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CHAPTER 4. HUD REVIEW OF THE COMPLETED SELF-ASSESSMENT DOCUMENTS

- 4-1 INTRODUCTION. This Chapter focuses on the review conducted by HUD Regional FHEO staff of the completed Title VI Self-Assessment materials submitted by the PHA.
- 4-2 COMPLETENESS REVIEW. Regional FHEO staff will review the Self-Assessment documents submitted by the PHA to determine if all of the questions have been answered, exhibits completed and copies of required policies provided, such as the PHA's Tenant Selection and Assignment Plan. FHEO staff will be well acquainted with the Self-Assessment Instrument and the types of exhibits, summaries and information the completed self-assessment materials should contain.
- 4-3 INCOMPLETE MATERIALS. If the documents submitted by the PHA are incomplete, Regional FHEO staff will notify the PHA by telephone, with a follow-up letter, and request the missing information. Regional FHEO staff will allow the PHA a reasonable amount of time to furnish the additional information, basing the deadline on the extent and type of information needed.
- 4-4 FULL REVIEW. Regardless of whether the materials submitted by the PHA are complete as initially submitted or additional information is required, Regional FHEO staff will begin the review and analysis of the information the PHA has submitted as soon as possible after receipt of the PHA's Self-Assessment. Regional FHEO staff will consult with the Regional Public Housing Director, where appropriate. By the terms of the PHACA Agreement, HUD is committed to a 90-day period for the review of the PHA submission and the provision of a HUD determination as to the PHA's status under Title VI. Missing information should not delay this time frame, unless the missing information is essential to the process of making a finding. Regional FHEO staff will inform the PHA if the needed information in its initial submission will affect the 90-day HUD review period.
- 4-5 PHA FAILURE TO SUPPLY ADDITIONAL INFORMATION. If the PHA fails to supply the additional information requested in a timely manner, Regional FHEO staff will notify the PHA that the time period for submitting the additional information has expired. If the missing information is critical to determining whether the PHA is in compliance with Title VI or the Title VI regulations,

Regional FHEO staff will inform the PHA that a formal determination of the PHA's status under Title VI or the Title VI regulation is not possible, and the reasons why such a determination cannot be made. Regional FHEO staff will also advise the PHA that the PHACA Agreement is no longer in effect and that the PHA is subject to the scheduling of a HUD-initiated Title VI compliance review. Regional FHEO staff will give high priority to the selection of the PHA for review when Regional FHEO staff prepares the next Title VI compliance review schedule.

4-6 ON-SITE VISIT. Regional FHEO staff may decide that an on-site visit to the PHA is necessary to validate certain information submitted by the PHA. The PHACA Self-Assessment process anticipates that such visits will not be necessary on a routine basis. However, there may be occasions in which Regional FHEO staff believe that verification of certain kinds of information, for example, information on application or offer dates, is appropriate, prior to rendering a determination. In the rare instances in which an on-site visit is desirable, Regional FHEO staff will schedule the visit early in the review period, so as to avoid a delay in processing the PHA's Self-Assessment materials.

4-7 FHEO ANALYSIS OF PHA POLICIES, PROCEDURES AND PRACTICES. As in the HUD-initiated Title VI compliance review process, Regional FHEO staff will consider the evidence and render a determination as to the PHA's compliance status with respect to each major area of the PHA's operations, as set forth in the PHACA Title VI Self-Assessment Instrument. Regional FHEO staff will prepare a summary of the facts, analysis and findings. If the Regional FHEO staff's preliminary findings are that the PHA is in noncompliance with Title VI or its regulations in one or more assessment areas, Regional FHEO staff will also determine what steps the PHA must take to remedy the effects of violation(s) found. These steps will form the basis of a specific Title VI Voluntary Compliance Agreement with the PHA which Regional FHEO staff will negotiate as a separate agreement from the PHACA Agreement the PHA has already entered into with HUD. Any specific remedies that would involve compensation to victims of discrimination or other expenditure of PHA funds shall be reviewed and approved by the Regional Public and Indian Housing Director prior to PHA execution of the final Voluntary Compliance Agreement.

SELECTED BY THE PHA. Regional FHEO staff will assess whether the affirmative compliance options the PHA has identified are appropriate, in light of the findings, and what additional affirmative compliance options should be considered. The PHA is not required to undertake any specific actions, unless a particular action therein is one which Regional FHEO staff believe that the PHA must take to remedy a violation of Title VI or the Title VI regulations. In the latter instance, FHEO staff will specify to the Authority that this action is necessary to correct a violation, and the action will be made a provision of the specific Title VI Voluntary Compliance Agreement (VCA) that Regional FHEO staff negotiate with the PHA. FHEO staff will review any actions not required by a VCA the PHA has indicated in its assessment it desires to take and which require HUD approval. Regional FHEO staff will request technical guidance from the FHEO Headquarters, in the event Regional FHEO staff has questions concerning the distinctions that should be made between required corrective actions and voluntary affirmative actions in any given case. Regional FHEO staff will consult with Headquarters prior to preparing the Region's letter to the PHA conveying Regional FHEO's findings. Regional FHEO staff will provide Regional PIH staff an opportunity to review and approve any affirmative option(s) that is selected by the PHA and that requires HUD approval, prior to notifying the PHA.

4-9 REGIONAL COUNSEL REVIEW. Regional Counsel will review Regional FHEO's summary of facts, analysis and proposed findings, prior to the issuance of a written determination to the PHA, and concur in the proposed findings or provide specific comments to Regional FHEO staff regarding changes that should be made. Regional FHEO staff will provide Regional Counsel with the Self-Assessment materials submitted by the PHA. The procedure for Regional Counsel review of FHEO's proposed findings in instances in which a PHA PHACA Self-Assessment is involved is the same as for Regional Counsel review of the Final Investigation Report and related documents prepared by Regional FHEO staff for HUD-initiated Title VI compliance reviews.

4-10 PROGRAM STAFF REVIEW. Prior to transmittal to Headquarters FHEO, the PHA's Self-Assessment will be reviewed by the Public Housing Division (or organizational equivalent). Division staff will review the operation implications of any policy or procedural changes proposed by the PHA or required as a result of the FHEO review. The review will consider

4-11 PROVIDING INFORMATION TO HEADQUARTERS FHEO. Regional FHEO staff will provide to Headquarters FHEO staff copies of the same types of materials relating to the Region's review of the PHA's Self-Assessment as the Region forwards to Headquarters for HUD-initiated Title VI compliance reviews.