

## CHAPTER 4. REVIEWING THE PHA PROGRAM

This Chapter presents the monitoring process, including the major areas of review, monitoring requirements, objectives, suggested approaches for review of the PHA's program and methods for use by FHEO staff when formulating monitoring conclusions.

### Section 1. Management and Administration

#### 4-1. ORGANIZATION AND MANAGEMENT REQUIREMENTS:

##### A. Monitoring Requirements:

1. Methods of Administration: A PHA "...may not, directly or through contractual or other arrangements, utilize criteria or methods of administration which have the effect of subjecting persons to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to persons of a particular race, color, or national origin" (24 CFR 1.4(b)(2)(i)).

Paragraph 1-2(B) presents an overview of FHEO monitoring, including a description of the four major areas of PHA responsibilities that may be examined during civil rights monitoring. FHEO's reviews of PHA management and administrative practices involve a comprehensive examination of the manner in which the PHD implements civil rights requirements both individually (i.e., in terms of each statutory, regulatory or other legal obligation) and overall with regard to the resulting impact of the PHA's programs on the groups protected by civil rights laws.

2. Management Plans--Section 8 Certificate and Housing Voucher and Moderate Rehabilitation Programs 24 CFR Parts 882 and 887):

Unlike the Public Housing Program where no consolidated written management plan is required by HUD, the Equal Opportunity Housing Plan (see paragraph 4-13) details the PHA's procedures for management of the Section 8 Existing Housing Programs.

The PHA must submit the following with its application(s), or after application approval but no later than with the PHA-executed annual contributions contract (ACC):

- a. AN EQUAL OPPORTUNITY HOUSING PLAN (EOHP). A description of EOHP requirements is included in Section 4-13. This plan is reviewed, approved and monitored

by FHEO.

- b. AN ADMINISTRATIVE PLAN. In addition to methods for computing tenant rents and other program requirements, this plan describes the PHA's policies and procedures for performing outreach to all eligible families and for selecting families for participation in the program. This plan is reviewed, approved and monitored by Assisted Housing Management. FHEO may make recommendations if there are apparent discrepancies between the EOHP and the administrative plan.

NOTE: The requirements in this paragraph are not applicable to the LIPH Program.

3. Public Housing Administrative Requirements: Although there is no requirement for a consolidated or written management plan for the Public Housing Program, the PHA is required to develop an Action Plan if a Housing Management Review or Audit results in "findings" that are not resolved within a specified time frame. The Action Plan is a means for the PHA to detail its plan for addressing and resolving any management findings. The Plan must include performance goals for each finding, major steps for achieving the performance goals, and the time frame for completion.

FHEO should review the PHA's Action Plan and follow up, as appropriate, on any FHEO issues/concerns which may be identified in the Plan. This activity should not involve any actions required of the PHA as a result of a Plan established by the PHA to comply with a finding made under a Title VI Compliance Review.

4. Civil Rights Certifications:
  - a. Section 8 Programs: Together with the EOHP, the PHA must submit a signed certification of the applicant's intention to comply with Title VI of the Civil Rights Act of 1964; the Fair Housing Act; Executive Order 11063; and, if the housing assistance may be used within an area of a Housing Assistance Plan, a certification that the applicant will take affirmative action to provide opportunities to

participate in the program to persons expected to reside in the locality because of present or planned employment as indicated in the HAP.

- b. LIPH Program: The PHA Resolution in Support of Public Housing Project (Form HUD-52471) , provides the PHA's certification to comply with all applicable

regulations of the Department. In addition to the civil rights laws listed above for the Section 8 Program certifications, these laws include E.O. 11246 and E.O. 11375, and Section 3 (Also see Exhibit 1, Applicable Laws and Regulations).

B. Monitoring Approach: A main purpose of monitoring is to assess the PHA's methods of administration and their results. FHEO staff should collect information concerning implementation of civil rights requirements that is sufficient to determine whether there is evidence that:

- PHA practices are documented, clear and up-to-date;
- PHA practices do not differ from written policies; and
- The Board of Commissioners is involved in oversight of the PHA and the Commissioners are aware of civil rights requirements.

Chapter 6 provides a discussion of the PHA's civil rights certifications to comply with the law and to implement its programs affirmatively to further the objectives of fair housing. As discussed in paragraph 1-3D, administrative procedures and civil rights-related program requirements have been incorporated into various aspects of all HUD major programs (regulations, handbooks, etc.). Public Housing Agencies must meet their responsibilities as required for each program. During monitoring, FHEO staff will provide technical assistance to facilitate the efficient management and operation of civil rights aspects of HUD-assisted housing programs.

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4-2 INFORMATION MANAGEMENT. The PHA establishes the specific processes and procedures for controlling the flow and use of information and regarding the collection of data, posting of announcements of equal opportunity and civil rights procedures, as well as the preparation and distribution of reports required by HUD. The recordkeeping requirements described below apply to all of the PHA's programs and activities.

The FHEO staff reviews, as appropriate:

1. Any special studies, evaluations or audits of the PHA's operations conducted in the past 2 years;
2. The PHA's most recent annual reports; and
3. The PHA's most recent annual budget, and racial, ethnic, gender, age, familial characteristics, and handicap status information of applicants and participants in the assisted housing program.

A. Monitoring Requirements:

1. 24 CFR 1.6(b) - Under Title VI

All PHAs are required to maintain records and submit compliance reports containing information determined by the Assistant Secretary for FHEO to enable FHEO to determine compliance with Title VI. In general recipients should have available racial and ethnic data showing the extent to which members of minority groups are beneficiaries of federally assisted programs.

2. 24 CFR 107.30(a) - Recordkeeping

All persons receiving assistance through any program or activity of the Department involving the provision of housing and related activities subject to Executive Order 11063 shall maintain racial, religious, national origin and sex data required by the Department in connection with its programs and activities.

3. 24 CFR 121.2 - Program participant data requirements under the Fair Housing Act

Participants in the programs administered by the Department shall furnish to the Department such data 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 those programs as the Secretary

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may determine to be necessary or appropriate to enable him or her to carry out his or her responsibilities under the authorities referred to in Section 121.1.

4. Equal Opportunity Housing Plan (Section 8 Existing Housing)

The Section 8 Existing Program EOHP requires:

"Maintenance of well organized complete records to facilitate HUD's monitoring and review of PHA operations, in particular as they relate to PHA actions to fulfill the objectives of the PHA's EOHP."

5. 24 CFR 882.209(a)(10)--Selection and Participation (Section 8 Existing Housing only)

The PHA shall maintain records of applicants and participants which provide HUD with racial, gender and ethnic data.

The PHA shall retain for three years a copy of the application, notices to the applicant, and the applicant's responses.

6. 24 CFR 887.155(f) -- Recordkeeping and Record Retention  
(Housing Voucher program only)

(1) The PHA must maintain records on applicants and participants in order to provide HUD with racial, ethnic, gender, and handicap status data.

(2) The PHA must retain for five years a copy of all applications, any notices to an applicant and the applicant's responses.

7. 24 CFR 913.109(b) -- Verification (Lower Income Public Housing only)

"As a condition of admission to, or continued occupancy of, any assisted unit under the Public Housing or Indian Housing Program, ... The PHA shall also require the family to submit directly documentation determined to be necessary. Information or documentation shall be determined to be necessary if it is required for purposes of...monitoring compliance with equal opportunity requirements."

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B. Areas to Monitor:

Recordkeeping and reporting requirements are incorporated in Chapter 4 for each area of the PHA's program. The purpose of monitoring recordkeeping requirements is to assure that the PHA has maintained data in accordance with the applicable requirements and to determine whether adequate data and information are available prior to the conduct of any monitoring or compliance/enforcement activity.

4-3 SOCIAL AND COMMUNITY SERVICES (RESERVED)

4-4 PHA/RESIDENT MANAGEMENT AGREEMENTS (RESERVED)

4-5 MAINTENANCE (EXCEPT CIAP) (RESERVED)

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Section 2. Equal Employment Opportunity (EEO) and Training

4-6. OVERVIEW:

This section applies to all of the programs covered by this handbook. PHA employment policies are described in the Annual Contributions Contracts (ACC) for the LIPH and Section 8 Programs as described below.

4-7. Annual Contributions Contract (ACC) PROVISIONS:

- o Public Housing -- ACC Sections 304(a) and 307
- o Moderate Rehabilitation -- ACC Section 2.6
- o Section 8 Certificate and Housing Voucher Program -- ACC Section 2.10

The PHA shall:

--take affirmative action to ensure that applicants are employed without regard to race, color, religion, sex or national origin.

--take affirmative action to ensure that employees are treated fairly during employment without regard to race, color, religion, sex, or national origin.

--undertake specific affirmative actions in the areas of employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

--not discriminate against any employee or applicant for employment because of race, color, age, religion, creed, sex, national origin, or handicap.

--post at its projects--in conspicuous places available to employees and applicants for employment--notices setting forth the provisions of this nondiscrimination clause.

4-8. OTHER EEO AND TRAINING POLICY:

- A. LIPH Programs: In addition to provisions of the ACC, PHAs must comply with the following procedures for their LIPH Programs (See Handbooks 7401.7 and 7417.1). The PHA shall:

--insert nondiscrimination statements in all employment announcements;

--adopt and promulgate regulations with respect to its employment practices and post a copy of these regulations in its offices;

--submit a copy of its regulations to HUD after adoption by the Board of Commissioners;

--adopt a personnel policy comparable with local

public practice which also contains the ACC Section 304 requirements prohibiting discrimination because of race, religion, sex, color, or national origin. The policy must also contain a prohibition against discrimination because of handicap or age.

- B. Section 8 Programs: PHAs may adopt any of the policies listed above for their Section 8 and other assisted housing programs, as appropriate.
- C. Section 3, Housing and Community Development Act of 1968--Employment and Training Opportunities (LIPH only):

Projects under development are subject to Section 3 provisions which require that, to the greatest extent feasible, opportunities for training and employment be given to lower-income residents of the unit of local government or the metropolitan area (or non-metropolitan county) as determined by the Secretary in which the project is located. Any Public Housing Program which does not exceed \$500,000 in estimated cost is exempt, as is any subcontract of \$50,000 or under on such projects or contracts in excess of \$500,000.

- D. Executive Order 11246--Equal Employment Opportunity, Federally Assisted Construction Contracts (LIPH Only). Executive Order 11246 prohibits discrimination and requires affirmative action to ensure that employees or applicants for employment are treated without regard to their race, color, religion, sex, or national origin.

HUD, as administering agency of a Federally Assisted Housing Program, is required under 41 CFR Part 60-1.4(b) to include specified language,

including the required "equal opportunity clause," in every federally assisted construction contract which exceeds \$10,000 which is not exempt from the requirements of the equal opportunity clause (Office of Federal Contract Compliance Programs (OFCCP), Department of Labor). The specified contract language provides that the contractor must incorporate into any contract for construction work, which is paid for in whole or in part with Federal funds, the required equal employment opportunity clause (see Appendix 3).

HUD's responsibility is to educate bidders, offerors, contractors and subcontractors about

their coverage under E.O. 11246. This specifically means that HUD is responsible for:

1. designating a staff person in each field office to be responsible for ensuring that HUD sponsors/developers are aware of the E.O. 11246 requirements;
2. assuring that appropriate reference to E.O. 11246 is included in HUD-covered contract documents;
3. advising covered contractors of the appropriate Department of Labor, OFCCP Regional and Area Offices from which E.O. 11246 advice and assistance can be obtained.

While HUD contracts for construction work under the LIPH Program are subject to E.O. 11246, E.O. 11375 and Department of Labor implementing regulations, 41 CFR Chapter 60, the Department of HUD has no responsibility for enforcement of these laws.

- E. Section 504 of the Rehabilitation Act of 1973, as amended, provides that no otherwise qualified handicapped individual in the United States shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be discriminated against under any program or activity receiving Federal financial assistance. See paragraph 7-6.
- F. Age Discrimination Act of 1975, provides that no person in the United States shall, on the basis of age, be excluded from participation

in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

- G. Training for PHA staff: PHAs must utilize suitable methods to provide instruction to staff and contractors concerning equal employment and other civil rights laws and HUD's program regulations, such as providing them with copies of all pertinent documents, conducting training meetings, and maintaining reviews through regular supervisory channels.
- H. Areas to Monitor:
  1. Identification of the Equal Employment

Officer or staff person assigned equal employment opportunity work;

2. PHA Personnel Policy;
3. Date of Affirmative Action Plan (AAP) and Equal Employment Opportunity (EEO) policy;
4. Where applicable, employment of staff to implement the AAP;
5. PHA employment application form;
6. Employment test or other selection criteria, if any;
7. Copies/tear sheets of employment advertising;
8. Listing of recruitment sources;
9. Employment complaints filed during the past two years by race, gender, ethnicity, handicap status and the disposition of the complaints;
10. PHA organizational chart;
11. Roster of PHA employees;
12. Number and percent of PHA employees by race, ethnicity, gender and handicap if any;

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13. Population data for the PHA's jurisdiction by race, ethnicity, gender and, if available, number of handicapped persons;
  14. Labor force area data, as available;
  15. Posting of EEO Poster (HUD 904) and/or notices on bulletin boards;
  16. Employment announcements;
  17. PHA/LIPH Program EEO Regulations.
- I. Monitoring Approach: This monitoring process involves a review of the PHA's records regarding its affirmative actions and the results of those actions in the area of equal employment opportunity.

### Section 3. Outreach and Affirmative Marketing

#### 4-9. OVERVIEW.

- A. Informing the eligible population about the PHA's Program. This section outlines the process for review of the PHA's programs and activities to ensure that all eligible persons in the PHA jurisdiction are aware of the housing assistance provided by the Agency.

It describes the procedures for review of special outreach and marketing activities required under the Equal Opportunity Housing Plan (EOHP) for the Section 8 Programs. Guidelines in this section also apply to the PHA's responsibility to assure that appropriate outreach efforts are conducted to maintain a well-balanced application pool for the LIPH Program.

- B. Relationship to the Affirmative Fair Housing Marketing Plan. The outreach and marketing procedures in this Handbook are not subject to the provisions of 24 CFR Part 200, Subpart M, Affirmative Fair Housing Marketing Regulations or the procedures discussed in HUD Handbook 8025, REV. 1, Implementation of Affirmative Fair Housing Marketing Requirements. However, much of the guidance regarding review of the PHA's outreach and marketing activity is the same as that provided in Handbook 8025, REV. 1.

Evaluation of a PHA's outreach program is conducted in accordance with the objectives and procedures of each of the activities discussed below.

- C. Communication to persons with disabilities are described at paragraph 7-4.

#### 4-10. OUTREACH TO LOWER-INCOME FAMILIES.

- A. Monitoring Requirements.

1. Section 8 Existing Housing Programs:

- a. Equal Opportunity Housing Plan (EOHP)  
Objective I--Outreach to Eligible Families:

- (1) Utilization of sufficient and appropriate means to bring information on the PHA's program to a full cross-section of the eligible population.

- (2) Public notice to lower-income families. The PHA shall make known to the public through publication in a newspaper of general circulation as well as through minority media, and other suitable means, the availability and nature of housing assistance for lower-income families. The notice shall inform such families where they may apply for housing assistance. The notice shall state that occupants of housing subsidized under the U.S. Housing Act (e.g. public housing), and applicants on a waiting list for any such housing, must apply specifically for participation in the PHA's Section 8 Program if they wish to be considered for participation. The notice must further state that applicant's for the PHA's Section 8 Existing Housing Program will not lose their place on the Public Housing waiting list.
- (3) Affirmative Action. The PHA shall take affirmative action to provide opportunities to participate in the program to persons who, because of such factors as race, ethnicity, sex of household head, age, or source of income are less likely to apply for certificates of family participation.

The notice shall be made in accordance with the PHA's HUD-approved EOHP and with HUD guidelines for fair housing requiring the use of the Equal Housing Opportunity logotype, statement and slogan.

- b. Administrative Plan. Implementation of a plan which describes the PHA's overall approach and objectives in administering the Section 8 Certificate and Housing Voucher Programs, including the policies and procedures for performing outreach to eligible families.
2. Lower-Income Public Housing Program. PHAs should target outreach efforts toward reaching applicants from the desired segment of the lower-income population.
3. Use of Equal Housing Opportunity Logotype, Statement, or Slogan, 24 CFR 109.30(a). All advertising of residential real estate for sale, rent, or financing should contain

that the property is available to all persons regardless of race, color, religion, sex, handicap, familial status, or national origin.

B. Areas to Monitor.

1. Actions taken to promote a broad span of outreach activities to ensure that all eligible persons in the PHA's jurisdiction have access to information on housing assistance.
2. Methods used to attract tenants, including the use of minority media.
3. Methods used to identify segments of the population least likely to apply.
4. Special outreach efforts to groups identified as "least likely to apply."
5. Special outreach efforts to groups identified as "expected to reside" in an area where a PHA is located.
6. Outreach to handicapped persons in need of accessible units. See also, chapter 7.
7. Efforts to target outreach activity to minority or nonminority families if needed as a result of prior discrimination or other conditions which resulted in limiting participation.

Special Outreach to Owners (Section 8 Only)

8. Efforts used to encourage participation by owners to include the use of minority media.
9. Actions taken to encourage the participation of owners of units in areas other than low-income or minority concentrated areas.
10. Actions taken to promote a broad span of outreach activities to ensure that a maximum number of owners and real estate brokers are aware of the need to provide dwelling units for leasing by eligible families.

11. Actions taken to establish working relationships with local owners and real estate broker associations.
12. Efforts to develop and maintain contact with civil rights, charitable or neighborhood organizations interested in housing for lower-income families and public agencies concerned with obtaining housing for

displaces.

13. The PHA's administrative plan must establish an overall approach and objective for administering the Section 8 Existing Housing Certificate or Housing Voucher Program with respect to outreach activities.

- C. Monitoring Approach. Requirements for the EOHP are described in the Section 8 Program regulations (24 CFR 882.207, 882.208 and 887.59) and Handbook 7420.3, Chapter 9.

There are no requirements for development of a written outreach or marketing plan for the LIPH Program.

Procedures to monitor outreach activities under the EOHP (Section 8 Programs only) and the PHA's other marketing requirements are outlined in Appendix 7, Equal Opportunity Housing Plan -- Application Review/Monitoring Checklist. The monitor must review PHA files containing documentation on each aspect of the procedures related to outreach and marketing. The Monitoring Review Checklist, outreach and affirmative marketing (Exhibit 3), should be used to assist in the review of activities related to this part. When conducting the review, the monitor must give special attention to the following:

--the appropriateness and comprehensiveness of the overall marketing plan;

--the ability to reach the desired segment of the lower-income population;

--the use of appropriate mechanisms for disseminating information on the program to a cross-section of the eligible population;

--the efforts made to include eligible owners in the process.

All data gathered during the application stage should be used to assess the effectiveness of the PHA's program during the monitoring process.

- D. Actions taken on Monitoring Conclusions. If the reviewer collects data and information which verify that the PHA has not met the EOHP or outreach requirements of the program, action should be taken to prevent a continuation of problems or a recurrence of the same or similar deficiencies. The PHA must be given an opportunity to correct any identified deficiencies. The following actions may be taken on negative monitoring conclusions:

1. Notification to the PHA of the deficiencies found as a result of monitoring, with a request that the PHA submit

additional information or a statement of steps which will be taken to correct the deficiencies.

2. Notification to the Chief, Assisted Housing Management Branch.
3. Implementation of procedures to determine acceptability of the PHA's civil rights certifications.
4. Referral to the Regional Director of FHEO where deficiencies appear to raise question(s) that may be investigated by the FHEO Compliance Branch.

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#### Section 4. Occupancy Reviews and Tenant Data

4-11. OVERVIEW. This section discusses the steps in completing a review of the beneficiaries of HUD-assisted housing (tenants in Section 8 Moderate Rehabilitation or LIPH projects, Section 8 Certificate or Voucher Holders). Primarily, such reviews require the collection and analysis of information on:

- o Tenant characteristics: race, ethnicity, sex, age, handicap and familial status;
  - o Project characteristics: bedroom sizes, units vacant or occupied;
  - o Site and location: address and location of the project units; population of the project, census tract and other data relating to the housing market area/PHA community in which Section 8 tenants (Certificate and Voucher holders) reside.
- A. Purpose of Occupancy Reviews (Civil Rights-Related Program Requirements : Under Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Executive Order 11063, the Department is responsible for assuring that all persons regardless of race, color, religion, sex, handicap, familial status, or national origin are provided equal opportunity to participate in and receive the benefits of HUD-assisted and public housing. To carry out this objective, the Department requires a site analysis of the proposed location of LIPH Projects and special marketing activities as a part of all Equal Opportunity Housing Plans. Section 4-12 of this handbook includes the admission policies, tenanting and other program requirements that relate to these objectives.

The Department must assure that its programs operate to enable the greatest housing choice for the individual homeseeker, in addition to the creation of a socio-economic mix in both the projects and neighborhoods. However, the reader should be cautioned that the Department has no review standard or program requirement which mandates that an absolute number of occupants of any racial/ethnic group be approved for

participation in a HUD program. Further, there is no directive which requires the presence of a certain number of minorities at any project site or neighborhood where HUD-assisted housing is constructed. Procedures for reviewing occupancy matters and housing sites are provided below.

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FHEO monitoring of assisted housing programs combines an indepth examination of the PHA's history with a step-by-step review of admission policies and practices.

The reviewer must:

1. Analyze each aspect of the PHA's program to compile information and data; and
  2. Document all circumstances where it appears that the PHA's standards and practices are not consistent with program requirements or appear to:
    - a. cause undue concentrations or the absence of any racial/ethnic groups at a given site;
    - b. preclude or reduce locational choices for applicants.
- B. Scope of the Review:
1. Files and Records: Where the number of PHA units or individual projects is so large as to preclude an analysis of all occupied units operated by the PHA, the reviewer must select a sample of files to review. This sample should include both family and elderly housing, units located in different neighborhoods (i.e. predominantly minority, racially mixed, and predominantly nonminority) and data on applicants and tenants with a broad-range of incomes.
  2. Sample size: Guidelines in the LIPH Occupancy Audit Handbook (HUD 7465.2 REV 1) may be used to determine the number of files to include in the sample of files reviewed by FHEO staff. FHEO staff may also select the same files reviewed by Housing staff during a management review or occupancy audit to examine during the civil rights monitoring.

#### 4-12. MONITORING LOWER-INCOME PUBLIC HOUSING

Information provided in Paragraphs 4-12A and B below applies to the LIPH Program only.

- A. Availability of Data: The type of review performed by Assisted Housing Management staff will determine to some extent the data available to FHEO staff during preparation of

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strategies. These reviews are governed by the policies described in HUD Handbook 7460.7, REV. Field Office Monitoring of Public Housing Agencies, and HUD Handbook 7465.2, REV-1, Public Housing Occupancy Audit Handbook, and are summarized below:

1. The occupancy review of the LIPH program under Handbook 7460.7, REV. is only one aspect of the management review. This review is an assessment to determine general performance as opposed to the technical assessment required in an occupancy audit. It is broad in scope; and, in addition to occupancy matters, it covers organization and management, information and financial management, procurement, contracting, resident management and security matters.
2. Occupancy audits of the LIPH Program, on the other hand, concentrate on examination of admission and occupancy policies, tenant characteristics, adequacy of tenant files, occupancy reporting, and general procedures to determine compliance with HUD requirements. This is a detailed examination under all occupancy and admission policies.

B. Reviewing Admission Policies:

1. Admission policies, eligibility and suitability. This area relates to management policies and procedures regarding the screening of applicants and admission of tenants to LIPH units. The PHA is responsible for administering the admissions process in a manner in which all persons interested in applying for admission to public housing are treated fairly and consistently.
  - a. Monitoring requirements: PHAs must adopt admission policies which meet the nondiscrimination and other requirements of applicable civil rights laws (See Paragraph 1-3).
    - (1) PHAs may not deny a person admission to public housing or discriminate at any stage of the admission process because of race, color, national origin, religion, creed, sex, age, familial status or handicap; PHAs may not exclude applicants because they have children.

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- (2) The PHA must consider only information that is reasonably related to the individual--not what might be attributed to a particular group or class.
- (3) PHAs must make sure that all employees who are involved in the admission process are familiar with HUD's nondiscrimination requirements.
- (4) Admission policies must include a tenant selection and assignment plan in accordance with 24 CFR 1.4(b)(2)(ii).

b. Areas to Monitor:

- (1) Differences, if any, between the written policy for admission and the PHA's explanation of the policy and the actual operation of the admission process.
- (2) Methods established to screen applicants.
- (3) Procedures for assuring equal treatment to applicants with children.
- (4) Procedures for assuring that applicants are not denied access to public housing due to race, color, creed, national origin, sex, age, religion, familial status or handicap.
- (5) Records describing key characteristics of applicants (e.g. annual income, ethnicity, household size).
- (6) Documentation evidencing the application of Equal Opportunity and Fair Housing policies as described in the PHA's management or administrative plan.
- (7) Records of eligibility determinations, including information on unsuccessful applicants.
- (8) Schedule of ongoing training programs for the PHA staff regarding applicable civil rights laws.

- (9) Procedures for documenting the number of complaints, if any, filed against the PHA.
- (10) Procedures for documenting the tenant selection

and assignment plan (See 4-12(B)(3)).

- (11) Any other pertinent areas of concern related to admission policies which may have been identified prior to the on-site visit or may have surfaced on-site as a result of the monitoring review.

- c. Approach to monitoring: PHA files containing documentation on each aspect of the admission policies related to Low-Income Public Housing projects must be reviewed. A random review of applications in various racial/ethnic categories should be examined to determine if policies are applied uniformly.

The Monitoring Review Guide (Exhibit 4), PHA Admission Policies, should be used to assist in the review. Appropriate documentation must be made for any and all circumstances where it appears that the PHA's standards and practices are inconsistent with program requirements.

- (1) The review must establish a sample of files of recently admitted tenants:
  - The sample of recent admissions should represent half the sample of tenants in occupancy with a distribution of minority and nonminority tenants similar to the distribution of the project sites for each site in the sample.
  - Ensure that at least half of the files in the sample selected are records of tenants who were admitted in the last 24 months.
- (2) If the Housing Management Division has conducted an occupancy audit, the reviewer must examine the PHA's responses on the Occupancy Audit Guide (Form HUD-52376) as follows:
  - (a) Outreach and Management of the Waiting List

- (b) Priorities for Selection of Program and Projects
- (c) Screening and Review of Preferences
- (d) Unit and Space Assignments

(3) Complete Appendix 2; FHEO Monitoring Strategy

(4) PHA Admission Policies

Where no other information is available, the reviewer may prepare Exhibit 5, Worksheet Report on Applicants, to assist with the analysis of admission policies.

(5) Complete Appendix 4, Summary of Monitoring Conclusions

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2. Application and Waiting Lists Procedures. In making eligibility determinations, PHAs screen applicants by credit checks, home visits, police and court records, references of prior landlords, and other methods. The major tasks involved in FHEO's review of PHA application and waiting list procedures are to:

- a. Gather data on the composition of persons on the PHA's waiting lists in comparison to recent admissions and unsuccessful applicants; and
- b. Document any instances where minorities appear to be treated differently based on race or handicap or other protected categories or prohibited practices. For example, a review of the files may show that some applicants have been determined ineligible and that the pattern of ineligible determinations appears to show different treatment of applicants based on race or handicap.

Similarly, the files may show that some or all public housing applicants have been given an opportunity to apply for a certificate or voucher as well. If this evidence shows up in some files, but not others, the monitor would record instances where there appears to be a pattern of such evidence based on a protected category.

- c. Monitoring Requirements:
  - (1) Recordkeeping. PHAs must maintain information on the race, ethnicity (Hispanic or non-Hispanic), sex and age of the head of household of all families which submit an application for admission.
  - (2) Posting Requirements. PHAs must prominently display a fair housing poster at:

- (a) Any office where applications are taken;  
and
  - (b) Every project building, except for single family dwellings.
- (3) Organization of the Waiting List.
- (a) PHAs may not close a waiting list if it

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would have a discriminatory effect inconsistent with applicable civil rights laws.

- (b) All waiting lists must be community-wide in scope. A PHA with more than one community within its jurisdiction may establish separate waiting lists for each community, provided that:
  - 1. Any such arrangement is approved by HUD Headquarters;
  - 2. It would not result in or perpetuate patterns of occupancy that would be inconsistent with Title VI of the Civil Rights Act of 1964 or the FHA;
  - 3. The communities have similar types of projects and sizes and types of units;
  - 4. There are no separate community residency preferences or requirements;  
and
  - 5. It would not prevent the PHA from achieving or maintaining a broad range of income in each of its projects.
- (c) A PHA which has HUD Headquarters approval to have separate waiting lists for separate communities within its jurisdiction must not restrict applicants to the list covering their community. Rather they must have the opportunity to apply and be considered on any or all of the PHA's lists which are open to new applicants.
- (d) A PHA may have one waiting list for projects for the elderly and another for general occupancy projects, provided that the PHA permits an elderly family to be

listed on either or both if unit size and type are appropriate.

- (4) HUD Responsibilities - Approval of separate waiting lists

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The local HUD FHEO office will review the PHA's plan in consultation with public housing staff.

This process should include examination of any documentation in the PHA's files or other sources which provides information concerning:

- (a) The commuting distance between PHA project sites and geographic barriers;
- (b) Types of housing, i.e., multifamily vs. single family construction, and similarities in types of housing among communities and sites;
- (c) Demographic information on each community and site;
- (d) Administrative burden to the PHA to manage more than one waiting list;

The local FHEO Office will then forward the plan and its recommendations to the Regional Director, FHEO. Regional FHEO will review the package and submit it, along with the Region's recommendations, to the Assistant Secretary for FHEO for final action.

d. Areas to Monitor:

- (1) The total number and variety of applications submitted.
- (2) Period of time applicants remain on the waiting list.
- (3) Methods for purging waiting lists and recording applicant choices for units/projects.
- (4) What type of information is provided to applicants regarding projects.
- (5) Outreach to public organizations and organizations representing persons with disabilities.

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- (6) Outreach activities to minority and nonminority families.
- (7) Procedures for closing lists to applicants.
- (8) Procedures for documenting names removed from the waiting lists.
- (9) Public display of the fair housing poster and other notices regarding the program in public places.
- (10) Hours, location(s) and procedures for accepting applications.

Applications are:

date marked? \_\_\_\_\_

time marked? \_\_\_\_\_

- (11) Description of preference factors and their respective weights.
- (12) The number of households currently on the waiting list. \_\_\_\_\_
- (13) The number of minority households currently on waiting list. \_\_\_\_\_
- (14) The number of nonminority households currently on waiting list. \_\_\_\_\_
- (15) Is the PHA's waiting list reasonably representative of the eligible population residing in the PHA's area of operation?
- (16) Procedures for accepting applications for minorities and nonminorities.
- (17) Whether any difference in application procedures/practices has served to create or maintain the racial or ethnic identity of a project, site or building.
- (18) Explanation of the PHA as to why the procedure or practice is different.

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- (19) Most commonly used preferences.
- (20) Diversity of income range, racial and ethnic groups on the waiting list.
- (21) Whether the PHA's selection priorities are reasonable, easy to administer and related to the PHA's objectives.

e. Monitoring Approach:

- (1) Complete Appendix 5, Tenant Selection Review, (Form HUD 52379)
- (2) Complete Exhibit 5, Worksheet -- Report on Applicants
- (3) Review Appendix 4, Summary of Monitoring Conclusions

- 3. Tenant Selection and Assignment Plans. This section highlights the requirements of Title VI regarding procedures for submission and approval of Tenant Selection and Assignment (TSA) Plans. The TSA Plan is one of the primary examples of a civil rights procedure which is carried out under a specific HUD program to ensure that benefits are distributed on a nondiscriminatory basis. FHEO monitors the PHA's TSA practices to ensure that they do not operate in a manner to discriminate against either applicants or tenants.

TSA policies and practices for selection of applicants for tenancy or for filling vacant units by transferring tenants must be in accordance with the standardized procedures outlined for a TSA plan under 24 CFR 1.4(b)(2)(ii) and in Handbook 7465.1, REV. 2, Chapter 5, Public Housing Occupancy Handbook.

a. Monitoring Requirements: Review and Approval of TSA Plans

- (1) The Tenant selection and assignment plan, including any changes to an existing plan, must be duly adopted by the PHA and reviewed and approved by HUD. Each PHA must follow its TSA Plan which describes whether an applicant is permitted one offer or up to three offers before dropping to the bottom of the waiting list.
- (2) The Regional Administrator--Federal Housing Commissioner must obtain approval of the

Assistant Secretary for Fair Housing and Equal Opportunity (FHEO) if a PHA's TSA plan does not meet applicable nondiscrimination requirements or differs from the Plan A or B format described below in paragraph 3(b).

- (3) The Assistant Secretary for FHEO or a designee takes final action on the TSA Plan if:
  - (a) the plan has been submitted for the purpose of complying with Title VI of the Civil Rights Act of 1964;
  - (b) The PHA is operating under a finding of apparent non-compliance with Title VI; or

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- (c) The PHA has submitted the plan as a component of any public housing desegregation initiative.

No PHA may solicit a statement from an applicant regarding his or her desire to live in a particular project or group of projects unless this practice has specific approval from the Assistant Secretary for FHEO.

- b. Monitoring Requirements: Format of TSA Plans: Unless otherwise approved by HUD, the number of offers an applicant can be given must be according to one of the following two plans.

- (1) 1 offer plan (Plan A)

This plan is not based on the distribution of vacancies in the PHA's projects.

The applicant is offered a suitable unit. If the applicant refuses it, the applicant's name is put at the bottom of the waiting list.

- (2) 2-3 offer plan (Plan B)

This plan is based on the distribution of vacancies in the PHA's projects.

The PHA determines how many locations within its jurisdiction have available units of suitable size and type in the appropriate type of project. If a suitable unit is available in:

--Three or more locations: the applicant must be offered a suitable unit in the location with

the highest number of vacancies. If the offer is rejected, the applicant must be offered a suitable unit in the location with the second highest number of vacancies. If that offer is rejected, the applicant must be offered a suitable unit in the location with the third highest number of vacancies. If that offer is rejected, the applicant's name must be put at the bottom of the waiting list.

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--Two locations: the applicant must be offered a suitable unit in the location with the higher number of vacancies. If the offer is rejected, the applicant must be offered a suitable unit at the other location. If that offer is rejected, the applicant's name must be moved to the bottom of the waiting list.

--One location: the applicant must be offered a suitable unit in that location. If the offer is rejected, the applicant must be offered the next suitable unit that becomes available whether it is at the same location as the first offer or at another location. If the applicant rejects the second offer, the applicant's name must be put at the bottom of the waiting list.

- c. Recordkeeping - Under any Tenant Selection and Assignment Plan, the PHA must maintain a record of the units offered, including location, date, circumstances of each offer, and each rejection or acceptance. The PHA must note the reason for any rejection.
- d. Selection Preferences - PHA tenant selection preferences are described on Form HUD-52382, Tenant Selection Preferences (see Handbook 7465.2).

Unless specifically required in a HUD-approved compliance agreement or a court order, a PHA may not use selection preferences based on an applicant's race, color, religion, sex, or national origin, handicap and familial status. In particular, with respect to preferences based on an applicants' sex, PHAs may not give a preference to households headed by males over households headed by females.

If the PHA gives a selection preference to applicants who are displaced, an applicant may not qualify for that preference if the displacement was due to the applicant having refused to accept a transfer to another dwelling unit in accordance with a court

decree or a HUD-approved desegregation plan.

In accordance with 24 CFR 8.27, FHEO should also monitor PHA practices to assure that the PHA is filling accessible units in accordance with the procedures outlined.

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HUD has the option of prohibiting PHAs from using a residency preference or requirement in any case where HUD determines that it would be inconsistent with the Department's responsibility of affirmatively furthering fair housing.

e. Areas to Monitor:

- o Type of PHA TSA Plan.
- o Whether the TSA Plan meets HUD requirements.
- o Whether the TSA Plan requires the use of race as a factor in the placement of tenants.
- o Files and records for the past three years of any plans to revise TSA Plans.
- o Records of units offered.
- o Records of each rejection.
- o Data and information regarding implementation of PHA selection preferences.

f. Approach to Monitoring:

Standard jurisdiction-wide waiting lists.

- (1) Compare records of the TSA Plan on file with HUD to the official records on file in the PHA's office.
- (2) If the Assisted Housing Management Branch has conducted an occupancy audit, review the PHA's responses on the Occupancy Audit Guide Form HUD-52376 as follows:
  - outreach and management of the waiting list;
  - priorities for selection of program and projects;
  - screening and review of preferences;
  - unit and space assignments.
- (3) Complete Appendix 4, Summary of Monitoring

Conclusions.

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- C. Analyzing Tenanting Practices and Occupancy Patterns: This process requires the collection of data on the characteristics of tenants residing in all of the PHA's LIPH projects. The data are collected for each site within a project as designated by the PHA.

This review should be conducted for all PHA LIPH projects and as many individual sites as are included in the monitoring strategy. If the distribution of minority and nonminority families in the sample is not roughly equivalent to the distribution of minority and non-minority families residing in the units at a site, substitute files on a random basis until the distribution is similar or all of the files in the under-represented group have been selected and will serve the objectives planned.

1. Monitoring Requirements:

- a. Annual Report Data: Information collected on Form HUD 51234-- See Appendix 6) is used by the Office of Public and Indian Housing to take an inventory of units occupied, to monitor vacancies in each project and to determine operating subsidy payments for PHAs. Submission of the 51234 is required six months prior to the beginning of the PHA's fiscal year.

FHEO requires the maintenance of racial and other data on tenants, addresses, and site codes of projects to facilitate analysis as to whether PHA programs meet civil rights requirements. For this purpose, FHEO staff must carefully examine PHA methods for collecting data and insure that information is available which reflects the number of Heads of Households residing in each project administered by the PHA who are:

- o Elderly-(62 or older--Disabled/handicapped under 62)
- o White (Non-Hispanic)
- o Black (Non-Hispanic)
- o Hispanic
- o American Indian
- o Asian or Pacific Islander

- b. Tenant Data: In addition to the annual occupancy data, FHEO staff should review reports or data

sources discussed in Paragraphs 3-2, Data and Information Sources and 4-2, Information Management, as appropriate, to ascertain specific information on individual families and their units.

2. Areas to Monitor: FHEO staff should review all annual occupancy reports (Form HUD 51234), data submitted on Form HUD-50058 and other records as available in-house or in PHA files to answer the following questions, as applicable:
  - a. Is there a pattern of under/overhousing by race, family/elderly or unit size?
  - b. Are there elderly families in general occupancy projects?
  - c. What is the number of vacancies and reason for vacancies?
  - d. What is the number of elderly in elderly projects by race, elderly/family, and unit size?
  - e. Is there a preference category by race, family type (for example, elderly/non-elderly) or unit type?
  - f. What is the income level by race, and by family/elderly?
  - g. What is the average waiting time by race, family/elderly and by preference category?
  - h. What is the average waiting time by race, project, site, or building?
  - i. Are there any differences in waiting time between minority or non-minority groupings?
  - j. Does the PHA staff have an explanation for the differences?
  - k. Does the explanation given by the PHA indicate that the practice, procedure, or policy appearing to cause the difference nevertheless serves a legitimate program objective?
  - l. Is the practice, procedure or policy the only way in which that objective can be served?

- m. Is there another appropriate procedure or policy that the PHA could follow that would not appear to treat applicants/tenants differently based on their race, color, or national origin?
3. Monitoring Approach: No civil rights-related monitoring findings should be based solely on the data and information reported by the PHA on Form HUD-50058 and Form HUD-51234. See paragraph 4-12B, which contains the appropriate monitoring requirements concerning admission and tenanting policies.
4. Summarizing/Recording Tenant Data:
- o Codes (E) and (G) in column (1) of Exhibit 6, Project/Sites Listing, may be used to identify elderly and general occupancy projects respectively.
  - o FHEO should use Exhibit 7 (Under/Over Housed Tenants) to identify overhoused tenants.
- Note: Every PHA establishes their own occupancy standards based on family size and bedroom size of units. HUD does not prescribe occupancy standards.
- o Where available, the reviewer should collect Form HUD 51234 reports (or similar data) from the last monitoring. HUD Handbook 7465.3, Public and Indian Housing Occupancy Reporting, contains instructions for reporting on Form HUD 51234 and Form HUD 50058.
  - o The reviewer should complete Exhibit 4, Summary of Monitoring Conclusions

Observations concerning tenanting practices and occupancy patterns should be recorded on Appendix 4, Summary of Monitoring Conclusions, and reported as monitoring concerns in the appropriate section of the monitoring report.

- D. Analyzing Site and Location Data: When establishing monitoring plans, FHEO reviews the composition of racial/ethnic groups housed at a given project. This criterion is one of several factors used to collect information concerning operations of a PHA prior to the on-site visit and to identify projects and sites for detailed reviews onsite. The reviewer must compile information on the occupancy at each site of a project and carry out the examination for all projects. Similar information is compiled on the locations where Section 8 Program Certificate and Voucher holders find housing. However, no PHA is scheduled for monitoring or a civil rights compliance review based solely on occupancy or locational data--even

though a project may be classified as racially identifiable.

1. Monitoring Requirement: PHAs may not have different standards for certain projects if it would result in or perpetuate patterns of occupancy which would be inconsistent with Title VI of the Civil Rights Act of 1964 or the Fair Housing Act.
2. Areas to Monitor:
  - a. Total number of site locations for each project.
  - b. Form HUD-951, HUD Subsidized Addresses and Site Codes.
  - c. Method(s) used by the PHA to determine the project site or building in which to make offers.
  - d. Inventory of similiar size units at more than one site.
  - e. Percentage of each racial group housed at each building.
  - f. Number of vacancies at each building.
  - g. Information, if any, concerning local opinions regarding selection of the project site.
  - h. Types of project construction (e.g. high-rise, low-rise, undergoing rehabilitation or modernization) at each site.

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- i. Features of the site area: highways, rivers, etc.; nearby nuclear waste disposal site; swimming pool, golf course, or other amenities.
    - j. Population characteristics for the census tract where each project site is located (racial/ethnic composition and income levels).
3. Approach to Monitoring: Compile as much data as necessary to substantiate all monitoring conclusions.
  - a. Complete Exhibit 6, Project Site Listing
  - b. Complete Appendix 4, Summary of Monitoring Conclusions

E. Lease and Grievance Procedures (RESERVED)

4-13. MONITORING SECTION 8 CERTIFICATE, MODERATE REHABILITATION AND HOUSING- VOUCHER PROGRAMS

- A. Equal Opportunity Housing Plan (EOHP). As a condition for participation in the program, all PHAs must submit with each application a Certification of Compliance with Title VI of the Civil Rights Act of 1964, the Fair Housing Act and Executive Order 11063, and an Equal Opportunity Housing Plan (EOHP) as provided under 24 CFR Part 882 and Part 887.

Submission of the EOHP does not relieve the PHA of its duty to fulfill the obligations described in the certification. The certification regarding the Fair Housing Act is an assurance that the PHA will administer its assisted programs and activities in a manner to affirmatively further fair housing.

The EOHP consists of statements of actions the PHA intends to undertake to:

- assure that the program will be administered on a nondiscriminatory basis;
- provide employment opportunities under the Equal Employment Opportunity clause in the PHA's Annual Contributions Contract;
- affirmatively further national fair housing policies pursuant to the Fair Housing Act by promoting a wider choice of housing opportunities for minorities and female-headed households; and
- promote the abandonment of discriminatory practices and prevent discrimination in accordance with the requirements of E.O. 11063.

1. The EOHP objectives are:

OBJECTIVE I: Outreach to Eligible Families

Advertising, through publication in a newspaper of general circulation as well as through minority media, and other suitable means, the availability and nature of housing assistance.

OBJECTIVE II: Housing Opportunities for Families Outside Areas of Low-Income and Minority Concentration

Utilization of sufficient and appropriate means to secure (1) listings of units for the Existing Housing Program, or (2) the participation of owners for the Moderate Rehabilitation Program (if the objective of the program will

be deconcentration outside areas of minority and low-income concentrations) and to facilitate, to the greatest extent feasible, leasing of such units by program participants.

OBJECTIVE III: Equal Opportunity in Taking Applications and in the Selecting of Certificate and Housing Voucher Holders or Applicants to be Referred to Owners of Vacant Moderate Rehabilitated Units

Utilization of methods and criteria which assure to all applicants equal opportunity in taking applications and selecting Certificate or Voucher Holders or applicants to be referred to owners of vacant moderately rehabilitated units.

OBJECTIVE IV: Services and Assistance to Families Alleging They Have Encountered Discrimination

Provision of effective assistance to Certificate and Housing Voucher Holders or applicants referred to owners of moderately rehabilitated units who believe they have encountered discrimination in seeking a unit.

Use of a Fair Housing Organization or Organization Serving the Handicapped: Utilization of experience and expertise outside the PHA to promote, in as effective a manner as possible, equal opportunity and fair housing in the PHA's Section 8 Existing Housing Programs. The PHA is not required to subcontract with a local fair housing organization or organization serving the handicapped. However, HUD encourages PHAs to consider utilizing such organizations, in particular where their experience in dealing with housing problems of lower-income minorities, the handicapped, disabled or families with children can provide valuable assistance to PHAs in the administration of their programs.

2. Monitoring Requirements: In assessing whether actions carried out by a PHA satisfy a required EOHP objective, the reviewer must consider:
  - a. knowledge of patterns of residence and other factors in the community;
  - b. the makeup of the eligible population;
  - c. the makeup of the participant population; and

d. techniques of outreach which have been successful in other communities similar to the one in which the subject PHA is operating.

However, neither the Regulations nor this handbook stipulate

the specific actions under the Plan which a PHA must take to:

- reach out to lower-income families, persons less likely to apply, persons "expected to reside," and owners other than publication in a newspaper of general circulation and minority media;
- develop working relationships with owners, real estate brokers, etc.;
- brief certificate holders on fair housing laws and neighborhoods in which suitable housing may be found;
- assist families in finding a unit;
- select certificate and voucher holders (other than stipulating what criteria may not be used).

During the conduct of the monitoring review, if it appears that a specific action(s) proposed by a PHA in the EOHP or carried out following HUD approval of the EOHP is inconsistent with a program objective(s), the FHEO reviewer must obtain appropriate documentation indicating the inconsistency. The FHEO reviewer must then be able to substantiate that an alternative action(s) is a more appropriate means for meeting the required objective(s). FHEO staff should address any failure to meet the EOHP objectives as provided for in Chapter 6 of this Handbook.

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B. Housing Opportunities for Families Outside Areas of Low-Income and Minority Concentration -- EOHP Objective II

1. Overview. This objective requires the PHA to carry out an outreach program to owners of units located outside areas of minority and lower-income concentration to establish or expand the number of neighborhoods where Section 8 certificates or vouchers may be used.
2. Areas to Monitor. PHAs should plan strategies which involve all of the following:
  - a. marketing programs specifically designed to advertise the program to owners;
  - b. methods to ensure that real estate broker organizations and neighborhood groups are aware of the PHA's housing program;
  - c. training procedures to ensure that owners are knowledgeable about the civil rights and equal opportunity requirements of the program.

3. Approach to Monitoring. FHEO should prepare a summary which describes the PHA's actions with regard to each of the following. (Where appropriate, include information concerning both successful and unsuccessful activities.)
  - a. The PHA's outreach activities to owners:
    - (1) located outside areas of minority and lower-income concentrations; and
    - (2) located outside the PHA's jurisdiction.
  - b. The PHA's efforts to establish contacts with real estate brokers or neighborhood groups to secure listings of units in areas located outside minority-concentrated communities and to secure their participation in the program.
  - c. The PHA's methods for training owners on the civil rights and equal opportunity requirements of the program.

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C. Selecting Families for Participation (EOHP Objective III). A primary objective of the Section 5 Certificate and Housing Voucher Programs is to increase housing choices. By participating in these programs, families gain the freedom to choose a suitable unit and to seek a new housing location if they wish to move and continue to receive a rental subsidy.

1. Monitoring Requirement:

- a. A PHA shall maintain a waiting list of applicants for participation in the programs.

The PHA must describe in the EOHP how selections will be made from its waiting list. The owner selects the tenant for occupancy of a unit. The PHA may not establish a selection criteria based on the applicant's suitability as a tenant.

The PHA must maintain a single waiting list of applicants for participation in its Section 8 Certificate and Housing Voucher programs. Certificates and vouchers are issued to eligible families based on reference category (Federal and local), time and date of application within the preference category, and the type of assistance (Certificate or Voucher) desired. The applicant may refuse, without losing its place on the waiting list, the initial form of assistance offered (either Certificate or Voucher) if it wishes to wait for the other form of assistance.

- b. The PHA shall select applicants for participation from

the waiting list in accordance with policies and procedures (including Federal and local preferences) stated in the PHA Administrative Plan or EOHP.

2. Areas to Monitor:

- a. Systems for establishing preference categories
- b. Implementation of preferences
- c. Methods for screening and referring applicants
- d. Income levels of households residing in participating neighborhoods
- e. Turnover of certificates/vouchers
- f. Briefings/orientations for families on technical aspects of the program for which they applied
- g. Assistance to families in locating units
- h. Procedures for providing extension of time for locating units

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- i. Number of units under HAP contract
- j. Racial/ethnic data of certificate/voucher holders by elderly/nonelderly category and bedroom size (if available)
- k. Number of unassigned certificates/vouchers, if any

3. Approach to Monitoring. Record all monitoring conclusions on Appendix 4, Summary of Monitoring Conclusions.

Appendix 7, Equal Opportunity Housing Plan, Application Review/Monitoring Checklist (Form HUD-998) should be used to record information concerning implementation of the PHA's EOHP.

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D. Analyzing Tenant Characteristics:

1. Population Data--Section 8 Existing Housing Programs:

HUD's civil rights evaluation of the EOHP and the performance of PHAs with respect to the civil rights certifications is dependent upon access to data on families participating in the programs.

HUD collects data regarding tenants on individual tenant characteristic forms which include racial identification and detailed data on which the tenant's rental contribution is calculated.

For FHEO monitoring purposes, the following tenant characteristic data should be aggregated at the census tract/enumeration district level for families participating in the Section 8 Existing Housing Programs:

- female-headed families;
- race and ethnicity by family size and type (large and small, nonelderly and elderly);
- new participants during the reporting period;
- families leasing in place;
- families moving from public housing units; and
- families moving to a new census tract.

The census tract is used in FHEO monitoring because population data at this level are available to most FHEO offices and may be compiled either manually or through the use of personal computer systems. When compiled, this data provides information on the makeup of the population served by these programs and evidence as to whether or not minority participants are leasing in minority or nonminority areas.

2. Areas to Monitor:

- a. Size of Units leased: FHEO should use information on the census tract population to

determine where Section 8 assisted families live. Information concerning the size (number of bedrooms) of units leased may be obtained from Form HUD-50058.

- b. "Expected to Reside" (ETR): If a new application is being reviewed, the reviewer may ask the PHA to identify or estimate the number, race and ethnicity of persons the PHA is serving who are "expected to reside" in the PHA's jurisdiction. This estimate should be compared to the "expected to reside" projection included in the most recent Housing Assistance Plan (HAP), if applicable.

3. Monitoring Approach:

Exhibit 8, Worksheet, Location of Units Leased by

Certificate/Voucher Holders, may be used to record data as available from internal HUD or PHA files.

Changes in the current EOHP should be required where FHEO finds that, for example, a particular minority group population (e.g., elderly) is not adequately served by the program, expected to reside (ETR) families are not served (particularly in suburban jurisdictions), or minority participants are not leasing outside areas of minority concentration, even though there are suitable sized units outside such areas available, as evidenced by the leasing experience of nonminority participants.

E. Analyzing Site and Locational Data:

FHEO should utilize census tract data to identify the racial makeup of areas in which HUD-assisted certificate/voucher holders are residing.

1. How to Obtain Census Tract Information (RESERVED)
2. Use of Personal Computers to Monitor Assisted Housing Tenants -(RESERVED)

Section 5. Comprehensive Improvement Assistance Program (CIAP) (RESERVED)