

FAHROgram

FLORIDA ASSOCIATION OF HOUSING AND REDEVELOPMENT OFFICIALS

March/April 2018

President's Message

It Starts With the Children

As we can expect significant funding reductions in the future, the implementation of FAHRO's Rent Reform Proposal is needed now more than ever. As rental markets tighten and rents rise, we need to provide housing assistance to more families in our communities, and we need to give low-income families the opportunity to be successful, to have a path out of poverty for their family. Current rent policy does just the opposite. It discourages families from doing better for themselves, from becoming self-sufficient. It disincentivizes increased income, creates incentives for not reporting income and discourages two-parent families. It's really the children, the future generations, who suffer.

Speaking of children, if you haven't heard already, there is a study by the American

Educational Research Association that concludes "A student who can't read on grade level by 3rd grade is four times less likely to graduate by age 19 than a child who does read proficiently by that time. Add poverty to the mix, and a student is 13 times less likely to graduate on time than his or her proficient, wealthier peer."



Debra Johnson

If we are ever going to be successful in reducing generational poverty in our programs and communities, it has to start with the children. Educating families about these statistics is important as we identify and coordinate resources to assist in this effort.

See **PRESIDENT'S MESSAGE** on page 3

Legislative Affairs

A Tough Year for Affordable Housing

by Oscar Anderson, FAHRO State Affairs Consultant

On Dec. 7, 2017, Governor Scott sent his proposed budget to the Legislature and funded housing programs at the highest level in years with \$230 million, including \$100 million for hurricane recovery. As the two chambers positioned for budget conference, the House funded the housing programs at \$124 million and the Senate had proposed full funding of the trust funds at \$322 million. It was shaping up to be a good year for affordable housing funding.

Tragically, on Valentine's Day, everything changed with the Marjory Stoneman Douglas High School shooting.

After a few days of behind closed doors negotiations between the House and the Senate, the decision was made in response to the shooting to spend \$400 million on mental health funding and school safety funding. Unfortunately, there was roughly \$200 million in housing trust fund dollars in limbo that could be easily redirected. In a somewhat surprising move, the two chambers even agreed



Oscar Anderson

See **LEGISLATIVE AFFAIRS** on page 11

Calendar

HCV Specialist Training
April 2-6, 2018
West Palm Beach Housing Authority

HCV Program Management Training
April 17-19, 2018
Housing Authority of the City of Ft. Myers

"What Home Means to Me" 2019 Poster Contest
May 31, 2018
Submission Deadline: See page 7.

FAHRO Executive Directors' Forum and Florida Housing Summit
June 6-8, 2018
Wyndham Grand Jupiter at Harbourside Place
Jupiter, Florida

FAHRO Annual Convention & Trade Show
August 6-8, 2018
Wyndham Grand Orlando Resort
Bonnet Creek
Orlando, Florida

Need specific training or classes?
Email Mysti@FAHRO.org to help set them up!

Internal Circulation



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We accept advertising relating to the housing and redevelopment profession. Our advertising rates for members are: back cover - \$250; inside front cover - \$225; inside back cover - \$200; full page - \$175; 1/2 page - \$125; 1/4 page - \$95; business card size - \$75. There is a discount for multiple insertions. Non-member rates: add \$50 to member rates. The next deadline for camera-ready art is 4/13/18. All articles, RFPs and classified ads must be received by 4/13/18.

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4/2018

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.

- Mysti Mims is the newest addition to the Membership Services team. She holds a BA in business management from St. Petersburg College and has many years of customer service and organization experience.



Mysti Mims

Born and raised in Tallahassee, Mysti is passionate about giving back to the community and helping make a difference. Moved by creativity and organization, Mysti eagerly anticipates serving the members of FAHRO. In her spare moments she enjoys spending time with her family and two dogs. Her favorite activities are freshwater fishing and crafting. Welcome, Mysti!



- Every April, the U.S. Department of Housing and Urban Development (HUD) sponsors the National Fair Housing Month campaign to help end housing discrimination and raise awareness of fair housing requirements. This year marks its 50th year!



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 from page 1

There are partner agencies and organizations that housing authorities can work with to assure resident children have access to the resources they need to achieve this goal. Several member agencies have started already and will have good information to share at upcoming FAHRO events.

I hope to see all of you at the Executive Directors' Forum (June 6-8) in Jupiter

and the 2018 Annual Convention and Trade Show (August 6-8) in Orlando. Please mark your calendars now and plan to join us at both ... and invite a neighboring PHA, too.

Thank you for all you do to make FAHRO the successful organization it is!

Plan now to attend FAHRO Annual Convention & Trade Show



August 6-8, 2018
Wyndham Grand
Orlando Resort
Bonnet Creek
Orlando, Florida

Use of Community Rooms for Third-Party Activities

by Ricardo L. Gilmore, Esq.

Over the years, many executive directors and presidents/CEOs have been faced with how to handle requests from third-party groups, like churches, to use the community facilities at housing authority complexes. Recently, on the HDLI listserv, this question came up for discussion. It was eventually addressed with some current analysis by the president/general counsel of HDLI, Lisa Walker. With her permission, I have used parts of her response in this article.

The query presented was: Our housing authority has received a request from a church to host its Sunday service in a community center owned by the housing authority and located at one of its public housing developments. The church has offered to pay for its use of the space. We are leaning towards declining this request, but want to make sure that we are on solid legal ground in so doing. We have reviewed the *Federal Agency Final Regula-*

tions Implementing Executive Order 13559, but it doesn't seem to squarely address this issue.

Ms. Walker responded that she had found the following cases have addressed the issue on First Amendment freedom of speech grounds. Two cases are directly on point and have found a PHA's refusal to allow a religious group to use its community rooms for religious purposes constituted viewpoint discrimination under the First Amendment. The first case was *His Healing Hands Church v. Lansing Hous. Comm'n*, 233 F. Supp. 3d 590 (W.D. Mich. 2017). In that case, the PHA controlled access to the community rooms and kept them locked when not in use. The PHA allowed residents to use the rooms for private parties and other events. PHA staff used the community rooms to conduct meetings and to put on events for residents. The PHA allowed outside groups to use the community rooms so

long as the purpose was to benefit the residents. The PHA did not allow outside groups to use the community rooms for "religious worship, services, or programs." The court held the PHA's refusal to allow groups to use its community rooms for religious purposes constituted viewpoint discrimination. The court entered preliminary and permanent injunctions against the PHA.

The second case was *Dailey v. NYCHA*, 221 F. Supp.2d 390 (2002). The PHA used its community rooms for its own programs during parts of the day, but permitted use by tenant associations and other tenant groups and for family celebrations during other parts of



Ricardo L. Gilmore, Esq.

See LEGAL UPDATE on page 6

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Executive Director: Catherine E. Reddick
Bartow, Florida

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good shortcuts, that it
doesn't take me long
to do anything!”*

— CATHERINE REDDICK —

KEY TAKEAWAYS

- User-friendly software
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- Online rental applications

THE SITUATION

Catherine Reddick, Executive Director of Bartow Housing Authority in Florida loves to talk about Lindsey software. With more than 23 years as a user, she feels that Lindsey is user-friendly, very easy to learn and helps her do her job more effectively.

Catherine began her career in public housing at the Winter Haven Housing Authority. After 13 years, she moved to the Bartow Housing Authority as Executive Director and has been there for 11 years.

THE SOLUTION

Lindsey is a total solution for Catherine and her staff and she is not afraid to tell other agencies. “I know I am not their largest client, but they always treat me like I am,” says Catherine.

Bartow HA uses almost every module Lindsey has, plus the mobile solutions and HousingManager.com online rental applications. They have made an investment in the entire package and like the way everything works together.

MOBILE

Catherine comments, “When we first got the mobile products, I was a little afraid of making the change. Then I went out and did an inspection on the iPad myself and realized that it was much easier than I ever expected.”

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Moving applications online has been extremely beneficial in reducing tenant traffic in the office. Tenants are very versatile and have adapted well to filling out applications from their computer, tablet or mobile device.

TRAINING & SUPPORT

Catherine and her staff take advantage of the free training opportunities whenever possible, attending webinars and using the online Portal. “We use support when there is a problem, or something I just cannot figure out. They know me by my first name,” says Catherine with a smile.

Bartow Housing Authority is a satisfied Lindsey customer. After 23 years using Lindsey, Catherine says it would be hard to find another company that could change her mind. “Lindsey has made an investment in this industry by creating products that make my job easier, and I have made an investment in Lindsey.”

the day. A religious organization requested permission to use the community rooms for post 9-1-1 grief counseling. The PHA denied the request on grounds that it could not permit religious activity on its property. During periods the community rooms were used by the PHA for its own programs, the space was a “non-public forum,” and no one else had a right to use it. During the periods when it was not in use by the PHA and others were permitted to use it, it was a “limited public forum,” and the PHA could limit use of the room to certain types of activities. The type of activity the religious organization intended to conduct was consistent with the type of PHA permissible activities, and differed from them only in that the activity would be conducted with a religious viewpoint. The PHA could not deny the right to use the room based only on the viewpoint of the organization.

The bottom line gleaned from this analysis is that if your PHA uses your community spaces for PHA business, then those spaces are non-public forums during the time of the PHA activity and you can deny use to others during that time. But if your PHA also permits other groups to use the community space for activities such as Alcoholics Anonymous programs, Boy Scouts and Girl Scouts meetings, after-school programs, tutoring, etc., then the spaces are limited public forums at those times, and you cannot deny a religious group permission to use the space based solely on the grounds that the activity will be of a religious nature. Your PHA may limit the activities it permits; however, once the activity (or similar activity) is allowed for a secular group, it must also be allowed for a religious group.

Other useful cases and holdings are as follows:

Perry Educ. Ass'n v. Perry Local Educators' Ass'n, 460 U.S. 37,45-46, 103 Sup. Ct. 948, 954-55 (1983) (holding once a forum is deemed to be a limited public forum or a public forum, the government may not limit the use based on the content of the message of the user, or the characterization of how the activity will be conducted, based on its content).



A PHA cannot deny the right to use a community room based only on the viewpoint of the organization that wishes to use it.

Miller v. City of Cincinnati, 622 F.3d 524, 534 (6th Cir. 2010) (holding that the government creates a designated public forum when it opens a piece of public property to the public at large, treating it as if it were a traditional public forum).

Pleasant Grove City v. Summum, 555 U.S. 460, 469-70, 129 S.Ct. 1125, 1132, 172 L. Ed. 2d 853 (2009) (holding that governmental restrictions based on the content of speech in traditional and designated public forums are subject to strict scrutiny analysis).

Cuffey v. Mickcs, 208 F.3d 702 (8th Cir. 2000) (holding that a municipality may not bar an organization (here, the Ku Klux Klan) from expressing hate messages in a public forum because its message is distasteful or repugnant to the municipality).

Good News Club v. Milford Central School, 533 L.S. 98 (2001) (holding that distinctions cannot be drawn based on whether the message is religious or non-religious).

Other cases that also have held the PHA spaces to be non-public forums: *De la O v. Hous. Auth.*, 417 F.3d 495 (5th Cir. 2005) (public housing facilities consti-

tute non-public forums regarding door-to-door dissemination of literature); *Daniel v. City of Tampa, Fla.*, 38 F.3d 546, 550 (11th Cir. 1994) (PHA property is a non-public forum for purposes of disseminating pamphlets); *Crowder v. Housing Auth.*, 990 F.2d 586, 591 (11th Cir. 1993) (library of housing project is a non-public forum).

Practically speaking, PHAs should have an actual policy in place that lays out the PHA's rental and/or use policy for everyone, as well as a procedure to request use of the community room. I like a form for this purpose to collect all relevant information each time. This should include, but not necessarily be limited to, providing proof of insurance by the group and appropriate release language. Most importantly, all groups should be treated in a consistent manner. Finally, please consult your agency counsel when finalizing your policy and procedure.

Thanks again to HDLI and Ms. Walker for the input. 🌿

Ricardo L. Gilmore, Esq., is a senior partner and co-founder of *Saxon Gilmore & Carraway PA*. He has practiced law for more than 30 years and specializes in the areas of business and corporate law, real estate, public finance and commercial litigation. He serves as special counsel to housing authorities in Florida and other states relative to affordable housing development matters.

“What Home Means to Me” 2019 Poster Contest

Submission Deadline: May 31, 2018

As part of NAHRO’s Housing America campaign, a poster contest is held each year for children residing in affordable housing and community developments owned or administered by NAHRO member agencies. Posters reflect the national theme of “What Home Means to Me.” The contest is a collaborative effort of NAHRO’s chapter/ state, regional and national organizations. National honorees are selected from chapter/ state-level winning entries.

Go to FAHRO.org/events and click on the May 31 entry for details and submission forms.



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*Grand Prize Winner!
Zerin, age 18
Seattle*

What Home Means To Me

Poster Specifications

- Theme – “What Home Means to Me”
- Size – All posters must be 22” x 28” to be considered for national judging.
- Media – Contestant may use any art media (marker, crayon, paint, collage, textiles, etc.), but please consider that posters will need to be packaged, mailed and reproduced.
- All entries must be mailed flat.
- All contestants must sign a release making their entry the property of NAHRO and permitting duplication/ publication thereof. The release should be secured to the back of the entry.
- All contestants are asked to provide a short narrative on the inspiration, vision and importance of their poster design. The narrative should be secured on the back of the entry.
- Contestant’s name, grade level and housing authority must be written on the back of the poster entry in addition to being listed on the release form also attached to the entry.
- FAHRO assumes no responsibility for, nor will it be able to commit to, returning any submissions.

Eligibility and Selection Categories

Contest participation is open to all children residing in affordable housing assisted directly or supported under community development and affordable housing programs administered by a NAHRO member authority (i.e., public or Section 8-assisted housing CDBG, HOME, LIHTC).

Submission must be created by only one person. Entries created by two or more people will not be accepted.

Age Categories

- Elementary – K to 5th grade
- Middle – 6th to 8th grade
- High – 9th to 12th grade

Contact

Mysti Mims
Mysti@FAHRO.org
850/222-6000

Deliver All Submissions by May 31, 2018, to:

Florida Association of Housing and Redevelopment Officials
Attn: “What Housing Means to Me” Poster Contest
1390 Timberlane Road
Tallahassee, FL 32312

A Major Change to the REAC Inspection Is HERE— Are You Ready?

by Dennis DiBello

HUD recently released a major update to the compilation bulletin for the UPCS inspection protocol that was effective Oct. 2, 2017. This compilation bulletin explains how HUD is implementing industry standards and is no longer accepting non-industry standards (NIS). This will change the way inspections are performed, defects are documented and scores are calculated. This represents a major change in HUD's attitude toward the inspection approach, and these changes will affect your properties. It incorporates all previous guidance that HUD has given on several matters pertaining to physical inspections. It clarifies certain areas of the inspection protocol to further ensure that physical inspections are objective and conducted in accordance with the protocol.

Here is a checklist of the key changes:

1. NIS repairs are not acceptable and will be recorded as deficiencies, for example:
 - The introduction of any foreign materials within the electrical panel to cover or fill a crack or opening (e.g., caulking, spray foam, screws, etc.).
 - Sheetrock, tape and mud are the correct materials to repair holes in sheetrock. Simply covering a hole or damaged drywall with plywood/laminate is not correct.
2. The following should not be recorded as defects:
 - Erosion must have displaced soil or rutting. Do not record bare ground as erosion.
 - Slide/chain type security devices installed by the resident are not a defect.
 - Minor chipping of the brick wall corners will no longer be recorded as a deficiency.
 - If all fire hoses and hanger hardware have been removed from within a hose cabinet, a deficiency should not be recorded.
 - Properties can use double-sided deadbolts in all common areas that are not in the direct path of the unit egress from the building.
 - If aluminum foil is in the oven or on top of the stove, this is not a defect.
 - Inspectors are not to record a deficiency for a missing sink sprayer if one is not present.
 - A one-inch or less split or tear in the refrigerator gasket that has been repaired.

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- ☑ Foundation vent openings are not an inspectable item and will not be recorded.
- 3. Check your properties for the following defects:
 - ☑ Missing gate or gate with missing/defective hardware, including motorized operators.
 - ☑ Vegetation growing on the roof or its components.
 - ☑ A stick is no longer an acceptable alternative to an inoperable lock for a sliding glass door.
 - ☑ Inspectors can test sunbaked or color-faded zip ties to see if they break, exposing bare electrical wiring or connections.
 - ☑ If any wall exhaust vent penetration has missing slats or openings in the cover plate, it is a hole in the wall.
 - ☑ Piping (pressure relief valve, gas water heater vent and HVAC flue vent) shall be inspected to ensure that it has no gaps in the piping (sometimes hidden by tape) and the piping size runs from either one continuous size or runs from smaller to larger beginning with the smaller piping at the appliance.
- ☑ The range hood is missing the filter, and there is no operable window in the area.
- ☑ If a kitchen sink has two separate sides, both drains lines should function.
- ☑ All window locks are to be evaluated for function.
- ☑ Sash pins are no longer acceptable as a substitute for defective balance(s) or a replacement lock.
- ☑ A mechanical sink stopper must be completely removed if replaced with a rubber stopper.
- ☑ A missing strike/latch plate from the door frame shall be recorded as missing hardware.
- ☑ A garbage disposal is missing the plate underneath and exposes bare wires and/or connections.
- ☑ A hasp lock on a unit entry door (regardless if padlock is present) is a blocked primary egress.
- ☑ An escutcheon has fallen and/or obstructs the water spray pattern.
- ☑ A call-for-aid cord that is not base-board height.
- 4. Changes to Inspection Process:
 - ☑ Inspectors should not enter units prior to 9 a.m. or after 6 p.m.
 - ☑ Operable windows with their locking mechanisms at 8 feet or higher from the floor/landing are no longer required to be inspected for correct operation, but a visual inspection must be conducted by the inspector for broken/cracked glass, seal damage, etc.
 - ☑ Multiple buildings connected by common areas, walkways or stairs in one structure will be considered separate buildings.

See NEWS You Can USE on page 9



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- ☑ Any stairs/steps that are directly connected to either the building or unit porch/landing will be associated with the building or unit instead of the site, reducing their point impact.
- ☑ The POA can reset a tripped breaker if the breaker does not affect a life safety item. The POA should be given the option to turn on any breakers that are off.
- ☑ Inspectable items located in an attic or crawl space area are not required to be inspected.
- ☑ If the stove is unplugged, the inspector shall allow the POA to plug it in.
- ☑ If the garbage disposal is tripped, the POA can press the reset button.
- ☑ Regardless of the season, all pool-related structures will be inspected per REAC protocol.
- ☑ If the water cutoff valve under a sink or behind a toilet is turned off, the POA can turn it on.
- ☑ If a resident has added a door sweep or wreath, the POA can remove the item to demonstrate that the unit door closer works properly.
- ☑ The POA may not open a window to allow a door to shut. The door should work whether the windows are open or closed.
- ☑ During the inspection, the POA cannot repair bi-fold door hardware.
- ☑ The inspector must test the GFI and arc fault circuit interrupter (AFCI) circuit breakers in electrical panel boxes by pushing the test button to trip the breaker and resetting it. It is strongly recommended that the inspector notify the POAs that these circuits are going to be interrupted and will affect devices such as computers, oxygen pumps, televisions.
- ☑ Inspectors are required to inspect either the heat or the air conditioning system, whichever is in season, but not both. This includes resident-owned window air conditioner units.
- ☑ If a window AC unit is unplugged, the POA can plug it in before the inspector tests it.
- ☑ The POA may not replace smoke detector batteries prior to the deficiency being recorded.
- ☑ The inspector must take a photo of the property-specific Lead Base Paint Inspection cover page, showing that the report matches the property being inspected.
- ☑ In cases where the water heater is inaccessible or located in a permanently

secured space, the inspector will test the hot water at the tap for signs of leaks observed.

- ☑ The POA shall perform testing in the visual presence of the inspector for smoke detectors and all inspectable items, except windows, over eight feet in height above the floor (these inspectable items include, but are not limited to, smoke detectors and emergency lighting).

As you can see, these changes will greatly alter the way inspections are performed under the UPCS protocol. Now is the perfect time to train maintenance workers and property managers on UPCS protocol and the recent changes. American Property Consultants' UPCS training covers these new changes and receives rave reviews from participants. Now is also the ideal time to stock up on our newly updated UPCS Field Guide, which includes NIS/compilation bulletin references. Look for a Spanish version of our popular UPCS Field Guide coming out this year!

American Property Consultants has been tracking the recent update to the UPCS compilation bulletin and wanted to share what we have learned and how it will affect your housing authority. As one of the top UPCS inspection consultants in the industry for the last 18 years, it has been our job to stay current and to keep you informed of events and changes in this marketplace. 🌿

Dennis DiBello is chief inspector with American Property Consultants.



Visit www.HUD.gov for updates.

to zero out the funding for the hurricane housing recovery programs.

What seemed like a year when affordable housing would be fully funded ended up being just the opposite. The final budget conference report adopted by both chambers funded only \$123 million for SAIL and SHIP. For local governments, SHIP was funded at \$44 million, and the remaining \$79 million was for housing programs (with at least 60% being used for SAIL). Of the \$79 million, \$15 million was for the Keys and \$15 million was for workforce housing projects around the state. At the end of the day, the total sweep of the state and local housing trust funds was \$182 million.

On the substantive bill front, Representative Bob Cortes and Senator Keith Perry filed legislation to try and address some of the recommendations from the Affordable Housing Workgroup that met this fall. The House bill sailed through the process with few amendments, and the Senate bill moved—as is always the case with the Senate—a lot more deliberately.



As the Senate version reached its second committee, Senator Audrey Gibson from Jacksonville offered an amendment on behalf of FAHRO to clarify the nature of the PILOT agreements with local governments. Initially, there were many concerns about the far-reaching impact of our language. Corey Mathews did a great job testifying in front of the committee and meeting with staff to try to allay any concerns. Toward the end of the process, the ambiguity of the term “user fee” in our original language created a potential fiscal impact and

required Corey to make a presentation to the Revenue Estimating Conference. At that meeting, Corey was successful in reducing the overall potential fiscal impact from over \$5 million statewide to closer to \$2.5 million. Still, we needed to narrow the language even more and got support from not only staff, but the Association of Counties and the League of Cities as well.

Unfortunately, the affordable housing bill did not pass, and our language died along with it. 🌿



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The Villages at Tarpon Holds Ribbon Cutting/ Grand Opening

On January 24, the Tarpon Springs Housing Authority (TSHA) and Pinnacle Housing Group (Pinnacle) held a ribbon cutting for The Villages at Tarpon, the area's newest affordable rental housing option for seniors 55 and older, with a total of 95 studio and one-bedroom apartments.

The 95 apartments are centrally located across Tarpon Springs in four separate communities: Walton Avenue, Pine Street, Ring Avenue and Lemon Street. The scattered-site community was originally built in the 1970s as public housing and has been completely renovated through a partnership with the TSHA and Pinnacle.

"The 1970s buildings' design was obsolete and had poor energy efficiency. It is important to live in a place that you are proud to call your home," says Robbin Sotelo Redd, TSHA executive director. "As demonstrated by the conversion of public housing to new affordable housing, TSHA and Pinnacle have shown their commitment to being agents of positive change for the residents of Tarpon Springs."

The Villages at Tarpon is mainly composed of one-story buildings, emphasizing both comfort and privacy. The upgraded, modernized living spaces and amenities are both welcoming and accommodating to the unique needs of seniors, and include numerous interior and exterior energy-efficient features.

The renovated apartments are enhanced with features including porcelain tile, granite countertops, modern cabinetry and private entrances. Residents are also provided state-of-the-art amenities including a business center, multiple clubhouses and numerous resident activity programs.

"The transformation of obsolete public housing into modern, energy-efficient homes is very gratifying. We at Pinnacle Housing Group are proud to provide our experience and leadership in the full rehabilitation of the project," says David O. Deutch, partner, Pinnacle Housing Group.



Special guests at the ribbon cutting included officials from partnering agencies including the City of Tarpon Springs, Pinellas County, Pinnacle Housing Group, Florida Housing Finance Corporation, Wells Fargo and Seltzer Management.

Villages' resident Bruce Miller, 62, first moved to the former Pine Street Apartments in 2007.

"The apartment was basic and very old," he says, "and the clubhouse was not utilized because resident activities were held off site."

After being relocated to a hotel while renovations took place, Miller recently was able to move back into the new Villages.

"I am amazed at how beautiful the new apartment is with built-in appliances and wood-tone ceramic flooring; it's really a high-end apartment now," he says. "And the clubhouse has been fully furnished with computers and a flat screen television."

Miller, who is retired from a traveling acting company, works as a volunteer at Stafford House and acts in the community theater in Tarpon Springs, says he recently enjoyed a wonderful holiday party

at the Villages clubhouse where he was able to celebrate with all his neighbors.

"I'm thrilled with the transformation," he says, "and when my friends drop me off, they say, 'Wow, what a difference.' I'm so proud to call Villages home."

The Villages at Tarpon is an example of the preservation of existing affordable housing developments through financing programs that included tax credits, local funding from Pinellas County and participation in conversion of public housing units through the HUD Rental Assistance Demonstration (RAD) program. 🌿

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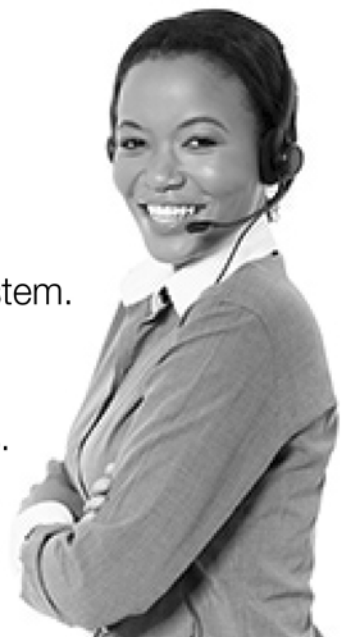
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The Growing Exposure of Age Discrimination for Government Employers

A former senior adviser of veterans outreach sued the Missouri Veterans Commission and its director for age discrimination, alleging she was terminated because the director “has a problem with older, successful women.” According to the lawsuit, poor performance had nothing to do with the senior adviser’s termination in 2009 at age 56.

A jury awarded the terminated employee nearly \$3 million in damages. A judge later ordered Missouri to pay the plaintiff an additional \$900,000 for court costs and legal fees. The state has been mired in discrimination lawsuits under the current administration, paying out nearly \$16 million in damages over years. Jason Hancock, “Woman who sued Missouri Veterans Commission for discrimination awarded additional \$900,000,” *kansascity.com* (Oct. 19, 2016).

Commentary and Checklist

Although some baby boomers have retired, they still make up a sizable portion of the workforce. In 2014, the percentage of U.S. workers age 55 or older reached a record high of 22.2%.

The Age Discrimination in Employment Act of 1967 (ADEA) protects individuals who are 40 years of age or older from discrimination and harassment because of age with respect to any term, condition or privilege of employment.

In FY 2015, the EEOC received 20,144 charges of age discrimination and obtained \$99 million in monetary benefits from employers. As this case shows, age discrimination lawsuits can be extremely costly for employers.

Follow these tips to prevent age discrimination in your organization:

- Know your state and other local laws governing age discrimination.
- Develop an age discrimination policy that includes a complaint procedure.
- Provide information on your policy and procedures annually to all employees and have them acknowledge receipt of the policy.
- Make sure employees are aware they can speak with human resources, their immediate supervisor or another party within the chain of command if they have any questions concerning your age discrimination policy or procedures.

- Train all supervisors annually on what constitutes age discrimination, the risks associated with it and how to prevent it.
- Make it clear to your managers and supervisors that no age-related comments, either written or spoken, will be tolerated in the workplace, no matter the context or the intent. An “innocent” or “teasing” remark can end up as evidence in a trial.
- Follow your policy and procedures and thoroughly investigate any complaints, age or otherwise.
- Analyze your policies and procedures annually for updates to comply with any new regulations and laws, and change any outdated or ineffective policies or procedures.
- Carefully analyze beforehand your reasons for terminating or laying off an employee age 40 or older to make sure they are legal and justified, and perform all terminations in a legal manner.
- Document and support all adverse employment actions taken against an older individual, including failure to hire, layoff, termination and failure to promote, with adequate paperwork showing there was a legitimate, nondiscriminatory reason. Also document all actions taken during age-discrimination investigations.
- Seek the advice of an attorney before implementing any new age-related policies.

This informational piece was published on My Community Workplace, Nov. 24, 2016. Republished from *mycommunityworkplace.org* on behalf of Hunt Insurance Group, LLC.



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