

## THE COUNSELLOR



~ NEXT EVENT: HDLI'S GENERAL COUNSEL FORUM - FEBRUARY 20-21, 2014 IN TAMPA, FL ~



### *Holiday Decorations, Religious Freedom, and the First Amendment*

By Lisa L. Walker, Esq.

Personally, I always am thrilled by the creative selection of winter holiday decorations displayed during this season. Red and green, silver and blue, they leave me warm and fuzzy and usher in the holiday season. However, not everyone feels this way. So, I thought it might be a good time to pass along some thoughts about fair housing and Constitutional implications of holiday decorating on public property.

I present two questions for your consideration: 1) Can PHA staff decorate PHA offices with Christmas trees, menorahs, or Kwanzaa candles without infringing upon a tenant or applicant's civil rights? and 2) Should the PHA restrict the decorations that tenants may place inside or outside of their residence?

#### ***Query 1: Decorating PHA Offices***

Federal, state and local fair housing laws all prohibit discrimination on the basis of religion. Refusing to rent to someone because of their religious belief or practice clearly is a form of discrimination. Fair housing laws also prohibit

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housing providers from making any notice, statement, or advertisement that indicates a preference, limitation or discrimination based on religion.

Thus, one concern is that if a PHA displays religiously-oriented decorations, such as a Christmas tree or Santa Claus, on its property the decorations may communicate a preference for Christian residents to other residents or applicants who view them on the property. Or, such may communicate that applicants or residents who are not Christian are not welcome. The same argument might be made concerning exhibiting Jewish holiday decorations, such as a Hanukah candelabra (also known as a menorah), dreidel, or Star of David, or decorations celebrating any other religious holiday. Thus, it is important to distinguish between decorations that are religious and those that are secular.

Please see *Holidays* on page 3

*Greetings Friends and Colleagues:*

I am excited and humbled by the opportunity to serve as the newly elected President of HDLI. Following Mattye Jones presents me with an opportunity to continue to provide training opportunities to housing authorities, the legal community, and professional development industry groups.

HDLI was created as a national non-profit organization to serve as a legal resource for the staff and counsel of PHAs across the U.S. Unlike other industry groups, HDLI is unique in that it devotes its efforts to addressing the specialized legal environment that public housing professionals face daily - educating its membership about new and emerging laws, HUD regulations, etc.

**HDLI's 9th Annual General Counsel Forum** will be held February 20-21, 2014 at the Intercontinental Hotel in Tampa. This conference is designed for housing agency executives and legal counsel. Attorneys in all states can receive up to 6 CLE credits, including ethics. This round-table forum will focus on current issues that attorneys and directors need to know - discussed from the perspective of inside and outside housing agency counsel. The relaxed and interactive atmosphere of the forum encourages high-

## President's Page

### Greetings from HDLI's President



Vivian Bryant, Esq.

level and thorough discussion of the issues that other conference formats do not provide.

The HDLI Board members have experience in resolving tough issues. Not only Board members, but attendees are willing to share their knowledge to assist fellow members. We strive to not only provide the highest level of legal training on the traditional HDLI areas--nuts and bolts of housing law and development issues, but also present expert panelists and open forums on cutting edge topics.

I look forward to seeing you in Tampa and other conferences sponsored by HDLI.



## Thank You Sponsors!

**GOLD SPONSORS:** Ballard Spahr LLP  
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**SILVER SPONSOR:** Nixon Peabody LLP

**BRONZE SPONSOR:** Hawkins Delafield & Wood LLP

*Holidays* continued from page 1

### *HUD Regulations*

Another concern is management's control over the appearance of PHA property to the public. Accordingly, management might want to place appropriate restrictions on a resident's attempt to decorate his or her front door, windows and common areas of buildings.

### *Federal Law*

The Establishment Clause of the First Amendment controls government's use of religious symbols. It states that "Congress shall

HUD regulations are not exactly on point. The most relevant one is 24 CFR §5.109 titled "*Equal Participation of Religious Organizations in HUD Programs and Activities*," which states at subsection (c):

*(c) Inherently religious activities. Organizations that receive direct HUD funds under a HUD program or activity may not engage in inherently religious activities, such as worship, religious instruction, or*



make no law respecting an establishment of religion". U.S. CONST. amend. I., cl. 1. The Establishment Clause prevents the government from promoting or affiliating with any religious doctrine or organization, *County of Allegheny v. American Civil Liberties Union*, 492 U.S. 573, 590, 109 S. Ct. 3086, 3098, 106 L.Ed.2d 472 (1989), and "is a specific prohibition on forms of state intervention in religious affairs." *Lee v. Weisman*, \_\_\_ U.S. \_\_\_, 112 S.Ct. 2649, 2657, 120 L.Ed.2d 467 (1992).

The Supreme Court has stated that, in order to pass constitutional muster, a publicly displayed religious symbol must 1) have a secular purpose; 2) neither advance nor inhibit religion in its principal or primary effect; and 3) not foster an excessive entanglement with religion. *Lemon v. Kurtzman*, 403 U.S. 602, 612 (1971).

*proselytization, as part of the programs or services funded under a HUD program or activity. If an organization conducts such inherently religious activities, the inherently religious activities must be offered separately, in time or location, from the programs, activities, or services supported by direct HUD funds and participation must be voluntary for the beneficiaries of the programs, activities or services provided under the HUD program.*

### *What Does HUD Say About This?*

On January 9, 1995, HUD issued a memorandum titled "*Guidance Regarding Advertisements Under §804(c) of the Fair Housing Act*" which

Please see *Holidays* on page 5



Lisa L. Walker, Esq.

## Director's Dialogue

### News from the Executive Director & General Counsel

20 years. We are going to continue to get the benefit of Mattye's good counsel, as she will continue to serve on our board of directors.

I also am thrilled to announce the election of HDLI's newest board members:

*Dear HDLI Members,*

I am happy to introduce to you our new slate of officers of HDLI's Board of Directors:

- \*President – **Vivian Bryant, Esq.**, President and CEO, Orlando Housing Authority, Orlando, FL
- \*Vice President – **Thomas E. Lewis, Esq.**, Partner, Silveira, Mattos & Lewis, Merced, CA
- \*Treasurer – **David C. Condon, Esq.**, Executive Director, Owensboro Housing Authority, Owensboro, KY

All seasoned industry professionals, we are fortunate that Vivian, Tom, and David will be lending their experience, expertise, knowledge of the industry, and superb management skills to our organization.

We were blessed to have been led by HDLI's immediate past president, **Mattye Gouldsby Jones, Esq.**, for the past decade, and we owe Mattye a debt of gratitude for her wisdom, foresight, management, and fierce loyalty to HDLI for nearly

- \***Scott W. Ammarell, Esq.**, General Counsel, Chicago Housing Authority, Chicago, IL
- \***Joshua Crawley, Esq.**, Agency Counsel, Denver Housing Authority, Denver, CO
- \***Jan Goslee, Esq.**, General Counsel, Housing Authority of Baltimore City, Baltimore, MD
- \***Kelly D. MacNeal, Esq.**, Acting General Counsel, New York City Housing Authority, New York, NY
- \***Craig M. Takenaka, Esq.**, City Attorney, Los Angeles, CA

### *HDLI's General Counsel Forum!*

*February 20–21, 2014*

*Hotel Intercontinental, Tampa, FL*

Please plan to attend HDLI's 9<sup>th</sup> Annual General Counsel Forum taking place February 20–21, 2014. This event is designed for agency directors and in-house and outside counsel from across the country. Come for 1½ days of high-level discussion roundtable-style on a wide range of topics, and earn CLE credits, including legal ethics. Stay an extra day and enjoy more unique networking opportunities with colleagues on Saturday, Feb. 22. As always, the networking and social events will complete the package and make this a MUST ATTEND! This year's event is not during Gasparilla, but we have great fun planned nevertheless!

Our Forum sponsors make all of this possible: **CVR Associates, Ricardo and Stephanie Gilmore, and Saxon Gilmore, LLP.**

A registration form is attached.



### *HDLI's Spring CLE Conference!*

May 15–16, 2014

Washington, D.C.

Please plan to attend . . . *Details coming soon.*

Holidays continued  
from page 3

***“The use of secularized terms or symbols relating to religious holidays such as Santa Claus, Easter Bunny or St. Valentine’s Day images, or phrases such as “Merry Christmas”, “Happy Easter”, or the like does not constitute a violation of the Act.”***

more generally discussed discriminatory advertising. However, HUD noted in this guidance that “[t]he use of secularized terms or symbols relating to religious holidays such as Santa Claus, Easter Bunny or St. Valentine’s Day images, or phrases such as ‘Merry Christmas’, ‘Happy Easter’, or the like does not constitute a violation of the [federal Fair Housing] Act.” (Emphasis in original). So, “secularized” decorating would be acceptable.

#### *What Have The Courts Said?*

The majority of court decisions hold that Christmas trees, Hanukkah menorahs, and similar holiday decorations are not inherently religious, in contrast to nativity scenes and crucifixes, which are inherently religious. However, court decisions have not been universal. The U.S. Supreme Court has weighed in and has produced somewhat inconsistent decisions.

In the most recent case, *County of Allegheny v. American Civil Liberties Union Greater Pittsburgh Chapter*, 492 U.S. 573, 109 S. Ct. 3086 (1989) the Supreme Court was asked to consider whether a county government violated the First Amendment by displaying a Christmas tree, nativity scene (also known as a crèche) and Hanukkah menorah on government property. The Supreme Court held that the crèche was an overtly religious symbol, but that the Christmas tree and Hanukkah menorah were not such. Accordingly, the county was allowed to display the Christmas tree and menorah on public property, but had to take down the crèche.

The Supreme Court came to a different conclusion

regarding a crèche, however, a few years earlier in the case of *Lynch v. Donnelly*, 465 U.S. 668, 104 S. Ct. 1355, *reh’g den.*, 466 U.S. 994, 104 S. Ct. 2376 (1984). In that case, the Court held that a nativity scene that a town erected on public property did not violate the law where a “secular purpose or explanation” exists for the display, even one originally of a religious nature. The Court went on to hold that the crèche did not constitute an impermissible religious endorsement because it was displayed along with a Santa Claus house, a Christmas tree, carolers, cutout figures of clowns and animals, colored lights and a large banner that read “SEASONS GREETINGS.”

Courts have held that governments also cannot display Christian crosses or crucifixes. For example, the Seventh Circuit Court of Appeals held that a crucifix was “arguably the quintessential Christian symbol because it depicts Christ’s death on the cross and recalls thoughts of his passion and death.” *Gonzales v. North Tp. of Lake County, Ind.*, 4 F.3d 1412 (7<sup>th</sup> Cir. 1993). *Accord Eugene Sand & Gravel, Inc. v. City of Eugene*, 276 Or. 1007, 558 P.2d 338 (1976), *cert. denied sub nom. Lowe v. Eugene Sand & Gravel*, 434 U.S. 876, 98 S. Ct. 226, 54 L.Ed.2d 155 (1977); *Carpenter v. City and County of San Francisco*, 93 F.3d 627 (9<sup>th</sup> Cir. 1996) (holding that county’s display of a 103-foot concrete and steel Latin cross in a park did not have a history independent of its religious significance).

*Holidays* continued from page 5

***Query 2: Restrictions on Resident Decorating***

Concerns management legitimately has over holiday decorations in common areas do not necessarily apply inside of a resident's apartment. Indeed, residents generally have a leasehold right to control what happens inside of their unit. Therefore, management should not attempt to regulate the decorations that a family puts inside their unit. But what about decorations placed on the front door, windows, deck or porch – or other areas visible to other people?

This is where management should place controls. If management allows residents to decorate their own unit doors and windows, residents should be able to choose the decorations to use, as long as they fall within management's established rules of decorum and safety. Decorations displayed on outside decks or porches should be in compliance with your general rules about displaying or storing items thereupon. Your lease and house rules should specify what is acceptable and give examples of what is not acceptable.

In sum, here are my suggestions of what PHAs should do when considering holiday decorating:

- Strive to create an atmosphere that is inclusive and welcoming for all faiths and traditions. This is the best way to avoid complaints and ensure a harmonious holiday season for everyone.

- Ensure that decorations are as inclusive as possible of all persons in your community.
- Using the more neutral term “Happy Holidays,” instead of “Merry Christmas” or “Happy Hanukah” might be less likely to offend.
- Don’t display what might be considered “inherently religious” decorations, such as nativity scenes (crèche’s), crosses or crucifixes, or Stars of David in your common areas or offices.
- Allow residents to decorate the inside of their units as they desire. Develop fair policies for display on outside doors and windows and enforce them consistently. Those policies might limit seasonal decorations for display only during a two-week or other time period during the specific season. This would prevent Christmas lights still being displayed in June.



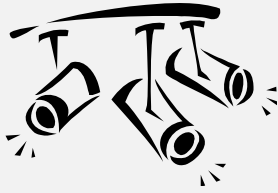
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*\*Purchase other HDLI products*

[www.hdlistore.org](http://www.hdlistore.org)



**HDLI BOARD MEMBER  
SPOTLIGHT**

**Kurt Creager**



**Years On HDLI Board:** 15

**Affiliated With:** Otak, Inc. an integrated design firm committed to creating meaningful and memorable places.

**Does Now:** Kurt Creager is Director of Housing and Community Development for Otak, an integrated design firm with offices in Abu Dhabi, Denver, Phoenix, Portland and Seattle. Kurt provides development, policy and program development services to clients in business, government and select non-profits.

**Immediate Past Career:** Kurt served as CEO of the Vancouver Housing Authority for 16 years and was NAHRO President from 2001-2003.

**Interest(s):** Family, sailing and creative writing.

**Little Known Secret:** Kurt learned crevasse self-rescue on Mount Rainier, the tallest mountain in Washington State in 1980.

**Contact:** Kurt.Creager @otak.com

**WELCOME  
NEW HDLI MEMBERS!**

**Pinellas County Housing Authority  
Largo, Florida**

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Manhattan, Kansas**

**Housing Authority of Cook County  
Chicago, Illinois**

**Lake City Housing Authority  
Lake City, South Carolina**

**Springdale Housing Authority  
Springdale, Arkansas**

**Winter Haven Housing Authority  
Winter Haven, Florida**

**Garfield Housing Authority  
Garfield, New Jersey**

**Mobile Housing Board  
Mobile, Alabama**

**Southampton Housing Authority  
Southampton, NY**

**Housing Authority of Elgin  
Elgin, Illinois**

**Cuyahoga Metro Housing Authority  
Cleveland, Ohio**

**2013 HUD PIH Notices**

Notice	Issued/Expires	Subject/Purpose
PIH 2013-27 (HA)	Issued: Dec. 4, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Voluntary Relinquishment of Enhanced Voucher Assistance or Regular Housing Choice Voucher Assistance in Exchange for Project-Based Voucher Assistance in Multifamily Housing Conversion Actions</b> - The purpose of this Notice is to provide procedures Public Housing Authorities (PHAs) must follow when the recipient of an enhanced voucher (or regular housing choice voucher - see paragraph 4 below) <u>voluntarily</u> agrees to relinquish such assistance in exchange for the provision of Project-Based Voucher (PBV) assistance.
PIH 2013-26 (HA)	Issued: Nov. 5, 2013 Expires: March 31, 2015	<b>Extension: Public Housing and Housing Choice Voucher Programs Temporary Compliance Assistance (This extends notice PIH-2013-03 (HA))</b> - This Notice establishes temporary guidelines for public housing agencies (PHAs) in fulfilling certain Public Housing (PH) and Housing Choice Voucher (HCV) program requirements during this period of decreased resources available to PHAs.
PIH 2013-25	Issued: September 27, 2013 Expires: December 31, 2013	<b>Notice of Annual Factors for Determining Public Housing Agency Administrative Fees for the Section 8 Housing Choice Voucher and Moderate Rehabilitation Programs</b> - This Notice announces the monthly per unit fee amounts for use in determining the on-going administrative fee for housing agencies administering the rental voucher and moderate rehabilitation programs, including Single Room Occupancy during Calendar Year (CY) 2013.
PIH 2013-24	Issued: September 19, 2013 Expires: December 31, 2013	<b>Revised Eligibility Requirements for Housing Choice Voucher (HCV) Contract Renewal Set-Aside Funding for Category 1, Shortfall Funds - Notice PIH 2013-12 - Implementation of the Federal Fiscal Year 2013 Funding Provisions for the Housing Choice Voucher Program</b> - The purpose of this Notice is to revise the eligibility criteria outlined in Paragraph 13 of Notice PIH 2013-12, for Category 1 ("Shortfall Funds") for the \$103 Million Set-Aside.
PIH 2013-23 (HA)	Issued: August 30, 2013 Expires: September 1, 2014	<b>Extension: Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System</b> - This notice provides Public Housing Agencies (PHAs) with administrative guidance related to the mandated use of HUD's EIV system, as required in accordance with the new HUD regulation, 24 CFR §5.233, as issued in the Final Rule [...]
PIH 2013-22	Issued: August 23, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Micro-Purchase Process for Purchases of Less Than \$5,000 by Indian Housing Block Grant (IHBG) Recipients</b> - The purpose of this Notice is to provide guidance to tribes and Tribally Designated Housing Entities (TDHEs) on Section 203(g) of the Native American Housing Assistance and Self-Determination Act (NAHASDA), which provides a De Minimis Exemption from competitive rules when IHBG recipients procure goods and services under \$5,000.



***2013 HUD PIH Notices – Continued***

Notice	Issued/Expires	Subject/Purpose
PIH 2013-21 (HA)	Issued: August 23, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Guidance on the use of Tenant Participation Funds</b> - This notice serves to clarify previous guidance on the use of tenant participation (TP) funds as established by 24 C.F.R. § 964.150 and supersedes PIH Notice 2001-3.
PIH 2013-20 (HA)	Issued: August 8, 2013 Expires: This notice remains in effect until updated, amended or superseded	<b>Processing requests for regulatory waivers through appropriate field offices</b> - This notice updates PIH notice 2009-41, which provided instructions for submitting requests for regulatory waivers in compliance with the Department of Housing and Urban Development (HUD) Reform Act of 1989.
PIH 2013-19	Issued: August 1, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Revised Policies and Procedures for Special Purpose Housing Choice Vouchers for Non-Elderly Disabled Families and Other Special Populations</b> - The purpose of Notice PIH 2011-32 (which is superseded by this notice) was to establish policies and procedures for issuing, tracking and monitoring Housing Choice Vouchers (HCV) that were awarded under a Notice of Funding Availability (NOFA) to provide rental assistance specifically for non-elderly disabled (NED) families.
PIH 2013-18 (HA)	Issued: August 1, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Revision for Requests for Exception Payment Standards for Persons with Disabilities as a Reasonable Accommodation</b> - This notice supersedes Notice PIH 2011-19 (which extended Notice PIH 2010-11). Prior to this revision, public housing agencies (PHA) were informed that an exception payment standard <b>may</b> remain in effect until or unless a higher exception payment standard was warranted, requested, and subsequently approved.
PIH 2012-32 (HA), REV-1	Issued: July 2, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Rental Assistance Demonstration – Final Implementation, Revision 1</b> - This revised notice (Notice) provides program instructions for the Rental Assistance Demonstration (RAD or Demonstration), including eligibility and selection criteria.
PIH 2013-17	Issued: July 2, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Housing Choice Voucher (HCV) Program – Review of Existing HQS Requirements and the Use of Photos to Improve HQS oversight</b> - This purpose of this Notice is to emphasize the need for PHAs to ensure they are meeting all of their program obligations as they relate to HQS inspections and enforcement.
PIH 2013-16	Issued: June 25, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Public Housing Operating Subsidy Eligibility Calculations for Calendar Year 2014</b> - This notice provides public housing agencies (PHAs) with instructions for the calculation of operating subsidy eligibility in Calendar Year (CY) 2014.

***2013 HUD PIH Notices – Continued***

Notice	Issued/Expires	Subject/Purpose
PIH 2013-15 (HA)	Issued: June 10, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Guidance on housing individuals and families experiencing homelessness through the Public Housing and Housing Choice Voucher programs</b> - The purpose of this Notice is to provide strategies that PHAs can pursue to expand housing opportunities for individuals and families experiencing homelessness through the Public Housing and HCV programs.
PIH 2013-14	Issued: June 10, 2013 Expires: This notice remains in effect until amended, revoked or superseded	<b>Disaster Housing Assistance Program – Sandy (DHAP-Sandy) Operating Requirements</b> - These operating requirements set forth the policies and procedures for the Disaster Housing Assistance Program- Sandy (DHAP-Sandy).
PIH 2013-13 (HA)	Issued: June 1, 2013 Expires: Aug. 31, 2013	<b>Extension: Administrative Guidance for Effective and Mandated Use of the Enterprise Income Verification (EIV) System</b> - This notice provides Public Housing Agencies (PHAs) with administrative guidance related to the mandated use of HUD's EIV system, as required in accordance with the new HUD regulation, 24 CFR §5.233, as issued in the Final Rule: <i>Refinement of Income and Rent Determinations in Public and Assisted Housing Programs: Implementation of the Enterprise Income Verification System-Amendments</i> , effective January 31, 2010, as published in the Federal Register (FR) at 74 FR 68924, on December 29, 2009.
PIH 2013-12	Issued: May 23, 2013 Expires: Dec. 31, 2013	<b>Implementation of the Federal Fiscal Year 2013 Funding Provisions for the Housing Choice Voucher Program</b> - This Notice implements the Housing Choice Voucher (HCV) program funding provisions of the "Consolidated and Further Continuing Appropriations Act, 2013" (PL 113-6), referred to hereafter as "the 2013 Act," enacted on March 26, 2013.
PIH 2013-11 Attachment 1 Attachment 2	Issued: May 10, 2013 Expires: This notice remains in effect until amended, superseded or revoked	<b>Process for Requesting Subsidy Layering Reviews</b> - This notice provides instructions for submitting requests for Subsidy Layering Reviews (SLRs) to the Department of Housing and Urban Development in accordance with the Administrative Guidelines; <i>Subsidy Layering Reviews for Proposed Section 8 Project-Based Voucher Housing Assistance Payments Contracts</i> , Final Guidelines published in the Federal Register on July 9, 2010 (FR-5417-N-01) <a href="http://edocket.access.gpo.gov/2010/pdf/2010-16827.pdf">http://edocket.access.gpo.gov/2010/pdf/2010-16827.pdf</a>

**2013 HUD PIH Notices – Continued**

Notice	Issued/Expires	Subject/Purpose
PIH 2013-10 (HA)	Issued: May 3, 2013 Expires: This notice remains in effect until amended, revoked or superseded	<b>Emergency Safety and Security Funding as it Relates to the Full-Year Continuing Appropriations Act, 2013 [Public Law 113-6] –</b> This Notice provides guidance to public housing agencies (PHAs) seeking Emergency Capital Needs funding for safety and security measures utilizing FY 2013 funds.
PIH 2013-09 (HA)	Issued: April 24, 2013 Expires: This notice remains in effect until amended, revoked or superseded	<b>Use of Operating Reserves for Capital Improvements –</b> The obligation deadline in Section 6 of Notice PIH 2012-2 has expired based on the Full Year Continuing Appropriations Act, 2013 (P.L 113)-6.
PIH 2013-08	Issued: April 12, 2013 Expires: This notice remains in effect until amended, revoked or superseded	<b>Funding for Tenant Protection Vouchers for Certain At-Risk Households in Low-Vacancy Areas – Final Implementation –</b> This Notice provides final instructions, eligibility, and selection criteria on the funding process for tenant protection vouchers for certain at-risk households in low-vacancy areas, as provided for in the “Consolidated and Further Continuing Appropriations Act, 2012” (PL 112-55), referred to hereafter as “the 2012 Appropriations Act,” enacted on November 18, 2011.
PIH 2013-07 (HA)	Issued: March 5, 2013 Expires: This notice remains in effect until amended, revoked or superseded	<b>Agreements with Responsible Entities and Timing for Environmental Reviews –</b> This guidance provides public housing agencies (PHAs) and PIH field offices with information on environmental reviews to emphasize the need for positive working relationships and timely, thorough reviews.
PIH 2013-06 (HA)	Issued: February 4, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Radon Information for PIH Programs –</b> The purpose of this Notice is to provide information to PHAs on the dangers of radon.
PIH 2013-05 (HA) Attachment	Issued: January 30, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Extension— Total Development Costs (TDC) for Affordable Housing under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) –</b> The purpose of this Notice is to extend the program requirements of PIH Notice 2011-63, dated November 2, 2011, and transmit the updated schedule for the maximum amount of funds that may be used for affordable housing under NAHASDA.
PIH 2013-04 (HA)	Issued: January 28, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Guidance on Verification of Excluded Income –</b> This notice provides clarification and guidance on the verification requirements of income excluded from the determination of annual income in accordance with 24 CFR 5.609(c).

*2013 HUD PIH Notices – Continued*

Notice	Issued/Expires	Subject/Purpose
PIH 2013-03 (HA)  FAQ-3/1/2013	Issued: January 22, 2013 Expires: March 31, 2014	<b>Public Housing and Housing Choice Voucher Programs – Temporary Compliance Assistance</b> - This Notice establishes temporary guidelines for public housing agencies (PHAs) in fulfilling certain Public Housing (PH) and Housing Choice Voucher (HCV) program requirements during this period of decreased resources available to PHAs.
PIH 2013-02 (HA)	Issued: January 10, 2013 Expires: This notice remains in effect until amended, superseded or rescinded	<b>Baseline Methodology for Moving to Work Public Housing Agencies</b> - This notice describes a compliance effort that ensures Moving to Work (MTW) Public Housing Agencies (PHAs) continue to meet the statutory obligation to serve substantially the same number of families as if they had not participated in the MTW demonstration.
PIH 2013-01 (TDHE)	Issued: January 9, 2013 Expires: This notice remains in effect until amended, revoked or superseded	<b>Section 184 Indian Housing Loan Guarantee Program's Maximum Loan Limits Effective January 1, 2013</b> - The purpose of this Notice is to update the mortgage loan limits for the Section 184 Indian Housing Loan Guarantee program (Section 184). HUD is authorized to set Section 184 maximum loan limits pursuant to 12 U.S.C. § 1715z-13a(b).

**HDLI General Counsel Forum****February 20 - 21, 2014****Register Now!****Registration form attached.*****HDLI's Spring CLE  
Conference!*****May 15-16, 2014****Washington, D.C.**Please plan to attend . . .  
Details coming soon



## **INTRODUCING HDLI'S NEW ONLINE FAIR HOUSING TRAINING!**

[www.HDLItraining.org](http://www.HDLItraining.org)



HDLI's Online Training Institute conveniently delivers the knowledge and skills needed to ensure your staff has real-time access to high quality, affordable training. Our web-based training site also offers over 500 personal development and business skills courses - ideal to help you effectively reach your resident self-sufficiency goals.

### **Reserve your seats now for Online Fair Housing Training!**

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Utilize your existing grant and budgeted funds for training
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## HDLI's ONSITE FAIR HOUSING TRAINING REQUEST FORM

Contact person \_\_\_\_\_  
 Agency \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 State \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

**HDLI can provide both basic and advanced training for your staff.  
Please select one.**

\_\_\_ **BASIC TRAINING includes:**

- ◆ Fair housing law and policy as it affects PHAs, both under federal law and that of your local jurisdiction;
- ◆ How fair housing intersects disabilities laws and the effect on daily operations;
- ◆ Discriminatory and sexual harassment;
- ◆ Best Practices for PHA staff;
- ◆ Interactive fair housing case studies including realistic fact patterns illustrating the learning material; and
- ◆ Useful training manual.

\_\_\_ **ADVANCED TRAINING includes:**

- ◆ Enhanced Basic Training topics; plus
- ◆ Fair housing complaints and enforcement processes; and
- ◆ Common fair housing litigation issues and defenses

\* Each training is customized based upon the needs of your agency. HDLI will contact you to discuss those needs and obtain additional information.

**Full-Day – Approx. 7 hours - Fair Housing Training = \$249 per person**

**Half-Day – Approx. 4 hours - Fair Housing Training = \$189 per person**

**We also charge trainer's travel expenses (e.g., airfare, hotel, etc.)**

**Fax or mail this form to: HDLI, 630 Eye Street, NW, Washington, D.C. 20001  
phone (202) 289-3400 fax (202) 289-3401**

## HDLI's ONSITE GRIEVANCE TRAINING REQUEST FORM

Contact person \_\_\_\_\_  
 Agency \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 State \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

### *“All About Public Housing Grievances and Section 8 Reviews”*

#### **Objectives of HDLI's Grievance Training Course:**

- √ Develop or update and implement legal, fair and effective administrative review policies and procedures for your agency.
- √ Appropriately handle administrative review issues that arise in everyday PHA work days.
- √ Understand applicable laws and regulations relating to the federal grievance and review process.
- √ Understand HUD's applicable guidance relating to the federal grievance and review process.
- √ Be knowledgeable about relevant case law around the country relating to the federal grievance and review process.
- √ Provide legal and effective administrative review notices that satisfy due process requirements.
- √ Conduct lawful and defensible administrative reviews and grievance hearings.
- √ Render legal and effective administrative review decisions that satisfy due process requirements.

\* Each training is customized based upon the needs of your agency. HDLI will contact you to discuss those needs and obtain additional information.

**Fax or mail this form to: HDLI, 630 Eye Street, NW, Washington, D.C. 20001  
 phone (202) 289-3400 fax (202) 289-3401**

## HDLI's ONSITE "ONE STRIKE" EVICTION TRAINING REQUEST FORM

Contact person \_\_\_\_\_  
 Agency \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 State \_\_\_\_\_  
 Zip \_\_\_\_\_  
 Phone \_\_\_\_\_  
 E-mail \_\_\_\_\_

### Who Should Attend?

PHA site managers, directors & management staff, hearing officers, attorneys,  
& anyone with a need to know these concepts.

### Objectives of HDLI's "One Strike" Evictions Training Course:

- √ Understand Applicable "One Strike" federal, state, and local laws.
- √ Be knowledgeable about HUD's "One Strike" regulations and guidance.
- √ Be knowledgeable about relevant "One Strike" case law.
- √ Identify "One Strike" factual scenarios that arise in everyday PHA work days.
- √ Update or develop and implement legal, fair and effective "One Strike" policies and procedures for your agency.
- √ Conduct thorough and appropriate "One Strike" factual investigations.
- √ Provide legal and effective "One Strike" eviction and termination notices that satisfy due process requirements.
- √ Successfully conduct "One Strike" evictions and terminations that stand up to scrutiny on appeal.
- √ Conduct legal and defensible "One Strike" grievance hearings.

\* Each training is customized based upon the needs of your agency. HDLI will contact you to discuss those needs and obtain additional information.

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phone (202) 289-3400 fax (202) 289-3401**



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Timothy P. Coyle  
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## Contact HDLI

Housing and Development Law Institute  
630 Eye Street, NW  
Washington, D.C. 20001

Phone: (202) 289-3400

Fax: (202) 289-3401

E-mail: [hdli@hdli.org](mailto:hdli@hdli.org)

Website: [www.hdli.org](http://www.hdli.org)