

FAHROgram

FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

May/June 2014

President's Message

Learning From Each Other The ED Forum Is Your Best Opportunity!



Maria A. Burger

The 2014 FAHRO Executive Directors' Forum at the Tradewinds Resort was a huge success. Members from all over the state gathered to discuss issues in their agencies. The ED Forum really is your best opportunity to share and to learn from

the decades of combined experience that FAHRO members possess, and we hope you won't miss out next year.

FAHRO has made a large step forward in regard to Chapter 421, Florida Statutes. Members once again were able to dig into the issues regarding voluntary mergers and

to express their opinions on this critical proposal. FAHRO legal counsel Ric Gilmore attended the ED Forum to go over the proposed changes with members and to discuss their implications. The recommendations were then forwarded to the FAHRO staff, which is compiling revisions to the policy and sending them out to members for comment. Comments and revisions submitted by members will be reviewed by the board of directors, and then a proposed policy will be sent to the entire membership for a vote. We are pleased to see this process moving along.

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State Legislative Affairs

Renewed Hope, Renewed Funding

by Oscar Anderson, FAHRO State Affairs Consultant

It was late on Friday, May 2—10:40 p.m. to be exact—when the 2014 Florida Legislature adjourned with the traditional dropping of the handkerchief by the sergeants of the House and the Senate in the middle of the rotunda of the Capitol. The end of session, known in the halls of the Capitol by the Latin phrase *sine die* (meaning “without assigning a day for a further meeting or hearing”), brought renewed hope and renewed funding for the state's affordable housing programs.

As I reported in my last legislative update, the Florida House of Representatives and the Senate had a difference of over \$100 million as it related to funding for

SHIP (State Housing Initiatives Partnership program) and SAIL (State Apartment Incentive Loan program) in their initial budgets. After all the dust settled, the final budget gave affordable housing programs more money than they have seen in years to serve those in need throughout Florida.



Oscar Anderson

The SHIP program (which funds local government affordable housing efforts) was funded at \$100 million. The SAIL program,

See **LEGISLATIVE AFFAIRS** on page 3

Calendar

July 7-11, 2014 • Ft. Myers
HCV Specialist Training
Housing Authority of the City of Fort Myers

July 21-25, 2014 • Ft. Myers
Public Housing Management
Housing Authority of the City of Fort Myers

August 8-10, 2014 • Orlando
Statewide Basketball Tournament
Orlando Sports Complex

August 12-14, 2014 • Orlando
FAHRO Annual Convention & Trade Show
Disney's Yacht Club Resort

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Member Feedback

Do you need help with a project or issue and want to see if any of our readers have the answer? Has a colleague done something wonderful that deserves an attaboy or attagirl? Or are you just frustrated and want to vent? Here is your chance to (anonymously if you wish) say thanks, ask for assistance, vent your frustrations, express your opinion or let us know how you feel.

- Thank you to Oscar Anderson, FAHRO legislative consultant, for his hard work during the 2014 Legislative Session. Affordable housing programs received more money in Florida's budget than they have had in years. Congratulations, FAHRO members, on your successful advocacy this year!
- Congratulations to Pinellas County HA on its May 9 grand opening celebration and ribbon cutting for the newly constructed 153-unit Pinellas Heights senior community in Largo.



- Governor Rick Scott has announced the appointments of James L. Hegemier, Misty M. Servia and Leticia A. Vega, and the reappointments of Linda C. Cinque and Linda C. Gallen to the Manatee County Housing Authority. Congratulations and thank you for your service!

If you would like to contribute to Sounding Off, please email your comments to Susan Trainor, FAHROgram editor, editor.trainor@gmail.com.



PRESIDENT'S MESSAGE continued from page 1

Another key subject matter at the ED Forum was the discussion on how agencies are dealing with funding cutbacks. We experienced the advantage of learning from each other as members shared the very creative ideas they have come up with to shrink their budgets. These ideas included employee ben-

efit adjustments, optimizing work protocols and eliminating nonessential services.

After wrapping up the successful 2014 ED Forum, we turn our attention to the 2014 FAHRO Annual Convention & Trade Show. See you August 12-14 at Disney's Yacht Club Resort.



LEGISLATIVE AFFAIRS continued from page 1

which provides developers with gap financing for the creation of affordable housing through the state, was funded at \$67 million. Given the lack of funding over the last few years, this amount of funding is significant and should be a sign of funding to come for at least the next two years. Incoming Senate President Andy Gardiner was a vital ally in our effort to maximize funding for affordable housing programs, and his support should keep funding levels up in the Housing Trust funds. If you have the opportunity, please thank members of your local legislative delegation for their support of these dollars for SHIP and SAIL.

Other than increased funding for affordable housing programs, we made an effort to change reporting requirements for housing authorities mandated in F.S. 189 that governs Special Districts. Though we did not get our changes agreed to this year, the House sponsor of the legislation indicated he will have another bill next year related to Special Districts and wants FAHRO to work with him this fall to facilitate the changes we seek.

Because of the November elections, the next Legislature will not organize until mid-November, with committee meetings starting in December. We will begin this summer to develop our legislative agenda for next year, as it is always crucial to get your agenda set before the committees start taking up legislation.



Spring Cleaning

by Corey G. Mathews, CAE, FAHRO Executive Director

Every year we set out to clean up for spring, but some things always seem to fall through the cracks. This is your big opportunity to set aside some time to clean and organize your business, home, car or even an outdoor space. Want to know the best trick I have learned to help get everything done? Make a checklist of all the things you need to accomplish, including who is responsible and a due date for each task. Don't be daunted by the size of your list; many of the jobs will be small ones that can be completed quickly, and you'll be so glad you took the time to do them! Assigning tasks to the members of your household or office can quickly turn a long list into freshly organized, ready-to-use spaces.



Corey G. Mathews

Here at FAHRO headquarters we use an online task management system called Trello to organize our office spring cleaning and get everything bright and shiny. If you would like to give Trello a try, visit www.Trello.com. Once you get caught up on all your spring cleaning, you can take some time to plan how you will keep yourself organized—perhaps preventing the need for another huge overhaul next spring. 🌸

FAHRO Peer Assistance Network Stands Ready to Help

FAHRO offers many great resources to members, including education, advocacy and communications relevant to your agency. One of the greatest benefits of membership, however, is being a part of the FAHRO family. Many agencies have relied on the members and staff of FAHRO to help them out of a tough situation when they had many questions and very few, if any, answers.



One way to receive support is by contacting the FAHRO Peer Assistance Network. This committee, chaired by Becky-Sue Mercer of the Arcadia Housing Authority, provides members with solutions to their toughest problems. The committee consists of 12 members of variously sized housing authorities eager to assist you with whatever your issue might be. If you would like help from the committee, please email Becky-Sue at arcadiahousing@embarqmail.com. 🌸

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FAHRO Announces New Agency Award Category HAs Encouraged to Submit Their Websites

FAHRO is rolling out a new category of agency awards this year: housing authority websites. The decision to add this new award category was made as a result of discussions between the FAHRO Awards Committee, chaired by Catherine Reddick of Bartow HA, and FAHRO's Technology Committee, chaired by Larry Shoeman, Avon Park HA.

"When discussing the importance of a quality HA newsletter, the topic of agency websites also arose," says Shoeman.

"It made sense that since many HAs are using websites as much as their newsletters to communicate their operating information to the public, it seemed appropriate to consider that venue for award consideration as well," adds Reddick.

The topic then carried over to committee deliberations, and it was agreed by consensus to extend the awards program category to include housing authority websites.

Although the scoring criteria for websites will be somewhat different from those used to judge newsletters, the structure will be quite similar.

Any agency that wishes to submit its website for award consideration is encouraged to do so by contacting the FAHRO Headquarters for an application. Awards will be given in three categories: small, medium and large housing authorities. 🌿

Legal Update

The EEOC's Guidance on Avoiding Religious Discrimination in the Workplace: Potential Pitfalls Facing Housing Authorities

by Michael T. Fraser, Esq.

Most businesses like housing authorities understand that discriminating against an employee based solely on that employee's religious beliefs (or lack thereof) is not only morally wrong, but is illegal. Unfortunately, despite that fact, according to the most recent data released by the Equal Employment Opportunity Commission (EEOC), more than 3,700 cases of alleged religious discrimination were reported to the EEOC in 2013 alone. This is more than 1,000 additional reported cases of alleged religious discrimination than were reported only 10 years prior. The rise in religious discrimination claims has been extensively reported on by major news sources, including *The Wall Street Journal* and *The Washington Post*. In an apparent response to this rising trend, the EEOC recently published its *Religious Garb and Grooming in the Workplace: Rights and Responsibilities*, which is a guidance (the Guidance) that outlines the basic employment rules involved in religious discrimination cases. The Guidance provides specific examples of common problem areas and makes suggestions on how to better address potential issues.

Religious discrimination is prohibited in the workplace pursuant to Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, et seq. (Title VII). Religious discrimination in the workplace can take several forms, including discrimination based on disparate treatment, denial of a reasonable accommodation, segregation of the employee, creation or acquiescence to a hostile work environment and retaliation over engaging in a protected activity. Any of these theories for liability can cost the employer thousands of dollars, just in defending the claim. That amount, however, does not even take into account the potential exposure

employers face in these types of claims. Indeed, plaintiffs in Title VII religious discrimination cases, if successful, can be awarded front pay, back pay, lost future earnings, reinstatement, attorney's fees, actual compensatory damages and even punitive damages, which is why employers must be vigilant in eradicating workplace religious discrimination; hence the need for the Guidance.

As a threshold matter, however, Title VII only protects a person's "sincerely held religious beliefs." Accordingly, if a business has a dress code policy prohibiting men from wearing their hair long, that policy would not violate Title VII, unless the employee's sincerely held religious beliefs require him not to cut his hair. See Guidance, Ex. 1. The employer would then be required to provide the employee with a religious accommodation by allowing that employee to grow his hair according to his religious beliefs, even if the employee only recently became a practicing follower of his religion. However, the employer would not be required to permit other employees who do not hold such a belief to grow their hair in violation of the company policy.

A common issue facing public employers in particular is the fear of violating the Establishment Clause by permitting employees to don religious symbols and clothing, such as crucifixes, hijabs and yarmulkes, while working. But so long as the employee's religious expression appears to be only personal in nature (e.g., employee wearing an Ash Wednesday cross drawn on the employee's forehead in observance of the religious



Michael T. Fraser


See **LEGAL UPDATE** on page 6

holiday) and is not reasonably perceived as an endorsement of religion by the public body, the Establishment Clause is not violated. If, on the other hand, the employee is precluded from displaying his or her religious garb out of fear of violating the Establishment Clause, that *would be* a violation of Title VII. See Guidance Ex. 12.

None of this should imply that religious beliefs trump all employer concerns. On the contrary, it is well established that long hair and certain dangling clothing can be prohibited on a job site if the reason for precluding these things is for health and safety and if allowing for an accommodation would pose an “undue hardship” on the employer. For example, dangling clothing would not likely be permitted near machinery if evidence shows that doing so would be dangerous to the employee and others. See Guidance Ex 17. On the other hand, a Sikh would ordinarily be permitted to wear a kirpan (a small, blunt, sheathed sword representing a commitment to truth and morals) to work even though a business might preclude weapons on site, unless, of course, it could be shown that the kirpan is a danger that poses an undue hardship for the business to accommodate. See Guidance Ex. 19.

These are only a few of the potential issues facing employers, but from the data provided by the EEOC, it does not appear that religious discrimination cases are going away any time soon. It is imperative for housing authorities to keep up-to-date on EEOC

publications, such as the Guidance, so that potential issues never materialize into actual ones.

Michael T. Fraser is an associate with Saxon, Gilmore, Carraway & Gibbons P.A. He represents individuals, businesses and governmental entities in a wide range of complex litigation including commercial litigation, professional liability and construction law. He can be reached at 813/314-4527 or mfraser@saxongilmore.com. 

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Send cover letter, resume and three verifiable work references to address below.

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The finance director is a hands-on working position that will maintain control of the general ledger, including preparation of internal and external financial reports. Minimum qualifications: knowledge of HUD and other federal, state and local regulations related to the financial operations of a public housing authority and nonprofit or-

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Send cover letter, resume and three verifiable work references along with a complete salary history and minimum salary requirement to:

Gwendolyn B. Dawson
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Daytona Beach Family Achieves the American Dream

On Friday, Feb. 28, 2014, Carl and Nekeya Quann and their daughter, Alexys, fulfilled the American dream of homeownership. The family had resided in an affordable housing development since September 2011, but thanks to the Neighborhood Stabilization Program, the Quanns have a new home. This grant program, established by Congress to provide stabilization in communities, was administered by the City of Daytona Beach's Community Development Office as part of its efforts to provide decent, safe and affordable housing.

Over the past year, the Quanns have achieved many of the family's goals. Alexys, a student at Mt. Calvary Academy in Daytona Beach, has been on the Volusia County Honor Roll for the entire school year and has the highest GPA (3.8) in the Northwood Village Neighborhood Networks Center. Carl recently started full-time work as a traffic control specialist for U.S. Traffic Technologies Inc. Meanwhile, Nekeya has been busy assisting

local residents in fulfilling their community service requirements, teaching adult seniors basic computer skills and providing homework assistance to youth at the Northwood Village Neighborhood Networks Center. Her direct assistance has resulted in eight students being named to the Volusia County Honor Roll and eight adults receiv-



Carl, Alexys and Nekeya Quann celebrate homeownership.

ing jobs within the last six months. Mrs. Quann has also served as secretary for the Resident Initiative Council.

The Northwood Village Neighborhood Networks Center is sponsored by the Daytona Beach Housing Development Corporation, under the leadership of Joyours "Pete" Gamble, CEO. This program works in partnership with the Housing Authority of the City of Daytona Beach, under the leadership of Anthony E. Woods, CEO. 🌿



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PCHA Community Is 2014 Affordable Community of the Year

The Bay Area Apartment Association has named Palm Lake Village Apartments as the 2014 Affordable Community of the Year in the more than 250 units category of the association's annual special achievement awards.


Palm Lake Village Apartments, located at 1515 County Road One in Dunedin, is a 55 and over affordable rental community for individuals with incomes at or below 150 percent of area median income. There are 475 one-story, one- and two-bedroom garden-style apartments, some of which have been recently renovated and include upgraded flooring and cabinets. All units have new energy-efficient HVAC.

The community includes a clubhouse, a pool and gardens. The clubhouse has a main hall, a game room with library, a full kitchen, laundry facilities and a small office where residents may access the internet. A gazebo and a veterans memorial are the highlight of the park-like gardens that surround the complex. The pool, which is ADA-compliant, completes the beautiful community center.

"We are very excited that the Bay Area Apartment Association has recognized Palm Lake Village as the outstanding, affordable rental community that it is," says PCHA Executive Director Debra Johnson.



The pool at Palm Lake Village Apartments in Dunedin, Fla.

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- Privacy and security of health information
- Claims information in a standardized format

HIPAA: Additional Rights Requires Group Health Plans to Provide the Following Notices:

- Special Enrollment Notices
- General Notice of Pre-Existing Condition Exclusion
- Determination of Creditable Coverage Notice
- Certificate of Creditable Coverage

HIPAA: Privacy Protected Health Information (PHI)

- Can be used to identify individual
- Disclosure requirements:
 1. No authorization required for treatment, payment or operations (TPO)
 2. Authorization required from individual if not TPO
 3. De-identify
- Items that must be removed to de-identify PHI
 - Names
 - All geographic subdivisions
 - All elements of dates (except year)
 - Telephone numbers
 - Fax numbers
 - Electronic mail addresses
 - Social Security numbers
 - Medical record numbers
 - Health plan beneficiary numbers
 - Account numbers

- Certificate/license numbers
- Vehicle identifiers and serial numbers, including license plate numbers
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- Web Universal Resource Locators (URLs)
- Internet Protocol (IP) address numbers
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 - Full face photographic images and any comparable images
- Any other unique identifying number, characteristic or code

HIPAA: Security Regulations Four Requirements

1. Ensure confidentiality, integrity and availability of all electronic PHI
2. Protect against reasonably anticipated threats
3. Protect against non-permitted uses or disclosures
4. Ensure compliance by entire work force

HIPAA and Housing Authorities

Since housing authorities have regular dealings with HIPAA information, it's crucial to keep this information safe and secure. There are several ways to accomplish this. For instance, if you send documents containing HIPAA information by fax, it's best not to include this protected information. In circumstances where this information is needed, for example, a claim submission or an incident report, we recommend encrypting an email or blacking out the specific HIPAA information to maintain security during transmission. Always know where you are sending this data; make sure it is a trusted and secure destination. If ever in doubt, leave out the HIPAA information.

If you would like to receive more information or training on HIPAA procedures, please contact your FPHASIF service team at Hunt Insurance Group LLC. 🌿



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Mission Statement

FAHRO is committed to the professional development of the people who provide public and assisted housing in Florida by offering a network for increased communication and education. We will continue to support legislation for the improvement and development of affordable housing and economic opportunities.

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