directive in the approval of requested animals, but also provides HUD program participants with what types of animals are truly considered service animals versus support animals. Your Tenant Selection Plan, Pet Policy, and House Rules may have required edits based upon this guidance and should be reviewed.



Mental Health Crisis Hotline - 988

In July 2022, the White House, Congress, and the FCC created “988” for Mental Health. This emergency service is available everywhere and is considered the “911” call for mental health related incidents, designed to put people in touch with needed services in times of mental health

crisis. Get the word out by placing a flyer from The National Action Alliance for Suicide Prevention on your property bulletin boards. Flyers can be found at <https://lnkd.in/eZB8bB-a>. Dialing “988” can save lives!

Required Minimum Distribution (RMD) Age Increase

The Secure Act 2.0 was passed in late 2022 increasing the age to start taking RMD’s from IRA’s and 401K accounts to the age of 73 in 2023, further increasing the age to 75 in 2033. The Secure Act 2.0 also decreases the penalty for failure to take an RMD.

For more information visit:

<https://www.fidelity.com/learning-center/personal-finance/secure-act-2>
<https://www.cnbc.com/2023/01/03/3-changes-in-secure-2point0-for-required-minimum-distributions.html>

Coming Soon!

HOTMA

HOTMA (Housing Opportunities Through Modernization Act) will plan to become effective in January of 2024. Owners must implement the regulations for all tenant certifications effective January 1, 2024, which include changes in income and asset verification and calculation, EIV

requirements and deduction changes. PMCS will be holding several webinar training courses to discuss these changes beginning July 13, 2023. Visit www.pmcsinc.com to register for this very important training opportunity.

PMCS Is Moving!

As of June 1st, PMCS will be moving our office location! We are pleased to announce that our newly developed and expanded office location will allow us additional opportunities to expand our professional service offerings to you in the future!



WE'RE MOVING!

PMCS
Property Management Consulting Services, Inc.

OUR NEW LOCATION
Bridgewater Place
500 Plum St. Suite 320
Syracuse, NY 13204



Just For Fun!

Fair Housing Word Search



Find the following words in the puzzle.
Words are hidden and .

- | | | | | |
|----------------|-----------|-------------|-------------|--------------|
| ACCESSIBILITY | ELDERLY | HOARDING | MANAGER | RELIGION |
| ADVERTISEMENT | EQUAL | HOTMA | MARKETING | REQUIREMENTS |
| AFHMP | EQUITABLE | HOUSING | MULTIFAMILY | SCREENING |
| COMPLAINT | ETHNICITY | HUD | PERCENTAGE | SEGREGATION |
| DISABLED | EVICT | INTERVIEW | PLAN | STEERING |
| DISCRIMINATION | FAIR | LAWS | POLICY | TENANT |
| DISABILITY | GENDER | LEASE | PROTECTED | |
| DISPARATE | HANDBOOK | MAINTENANCE | RACE | |

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