PAHRA expresses our sincere appreciation to our PAHRA Partners and Friends of PAHRA for your continued and generous support of our association, our members and our mission. Thank you!

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Inside…

• Tax Sales – A New Blight Fighting Tool
• Putting Solar Where the Sun Don’t Shine
• Is Your Independent Contractor an Employee in Disguise?
• Affirmatively Furthering Fair Housing - Impact of the Final Rule
• NAHRO Examines Housing Opportunities Through Modernization Act of 2015
• PHADA Analyzes HUD Voucher Administrative Fee Study
• Disparate Impact Claims Under the Fair Housing Act
• Technology Advancements Re-Shaping Security
• Employee Financial Wellness
The Housing and Redevelopment Insurance Exchange was born out of necessity and serves the purpose of providing low-cost insurance to housing and redevelopment agencies and other public entities in Pennsylvania such as municipalities and school districts. We partner exclusively with our clients to select the right lines of insurance to help them guard against damages and liabilities.

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## BOARD OF DIRECTORS

### EXECUTIVE BOARD

<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Authority/Authority</th>
</tr>
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<tbody>
<tr>
<td>Cheryl Johns</td>
<td>President</td>
<td>Altoona Housing Authority</td>
</tr>
<tr>
<td>Senghor Manns, J.D.</td>
<td>First Vice-President</td>
<td>Harrisburg Housing Authority</td>
</tr>
<tr>
<td>Joseph Kohut</td>
<td>Second Vice-President</td>
<td>Wayne County Housing Authority</td>
</tr>
<tr>
<td>Dusti Dennis</td>
<td>Secretary</td>
<td>McKean County Redevelopment Authority</td>
</tr>
<tr>
<td>Stephen Bucklew</td>
<td>Treasurer</td>
<td>McKeesport Housing Authority</td>
</tr>
<tr>
<td>Kelley Cevette</td>
<td>Executive Board Member</td>
<td>Tioga/Bradford County Housing Authority</td>
</tr>
<tr>
<td>Daniel Farrell</td>
<td>Executive Board Member</td>
<td>Allentown Housing Authority</td>
</tr>
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### BOARD MEMBERS

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<thead>
<tr>
<th>Name</th>
<th>Position</th>
<th>Authority/Authority</th>
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<tbody>
<tr>
<td>Steven Fischer</td>
<td>Executive Director</td>
<td>Chester Housing Authority</td>
</tr>
<tr>
<td>John Jennings</td>
<td>Executive Director</td>
<td>Wyoming County Housing &amp; Redevelopment Authorities</td>
</tr>
<tr>
<td>Daniel J. Kanuch</td>
<td>Executive Director</td>
<td>Johnstown Housing Authority</td>
</tr>
<tr>
<td>William Lisak</td>
<td>Executive Director</td>
<td>Housing Authority of the City of Pittston</td>
</tr>
<tr>
<td>Denise G. Miller</td>
<td>Executive Director</td>
<td>Snyder County Housing Authority</td>
</tr>
<tr>
<td>Kenneth Pick</td>
<td>Executive Director</td>
<td>Berks County Redevelopment Authority</td>
</tr>
<tr>
<td>Martha Robbins</td>
<td>Executive Director</td>
<td>Authority of the County of Monroe</td>
</tr>
<tr>
<td>Mark Yauger</td>
<td>Executive Director</td>
<td>Fayette County Housing Authority</td>
</tr>
<tr>
<td>Frank Aggazio</td>
<td>Immediate Past President</td>
<td>Allegheny County Housing Authority</td>
</tr>
<tr>
<td>Alex P. Kline, CFP</td>
<td>Ex Officio Member</td>
<td>Duncan Financial Group</td>
</tr>
</tbody>
</table>

Photo Not Available
MARK YOUR CALENDAR

UPCOMING EVENTS

PAHRA Capitol Conference
February 21-24, 2016
Harrisburg Hilton
Harrisburg, PA

CD&H Practitioners’ Conference
April 24-26, 2016
Nittany Lion Inn
State College, PA

PAHRA Spring Conference & Expo
June 21-24, 2016
Hershey Lodge
Hershey, PA

PAHRA Annual Conference & 60th Anniversary Celebration
September 18-21, 2016
Omni Bedford Springs Resort
Bedford, PA

Affiliated Organizations

NAHRO
Washington Conference
April 10-12, 2016
Arlington, VA

Summer Conference
July 15-17, 2016
Portland, OR

National Conference & Exhibition
October 14-16, 2016
New Orleans, LA

PHADA
Commissioners Conference
January 10-13, 2016
Miami, FL

Annual Convention
May 22-25, 2016
Las Vegas, NV

Legislative Forum
September 11-13, 2016
Washington, DC

MESSAGE FROM THE PRESIDENT

Your VOICE in advocating to our Federal and State legislators regarding the importance of addressing blight, homelessness, community and economic development and adequate funding to assure high standards in the housing industry is vitally important. Through PAHRA, we can come together as a strong state association to tell our story and stress the important work we do day after day in providing safe and affordable housing, as well as strong, viable and vibrant communities for those we serve.

Once again, the Professional Development Committee of PAHRA has been working diligently in putting together an excellent training agenda for the upcoming Capitol Conference in Harrisburg to be held February 21 – 24, 2016. We hope that you will join us there. Our 2015 Capitol Conference was a huge success with nearly 50 legislators in attendance at our Legislative Reception. We hope to make the 2016 Capitol Conference just as successful. The registration materials and an outline of the conference agenda are provided in this issue of the Monitor.

In 2016, PAHRA will celebrate our 60th anniversary. This association of nearly 200 housing and redevelopment authorities, community development agencies, non-profit housing organizations, related businesses and industry partners proudly provides housing to approximately 155,000 households across the State of Pennsylvania.

Ending homelessness across the country continues to be a Number One priority with HUD. For the past several years, PAHRA has partnered successfully with the Housing Alliance of Pennsylvania to meet these challenges and find workable solutions to end homelessness. But our journey begins with the PAHRA membership voicing their concerns to our legislators, building relationships and working together to overcome these obstacles.

As leaders in the housing industry, keeping updated on regulatory changes is important as we move forward in the new year. As quoted by John F. Kennedy, “Leadership and learning are indispensable to each other.” We invite you, as leaders, to come learn with us. I look forward to seeing you in Harrisburg.

Cheryl Johns, PAHRA President
East Liberty Place North, a LEED for HOMES multifamily certified project in Pittsburgh, received Low-Income Housing Tax Credits from PHFA.

www.PHFA.org

Tom Wolf, Governor
Brian A. Hudson, Sr., Executive Director & CEO
FROM YOUR SECRETARIAT

FRIENDS WITH BENEFITS

Now that I have your attention….sorry to disappoint you, but we won’t be discussing the romantic comedy starring Justin Timberlake and Mila Kunis in this column. Actually, I’m referring to the advantages of becoming a member of a professional organization such as PAHRA, where one of our many benefits is making new friends. Those who share similar interests and don’t necessarily tune you out when you want, or need, to talk about work and its related stresses, frustrations, joys and rewards. We understand you.

Once we graduate and as we age, it can become increasingly more difficult to expand our circle of friends. Paradigms shift, priorities change. Lack of time is a large factor, since we focus more intently on raising our family and advancing our careers. Yet this is precisely when we need a strong support network, as well as opportunities to build relationships, and make connections that can help us deal not only with life’s little everyday issues, but also assist us in reaching our personal and professional goals.

PAHRA offers three educational conferences each year, bursting with opportunities to enhance your personal and professional development; to connect with others on a local, state and even national level, not only by attending training courses, but also through networking. Networking is powerful. It’s not just who you know, it’s who OTHERS know that can make a difference.

Building these relationships is important, it promotes a sense of community, connection, security, trust and support. In many ways, I’ve just defined “friend”. If you’ve attended a PAHRA conference recently, you will certainly have seen close associates and friends enjoying the benefits of membership, mixing and mingling. These are relationships that have spanned decades and they are based not just on work related matters, but include sharing of weddings, divorces, births, deaths, joys and sorrows, victories and defeats of many kinds.

Our conferences include access to education and training to help our members maintain their edge and sharpen their skill set. Our affiliate members are provided opportunities to share their knowledge and expertise, as well as to increase their exposure to new markets and potential clients. PAHRA offers inside access to information, innovations, new developments, programs, products or services within our industry.

PAHRA provides strength in numbers. In today’s competitive climate, establishing a presence or having your voice be heard demands long hours and tireless dedication. But you are not in this alone! Through PAHRA you can promote partnerships and cultivate relationships, build communities and establish support systems with other industry professionals who are motivated in the same way as you to educate, to advocate and to bring about change.

We offer you the opportunity to broaden your knowledge, and also to become a leader, by participating in training panels, educational forums, debates and discussions. You may become a mentor, helping others by sharing your experiences. Or you may meet a mentor, having the chance to interact personally with leaders in your field whom you may never have been able to access otherwise.

Perhaps I should have entitled my message “BENEFITS WITH FRIENDS”, which may have more aptly described PAHRA, but then would I have captured your attention so easily? Either way, we hope that you enjoy and appreciate what our association has to offer. We encourage you to let us know how we’re doing and how we may improve. Meanwhile, enjoy your holiday season and we hope to see you at the Capitol Conference in Harrisburg! And bring a friend…
FEDERAL BUDGET

PAHRA’s advocacy, in partnership with organizations across the country, has paid off. Congress voted to raise the spending caps required by the Budget Control Act of 2011 by $33 billion for FY 2016 and $23 billion in 2017. Their effort is now the Bipartisan Budget Act of 2015.

The higher limits give us an opportunity to speak up for HUD and USDA Rural Housing programs. Only the overall spending figure has been agreed to. The next step is for appropriators to assign spending numbers to each subcommittee for their departments. Then the subcommittees will hash out the line items.

The figures for each subcommittee, known as 302b numbers, have not been made public, but apparently they have been set. Senator Harry Reid (D-Nev), Minority Leader, called the figures “not bad”. It is now up to the Transportation-HUD Subcommittee to divide that figure between the two departments and among the various programs.

All PAHRA members are urged to call their congresspeople and Senators Toomey and Casey to advocate for full funding for HUD programs. The current Continuing Resolution expires on December 11, 2015.

LOW INCOME HOUSING TAX CREDIT

The Bipartisan Budget Act of 2015 did not include tax extenders. A tax extenders bill could move before the end of the year. Individual bills to fix the LIHTC rates, HR 1142 and S 1193, were introduced earlier this year but have not moved.

PENNSYLVANIA BUDGET

Pennsylvania has entered its fifth month without a budget. As of this writing, rumor has it that progress is being made, but it is unclear where compromise might occur. Up until now the Republican caucuses have been adamant about not raising taxes and the Wolf administration has been equally adamant about finding new revenue.

From a housing perspective, an increase in Keystone Communities and the Homeless Assistance Program would be greatly appreciated. Since 2008-09, state funded housing programs have lost a collective $72 million, more than 50%.

STATE HOUSING TRUST FUND/PHARE

On November 4, Governor Wolf signed Act 58, creating a new revenue stream for PHARE. The fund will be available to all 67 counties as soon as revenue from the state portion of the Realty Transfer Tax grows beyond the 2014-15 projection. When RTT revenue does grow, PHARE will receive the lesser of $25 million or 40% of new revenue each year.

Based on revenue projections from the Independent Fiscal Office, PHARE will receive its first payment under Act 58 in July 2017. PHARE’s share of the RTT revenue is likely to hit $25 million in 2019 and remain there each year thereafter.

Act 58 was passed by the General Assembly with near unanimous support. The effort was bi-partisan and bi-cameral from the beginning with bill sponsors Rep. Tom Killion (R-Delaware), Senator Elder Vogel (R-Beaver) and Senator Shirley Kitchen (D-Phila) leading the fight.

PHARE is currently operating in Marcellus Shale counties with money from Act 13 impact fees. The PA Housing Finance Agency administers the fund, which is used for a wide variety of housing related programs, including new construction, rehab, rental assistance, homeowner repair, homelessness prevention, rapid re-housing, and acquisition and demolition of vacant properties for future housing development.

BLIGHT REMEDIATION

Municipal Code and Ordinance Compliance Act (MCOCA) was passed in 2000 to ensure that properties that were purchased with known code violations were brought into compliance within a given period of time from the date of purchase, 18 months for a building and 12 months for a vacant lot. Three bills to amend MCOCA are now pending.

HB 1437 (Goodman, D-Schuylkill) and SB 942 (Argall, R-Schuylkill) are identical. Both bills shorten the timeframe for compliance to 12 months (or longer if agreed to) and allow a shorter period where a municipality is enforcing its own property maintenance code. HB 1437 recently was voted out of the House Urban Affairs Committee. SB 942 passed the Senate and is now in the House Urban Affairs Committee.

Also amending MCOCA is HB 1480 (Santora, R-Delaware). HB 1480 addresses the situation where a municipality refuses to issue an occupancy permit because of code violations, and the failure to obtain an occupancy permit thwarts the sale of the property. Noting that MCOCA was intended to ensure
compliance after a new purchaser acquires the property, the bill distinguishes between substantial and other violations, and creates temporary use and occupancy permits and temporary use permits where occupancy is not safe. HB 1480 does not shorten the timeframe for compliance; in fact, it forbids a shorter time. HB 1480 is in the House Local Government Committee.

**HB 773** (Masser, R-Northumberland) provides a process for long-term residents to gain title to their properties after 10 years, making it easier for them to maintain their homes. The bill would apply where the owner of record has died or disappeared, and the resident has occupied the property for at least 10 years. The bill only applies to single family (i.e., single household) homes on one-half acre or less. Under current law the resident would have to wait 21 years. HB 773 passed the House and is in the Senate Judiciary Committee.

**SB 486** (Argall, R-Schuylkill) would allow counties to impose a $15 fee on the recording of deeds and mortgages for a county administered demolition fund. The bill passed the Senate unanimously and was scheduled for a vote by the House Urban Affairs Committee, but was held back because of strong opposition by the PA Association of Realtors and the PA Builders Association. Both object to increasing recording fees.

**HB 613** (Ward, R-Blair) provides for tax abatements for mixed-used developments. Current law allows tax abatements on improvements to residential property (Improvement of Deteriorating Real Property or Areas Tax Exemption Act) or industrial and commercial properties (Local Economic Revitalization Tax Assistance Act). HB 613 specifically covers mixed-use developments. The bill is in the Senate Appropriations Committee.

### Table: Spending by Wolf

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<td>33.5 M</td>
<td>20 M</td>
<td>17.8 M</td>
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<td>New Communities</td>
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<td>Accessible Housing</td>
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<td>Keystone Communities</td>
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<td>12.0 M</td>
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<td>Neighborhood Assist Program(^1)</td>
<td>18 M</td>
<td>*</td>
<td>8.1 M</td>
<td>18.0 M</td>
<td>18.0 M</td>
<td>18.0 M</td>
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<td>Homeless Assistance(^2)</td>
<td>26.6 M</td>
<td>23 M</td>
<td>22.8 M</td>
<td>20.5 M</td>
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<td>Human Services Devpmnt Fund(^2)</td>
<td>34 M</td>
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<td>HEMAP(^3)</td>
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<td><strong>Total</strong></td>
<td>143.8 M</td>
<td>113.6 M</td>
<td>92.7 M</td>
<td>67.4 M</td>
<td>79.3 M</td>
<td>72.1 M</td>
<td>71.6 M</td>
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<tr>
<td><strong>General Fund Total</strong></td>
<td>143.8 M</td>
<td>113.6 M</td>
<td>84.6 M</td>
<td>49.4 M</td>
<td>44.5 M</td>
<td>43.3 M</td>
<td>42.8 M</td>
<td>70.35 M</td>
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</table>

**Figures are rounded.**

\(^1\) Tax Credit; part of the Tax Code, not the Budget.

\(^2\) Also included in HSDF Block Grant.

\(^3\) 2012-2013 through 2016-2017 funded from the Homeowner Assistance Settlement Fund, not General Fund.

\(^4\) Funded from Act 13 Impact Fees. Minimum of $5 M but by formula the amount has been more.

* Data not currently available.

+ Assumes $18 M for NAP.
At the Annual Membership Meeting held September 16, 2015, PAHRA members affirmed the unopposed election of several incumbent and incoming Board of Directors as follows:

- Kelley Cevette, Executive Director, Tioga/Bradford County Housing and Redevelopment Authorities, re-election to a second three-year term. Kelley co-chairs the Professional Development Committee and was appointed to the Executive Board.

- Dusti Dennis, Executive Director, McKean County Redevelopment and Housing Authorities, re-election to a second three-year term. Dusti co-chairs the Professional Development Committee and was elected to serve as Secretary of the Board.

- Cheryl Johns, Executive Director, Altoona Housing Authority, re-election to a third three-year term. Cheryl currently holds the office of PAHRA President for the 2014-2016 term. She also chairs the Scholarship Committee, co-chairs the Member Services Committee and is a member of the Civil Service and the Budget and Administration Committees.

- Mark Yauger, Executive Director, Fayette County Housing Authority. Mark was officially elected to his first full three-year term following his appointment to fill a vacated Board seat earlier this year.

Newly elected Directors include:

- Denise Miller, Executive Director, Snyder County Housing Authority. Denise began her career as a clerk-stenographer at the Mifflin County Housing Authority and advanced to Section 8 Coordinator during her 11 year tenure at the agency. Denise became Executive Director of Snyder County Housing Authority in 1992. She looks forward to helping PAHRA carry out its mission, with special interest in problems faced by extremely small housing authorities.

- Martha Robbins, Executive Director, Redevelopment Authority of the County of Monroe. Martha began working at the Redevelopment Authority in the capacity of an Administrative Assistant 14 years ago, taking on the position of Executive Director in 2013. She is prepared to serve on the PAHRA Board and to focus her attention on the needs of its members. Martha is eager to work hard for our association to continue to provide excellent tools and resources, advocacy regarding critical issues and networking opportunities to address the challenges we face daily and to deal with them confidently as we serve and help our communities grow.

As we welcome new members, PAHRA also extends our sincere appreciation to two former members of the Board of Directors for their past service:

- Andrew French, Executive Director, Redevelopment Authority of the County of Fayette. Andrew joined the PAHRA Board in 2006. He has served as Co-Chair of the Professional Development Committee, as well as the Legislative Committee. Andrew also serves as PAHRA’s representative on the PA DCED Housing Advisory Council, which he currently chairs.

- Lorene Osborne, Executive Director, Clarion County Housing Authority. Lorene was elected to the PAHRA Board of Directors in 2009. She was a member of the Executive Board, Secretary to the Board, former Co-Chair of the Professional Development Committee and member of the Civil Service Committee.

It has been a pleasure to work with Andrew and Lorene, both of whom indicate that they intend to remain very active PAHRA members and supporters.
Since the approval of Pennsylvania’s land bank enabling legislation in 2012, land bank planning has begun in more than three dozen municipalities and counties across the commonwealth, with the first land banks established in Dauphin County and Westmoreland County.

Some participants in land bank planning question whether a land bank would provide any meaningful added value to complement or reinforce the activities of existing redevelopment and housing authorities. Nearly all of the land bank activities authorized in the enabling legislation—such as the ability to acquire, develop, sell, or rent real estate—are already within the capability of an existing public authority. Furthermore, Pennsylvania land banks won’t be able to replicate the large-scale property acquisition and development activities that their counterparts have undertaken in states such as Michigan and Ohio, because they don’t have access to comparable federal and state funding support.

But there is one important way in which land bank powers differ from those of public authorities. Under certain circumstances, a land bank can acquire a property that has been listed for tax sale through direct purchase, rather than having to bid against other participants at the public tax sale auction. In the many Pennsylvania counties where the Real Estate Tax Sale Law governs tax sales, this ability is associated with the judicial tax sale or “free and clear” sale (but not with the “upset sale” that precedes it).

A land bank can’t exercise this power unilaterally: any direct purchase of a property scheduled for tax sale has to be approved by the entity that administers the sale (in most counties, the county tax claim bureau). The enabling legislation also provides that taxing authorities may agree to discharge public tax liens associated with such a property, so that it can be made available for development with clear title. However, a land bank can’t undertake this action unilaterally either; any discharge of tax liens is subject to prior taxing authority approval.

This new opportunity is important for two reasons. In every county, the tax sale auction is the biggest marketplace for transactions involving tax delinquent properties, some of which are blighted properties that pose the biggest threats to the stability of residential neighborhoods and commercial business districts. In addition, because real estate markets have been growing stronger in many urban areas, as well as in some rural areas, the number of participants in many tax sale auctions has increased substantially in recent years, with a higher degree of participation by absentee investors.

Although attracting new investment should be an economic development priority everywhere, some of these participants in tax sales don’t have the best interests of the public at heart. Speculators seeking to hold property at minimum cost while waiting for market value to increase are among the parties responsible for violations of health and safety codes and nonpayment of taxes. As a result, some properties that had been auctioned at tax sales a few years ago have since become tax delinquent again and are reappearing as part of this year’s tax sale listings.

A land bank’s use of direct purchase can facilitate the acquisition of strategically important properties and can help ensure that such properties are conveyed to responsible developers. In Luzerne County, the City of Pittston’s Redevelopment Authority had intended to acquire a blighted property located in the city’s business district, but was outbid at tax sale by a private developer; the developer subsequently was unable to implement a rehabilitation plan, and the building had to be demolished a few years later. In a judicial tax sale held this past summer, Berks County Habitat for Humanity was unsuccessful in acquiring three vacant houses on a block in Reading that Habitat had targeted for improvement after three separate individuals offered higher bids. Selective use of land bank powers to acquire blighted properties like these can reinforce housing and economic development strategies without disrupting the tax sale process. And a land bank’s ability to convey neglected properties to capable developers helps ensure that these properties will start generating revenues to taxing authorities in the years to follow, rather than cycling back to subsequent tax sales.

Land bank ordinances, intergovernmental agreements between land banks and taxing authorities, and examples of other documents used by Pennsylvania land banks can be found online at the Housing Alliance of Pennsylvania’s PA Blight Library: http://www.pablighthouse.com/.

John Kromer is a cofounder of the PA Land Bank HUB and the author of Fixing Broken Cities: The Implementation of Urban Development Strategies.
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CHRISLYNN ENERGY SERVICES
THE POWER OF SAVINGS
Welcome to winter in the northeast. It’s cold, damp and gray and we’re going to discuss solar power for low income housing developers and Public Housing Authorities.....are you kidding me??

Seriously, despite living in Western PA, could solar power really be in your future? It just might be if the manufacturers and installers of today’s solar panels have a chance to grab your attention.

I recently visited a solar project developed for the Westmoreland County Housing Authority (WCHA). My curiosity was peaked when WCHA Director of A/E, Erik Spiegel, asked how the Authority could utilize the $10,000 credit it has accrued since the solar panels went live about 24 months ago. I had to see what this project entailed and asked for a tour.

WCHA Executive Director Mike Washowich and Mr. Spiegel were glad to oblige and I was truly impressed by this application. Not only did the panels produce a credit on the monthly electric bills, they also provided enough electricity for the site’s common areas including the hallway lighting, elevators, laundry, offices, community rooms and common area air conditioning....at no cost to the developers.

The cost of the solar panels was about $73,000. When you apply the current 30% solar tax credit ($21,000), coupled with 24 months of free power (estimated at $14,000) and the $10,000 credit mentioned earlier, you are looking at a 4-5 year payback.

The price of solar panels is dropping and output of the new systems is increasing. It might be time to take a look at installing solar on some of your properties. Combined with low cost natural gas (see chart) you may be able to cut your energy bills without an expensive Energy Performance Contract.

If solar works in the Pittsburgh area, it could work for you. For more information feel free to contact me.

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After five years, HUD issued its Housing Choice Voucher Program Administrative Fee Study Final Draft Report (April 2015). HUD’s intent was to determine what it costs a “well-run and efficient” Housing Authority (HA) to administer voucher program(s). Based on its study, HUD plans to dramatically change HA’s fee rates in a final rule to take effect on January 1, 2017. This will have profound and adverse impacts on HA’s ability to serve low-income households, property owners and their local communities.

1) **HUD Must Fix Its Flawed Study and Formula** – Additional time is needed in order for HUD to resume and fix its voucher administrative fee study in a way that properly deals with major issues that are inadequately addressed. PHADA and its member agencies documented these deficient areas in comment letters submitted to HUD. A summary of such deficiencies is provided further below. The implications of HUD’s study formula on voucher programs is too important to leave major issues outstanding.

2) **Congress Should Not Let HUD Change HA’s Fee Rates Unilaterally** – PHADA believes that it is essential for HUD to address any future changes to the rate and structure of ongoing administrative fees and special / add-on fees, through a change in law approved by Congress. Historically, administrative fees have always been changed by Congress in statute. However, HUD’s recent notice included a statement which asserts its existing statutory authority to change HA’s administrative fee rates unilaterally through rulemaking.

3) **The Effective Date is Premature and Would Cause Greater Instability to the Voucher Program** – HUD’s fee formula will create “decliners” and “gainers” among HAs. Any fee funding formula is a zero sum game among all HAs that is ultimately based on the funding levels appropriated by Congress. PHADA’s “apples-to-apples” analysis shows that HUD’s formula will result in 42 percent of HAs’ administering 63 percent of voucher households leased, will receive a cut in their fee rates averaging 15 percent.

The Department’s existing timetable for implementing a new formula effective January 1, 2017, is far too premature. HUD’s recent notice included questions and policy suggestions that may result in a number of substantial new changes to its formula. If HUD further alters its formula using its policy objectives, it will have an entirely different redistributive effect on all HAs with different sets of “decliners” and “gainers.” Regardless of each HA’s current funding status under HUD’s formula, the Department’s next formula iteration may completely change their funding status. Even before HUD commenced its proposed rule, the Department already admitted that there would be unintended effects from its pre-rule formula.

The backdrop to HUD’s formula is that over the last twelve years there was a substantial disinvestment in the funds that HAs need to operate their voucher programs. This has taken a toll on agencies and the number of families they can serve. If the Department moves forward with its deficient formula in 2017, even with a phase-in of its fees, it will further destabilize many HAs and many low-income families they serve. Downward prorations in administrative fees have already contributed to:

- HAs having to lay off staff, leaving vacated positions unfilled, furloughing staff, and reducing office hours. These actions led to dramatic increases in staff caseloads and housing quality inspections, reduced the rate of new vouchers issued, increased families’ time on waiting lists, and hampered HAs’ assistance with tenant and property owner disputes;
- a decline and stagnation in national voucher lease-up rates, now in the low 90 percent range. In fact, PHADA estimates that over 100,000 funded and authorized vouchers were not leased at the beginning of 2015, due in part to HAs not having adequate operating resources needed to run the program; and
- over 270 of all HAs administering vouchers (12.5%) had to transfer them directly to another HA or surrender their voucher programs to HUD altogether, resulting in a permanent loss to communities.

4) **HUD’s Fee Variables Are Missing, Incomplete and Are Not Credible** – HUD’s suggested formula has seven variables shown by its regression analysis to affect administrative costs. PHADA believes that HUD’s proposal excludes some important variables and includes variables that are incomplete or are not

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**Submitted by**

Timothy Kaiser,
Executive Director,
Public Housing Authorities Directors Association
credible. PHADA critiques relating to HUD’s study and fee formula variables include:

- **Variable on Percent of Households with Earned Income Will Lead to Disinvestment in Elderly, Disabled, and Homeless Populations** – A substantial number of HAs serve communities with relatively higher proportions of elderly or disabled households. In addition, other HAs serve populations with relatively higher unemployment rates and less education, and/or relatively higher percentages of homeless populations. In these communities it can be difficult for such populations to gain employment. HUD’s fee variable will provide higher administrative fees to some HAs that serve a greater proportion of households with earnings. Conversely, this variable will result in other agencies that serve relatively higher percentages of the above populations to receive substantial cuts in their fee rates. To illustrate part of the adverse impact on HAs stemming from this fee variable, PHADA analyzed HUD’s proposed fees for HAs. As an example, PHADA looked at HAs in Maine. Maine HAs serve relatively higher percentages of elderly and disabled households than HAs nationwide. HUD’s formula will result in 95 percent of HAs receiving an average 27 percent cut in their fee rates. This will have severe and adverse impacts on the ability of HAs to continue serving elderly, disabled and homeless households from their waiting lists.

- **HA Size Variable Reduces Fees For Relatively Small, Medium and Large-Sized Agencies** – HUD’s program size variable reduces administrative fee rates for agencies with 251 or more leased vouchers (51 percent of HAs). To illustrate part of the adverse impact on HAs stemming from this fee variable, PHADA analyzed HUD’s proposed fees for HAs. As an example, PHADA looked at HAs in Maine. Maine HAs serve relatively higher percentages of elderly and disabled households than HAs nationwide. HUD’s formula will result in 95 percent of HAs receiving an average 27 percent cut in their fee rates. This will have severe and adverse impacts on the ability of HAs to continue serving elderly, disabled and homeless households from their waiting lists.

- **Medium and Large-Sized Agencies** – HUD’s program size variable reduces administrative fee rates for agencies with 251 or more leased vouchers (51 percent of HAs). To illustrate part of the adverse impact on HAs stemming from this fee variable, PHADA analyzed HUD’s proposed fees for HAs. As an example, PHADA looked at HAs in Maine. Maine HAs serve relatively higher percentages of elderly and disabled households than HAs nationwide. HUD’s formula will result in 95 percent of HAs receiving an average 27 percent cut in their fee rates. This will have severe and adverse impacts on the ability of HAs to continue serving elderly, disabled and homeless households from their waiting lists.

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- **Data on Small Area Rent Ratio Variable is Not Credible** – Section 8 voucher programs are primarily rental market-based. It is essential that HUD’s formula include an accurate and valid variable to capture the “availability of affordable housing.” Instead, HUD’s Small Area Rent Ratio relies in part, on its Small Area Fair Market Rents (SAFMRs). HUD’s SAFMRs feature volatile and inaccurate values that are not found in any other independent and reputable rental housing market study. PHADA recommended HUD evaluate a different housing market-based formula variable to represent the “availability of affordable housing.”

- **Variable on Indirect Employees’ Wages & Benefits Short-changes All HAs** – HUD examined indirect employees’ salaries and benefits for 60 sampled HAs only during the three and a half year study period (2011 – June 30, 2014). This period also had the lowest average administrative fee and Housing Assistance Payment prorations in the history of voucher programs. This resulted in an artificially lower benchmark in HAs’ indirect costs to administer voucher program(s). HUD should collect this data for the same ten years it used for HAs’ office costs and information technology investments, when funding prorations were more adequate.

- **Variable on Wage Index Excludes Local Wage Variations and Dilutes Metro HAs Costs** – HUD’s wage index variable does not adequately reflect localized variations in wage inflations within each State/Territory. Additionally, HAs in metropolitan areas that have relatively higher rates of wage inflation are diluted by HUD’s use of wage inflation figures in other metropolitan areas that have relatively lower employee wages. As a result, HUD’s inflation index for each HA’s wages will be less than or more than it should be, in order to accurately reflect metropolitan HAs’ local wages.

- **Other Problems with HUD’s Pre-Rule Fee Formula** – HUD’s formula also:
  - inadequately reflects administrative costs for HUD-Veterans Affairs Supportive Housing (HUD-VASH) and Family Unification Program (FUP), which will compromise their ability to adequately serve these special populations;
  - appears biased towards consolidation of small HAs despite its study results which showed that their existing fee rates are below what they should be;
  - may eliminate the inflation index for all HA employees’ benefits (e.g. health insurance, disability, dental and other insurance, retirement); and
  - understates turnover / attrition of voucher-assisted households.

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**PHADA’s Three Main Calls to Action for Congress**

1) HUD Must Fix Its Flawed Study and Formula;
2) Do Not Let HUD Change HAs’ Fee Rates Unilaterally; and
3) The Effective Date is Premature and Will Cause Greater Instability to the Voucher Program.

PHADA’s full coverage of HUD’s voucher fee study formula including comment letters, HA-level and State-level fee analyses, access to HUD’s fee study formula and more are available at: www.phada.org/HUD_Section8_FeeStudy.php
Virtually all Public Housing Authorities ("PHAs") use independent contractors to fulfill needs that are not readily met by the PHA's own internal staff. Often the use of independent contractors is a fiscally prudent solution for a PHA. The independent contractor brings a skill set and level of expertise on an as-needed basis to a particular project, so that the PHA does not invest the time and resources in hiring an employee with a skill set that is only needed intermittently.

Historically, PHAs might have issued a Form 1099 to these independent contractors and assumed that the Form 1099 made it abundantly clear that the individual was an independent contractor and not a PHA employee. After all, no W-2 was issued. Some PHAs may have realized that if they exercised day-to-day control over the independent contractor – even if s/he were receiving a 1099 – that the PHA was still at risk of having the independent contractor be deemed to be the PHA's employee because of the amount of control exercised by the PHA over the individual. Those PHAs, in addition to issuing a Form 1099 to the individual, may have taken other proactive steps, like limiting control over the individual, requiring the individual to use his/her own equipment and providing instructions to the individual which mandated what the finished job should look like and not the actual procedure for achieving the finished job. These additional steps were thought to provide additional protection against a claim that the independent contractor was really a PHA misclassified employee.

On July 15, 2015, the U.S. Department of Labor ("DOL") materially changed this school of thought with the issuance of an updated interpretation on the misclassification of employees as independent contractors. The guidance can be found at http://www.dol.gov/whd/workers/Misclassification/AI-2015_1.htm.

As a backdrop to this guidance, the DOL opined that this new interpretation was necessary because:
misclassification of employees as independent contractors is found in an increasing number of workplaces in the United States, in part reflecting larger restructuring of business organizations. When employers improperly classify employees as independent contractors, the employees may not receive important workplace protections such as the minimum wage, overtime compensation, unemployment insurance, and workers’ compensation. Misclassification also results in lower tax revenues for government and an uneven playing field for employers who properly classify their workers. Although independent contracting relationships can be advantageous for workers and businesses, some employees may be intentionally misclassified as a means to cut costs and avoid compliance with labor laws.

To solve these concerns, the DOL announced a new “economic reality” test for determining whether individuals were independent contractors or employees. This test focuses on a number of factors including:

- whether the individual is truly independent or whether his/her business is financially dependent on the employer;
- whether the work is integral to the employer’s business;
- whether the worker could experience profit or loss through his/her managerial skill;
- the worker’s financial investment relative to the employer’s investment;
- the worker’s specific skill or expertise;
- whether the nature of the relationship is permanent/indefinite or temporary; and
- the employer’s degree of control over the worker.

The DOL’s guidance concludes by stating that it will apply this test broadly and that, “[i]n sum, most workers are employees…”

With this in mind, PHAs should be proactive and reexamine the individuals whom PHAs currently classify as independent contractors. By working through the DOL’s new test within each individual situation, the PHA should be able to determine if the individual is a misclassified employee, whose status needs to be corrected, or whether the individual is truly an independent contractor. Either way, the process of engaging in this exercise will allow the PHA to either fix a problem before an external agency is reviewing it, or proactively compile an analysis that the individual is truly classified correctly as an independent contractor.
The assisted housing industry is changing. Honeywell has the experience and expertise that housing authorities, re-development agencies and multi-family owners need to sustain success.

Now more than ever, it’s important to have partners who can bring sound, strategic planning to help level the playing field in an uncertain and challenging industry. Honeywell Sustainable Housing Solutions works to leverage such programs as Low-Income Housing Tax Credits (LIHTC), Capital Fund Finance Program (CFFP) and Energy Performance Contract (EPC), in addition to other sources of capital. We optimize operational funds while improving the marketability, safety and security of the communities we serve. Our extensive experience in the housing industry provides the opportunity for your program to achieve sustainability because we understand the unique issues facing stakeholders and diligently work to address challenges and find common solutions. Let us put your housing authority on the path of sustainability.

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To learn more about Honeywell solutions, contact Rick Sawicki at 330-655-0753 or richard.sawicki@honeywell.com
Facility safety and security is light-years beyond the days of one guard and an alarm system, and navigating the complex array of the technologies available can be daunting. Whether you’re focused on compliance and driving efficiencies, or simply looking to bolster efforts already in place, it’s important to be aware of the trends currently shaping security and how they can benefit your Housing Authority. Following are five developments to watch.

**BIOMETRICS GOES MAINSTREAM**

Biometrics is no longer the domain of sci-fi movies and top-secret bunkers, and is increasingly employed for mainstream security purposes. This authentication method uses unique human characteristics, such as fingerprints, retina scans and even the veins in your hand. And it can help drive greater operational efficiencies, like getting people through facilities quicker, while enhancing security. When biometric technologies are in place, losing or forgetting an access card is no longer an issue.

**INTELLIGENCE MOVES TO THE EDGE**

Gone are the days of relying solely on a central server for powering applications. Now, the storage and intelligence can be found in the device itself — or at the “edge.” This concept is coming to life through enhancements to video that provide the processing power to run advanced analytics and capture high-resolution images within cameras. This helps speed identification of potential issues and gives security personnel a crystal-clear view of the situation.

Edge intelligence is also shaping new innovations like electronic locks, or e-locks, which provide wireless access control for doors. Rather than have to run wires from individual readers to a central panel, which then communicates with a building management system, the “smarts” embedded in an e-lock cuts out the hardware in the middle, providing a quicker response and saving the need to run miles of cabling. It’s better control that typically costs less to install.

**IT AND SECURITY CONVERGE**

Central decision-making is no longer limited to a security or facility manager. Physical and network security are converging, and IT is becoming more involved as security, building and enterprise systems connect. As a result, both sides need to learn new competencies and develop the expertise to manage processes and technologies that merge physical and logical security. One of the benefits of convergence is the unification of identification and credentials for easy, more accurate management.

**MOBILITY REIGNS**

When was the last time you forgot your smart phone at home? We increasingly rely on our smart phones for everything from checking the weather to hailing a car to the airport. So it makes sense to use these ubiquitous devices for access and other security applications. Leveraging mobile technology allows security personnel to manage systems from anywhere, improving control and speeding responses. From an end user standpoint, mobility provides a more seamless experience. And, since there’s no need for a badge or other ID, it means one less thing to remember in the morning.

**THE USER EXPERIENCE IS PARAMOUNT**

The idea of taking a class to learn how to operate a smartphone, tablet or laptop probably sounds absurd, but complex user manuals and start-up guides are standard with facility technologies. The standard in the consumer world is an out-of-the-box experience, however, and people are bringing the same expectations to their places of work. As a result, the commercial and residential world is starting to see easy-to-understand interfaces and intuitive technologies that don’t require significant training to operate, instead introducing new ways to visualize information and manage processes. While simple in concept, the impact is significant. When it comes to security, specifically, an enhanced user experience helps minimize operator error, speeds incident response and ensures technology remains an enabler to maintaining facility security.

At its core, security ultimately comes down to quickly identifying issues and mitigating risk. These trends are a sampling of the ways technology is providing a more efficient, effective means to those ends. And, in many cases, they’re also reducing the resources and costs necessary to get there.

For more information, please contact Rick Sawicki at 330-655-0753 or richard.sawicki@honeywell.com, or visit buildsolutions.honeywell.com.
Affirmatively Furthering Fair Housing: The Impact of the Final Rule on Housing and Redevelopment Agencies

By Leigh A. Poltrock, Esq.

With the publication of HUD’s Final Rule regarding Affirmatively Furthering Fair Housing (the “Rule”) on July 16, 2015, recipients of federal dollars have a roadmap in front of them to ensure that they “take meaningful actions to examine ways to overcome historic patterns of segregation, promote fair housing choice, and foster inclusive communities that are free from discrimination” for those protected by the Fair Housing Act of 1968 (the “Act”); however, does that roadmap lead to an idyllic utopia, or merely to another detour on the road to fair housing for all?

The advocacy community continues to laud the Rule, particularly when coupled with the anticipated impact of the June 25, 2015 decision of the U.S. Supreme Court in the case of Texas Department of Housing & Community Affairs, et al. v The Inclusive Communities Project, Inc., which upheld the use of statistical evidence to bring unintentional discrimination claims (disparate impact claims) under the Act. In contrast, the housing and development communities, have continued to advance their arguments that the Rule is overly expansive, that it does not reflect the scarcity of resources of grantees, that it compels grantees to set unrealistic goals in order to be in compliance, and that it will actually adversely impact redevelopment activity and operations and thus ultimately have a negative impact on the very protected classes the Rule is intended to benefit.

WHAT SHOULD MY AGENCY DO RIGHT NOW IN RESPONSE TO THE RULE?

Simply stated, if affirmatively furthering fair housing has not been a part of your regular dialog relating to budgeting, redevelopment, and outreach, you need to start now to ensure that it is routinely considered moving forward. Do you look for ways to create housing opportunities in areas of opportunity (or at least in unimpacted neighborhoods)? Before you acquire property or invest in a project, do you consider the fair housing consequences and impacts of those choices? If you do, that is fantastic, but make sure that your files contain adequate documentation evidencing that careful deliberation. If you do not engage in that deliberative process, however, there is no time like the present to start. Considering whether a project or an expenditure of capital funds affirmatively furthers fair housing does not mean that your project will be dead in the water.

SHOW YOUR WORK.

This phrase from elementary school holds true today. If you can establish that your agency carefully considered alternatives (e.g., to project location or to significant capital expenditures), even if you ultimately opt to take action that may not advance fair housing on its face (e.g., redeveloping a site in an impacted census tract), you will at least be able to demonstrate that you did not ignore your obligations under the Rule. There are valid reasons to invest in existing, if old or not optimally located, housing that still has a remaining useful life. Those reasons should be explained in writing to the file. The Rule makes the task of addressing blight more challenging, but not necessarily impossible.

PAIR UP.

The Assessment of Fair Housing (AFH) for grantees to complete, which will replace the current Analysis of Impediments, can be done in partnership with other units of local government, housing authorities, or on a statewide or regional basis. The currently published Assessment Tool is designed primarily for Community Development Block Grant entitlement jurisdictions and for entitlement jurisdictions partnering with public housing agencies submitting a joint AFH. Other versions are to be issued in the coming months. In the meantime, contemplate what local or regional collaborations might make the most sense for your agency. In partnering on the AFH, you can share expenses and the work involved. HUD’s own estimate is that the reporting requirements associated with the Rule will involve 200 hours of staff time related to the preparation of each AFH. Even assuming that HUD’s own estimate is not understated, for grantees without the budget to hire consultants to perform the work, the impact of lost staff time may have a crippling effect on other operational efficiencies. Well-thought-out partnerships can ease that burden.

For communities with barriers to fair housing choice, including barriers that inhibit family mobility to areas of opportunity, the Rule and the resulting AFH process will encourage planning to occur in a manner intended to foster and promote fair housing choice. Whether that well-intentioned process ultimately leads to actual, greater housing opportunity, mobility, and choice remains to be seen over the coming years.
Housing agencies, nonprofits, developers, lenders, owners, syndicators, investors and others rely on our experience with federal housing programs and related matters. Our team of more than 20 affordable housing lawyers are veterans of HUD, housing authorities, Fannie Mae, the IRS, state and local agencies, and Congressional committees.

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NAHRO Provides In-Depth Examination of “Housing Opportunities Through Modernization Act of 2015”

Submitted by John F. Bohm, Senior Director, Congressional Relations, Public Affairs and Field Operations, NAHRO

The House Financial Services Subcommittee on Housing and Insurance held a hearing titled “The Future of Housing in America: Federal Housing Reforms that Create Housing Opportunity” to examine ways the federal government could better provide housing assistance and serve the housing needs of low-income individuals and families. The hearing focused on H.R. 3700, the “Housing Opportunities Through Modernization Act of 2015” (HOTMA), introduced by Subcommittee Chairman Blaine Luetkemeyer (R-Mo.). NAHRO President and Executive Director of the Norwood Housing Authority Steve Merritt testified on behalf of NAHRO.

HOTMA IN-DEPTH

The Housing Opportunity Through Modernization Act of 2015 has several provisions that impact the Public Housing, Section 8, Community Planning and Development programs. Following is an in-depth examination of various provisions of the Act.

INCOME REVIEWS

HOTMA would require PHAs to use an estimation of current year income to determine initial eligibility and prior year income for later reviews. PHAs are allowed to adjust for other incomes and use other federal data to determine income including TANF, Medicaid, and SNAP.

TRIENNIAL INCOME REVIEWS FOR FIXED-INCOME FAMILIES

HOTMA would permit triennial recertification for fixed-income families using language that NAHRO supports. The House previously supported this approach in March by approving the “Tenant Income Verification Relief Act of 2015” (H.R. 233) by unanimous consent.

OVER-INCOME TENANTS

HOTMA includes language aimed at limiting tenancy for over-income families. For families with incomes over 120 percent of area median income (AMI) for the most recent two consecutive years, PHAs have the option of either charging both the fair market rent for the unit and the monthly subsidy (operating and capital fund) or terminating the tenancy within 6 months. NAHRO is concerned this would require PHAs to take on new administrative burdens in direct contrast to other provisions within the bill that provide much-needed administrative relief. Congress seems willing to take suggestions to improve the bill.

LIMITATION ON ELIGIBILITY BASED ON ASSETS

HOTMA includes limitations on eligibility for families with net assets of over $100,000 (adjusted annually for inflation), and families that have ownership interest in, a legal right to reside in, and the effective authority to sell real property suitable for occupancy. Exemptions include property receiving assistance under the homeownership option or the assistance for rental of manufactured housing provided under Section 8 of the 1937 Housing Act, victims of domestic violence, or persons selling their house. Self-certification is allowed if net assets are below $50,000.

PROHIBITION ON UTILITY REIMBURSEMENTS

No amount may be reimbursed to families whose utility allowance exceeds their utility costs under the Public Housing or Section 8 programs.

CAPITAL AND OPERATING FUNDS

Using NAHRO language, HOTMA would allow PHAs to voluntarily establish Capital Fund replacement reserves. The replacement reserve balance is not allowed to exceed the amount determined to satisfy anticipated capital needs for properties as outlined in the Capital Fund Five-Year Action Plan. In addition, the bill would allow HUD to impose a more restrictive maximum replacement reserve level based upon the size of a PHA’s portfolio. When first establishing the fund, PHAs would be allowed to transfer more than 20 percent of their operating funds into the reserve. NAHRO strongly supports the establishment of a reserve fund for PHAs to better plan and save for future capital needs, a common practice in real estate.

The Senate bill would also authorize reverse-fungibility for PHAs to transfer 20 percent of their Operating Funds to their Capital Fund, language NAHRO has advocated for strongly over many years.
REALLOCATION OF EMERGENCY SOLUTIONS GRANT FUNDS

To increase administrative efficiency, HOTMA would amend the ESG statute to require only one reallocation a year.

Inclusion of PHAs and Local Redevelopment Authorities as ESG Subrecipients for Solutions Grants

HOTMA includes statutory language, supported by NAHRO, that would permit any state or local government receiving ESG allocations to distribute all or a portion of its grant funds to PHAs and LRAs (alongside private nonprofit organizations).

SPECIAL ASSISTANT FOR VETERANS AFFAIRS AND AN ANNUAL SUPPLEMENTAL REPORT

HOTMA includes two provisions supported by NAHRO. First, the bill would create a new position of Special Assistant for Veterans Affairs that reports directly to the Secretary of HUD. The special assistant would be responsible for ensuring veterans have access to housing programs and homeless assistance, coordinating veteran-related programs at HUD, and serving as a liaison between HUD, the VA, the United States Interagency Council on Homelessness (USICH), and other governmental and nongovernmental organizations.

Second, the bill would require HUD, the VA and the USICH to collaborate and submit to congress an annual supplemental report on veteran homelessness. The report would offer homeless veteran estimates, demographic characteristics, and insights into how veteran homelessness has changed over time. HUD would also be required to report upon its veterans-related activities.

BUDGET-NEUTRAL DEMONSTRATION PROGRAM FOR ENERGY AND WATER CONSERVATION IMPROVEMENTS AT MULTIFAMILY RESIDENTIAL UNITS

HOTMA would establish a pay-for-success demonstration that would execute budget-neutral, performance-based agreements aimed at reducing energy or water costs in multifamily units. From FY 2016 through FY 2019, projects would be carried out for no more than 20,000 residential units in multifamily buildings that participate in HUD’s Section 8 Project-based Rental Assistance, Section 202 Supportive Housing for the Elderly, and Section 811(d)(2) Supportive Housing for Persons with Disabilities programs.

For more information, please contact NAHRO’s Policy Team: Tushar Gurjal, Jenny Hsu and Eric Oberdorfer.
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Unemployment Information Update

What is the SIDES program?

Submitted by Debbie Gross / U•COMP Member Service Representative

Responding to hard copy information requests from the Pennsylvania Department of Labor and Industry can be time consuming. It can be so time consuming that many employers are either not able to respond within Labor and Industry’s timeframe or they are just able to make the deadline by a few hours.

The SIDES program was developed as an answer to this issue. SIDES is an acronym for State Information Data Exchange System and the program was created through a collaboration between the U.S. Department of Labor and Industry and the state unemployment agencies. SIDES and SIDES E-Response offers third party administrators (TPA’s) and employers a format in which they can easily respond to information requests from Labor and Industry. The program has many advantages:

- SIDES is an electronic, nationally standardized format.
- SIDES is faster and saves response time.
- SIDES E-Response is a website and is available in any participating state where employers or TPA’s have internet access.
- SIDES reduces paperwork.
- SIDES provides more automated data-sharing.
- SIDES is a better interface between employers’ systems and state agency networks.
- SIDES eliminates response delays through the mail delivery system and allows employers and TPA’s more response time as well as time to gather response information.
- SIDES is free with the exception of internal IT development costs for integration.

In July 2014 Pennsylvania began registering employers to use the SIDES E-Response website for their initial questionnaire information. Using the software could help reduce improper unemployment payments which affects employers’ bottom lines.

The difference between SIDES and SIDES E-Response is:

- SIDES is for employers and TPA’s with a large volume of claims and allows the user to respond to information requests from Labor and Industry.
- SIDES E-Response is an efficient and easy way for employers with a small amount of claims to respond to Labor and Industry information requests.

For more information, please visit the SIDES website at: http://info.uisides.org/

Educational benefits such as these are available to U•COMP members.

For more information on the U•COMP program or for a non-binding quote, please contact:

Debbie Gross
U•COMP Member Service Representative
Phone: 1-800-922-8063 x254
Email: dgross@pamunicipalleague.org
Disparate Impact Claims Under the Fair Housing Act

Submitted by Edwin L. Stock, Esq., Roland Stock LLC

Against the backdrop of the social unrest of the 1960’s, in 1968 Congress passed the Fair Housing Act. The Fair Housing Act addressed the denial of housing opportunities on the basis of “race, color, religion or national origin”. In 1988, the Fair Housing Act was amended and “familial status” was adopted as a protected characteristic.

On June 25, 2015, the United States Supreme Court decided the case of Texas Department of Housing and Community Affairs, et al. v. The Inclusive Communities Project, Inc., et al. In this decision, the Supreme Court determined that disparate impact claims are recognized under the Fair Housing Act.

There are two basic types of discrimination lawsuits. Disparate treatment lawsuits focus on the intent of the involved actors. If race or other prescribed characteristics are considered by the actors as part of the decisions or actions, then discrimination has occurred. On the other hand, disparate impact cases do not involve whether or not the involved actors proceeded with discriminatory intent. Instead, disparate impact cases look to the consequences of actions. The results of these actions, which produce a disparate impact on those protected by the statute, can be violative of the law.

The federal government provides low income housing tax credits that are distributed through designated state agencies. Congress has directed these state agencies to identify selection criteria for distributing the tax credits. Congress has favored the distribution of these tax credits for the development of housing units in low income areas.

In Texas, the federal tax credits are distributed by the Texas Department of Housing and Community Affairs. The Texas Department of Housing and Community Affairs scores an application for tax credits utilizing a point system.

The Inclusive Communities Project, Inc., a non-profit corporation that assists low-income families in obtaining affordable housing, sued the Texas Department of Housing and Community Affairs in Federal Court alleging that the Department caused continued segregated housing patterns by its allocation of tax credits for housing in predominantly black inter-city areas and not for housing in predominantly white suburban neighborhoods. The Inclusive Communities Project, Inc. contended that the selection criteria for the distribution of tax credits must be based on selection criteria modified to encourage the construction of low-income housing in suburban communities.

The United States Supreme Court heard the case to decide whether disparate impact claims are legally recognized under the Fair Housing Act. This was a case of first impression, although previously all nine Courts of Appeal addressing the question had concluded the Fair Housing Act encompassed disparate impact claims.

The Supreme Court concluded the language of the Fair Housing Act, particularly in Section 804(a) of the Act, provides for disparate impact claims. Section 804(a) states that it is unlawful: “to refuse to sell or rent after the making of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, sex, familial status or national origin”. The phrase in this statutory text “otherwise makes unavailable” was determined to be of central importance in finding that the Fair Housing Act recognizes disparate impact claims.

The Supreme Court analogized the “otherwise makes unavailable” language of Section 804 to disparate impact liability claims recognized under Title VII of the 1964 Civil Rights Act and the Age Discrimination and Employment Act. The use of the phrase “otherwise makes unavailable” refers to the consequences of an action rather than the actor’s intent. The Court found that this results orientated language supported recognizing disparate impact liability.
The Supreme Court went to pains to discuss some of the inherent difficulties with a disparate impact claim. First, the Court made clear that racial quotas are not to be utilized to avoid disparate impact liability. In fact, the Court stated that the utilization of racial quotas would be contrary to the intent of the Fair Housing Act since this would inject racial considerations into housing actions.

Second, the Court recognized that the theory of liability advanced by The Inclusive Communities Project represented a novel theory. This Court stated “it would be paradoxical to construe the FHA to impose onerous costs on actors who encourage revitalizing dilapidated housing in our nation’s cities merely because some other priority might seem preferable”. In fact, the Supreme Court, in remanding the case back to the District Court for further consideration stated that disparate impact claims should not be used merely as an attempt to second guess which of two reasonable approaches should be followed in the sound exercise of discretion in allocating tax credits for low-income housing.

Third, in light of these concerns, the Court stated that a disparate impact claim which relies only on a statistical disparity will fail if the Plaintiff cannot point to a Defendant’s policy or policies causing that disparity. The Court stated that a robust causality requirement is necessary to insure that racial imbalance, without more, does not establish a prima facie case of disparate impact and protects Defendants from being held liable for racial disparities they did not create.

Housing advocates argue that subsidized housing for low income citizens is disproportionately built in poor areas leading to further housing segregation and economic isolation. The recognition by the Supreme Court that disparate impact claims can be filed under the Fair Housing Act, many will argue, will provide a tool to help end racial segregation and address the issues which stem from this. On the other hand, it is well understood that subsidized housing is a benefit and many will argue that it is important to properly locate subsidized housing where it is most needed, which in many cases will be in low income areas. It will be interesting to see where disparate impact litigation under the Fair Housing Act leads in addressing what appears to be the tension between ending racial and economic segregation and providing good and affordable housing where it is most needed.
### 2016 PAHRA Capitol Conference

**Conference Schedule (as of December 1, 2015)**

Visit www.pahra.org for updated information on training sessions, speakers, events and other conference news.

#### Sunday, February 21, 2016

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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</thead>
<tbody>
<tr>
<td>4:00 p.m. – 6:00 p.m.</td>
<td>PAHRA Committee Meetings</td>
</tr>
<tr>
<td>4:00 p.m. – 6:00 p.m.</td>
<td>Early Registration</td>
</tr>
<tr>
<td>6:00 p.m. – 8:00 p.m.</td>
<td>Board of Directors Meeting</td>
</tr>
<tr>
<td>8:00 p.m. – 11:00 p.m.</td>
<td>Meet, Mix &amp; Mingle - Ad Lib Craft Kitchen &amp; Bar</td>
</tr>
</tbody>
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#### Monday, February 22, 2016

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>7:30 a.m. – 8:15 a.m.</td>
<td>Welcome &amp; Gathering Session</td>
</tr>
<tr>
<td>8:00 a.m. – 12:00 p.m.</td>
<td>Registration</td>
</tr>
<tr>
<td>8:15 a.m. – 8:30 a.m.</td>
<td>Conference Welcome to Harrisburg</td>
</tr>
<tr>
<td>8:30 a.m. – 9:30 a.m.</td>
<td>Opening Plenary Session – Federal Legislative, Regulatory and Funding Updates</td>
</tr>
<tr>
<td>Saul Ramirez, Chief Executive Officer, NAHRO</td>
<td></td>
</tr>
<tr>
<td>Tim Kaiser, Executive Director, PHADA</td>
<td></td>
</tr>
<tr>
<td>9:30 a.m. – 9:45 a.m.</td>
<td>Mid-Morning Refreshment Break</td>
</tr>
<tr>
<td>9:50 a.m. – 12:20 p.m.</td>
<td>Select from Four Tracks of Concurrent Educational Sessions</td>
</tr>
<tr>
<td>12:30 p.m. – 1:45 p.m.</td>
<td>Legislative Luncheon – Governor Tom Wolf Invited</td>
</tr>
<tr>
<td>1:50 p.m. – 3:00 p.m.</td>
<td>Select from Four Tracks of Concurrent Educational Sessions</td>
</tr>
<tr>
<td>3:00 p.m. – 3:20 p.m.</td>
<td>Afternoon Pick-Me-Up Break</td>
</tr>
<tr>
<td>3:20 p.m. – 4:30 p.m.</td>
<td>NAHRO HCV Occupancy Seminar &amp; Certification Continues</td>
</tr>
<tr>
<td>8:00 p.m. – 12:00 a.m.</td>
<td>Evening Hospitality &amp; Networking Event – Mulligan’s Downtown Pub</td>
</tr>
</tbody>
</table>

#### Monday Concurrent Educational Sessions

**What’s Happening in Washington?** Come prepared with Q&A for our national housing advocates as they share their insights on current H&CD concerns:
- Saul Ramirez, Chief Executive Officer, NAHRO
- Tim Kaiser, Executive Director, PHADA

**Annual Legal Workshop** (multi-session)
- E-Discovery – Use of Electronic Files and Data
- Impact of the Affordable Health Care Act
- Ethics for Everyone

**Continuum of Care** (multi-session)
- CoC 101 – Coordinating Community, State and National Resources in a Collaborative Effort to End Homelessness
- Listen & Learn From Local Success Stories – How They Organized and Delivered Housing and Supportive Services to At-Risk Populations

**Principles of Purchasing and Public Procurement** (multi-session)
- Identify, Clarify and Simplify Procurement Requirements
- Establish Consistency and Uniformity in Administration, Obligation and Expenditure of Funds
- Get Serious About Quantity, Quality, Qualifications and Cost

**Housing Choice Voucher Program Occupancy Seminar & Certification Exam**
- In Partnership with NAHRO, This Intensive HCV Three-Day Training and Testing is the First in Our 2016 HCV Specialist Series (additional fee required)
<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
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<tbody>
<tr>
<td>7:30 a.m. – 8:15 a.m.</td>
<td>Continental Plus Breakfast</td>
</tr>
<tr>
<td>8:00 a.m. – 12:00 p.m.</td>
<td>Registration</td>
</tr>
<tr>
<td>8:15 a.m. – 9:30 a.m.</td>
<td>State Policies and Programs, Legislative and Budgetary Issues</td>
</tr>
<tr>
<td>9:30 a.m. – 9:45 a.m.</td>
<td>Mid-Morning Refreshment Break</td>
</tr>
<tr>
<td>9:50 a.m. – 12:20 p.m.</td>
<td>Select from Four Tracks of Concurrent Educational Sessions</td>
</tr>
<tr>
<td>12:30 p.m. – 1:45 p.m.</td>
<td>Lunch On Your Own</td>
</tr>
<tr>
<td>1:50 p.m. – 3:00 p.m.</td>
<td>Select from Four Tracks of Concurrent Educational Sessions</td>
</tr>
<tr>
<td>3:00 p.m. – 3:20 p.m.</td>
<td>Afternoon Pick-Me-Up Break</td>
</tr>
<tr>
<td>3:30 p.m. – 4:00 p.m.</td>
<td>Pennsylvania Housing Awareness Day Media Event in Capitol Rotunda</td>
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<tr>
<td></td>
<td>(in partnership with the Housing Alliance of PA) – Senator Rob Teplitz Invited</td>
</tr>
<tr>
<td>3:30 p.m. – 4:30 p.m.</td>
<td>NAHRO HCV Occupancy Seminar &amp; Certification Continues</td>
</tr>
<tr>
<td>6:00 p.m. – 7:30 p.m.</td>
<td>Capitol Conference Reception – Senate Majority Whip John Gordner Invited</td>
</tr>
<tr>
<td>8:00 p.m. – 12:00 a.m.</td>
<td>Evening Hospitality &amp; Networking Event</td>
</tr>
</tbody>
</table>

**Tuesday Concurrent Educational Sessions**

**State Policies and Programs, Legislative and Budgetary Issues**
Learn what’s new and how it may affect you from representatives of:
- PA Department of Community and Economic Development
- Pennsylvania Housing Finance Agency
- Housing Alliance of Pennsylvania

**The Trifecta of Hot Topics in HUD Accounting** (multi-session)
- Recent Updates and Revisions in HUD, GAAP and GASB regulations
- Possible Recapture / Offset of HUD Program Funds
- HUD Super Circular, GASB 68 and Their Effect on Your Reserve Levels

**Affirmatively Furthering Fair Housing** (multi-session)
- Understanding the Impact and Preparing for Implementation of the AFFH Final Rule
- Assessing the Assessment of Fair Housing (AFH) Tool

**DCED Today**
- Discuss Funding Priorities, Discover New Opportunities, Engage with Key Staff (multi-session)

**Redevelopment Roundtable: Into the Weeds**
- Continuing our popular and informative redevelopment and community development discussions

**Housing Choice Voucher Program Occupancy Seminar & Certification Exam**
- Day Two of the Intensive Three-Day HCV Training and Testing, the First in Our 2016 HCV Specialist Series. (additional fee required)

**Make Your Mark**
- Attend our Third Annual Housing Awareness Day Media Event at the Capitol
- Join Us at the Capitol Conference Reception, Which was Attended by Nearly 50 Legislators in 2015

**Wednesday, February 24, 2016**

<table>
<thead>
<tr>
<th>Time</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:30 a.m. – 10:00 a.m.</td>
<td>Conference Closing Breakfast</td>
</tr>
<tr>
<td></td>
<td><strong>Keynote Speaker:</strong> Dr. G. Terry Madonna, Director of Center for Politics and Public Affairs, Franklin and Marshall College</td>
</tr>
</tbody>
</table>

(See next page for conference registration form.)
2016 PAHRA ANNUAL CONFERENCE REGISTRATION FORM

Name: ____________________________________________________________

Title: ____________________________________________________________

Organization: ____________________________________________________

Address: _________________________________________________________

City: ___________________________ State: __________________________ Zip: ___________________________

Telephone: ___________________________ Fax: _______________________

Email: _________________________________________________________

FULL PACKAGE:  ○ Member - $280  ○ Non-member - $320  ○ Guest/Spouse - $100

Full Package does not include registration fee for the NAHRO HCV Occupancy Seminar & Certification. PAHRA is offering a 50% Discount Full Package Registration for Attendees of the NAHRO HCV Occupancy Seminar & Certification (check box below).

DAILY SESSIONS:  ○ Member - $150  ○ Non-member - $180  ○ Specify date attending: ____________

○ NAHRO HCV OCCUPANCY SEMINAR AND CERTIFICATION:
$400 PLUS $140 50% DISCOUNT FULL PACKAGE – TOTAL $540

Total Amount: $ ________________________________

Please copy and complete a separate form for each attendee.

Don’t forget the PAHRA Member Bonus –
for each two full registrations, the third full registration is half-price!

Please contact the hotel directly for room reservations:
Harrisburg Hilton & Towers
One North Second Street, Harrisburg, PA
1-717-233-6000 or 1-800-HILTONS

PAHRA Group Rate includes a delicious Continental Plus breakfast Monday-Tuesday and a full hot Breakfast Buffet Wednesday:
$165 per night single; $91 per night double

Reserve before January 22, 2016 to receive the PAHRA Group Room Rate.

Attendees are encouraged to email registration forms to kelly@pahra.org with payment to follow.
Please copy and complete a separate form for each attendee. Please make check payable to PAHRA and mail with a copy of your completed registration form to:

PAHRA
PO Box J
New Florence, PA 15944

THANK YOU!
Smoke and Carbon Monoxide Alarms don’t just help protect your loved ones... they may be required by law.

Yet, only half of all U.S. homes have one carbon monoxide (CO) alarm installed. And, one out of four older homes need new smoke alarms.*

As of January 2015, most states have enacted laws requiring smoke and CO alarms.

Carbon Monoxide State Laws

To learn about your state’s smoke and CO legislation visit KiddeHomeSafety.com

*Source: Industry Data
Family-owned and operated for over 35 years, Duncan Financial Group is a leader in providing superior insurance and financial services and solutions to our diverse client base. A 3rd generation agency started by John (Jack) M. Duncan, Sr., we strive to live up to the expectations that Jack set for the agency. We continue to grow and succeed due to appropriate succession planning, as well as an experienced and talented team who go the “extra mile” to provide each client with excellent customer service.

What sets Duncan Financial Group apart from the competition is our “one-source solution” for all of your insurance and financial needs, including: Personal & Commercial Insurance services, Risk Management, Employee Group Benefits, Retirement Plan Administration, Personal & Commercial Tax Preparation, Accounting & Payroll services, Wealth Management, and Retirement & Estate Planning.

SPOTLIGHT ON: EMPLOYEE FINANCIAL WELLNESS

Your Employees are your most valuable asset! But—are they in touch with their financial reality?

“58% of employers state that financial “illness” increases absenteeism”*

“78% of employers say that financial concerns decrease employee productivity”**

Employee Financial Wellness is a hot topic these days. Employers are beginning to integrate programs into their benefits package to better prepare employees for financial success. A white paper from Alliant Credit Union titled “Financial Wellness in the Workplace 2015” cites a study from the American Psychological Association that found how stressed Americans are about their finances—stresses that inevitably follows them into the workplace. From the responses, 70% of those surveyed were “seriously concerned, if not seriously worried, about their finances.” **

Some of the benefits of a well-planned Financial Wellness Program from the employers’ perspective can be: lower employee turnover, lower healthcare costs due to less financial stress affecting a person’s physical health, and lower absenteeism.

These programs significantly impact employees’ retirement readiness which is a win-win for both the employee and the employer. Employees who work past normal retirement age should do so because they want to, not because they have to. There is no “one size fits all” approach to a wellness program, so by tailoring the program to the employees ensures the highest utilization and participation rates, and a greater overall satisfaction with the benefit itself.

Duncan’s team of Financial Professionals offers clients a robust Employee Financial Wellness Program. The program includes financial planning and guidance for EVERY employee regardless of their salary, tenure or position in the company. We go beyond the traditional retirement plan education and provide onsite one-on-one consultations with each employee, including targeted group seminars presented by our subject-matter specialists. Seminar topics include:

- Retirement Account Investment Analysis & Guidance
- Social Security & Medicare Strategies
- Personal Income Tax Planning
- Personal Insurance & Risk Transfer
- Expanded Retirement Planning
- Identity Theft
- Education Funding
- Estate Analysis & Planning
- Personal Investment Portfolio Evaluation
- Cash Flow Analysis & Budgeting Concepts
- Debt Analysis
- Health Insurance

HOW THE PROGRAM WORKS

The Employee Financial Wellness Program is designed as an Employee Benefit that fits employers’ unique business and employee mix. We provide the program as an integral part of
our management of your retirement program at no additional cost to you or your employees. The program is also available as a “stand-alone” or “add-on” to your existing benefits program, with pricing based on the number of employees, locations and frequency of employee meetings. We customize the program to fit your needs.

With either option, our team is onsite, visible and accessible to your employees. A typical Financial Wellness Program Three-Phase Roll-Out includes:

**Phase 1:** Group meetings to introduce the new benefit to your employees and to meet our team
- Meetings are held at your worksite(s).
- Employee Checklist and GAP Analysis Form – provided to employees to get them thinking about the financial topics we can assist them with and what information to bring to their one-on-one sessions.

**Phase 2:** Individual one-on-one employee consultations at your worksite(s)
- This is the employees’ time to talk with us confidentially about their current financial situation.

**Phase 3:** Targeted seminars presented by our group seminar specialists
- Seminars are presented on a variety of financial topics, based on employee’s interest.
- Seminars are scheduled throughout the year and employee attendance is voluntary.

“Financially healthy employees are productive employees.”

We currently provide these services to a number of Housing Authorities and other companies throughout Pennsylvania. We would be happy to schedule a meeting with you to help you better understand how implementing our Employee Financial Wellness Program can benefit you and your employees. Contact Alex Kline, CFP®, at (412) 238-7331, or via email at alex.kline@cambridgesecure.com.

*Met Life 9th annual study of Employee Trends
**11 Benefits to Add to Your Financial Wellness Program – Benefitspro.com
***TIAA-CREF, “Retirement readiness starts with employee engagement”, July 2014

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alex.kline@cambridgesecure.com

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AND THE WINNER IS.....

PAHRA received 10 excellent entries to participate in our 2015 Best Practices Showcase, which highlights the achievements and extraordinary efforts of our PAHRA members. It also demonstrates the diversity of activities involved in providing affordable housing, improving lives, and revitalizing communities throughout Pennsylvania.

Each year, PAHRA recognizes members who have implemented innovative ideas, explored successful entrepreneurial activities, exhibited excellence in design, shown progressive program operations, provided outstanding customer service or supportive services in a unique way, or created a lasting impact upon their communities.

2015 BELLAMY AWARDS

The Bellamy Award is PAHRA’s highest level recognition of achievement. The 2015 Bellamy Award for a Housing Related Project or Program was presented to the Allegheny County Housing Authority, Frank Aggazio, Executive Director, for the House Homeless Veterans Landlord Recruitment Program.

In a concentrated effort to eliminate veteran homelessness, the Housing Authority partnered with a variety of other area agencies to establish a Housing Boot Camp, designed to house homeless vets, as well as assist them in becoming self-sufficient. The original Boot Camp goal was to house 135 homeless vets in 100 days, which was not only achieved, but exceeded. Through extensive signage placed on transit buses, in bus shelters, and Breuggers Bagels locations throughout the city, interested landlords were recruited. A true success story, housing more than 70% of the known homeless veterans in Allegheny County by July, 2015 with an ongoing commitment to continue until all of the county’s homeless veterans have a place to call home.

The 2015 Bellamy Award for Redevelopment, Community Development or Other Related Programs was presented to the McKean County Redevelopment Authority, Dusti Dennis, Executive Director, for their Serenity Glass Park Project.

Serenity Glass Park is a creative initiative to remove a blighted structure and revitalize the economically depressed commercial district of Port Allegheny, replacing it with a tourist attraction, while breathing new life into a local manufacturing plant that was struggling to survive, and promoting new investment in local business by encouraging retail diversity and inspiring creativity. This unique project is a partnership of many local agencies, for-profit and non-profit organizations working together to preserve jobs, support families and enhance their community.

2015 BEST PRACTICES AWARDS

The 2015 Best Practices Award for a Housing Related Project or Program was presented to Tioga/Bradford County Housing Authority, Kelley Cevette, Executive Director, for their Housing Versus Hunger Program.

As we know, our elderly and disabled populations struggle to purchase nutritional foods due to lack of transportation or funds, and many low-income families don’t have the budget, knowledge or proper tools to be able to provide
a healthy diet. The Tioga/Bradford County Housing Authority established partnerships with local agencies and businesses and encouraged volunteer efforts among their staff and residents to combat those obstacles through:

Fresh Express Program
Van Transportation to Grocery Stores, Farmers Markets and Wholesale Food Distributors
ElderShare Boxes
“Power Pack” Backpack Program
Healthy Cooking Demonstrations

The 2015 Best Practices Award for Redevelopment, Community Development or Other Related Programs was presented to Allegheny County Housing Authority, Executive Director Frank Aggazio, for Sheldon Park Apartments.

The Sheldon Park project involves the rehabilitation of an existing public housing development. Much needed renovations to address serious structural issues are being undertaken in a multi-phase construction program using Capital Funds. Preservation of this housing resource includes eliminating water problems, improving long term viability by enhancing the site’s appearance, and reducing operating costs through the use of green construction features.

2015 CERTIFICATES OF MERIT

Certificates of Merit were presented to all remaining participants in the 2015 Best Practices Showcase as follows:

Orchard Park Development – Blight elimination through demolition of severely distressed public housing, replaced by development of affordable housing submitted by Allegheny County Housing Authority

Summer Food STEM (Science, Technology, Engineering & Mathematics) Program – Providing nutrition and enhancing education throughout the summer months submitted by Clarion County Housing Authority

Rental Rehab Reimbursement Program – Preventing blight through reimbursement of property improvement costs to Section 8 landlords submitted by Clearfield County Housing Authority

Housing & Homeless Assistance Program – Homelessness prevention and rapid re-housing efforts submitted by McKean County Redevelopment & Housing Authorities

Neighborhood Stabilization Program – Stabilizing communities through the redevelopment of foreclosed and abandoned homes submitted by Mercer County Housing Authority

Oakdale Street Apartments – Revitalization through affordable housing development in a neighborhood suffering from economic distress and physical blight submitted by Philadelphia Housing Authority

Congratulations to all of our Best Practices Showcase participants on your very worthy projects and programs. Although we will be forgoing the Showcase in 2016 in order to focus on celebrating 60 years of PAHRA success and recognizing those who have made it possible, we encourage all of our members to consider participating in future Best Practices Showcases to share their accomplishments with others who may benefit from their experiences.
One way to accomplish that mission – LIHTC deals at the end of their compliance period.

**Better yet – A way to accomplish and control that mission with someone else’s money!**

Many of the earlier Low Income Housing Tax Credit, (“LIHTC”), projects in Pennsylvania are close to or have already reached the end of their 15 year tax credit compliance period. When these projects originally placed in service they agreed to a 15 year tax credit compliance period as specified in the Internal Revenue Code.

Also as a condition of receiving the allocation of federal tax credits from the Pennsylvania Housing Finance Agency, (“PHFA”), they agreed to a PHFA extended use agreement to keep the housing “affordable” for an additional time period, usually an additional 15 years. This means that the project must remain affordable for at least 30 years (from the date the project was developed) by having the rent restricted and the occupancy restricted to low income tenants.

PHFA required, at the time of the development of the project, that the Owner/Entity sign an Indenture of Restrictive Covenants and that the Indenture be filed in the county land records to assure that the development will stay affordable for the agreed upon time of at least 30 years.

So how can a Housing Authority accomplish their Mission, given the above set of circumstances?

LIHTC developments were always done with an Investor who put up most of the money to build the project. In addition “soft” secondary (often non-amortizing) financing was done with many other types of public money to fill the remaining “gap” between the Investor’s money and the cost of the project.

At the end of the 15 year tax credit compliance period the Investor has received all their tax credits and the risk to the Investor of IRS tax credit recapture is over. So MORE OFTEN THAN NOT THE INVESTOR WANTS OUT OF THE DEAL as soon as their recapture risk is finished.

We have actually seen some investors wanting to get out in years 12 through 15 of the initial tax credit compliance period since the law has now been changed to allow the Investors to exit the deals without posting a bond with the IRS. Investors are also potentially motivated to exit the deals in years 12 through 15 to avoid the buildup of negative capital accounts and the possibility of phantom taxable income without the corresponding cash income to pay the taxes. (See our article in last year’s winter edition of the Monitor.)

So how can a Housing Authority use these circumstances to accomplish their Mission?

We have seen many Investors walk away from the project for the amount of their “exit” taxes and several have even left without any payment at all for their Limited Partner interest. They had received all their tax credits and their operating loss deductions and they wanted to avoid any future operating risk or future tax liability from phantom income.

Since the Investors’ money paid for most of the cost of the project and they now want very little in return for that investment, there is a real economic opportunity for Housing Authorities to accomplish their Mission.

What the Investors want is a guarantee that the project will remain in compliance with their “affordable” housing restrictions for the remaining 15 or more years. Investors are especially confident that a Housing Authority will be uniquely able and qualified to achieve and fulfill that guarantee.

In addition other factors can lead to a Housing Authority being the preferred buyer of these projects. Many of these projects in year 15 of the compliance period are in need of additional rental income and also real estate tax abatement. Again, something the Housing Authority is uniquely able to provide.

The LIHTC rent limits are superseded by Section 8 rental subsidy and the Housing Authority owner can receive more than the tax credit rent maximums for Section 8 subsidized units. We have also seen several taxing authorities willing to negotiate very favorable PILOT taxes for LIHTC projects that are completely owned by a Housing Authority. Plus the Housing Authority will receive a management fee for their affordable housing expertise.

**CAPACOMPLISH YOUR AFFORDABLE HOUSING MISSION**

Call Affordable Housing Accountants Ltd at 734-368-9800 to advise you along the way. Affordable Housing is all that we do.
With offices in Pittsburgh, Harrisburg, and Butler, we have the largest staff dedicated solely to governmental, non-profit, and Single Audit issues in Pennsylvania.

Maher Duessel Celebrates 25 Years Serving Pennsylvania Housing Authorities and Other Local Governments.

Maher Duessel is proud to be a Friend of PAHRA Partner.

Brian T. McCall, CPA, CGFM
Principal
412.535.5540
bmccall@md-cpas.com

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- Public Officials Liability
- Employment Practices Liability
- Police Professional Liability
- Fiduciary Liability
- Network Security / Data Breach Liability
- Pollution Liability
- Crime Insurance

Contact Shawn Llewellyn for details.

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Fax 804.272.7852 • E mail shawnllewellyn@pgbins.com

We are a Certified Public Accounting firm that specializes in affordable housing projects.

Using our focused and extensive knowledge of affordable housing, we are able to perform our services more thoroughly and efficiently.

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Please allow us to assist you with:

- Affordable housing audits
- Cost certifications
- Carryover certifications
- Tax return preparation
- Developmental consulting
- Practical affordable housing advice

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P. O. Box 35471 • Richmond VA 23225
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By: Sheila Crowley, President and CEO, National Low Income Housing Coalition

It was my honor to be invited to speak at the PAHRA Annual Conference in September. We all were focused on lifting the sequester caps back then. I am sure you have heard the good news that a budget deal was reached that should put a lot more money into the HUD account for FY16. Hopefully, we will know the funding levels and how those will be allocated among HUD programs by the time this issue hits your desk.

Since I spoke with you, I read $2.00 a Day: Living on Almost Nothing in America by Kathryn Edin and Luke Shaefer. I highly recommend it. Dr. Edin will be speaking at the National Low Income Housing Coalition’s Housing Policy Forum in Washington, DC on April 3-5, 2016 and will be signing her books. Please join us.

The narratives that Edin and Shaefer chronicle bring alive the grim statistics on poverty, housing cost burdens, the shortage of affordable rental housing, and federal budget cuts with which we are all too familiar. They give voice to the millions of poor families who strive every day to make the best life possible for their children, and are thwarted by an economy that has no place for them.

Jobs are hard to come by, absurdly low paying, and easy to lose at the whim of employers who have a vast army of desperate laborers waiting for any opening at all. Cash assistance that used to shore up families who fell on hard times has all but vanished since the Clinton-Gingrich welfare “reform” deal of 1996.

Decent and affordable homes simply do not exist. Poor families are consigned to doubling up with people who often prey on their vulnerabilities or to living in squalid and overcrowded conditions, with frequent cycles through emergency or transitional shelter that offer no permanent options. Edin and Shaefer did not set out to write about housing, but its role in the misery of these families is unmistakable.

It is both a curse and a blessing after 40 years doing anti-poverty work that I still get angry at the gross inequality in our country. It is a curse because getting a daily dose of evidence of hardship from the media, from people who reach out for help, and from walking by dozens of homeless people on my way to and from the office keeps me pretty grumpy. It is a blessing because anger, if properly channeled, is a highly effective motivator.

Here is what really ticks me off. The federal government subsidizes million dollar homes through the tax code while millions of Americans, including children and disabled people, are homeless or on the verge of homelessness every night. This lopsided housing policy is one of the most glaring examples of inequality in our country and one of the easiest to solve, if only enough people demanded change.

Here are the facts. The federal tax code allows homeowners to take a deduction on the interest on a mortgage of up to $1 million, plus another $100,000 on the interest on home equity loans. The mortgage interest deduction will cost the federal government $75 billion in 2016. While 34% of all taxpayers pay mortgage interest, only 20% of all taxpayers take the mortgage interest deduction (MID). Less than one quarter (24%) of taxpayers have incomes over $100,000 a year, but they receive 66% of the MID benefit. Just 7% of all taxpayers have incomes over $200,000 and they receive 36% of the MID benefit. The MID is both costly and regressive.

A modest change to the MID, lowering the cap on the amount of mortgage for which interest can be deducted to $500,000 (with a five year phase-in), would generate $95 billion over ten years. Between 2012 and 2014, just 5% of mortgages taken out in the U.S. were over $500,000 and they are geographically isolated in a small number of high cost counties.
If we lowered the cap and converted the deduction to a 15% non-refundable tax credit, $213 billion more would come to the federal Treasury over ten years and millions more homeowners with incomes under $100,000 would get a tax break who do not get one now. Imagine how many poor families could have decent and affordable homes if we had that kind of money to devote to the problem. Certainly, homelessness could be ended.

There is no public policy rationale for the federal government to continue to subsidize expensive homes. There are many good public policy reasons for the federal government to invest in assuring that every poor child, senior citizen, person who is disabled, veteran, and worker in the low wage economy has a stable, decent, and affordable home. Please join the United for Homes campaign (www.unitedforhomes.org) and help demand the change we need.

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PAHRA President Cheryl Johns was elected to the Board of Directors of the Housing and Redevelopment Insurance Exchange (HARIE) during the Annual Conference of the Pennsylvania Association of Housing and Redevelopment Authorities in September.

Mrs. Johns, executive director of the Altoona Housing Authority, brings with her to the board more than 25 years of housing experience and involvement in housing and related community issues. Her long history of community involvement jumps off the pages of her biographical information.

“I feel honored to have been elected to serve on the HARIE Board of Directors,” Mrs. Johns said. “I hope to serve on the board and provide input to continue the success and growth of the Housing and Redevelopment Insurance Exchange,” the executive director added.

“Every member of the HARIE Board of Directors, past and present, has dedicated their careers to the advancement of housing issues and along the way stepped forward to be of assistance to their communities,” said Chuck Volpe, president of Excalibur Insurance Management Services, HARIE’s attorney-in-fact. “Mrs. Johns is a welcome addition to the board and she will be of great assistance going forward as HARIE continues its mission to keep insurance rates affordable for housing and redevelopment authorities and other government entities in Pennsylvania,” the Excalibur president added.

Mrs. Johns said the current board members are well-known leaders of the community and “Chuck Volpe is a visionary, who inspires the power and energy to get the job done. I look forward to serving on such a worthwhile Board promoting its success.”

“Success doesn’t always come easy, but through perseverance and hard work by those in the industry we can make a difference to the clients we serve who are less fortunate,” said the new board member.

Mrs. Johns’ biography paints a picture of a person who is deeply involved in her community at several levels. But perhaps her most noteworthy accomplishments came in 2008 when she was recognized by her peers as the PAHRA Person of the Year and was also awarded the organization’s prestigious Bellamy Award.

Mrs. Johns received the Bellamy award for her involvement in the founding of “Operation Our Town,” a group of citizens who came together to find answers in a community that was then besieged by rampant crime—shootings, gang activities, drug overdoses, burglaries and other violent crime. “It was like a poisonous disease, a cancer that spread quickly throughout our neighborhoods, impacting our youth and endangering the lives of many,” said Mrs. Johns.

As a group of concerned citizens, determined to find a way to fight back, an exploratory steering committee was formed with Mrs. Johns as chairperson. The committee learned that most organizations, including law enforcement, lacked the resources necessary to “deter and reduce” the criminal stronghold thugs had on neighborhoods.

“It became clear that, unless the community pulled together, we would lose our community to those profiting from drug and related criminal activity,” Mrs. Johns said. The executive director still chairs the “Operation Our Town” Steering Committee’s Housing Roundtable.

“In today’s age,” Mrs. Johns said, “we need to expand our thought process with finding solutions by ‘thinking outside the box’ to resolve issues at hand through collaborative efforts to meet the goals and objectives of the industry.”

In 2009, Mrs. Johns was presented with the Athena Award by the Blair County Chamber of Commerce, which honored her for her professional excellence, community service and for actively assisting women in their attainment of professional excellence and leadership. Mrs. Johns is also an inductee to the Blair County Chamber of Commerce’s Hall Of Fame for Business Excellence.

The new HARIE Board member has also received numerous other awards for excellence and is a board member of the Blair County Children, Youth and Families Agency. The Altoona Housing Authority was also recognized as a “High Performer” by the U.S. Department of Housing and Urban Development (HUD) for both the Public Housing and for the Section 8 Voucher Programs.

Mrs. Johns and her husband of 31 years, Rob, reside in Huntingdon County. They are the parents of two children, Ashley and Tyler and have two grandsons, Gavin and Colin.
Nearly 200 housing, redevelopment and community development professionals, speakers, PAHRA partners and affiliates gathered in historic Valley Forge for the PAHRA Annual Conference from September 15-18, 2015, co-sponsored by the Housing and Redevelopment Insurance Exchange. Women in Housing & Finance-PA kicked off the event with a pre-conference panel and networking open house sponsored by Diamond and Associates in partnership with PAHRA.

Conference hosts Joel Johnson and Jerry Nugent representing the Montgomery County Housing Authority and the Redevelopment Authority of Montgomery County respectively, were joined in welcoming conference delegates by Josh Shapiro, Chair of the Montgomery County Commissioners. Keynote speaker for the opening plenary session was Richart M. Ott, Deputy Regional Administrator, HUD Region III.

The conference schedule offered 42 thought-provoking training and professional development presentations coupled with plenty of opportunities to network with your peers. Full- or half-day forums were held on subjects including RAD, Capital Fund, Land Banking, Penn State Extension Community Development series, Effectively Interacting with Mental Health Consumers, Creatively Partnering with Children and Youth Services, and an Educate/Advocate workshop, along with numerous other interesting and informative sessions relevant to our industry. PAHRA also partnered with M&L Compliance Management to provide LIHTC Compliance and HCCP Certification for those in the tax credit field.

The Annual Best Practices Showcase culminated in presentation of the Bellamy and Best Practices Awards and Certificates of Merit, which are featured elsewhere in this publication. The closing breakfast featured keynote speaker Sheila Crowley, President/CEO of the National Low Income Housing Coalition. PAHRA hopes that our Annual Conference attendees returned home safely and to their offices informed, inspired and invigorated.
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Dave Hood remembers it like it was yesterday: 36-inch water main break flooding out Gateway Center Towers 1, 2, and 3. There was 17 feet of water in the basements, which shut down every mechanical system - elevators, HVAC, electrical, the works. There were approximately 500 cars floating in the parking garages. “FireDEX of Pittsburgh was the restoration company that got the chance to restore and put those office buildings back in business in just 20 days,” Hood said. “FireDEX of Pittsburgh went to work and performed its duty for their client.”

And while FireDEX of Pittsburgh doesn’t see such cataclysmic events on a daily basis, they are prepared for them, so when something occurs that damages your home or office, you can be sure that FireDEX of Pittsburgh will be there for you too.

FireDEX specializes in the commercial and residential restoration of damage caused by fire, water, wind, hail, smoke, nature, vandalism and more. They are experts in navigating insurance claims with homeowners to make the restoration experience as gentle as possible on their clients. And, what many home and business owners don’t realize is that when disaster strikes, they have a right to ask for any restoration company they so choose, not the one the insurance company assigns.

By choosing FireDEX of Pittsburgh, property owners can rest easy in knowing their home or business will be restored correctly.

“We guarantee our work. When called, our in house staff will get the job done correctly, and put your property back to its pre condition quickly,” Hood said. “Our experience and our presence in the community for 35 years speaks for itself. Our people take great pride in helping others in their time of need. We restore peace of mind.”

Hood started working in the business in 1980, starting as a production manager for FireDEX Corporation. By 1987, he bought the FireDEX name and their offices. And year after year, Hood has made the company better by obtaining accreditations and the experience necessary to be the leading name in disaster remediation in the region. Firedex of Pittsburgh employs Certified Restorers, CR; Certified Remodelers, CBRE; and certified Mold Remediators, CMR. They service all of Western Pennsylvania, 24 hours a day, 365 days a year.

Despite their growth, FireDEX of Pittsburgh remains a hometown company, loyal to Pittsburgh and its people.

“We have over 60 full time employees, some of whom have been with us from the very beginning - almost 30 years. Each and every one loves this city and the people in it,” Hood said. “This is our home.”

A recent move to Richland Township, in Gibsonia, not only allowed FireDEX of Pittsburgh to put all of its operations under one 40,000-square-foot roof, it allowed the company to centralize its operations and take advantage of the easy access to I-279, the turnpike and I-79, to mobilize quicker for its clients.

In conjunction with the move, John Arnold, Marketing and Business Development Director, is putting together a grassroots campaign to educate the community as to their choices of restoration companies.

For more information on FireDEX of Pittsburgh, including all of the jobs they can help you with, go to www.firedexpgh.com online. Their 24-hour emergency number is 888.347.3339. During normal business hours, they can be reached at 412.487.3332.
You’re invited…

…to exhibit at PAHRA’s 2016 Spring Conference & Expo to be held June 21-24, 2016 at Hershey Lodge, Hershey, PA

Our Spring Expo offers a compact, one and one-half day format which offers plenty of time dedicated for conference attendees to view the exhibits and for you to greet both old and new customers in a relaxed, casual setting.

Booths are arranged around the exhibit hall where all major conference events are held. On Tuesday, June 21, there will be a welcoming Pizza & Beer Party in the exhibit area to provide time for everyone to get acquainted. On Wednesday, June 22, we host “Lunch with the Exhibitors”, which includes time for in-booth product demonstrations. Extended refreshment breaks are held in the exhibit area. Exhibitors are also invited to the evening networking and hospitality events, providing even more opportunities for personal interaction with conference attendees. And perhaps, you will decide to stay after the Expo closes to enjoy additional networking during a round of golf or PAHRA’s country barbeque.

To get even more recognition for your company, you may want to sponsor or co-sponsor one of the conference’s major events, such as the “Lunch with the Exhibitors”, an evening hospitality event or a refreshment break. Go to the Marketing tab at www.pahra.org and follow the link to view PAHRA’s 2016 Advertising & Sponsorship Opportunities, then contact us about remaining availability.

EXHIBIT & AD DETAILS

Each exhibitor receives a FREE, full-page ad in the conference program. Ad copy is due Monday, May 16, 2016. Ad specs: 4.75” wide x 7.625” high, vertical orientation. Preferred format is a high quality PDF file.

Hotel reservations may be made directly with Hershey Lodge by calling 1-800-HERSHEY or 717-533-3311. Be sure to ask for the PAHRA group room rate, which includes breakfast buffet and is available until May 20.
Exhibitor Registration Form

Company ________________________________________________________________

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Description of products/services ____________________________________________

Contact name ________________________ E-mail ________________________________

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Booth size:   □ Single, 8’ x 10’    □ Double 8’ x 20’

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Additional individuals representing firm (cost of $100 per person):

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Membership

☐ I would like to become a PAHRA affiliate member. Enclosed is $300 for 2016 annual dues.

Affiliate dues include subscription to the PAHRA Monitor (our association’s news journal published three times per year); discounts on conference attendance, advertising and display booths; an Affiliate listing on the PAHRA website including your company’s contact information, description of your products and services AND a direct link to your email or website from www.pahra.org; an Affiliate listing in the PAHRA Member Directory, along with a complimentary copy of the directory providing current contact information for all PAHRA members and affiliates.

PAHRA Partnerships

☐ Please send me more information on the benefits of becoming a PAHRA Partner or Friend of PAHRA.

You can also visit www.pahra.org, click the Marketing tab, and follow the link to 2016 Advertising and Sponsorship Opportunities or contact us by e-mail or telephone to discuss the benefits of a PAHRA partnership in detail.

Return this completed form with your payment to:
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For questions, contact Kelly Hicks at 724-676-4446 or toll free at 855-70-PAHRA or e-mail kelly@pahra.org.
For the past 25 years, Hopkinsville Housing Authority (KY) has enjoyed using Tenmast Software to manage all of their housing programs; 455 Public Housing units, 484 Section 8 units and 48 TRACS Multifamily Units. When given the opportunity to upgrade to the industry’s finest software system, Tenmast’s WinTen2+, they were excited to start the migration process. HHA was a prime candidate to be one of the initial agencies to migrate to WinTen2+ because of their TRACS Multifamily program and HUD’s TRACS 202D submission requirement changes.

**TENMAST UNIVERSITY:** Before the migration began, each user at HHA was enrolled in Tenmast University, Tenmast’s Online Learning Portal. Rebecca Hilliard, Occupancy Specialist and the agency’s leader for the migration, links the organizations exposure to Tenmast University with how quickly staff became comfortable in 2+, “Tenmast University shares great information. It allowed us to pick up on things quicker!” Every staff member who works in the Tenmast system was required to go through Tenmast University before the agency went live. This allowed them to focus on learning the ins and outs of 2+ without simultaneously being overwhelmed with the migration.

Tenmast University was the perfect way for staff members that were hesitant or concerned with the migration to ease into WinTen2+. With short video clips, HHA staff could watch videos and learn how processes would be handled. This provided valuable exposure to updated screens and new processes in WinTen2+ prior to using the system in a live production environment.

**WORKING IN 2+:** Hopkinsville is now working in WinTen2+ and has quickly realized additional efficiencies that make their job easier. They love the tabbed browsing and drill down capabilities within the programs, “Everything is linked. It is so easy to get to everything!”

HHA now has a fully customized system for each of their employees. Once each staff member has things setup the way they want, it stays that way, “From a user perspective that is great!” They are happy to report that WinTen2+ was built for efficiency and offers exactly what Housing Agencies need, “We rarely find any gaps that Tenmast hasn’t covered with WinTen2+!”

WinTen2+ is very user friendly; one of Tenmast’s main goals. Hopkinsville had a new employee with no previous exposure to Tenmast systems, but she picked up WinTen2+ in a couple of days. “There is a short learning curve. It is easy to use and she picked it right up,” Hilliard says.

When asked about areas they’ve seen the greatest improvements, Hilliard states the new Work Order interface is fantastic. “This allows us to distribute things and there is less pressure for one person to carry”. She also has high praise for the new Custom Report and Letter Writer Scribe, “It is like daylight and dark,” when describing the new improvements.

**MIGRATING:** The agency’s migration went very well. The Validation Machine (or VM) was one of Hilliard’s favorite resources, “Access to the VM was wonderful for getting used to what the data would like in WinTen2+.” As part of the migration process, client’s can gain access to their customized VM to validate their converted data as well as to gain a better understanding of how the data will be accessible in WinTen2+. Hilliard would encourage other agencies to allow more staff member’s access to the VM, “I regret not allowing more people to have access to the VM! I think it eased some of the initial shock, being able to see our data in the system beforehand.”

**HELPFUL TIPS:** Always willing to help other agencies, Hilliard offers some recommendations for others who have been assigned a flock and are going through the migration, “Set clear expectations up front so everyone is the on the same page. The first two weeks after Go-live maybe difficult, but the end result is well worth it!”
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