

CHAPTER 3. CUSTOMIZING MONITORING STRATEGIES OF
INDIVIDUAL PHAs OR PROJECTS

3-1. UNDERSTANDING THE PHA PROGRAM. No two PHAs are alike, and they should not be treated as if they were. Therefore, a properly conducted on-site monitoring review must be well-planned and tailored to meet the particular needs of a specific PHA program. In the conduct of such a review, all aspects of the visit must be carefully coordinated with everyone involved. To this end, the reviewer must be knowledgeable of all available data relevant to the type of review scheduled and should be prepared to offer the appropriate technical assistance, if needed. Appropriate PHA staff must be available to provide pertinent information in the areas of review. If each on-site monitoring visit is viewed separately, using a planned approach, the results will offer:

- o increased efficiency;
 - o improved operations;
 - o knowledge of strengths and weaknesses of the PHA program;
 - o an alternative to crisis management;
 - o improved relationships between FHEO and other Field Office staffs.
- A. Past History. To conduct an effective monitoring review, the Field Office must be thoroughly familiar with the following components of each PHA program:
1. racial and ethnic make-up of PHA programs;
 2. the major fair housing issues relative to the specific program(s) targeted for monitoring. Such issues could include:
 - a. evidence of non-support for PHA project locations (local opposition);
 - b. evidence of apparent discrimination via testing results, if any;
 - c. the characteristics of the neighborhood(s) in which the PHA's project(s) are located;
 3. fair housing actions undertaken by the PHA, if any;
 4. the background regarding the PHA's past performance relative to civil rights issues;

5. any special studies and/or evaluation from audits made of the PHA's operations in the past two

years; and

6. other pertinent information which will assist in providing a clearer focus of the program scheduled for an upcoming monitoring review.

B. Current Program Elements and Operating Components.

The Field Office must also be familiar with the program's current operating components. The following documents, data, and issues should be examined:

1. the various types of programs administered by the PHA (i.e. LIPH, Section 8 certificates, vouchers, Moderate Rehabilitation, etc.);
2. the PHA's EOHP and administrative plans concerning policies and procedures relative to civil rights responsibilities in the subject program;
3. the PHA's management profile, including Board of Commissioners, organizational chart, and PHA staff;
4. the PHA's system of recordkeeping concerning the race, color, religion, sex, national origin, age, handicap and family characteristics of persons and households who are applicants for, participants in, or beneficiaries or potential beneficiaries of PHA programs;
5. the project site and neighborhood map indicating project and site locations by census tract or enumeration district;
6. any existing complaints or civil rights-related legal problems involving the PHA;
7. existing racial, ethnic, handicap, gender and familial composition of each project in the PHA inventory;
8. the identification of funding levels for the following PHA's program:

12/89

Page 3-2

3/1

- a. LIPH only;
 - b. LIPH with CIAP;
 - c. LIPH (with or without CIAP) and Section 8 Existing;
9. the date of approval and date adopted by the PHA of the PHA's Tenant Selection and Assignment Plan.

- C. Public Housing Affirmative Compliance Action Program (PHACA). The PHACA program is designed to:
1. provide a speedier compliance review process, which will give PHAs wishing to act affirmatively protection against federal enforcement;
 2. encourage actions by PHAs to promote applications from as broad a racial and ethnic spectrum of the lower-income population as possible; and
 3. promote actions to effect changes in project tenancy from segregated patterns to those demonstrating a more racially and ethnically inclusive tenant population.

Through the Public Housing Affirmative Compliance Action program (PHACA), every PHA is urged to assess its policies and practices and to identify any situation where the PHA could take positive action, on a voluntary basis, to eliminate racial segregation and improve living patterns in projects that are racially segregated.

The PHACA Program involves several elements. The first is a voluntary agreement which is signed by the PHA which has to participate in the program. This agreement commits the PHA to undertake a self assessment of its policies and practices and submit results along with appropriate actions to address identified problems that are related to the accomplishment of Title VI objectives and eliminating segregation in public housing projects. Regional FHEO will assist PHAs who enter such agreements by providing them with technical guidance in the assessment process and designing appropriate actions.

The second element involves PHA implementation of the actions the PHA has agreed to undertake, following the assessment process. If the assessment results in a finding of compliance with Title VI and approval

of the voluntary actions proposed, the operative agreement remains the one the PHA has entered into at the beginning of the PHACA program process. Regional FHEO is responsible for monitoring PHA implementation. Regional FHEO may request field office FHEO assistance in carrying out this responsibility.

If the completed assessment results in a preliminary finding of noncompliance with Title VI and/or the Title VI regulations, the PHA will be required to

enter a Title VI voluntary compliance agreement to remedy the matter found in noncompliance. This is not the same as the agreement entered into by the same PHA at the beginning of the participation in the PHACA program. Regional FHEO is responsible for negotiating and monitoring implementation of all Title VI Voluntary Compliance Agreements. Regional FHEO may request assistance from Field Office FHEO staff in this effort.

3-2. DATA GATHERING ACTIVITIES.

- A. Data Collection at HUD. The collection of data from all sources provides the opportunity to develop a "PHA profile" on a specific PHA targeted for monitoring.

Before the on-site review, the FHEO staff and all other appropriate staff, if the review is jointly conducted, should collect and review documentation of records/reports of the PHAs actions concerning all civil rights-related program requirements. In reviewing the records/reports, the staff person should obtain the results of any occupancy audits, management reviews, prior monitoring results, and FHEO-originated correspondence, to determine the nature of any concerns or monitoring findings relative to civil rights-related program requirements. The review should be used to identify progress, or changes in activities, problems, potential problems and program accomplishments. All FHEO participants should be thoroughly familiar with the HUD files containing records of previous management reviews or occupancy audits of the PHA.

Data collection must begin at HUD and should include such sources as:

12/89

Page 3-4

3-2

1. HUD Files, including:
 - a. FHEO Division POD, Regional Compliance Division (e.g., complaint investigation findings; compliance review findings); FHEO PHA profile, etc.
 - b. Housing Files - Assisted Housing Management Branch (AHMB), Housing Development Division or Office of Public Housing, as appropriate;
 - c. Community Planning and Development (CPD) files (e.g., Housing Assistance Plans and Grantee Performance Report);
 - d. Other - Employee Time Reporting Systems;

Resource Allocation Guidelines Systems;
previous monitoring letters/reports, legal,
Economic and Marketing Analyses (EMA).

2. Discussion with HUD Staff. Conversations should be held with appropriate HUD Field Office staff to obtain information before visiting a PHA. Such discussions often provide useful information which may not be documented.
 3. Other Sources.
 - a. census data;
 - b. other demographic and neighborhood data;
 - c. fair housing and civil rights organizations;
 - d. any other relevant sources.
- B. Advance Compilation of Information by the PHA. PHAs may be requested to compile advance information only with respect to documents which the PHA compiles in its ordinary course of doing business or information which is required to close a previous review, audit or survey finding. For example, the PHA could be asked to collect copies of information from tenant files in a central location, but it could not be asked to create a tabular analysis of tenant characteristics, unless the information was related to a prior finding.

3-3. TYPES OF REVIEWS.

- A. Full Program Monitoring Review. FHEO staff should monitor all program areas. This type of review would require monitoring of the civil rights-related managerial and administrative, employment, training, outreach, affirmative marketing and occupancy practices.
- B. Limited Program Monitoring Review. When it is not feasible to undertake a full program monitoring review, the areas to be monitored should be selected to focus on the most urgent and critical civil rights-related issues. The primary focus of the limited review is to examine the PHA's recordkeeping system and to collect civil rights-related data. Collection of this type of data will assist the Department in pursuing resolution of any past violations of civil rights laws, or prior monitoring findings, and identifying PHAs which are most likely to have illegally discriminated because of race, color or national origin. Where there are violations

of civil rights-related program requirements, appropriate action shall be taken.

3-4. PRE-VISIT ACTIONS

- A. Review at HUD. The review at HUD may culminate in a finding(s) which could make it unnecessary to conduct an on-site review. Findings made as a result of the in-house review should be formally cited to the PHA in accordance with procedures identified in Chapter 5.
- B. Confirmation with PHA. After a determination has been made to conduct on-site monitoring, FHEO staff should provide appropriate PHA staff with pertinent information regarding the on-site monitoring review prior to the visit. This information should be provided as far in advance of the visit as possible and should include the following:
 - 1. Areas of review which will be monitored;
 - 2. Name(s) of HUD participants;
 - 3. Date(s) of visits;
 - 4. The PHA staff who should be available for interviews;
 - 5. The type of review: full or limited;
 - 6. The programs, projects, and sites which will be covered.

12/89

Page 3-6

- 7. the files, records, and other information should be made available for inspection;
- 8. the time estimated to complete the review.

A cooperative effort should be stressed, as well as the need for PHA input and involvement in problem-solving during the review. As a courtesy to the PHA, to assure a well coordinated planning process and as part of good monitoring practices and preparation, the PHA should be formally notified in writing at least 10, and preferably 30, working days in advance of the on-site visit.

If the initial notification is made via telephone, a letter providing the information indicated above must be sent to the Chairman of the Board of Commissioners with a copy to the Executive Director.

After the information listed above has been provided, FHEO staff should prepare the monitoring strategy to assist in the conduct of a smooth and efficient review (see Appendix 2).

- 3.5. ON-SITE ACTIVITIES. The on-site visit provides the reviewer with first-hand information for assessment of

PHA performance in discharging its civil rights responsibilities. It also allows for the verification of the accuracy of information and data collected during the in-house review.

On-site activities consist of:

- A. An opening conference which provides the PHA with an overview of the monitoring review process/activities and indicates which files and records will be examined during the visit;
- B. The direct examination of the PHA's files, records, and statistical and/or computerized data. The reviewer should examine only those areas identified in the notification letter unless upon, examination, problems surface which require immediate attention;
- C. Interviews with appropriate PHA staff and tenants;
- D. Visual inspection of projects and the surrounding neighborhood;

3-5

- E. The provision of technical assistance, as deemed necessary; and
- F. A closing conference or other form of consultation with the appropriate staff to present preliminary conclusions and to assure that the conclusions are based on accurate information.