

PROPERTY MANAGEMENT SERIES: PART 2

Sponsored by Florida Housing Finance Corporation

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THE FLORIDA HOUSING COALITION







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CATALYST TRAINING SCHEDULE



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WEBINAR LOGISTICS

- Participants are muted
- Enter your questions in the box in your webinar panel
- Handouts are available with this webinar
- Forgot to ask a question or want to ask privately? Email me at rosado@flhousing.org
- This webinar is being recorded and will be available at <u>www.flhousing.org</u>
- A survey will immediately follow the webinar; please complete it! Thanks!



AGENDA

- Low Barrier Workgroup
- Fair Housing
- Property Management Considerations

AFFORDABLE HOUSING WORKGROUP



LOW BARRIER WORKGROUP

- Help FHFC develop low barrier entry standards and requirements for future RFAs
- Comprised of experts in affordable housing development, property ownership and management, supportive housing, fair housing, and advocacy for homeless households or persons with special needs
- Developed the following recommendations

TENANT SELECTION CRITERIA (ALL HOUSEHOLDS)

- Owners must maintain written Tenant Selection Criteria following FHFC requirements pursuant to the RFA
- Criteria and approach of screening applicant must be in household's file

TENANT APPLICATION PACKET (ALL HOUSEHOLDS)

- A description of reasonable accommodations or reasonable modifications for persons with disabilities (504)
- Violence Against Women Reauthorization Act of 2013 (VAWA)
- Approach regarding a household's notification and appeal process and timeline, if the application is rejected or ineligible

APPLICATION FEES (ELI HOUSEHOLDS)

A fee of no more than \$35 may be charged to each adult in an ELI household for processing an application, including conducting credit and background checks

DEPOSITS (ELI HOUSEHOLDS)

- A rental deposit for a unit set aside for ELI will be no more than one month's rent
- A deposit or fee to hold the unit is prohibited regardless of whether the fee is applied toward the security deposit

INCOME REQUIREMENTS (ALL HOUSEHOLDS)

- Income requirement must not be more than 2 times the monthly rent
- Rental assistance from federal or state programs should be considered and included in the determination

CREDIT RECORD CHECKS (ELI HOUSEHOLDS)

Credit history related to medical expenses, cable and internet services may not be taken into consideration

CRIMINAL HISTORY (ALL HOUSEHOLDS)

Developments must adhere to the guidelines "Office of General Counsel Guidance on Application of Fair Housing Standards to the Use of Criminal Records" (HUD, 2016)

- -Arrest records alone may not be used as a selection criterion
- -Applicant should have option to request an individualized assessment and evidence of mitigating circumstances

CRIMINAL HISTORY (CTD.)

When an individualized assessment is conducted, the determination should look at:

- The seriousness of the criminal offense
- The relationship between the offense and safety of residents, staff, and property
- Age of the household at the time of the offense
- Number and nature of other criminal convictions
- Evidence of rehabilitation (recommendations, employment, programs)
- Formal tenancy supports or other risk mitigation services the applicant will receive during tenancy

EVICTIONS (ELI HOUSEHOLDS)

Developments must establish no more than a 5-year look back period when reviewing evictions

- One eviction will not be disqualified unless it was due to physical harm or intentional property damage
- More than one may be required to pay a deposit no more than 2x monthly rent
- Development should give opportunity for applicant to submit evidence of mitigating circumstances

REJECTED/INELIGIBLE
APPLICANTS (ALL
HOUSEHOLDS)

- Must be notified in writing (letter or email) to the address provided by the applicant
- Additionally, a telephonic notification should be considered
- Applicants must be provided information on the reason for the denial and/or how ineligibility was determined
- Notification must be provided within 3 business days after the determination is made, and must include information on how to appeal

C.J. MILES FAIR HOUSING CONTINUUM, INC.

Fair Housing

Barriers to Consider Regarding Affordable Housing Rental Entry



Presented by:

Fair Housing Continuum, Inc.

C. J. Miles, Deputy Director

Florida Housing

Proposed Standards and Processes that Lower Barriers to Rental Housing Entry



Lowering Barriers Entry Workgroup Recommendations 2018

Workgroup Recommendations



- Tenant Selection Criteria and Approach Requirements (All Households)
- Tenant Application Packet (All Households)
- Application Fees (ELI Households)
- Deposits (ELI Households)
- Income Requirements (All Households)
- Credit Records Checks (ELI Households)
- Criminal History (All Households)
- Evictions (ELI Households)
- Rejections or Ineligible Applicant Notification (All Households)

Fair Housing Act - Protected Categories



- Race
- Color
- National Origin
- Religion
- Sex (Gender)
- Familial Status
- Disability

Additional Categories



- Marital status
- Sexual orientation
- Source of income
- Age
- Military
- Occupation

- Political affiliation
- Personal appearance
- Family responsibilities
- Ancestry
- Place of business or residence
- Gender Identity

Disparate Impact - Discrimination



When a housing provider applies a practice uniformly to all individuals, but the practice has a discriminatory effect on a prohibited basis and is not justified by a business necessity.

Fair Housing



 Applying rules, policies, practices, and services to all people equally will sometimes have a negative impact on certain protected groups that are protected under the Fair Housing Act, therefore, creating a less than equal opportunity to housing opportunities.

Tenant Application Packet



- Description of Reasonable Modifications and Accommodations Policies
- Description of an applicant or existing tenant's protections pursuant to the Violence Against Women Reauthorization Act of 2013

Appeal process and timeline, if the household's application is rejected or determined ineligible

Fair Housing Act

Reasonable Modifications and Accommodations



Persons with Disabilities

Describe the Reasonable Modifications/Accommodations Policies



- What is a reasonable modification?
- What is a reasonable accommodation?
- Who qualifies for requesting reasonable modification/accommodations?
- What are the requirements to show that the modification/accommodation is needed?
- What is the definition of "reasonable" as defined by the Fair Housing Act?
- What kind of information may a "housing provider" request?

Describe the Reasonable Modification/Accommodations Policies



- Who can provide the requested information?
- Who is responsible for paying for the modification(s)?
- Provide the maximum time allotted to respond to the request for the reasonable request.
- Provide examples of reasonable modifications and accommodations.
- Have a copy of the reasonable modification and accommodation "Joint Statement of HUD and DOJ".
- Describe the appeals process for denials.

Income Requirements



- Housing providers must consider request for reasonable accommodations for qualified persons with disabilities when the request is to be exempt from the minimum income requirement.
- Requestors must be able to show:
 - Qualified
 - Have a good history of paying rent
 - Can meet the requirement to pay rent

Fair Housing Act

HUD Guidance on Use of Criminal Background Checks





• On April 4, 2016, HUD's General Counsel released guidance for <u>ALL</u> housing providers (<u>not</u> just HUD subsidized housing) regarding how the use of criminal background checks could potentially violate fair housing laws.



• HUD Guidance states that due to the higher than average incarceration rates among certain races (Hispanics and African Americans) in the U.S. relative to their percentage of the total population and when compared against the incarceration rates on non-Hispanic Caucasians, the use of the criminal history to deny housing can cause a disparate impact on these particular races.



- Housing providers that want to use criminal background checks as part of their rental criteria, have the burden to show:
 - It is necessary to use criminal background checks in order to achieve a nondiscriminatory business objective and;
 - There is no less discriminatory alternative.



- In order to meet this burden when a policy has a disparate impact, housing providers <u>must</u> consider the following:
 - Arrest Records
 - Prior Convictions
 - Nature of Conviction
 - When the Criminal Activity Occurred
- Individualized Assessment (no blanket policies)



 Individualized assessment of relevant mitigating information beyond that contained in an individual's criminal record is likely to have less discriminatory effect than categorical exclusions that do not take such additional information into account.

HUD Guidance on Use of Criminal Background Checks



- Relevant individualized evidence might include:
 - The facts or circumstances surrounding the criminal conduct
 - The age of the individual at the time of the conviction or conduct
 - Evidence that the individual has maintained a good tenant history before and/or after conviction; and
 - Evidence of rehabilitation efforts.

HUD Guidance on Use of Criminal Background Checks



 Based on this guidance from HUD, the only sure way a housing provider can avoid fair housing liability if he/she wants to consider an applicant's criminal history is to limit the policy to exclude only applicants with prior convictions for illegal manufacture or distribution of controlled substances.

HUD Guidance on Use of Criminal Background Checks



• If a landlord wants to deny an applicant for any other convictions, the landlord must be able to prove that the particular policy is necessary in order to achieve a substantial, legitimate, nondiscriminatory interest, and that there is no less discriminatory way to achieve this interest.

Fair Housing Act

Domestic Violence Sexual Harassment



Fair Housing Act - Prohibited Practice



• It shall be unlawful to discriminate against any person in the terms, conditions, or privileges of the sale or rental of a dwelling, or in the provision of services or facilities in connection therewith, because of race, color, religion, gender, familial status, national origin or disability.

Domestic Violence



- Housing providers should have written policies that are provided to tenants at the time of rental approval concerning domestic violence.
- Provide description of tenant's protections pursuant to various appropriate laws, i.e.
 - Violence Against Women Act (VAWA)
 - Domestic Violence Act of 2005
 - Violence Against Women Reauthorization Act of 2013

Sexual Harassment



- Housing providers should have written policies that are provided to tenants at the time of rental approval concerning sexual harassment.
- Provide description of an applicant or existing tenant's protection under the Fair Housing Act.

Rejections or Ineligible Applicant Notification



- Rejected or ineligible applicants must be notified of the property's decision through a documented process such as a written letter or email to the address provided by an applicant.
- Applicants must be provided information on the reason for the denial and/or how ineligibility was determined.

How to contact FHC

Location:

571 Haverty Ct., Ste. W, Rockledge, FL 32955

Telephone:

Toll Free: 1-888-246-5619 or (321) 757-3532

Fax:

(321) 757-3535

Email:

info@fhccentralfl.org

Website:

www.fairhousingcontinuum.org



SANDRA NEWSON
CARRFOUR
SUPPORTIVE
HOUSING, INC.

CARRFOUR SUPPORTIVE HOUSING

What you need to know when working with Property Management





Carrfour Supportive Housing

1398 SW 1st Street, 12th Floor, Miami, Fl 33135, Tel (305) 371-8399 Fax (305) 371-1376 www.carrfour.org



WHO IS CARRFOUR SUPPORTIVE HOUSING?

- Nonprofit organization established in 1993 by the Homeless Committee of the Greater Miami Chamber of Commerce.
- Develops, operates and manages innovative housing communities for individuals and families in need through a unique approach combining affordable housing with comprehensive, on-site supportive services.
- As the leading not-for-profit provider of supportive housing in Florida, Carrfour has supplied homes for more than 10,000 formerly homeless men, women and children.





MISSION

Carrfour's mission and vision is to **confront homelessness** by developing affordable housing and providing **supportive services** as a pathway to self-sufficiency. We are guided by a vision where everyone has safe and decent housing and is self-reliant.



More than \$300
Million invested
and over 10,000
men, women and
children served.







CARRFOUR TODAY

- Develop and manage 1,850 affordable units.
- 800 are Permanent Supportive
 Housing
 (PSH) set aside for formerly homeless
 individuals and families.
- Currently serving over 6,000 residents.
- Developing more than 200 new affordable housing units with not for profit partners in Melbourne, West Palm Beach and Broward.



WHO IS CROSSROADS MANAGEMENT LLC?

- Created in 2007 as a not-for-profit —wholly-owned subsidiary of Carrfour.
- Operates and manages 23 properties
- 70 employees under the direction of the Vice President of Operations
- Full-service management company-specializing in management of supportive housing units
- Acts as a third party manager for other not-for profits
- Specializes in the complex compliance issues related subsidies programs including Low Income Housing Tax Credits, HOME, CoC, Section 8, VASH, Legacy Shelter Plus Care, SRO, CDB Surtax, SAIL, HOPWA, Veteran's Affairs and Neighborhood Stabilization Program.

What are the primary objectives of CROSSROADS?

- Manage affordable housing developments efficiently and effectively using sound management principles and best industry practices taking into account the requirements of the owners and partners.
- Provide value of expertise to enhance management of affordable housing units.
- Coordinate management services with applicable case management services to further the mission and goals of the specific development.

Our overall goals will be driven by the needs of our clients/residents and our partners.

WHY DID WE CREATE CROSSROADS?

- Frustration with the lack of expertise and capacity to navigate the complexity of complex subsidies
- Resulting in operating deficits and unbilled eligible expenses
- Not sensitive to the needs and challenges of residents with special needs
- Emphasis on screen out versus screen in
- Lack of coordination between onsite services staff
- Not appropriately trained and/or unwilling to support our mission and values



HOUSING FIRST PRINCIPLES

- Safe and affordable housing.
- All people can achieve housing stability in permanent housing; supports may look different.
- Everyone is "housing ready".
- Improved quality of life, health, mental health, and employment can be achieved through housing.
- Right to determination, dignity and respect.
- Configuration of housing and services based on participants needs and preferences.



COORDINATING WITH PROPERTY MANAGEMENT

- All staff are cross-trained.
- Shared goals on performance measures (housing stability is core value).
- Shared responsibilities on decision making.
- Tenant rent collection reviewed together monthly.
- Monthly resident meetings.
- · Screen in versus screen out.



SHARED PERFORMANCE GOALS

"Working with the **Property Management team**, the PD will ensure that vacancies are reported and filled promptly reducing vacancy to less than 3% at any given time, meet monthly to ensure that rent is paid on time, rent collections is (95%) or higher. The maintenance issues reported must be addressed (1) emergencies have to be resolve immediately and (2) the routine request must be resolve no later than 48 hours after the request.

To strengthen the collaboration between Property Management and Services teams, health and safety of families and the community, the PD and PM will be working together to visit the families, reviewing the facilities, providing the necessary services to ensure the well-being of families and the community as a whole."

ROLE OF PROPERTY MANAGER AND PROGRAM MANAGER

Property Management

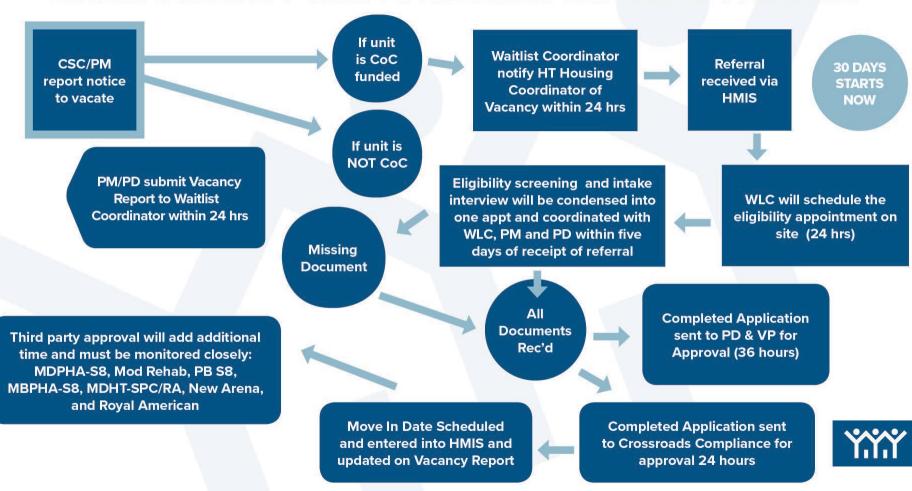
- Eligibility Screening
- Lease Signing
- Rent Collection
- Lease Enforcement
- Repairs/Maintenance
- Compliance
- Asset Management

Program Management

- Case Management
- Compliance with the lease
- Increasing household income
- Employment services
- Housing stability
- Grant management
- Community activities



CARRFOUR SUPPORTIVE HOUSING REFERRAL PROCESS



RESIDENTS RESPONSIBILITY

Housing first removes barriers to obtaining housing, but a resident still has to legally abide by a lease.

Residents still responsible for:

Rent payments
No criminal activity on site
Must be able to live harmoniously in a community

When residents do not abide by the lease, give them the opportunity to rectify the circumstances (i.e. offering substance abuse services, mental health services, behavior modification, payment plan, etc.).

Once we exhaust all possibilities then we recommend alternative housing or request an eviction.



QUESTIONS?





For more information:

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RESOURCES









UPCOMING TRAINING

www.flhousing.org

