



ADDRESSING ACCESSIBILITY IN CAPITAL NEEDS ASSESSMENTS-CORRECTIVE ACTION PLANS

HUD-FHA Multifamily and Fair Housing & Equal
Opportunity (FHEO)

Training

May 18, 2012





CORRECTIVE ACTION PLANS

- Identify each deficiency
- Describe physical remedies
- Estimate costs
- Set specific schedule
 - Fastest possible
 - Not > 1 yr without HQ approval





CORRECTIVE ACTION PLANS



What! Another exhibit?? Why?

- **PCNAs now include plan elements**
- **But info may be scattered**
- **Accessibility remedies are different from other repairs**
 - Required by statute and CFR
 - Different timelines
 - Review may engage special expertise



CORRECTIVE ACTION PLANS

What! Another exhibit?? Why?

- **Detachable report speeds review/decision**
 - HQ review of timelines > 1 yr
 - FHEO review of hard cases
- **Creates clear record**
 - Documents compliance
 - Or reason for lesser remedy





CORRECTIVE ACTION PLANS

What! Another exhibit?? Why?

- **Not a Safe Harbor**
- **But the best alternative**





CORRECTIVE ACTION PLANS



Content: Identify Deficiencies

Refer to format for corrective action plan-

	A
	DEFICIENCIES BY STATUTE & REQUIREMENT
	Describe the nature and scale or measure of each deficiency when compared against the Requirement cited. Repetition of the same deficient condition may be cited once provided the location of each is, (or all are), uniquely identified.
Item #	
	FAIR HOUSING ACT-REQUIREMENT FOUR-ACCESSIBLE ROUTE INTO AND THRU UNITS:
1	Primary entry door threshold does not cover 3/4" rise, concrete floor.
2	



CORRECTIVE ACTION PLANS

Content: Identify Deficiencies

Refer to format for corrective action plan-

B	C
PHOTO #(s)	LOCATION
Number photos, list relevant #s here	Site Location and/or Bldg & Unit #'s, or groupings (e.g. "all 2 BR units" or "front entry-bldgs 1,5 & 9-12")
1	All entries, Bldgs 2-6





CORRECTIVE ACTION PLANS



Content: Describe Remedy for Each Deficiency

Refer to format for corrective action plan-

D REMEDY
<p>Describe work (e.g. "Remove & Replace entry door threshold with [specify type/measure]). Elaborate with discrete steps when multiple tasks or trades are required with separate costs, days to complete and subtotals for entire remedy. Attach dimensioned sketches, bids as #'d exhibits as needed. Complex jobs may require a separate work plan exhibit.</p>
Remove & replace threshold to cross rise at slope not greater than 1:2



CORRECTIVE ACTION PLANS

Content: Describe Quantity & Cost

Refer to format for corrective action plan-

E1	E2	E3
QUANTITIES		
ITEMS/UNITS	\$/EA.	\$
Enter # & kind or unit of measure (e.g. 22 toilets, 15 s.f.)		
5	50	250





CORRECTIVE ACTION PLANS

Content: Describe Days to Complete- identify any exhibits
Refer to format for corrective action plan-

F	G
DAYS TO COMPLETE	EXHIBIT #(s)
Enter # of days after loan closing. If before closing enter "0"	Number exhibits, list relevant #'s here.
10	





CORRECTIVE ACTION PLANS



Content: Describe Status of Structures

Refer to format for corrective action plan-

Which Structures Must Comply?			
FAIR HOUSING ACT*			
		If year built is 1990, 1991, or 1992 enter precise dates for:	
List of buildings <small>By building permit, phase or section, as applicable, but if dating is obvious for all structures, just enter "all" and year built.</small>	Year Built	Permit Date	Date of First Use
Phase 1 (bldgs 1-6)	1991	12/15/1990	Certificates of Occupancy-4/25/1991
Phase 2 (bldgs 7-12)	1993		



CORRECTIVE ACTION PLANS

Content: Describe Status of Structures

Refer to format for corrective action plan-

Show figures for each project, phase, structure listed:

FHA Applies? Enter (x) if yes.	Total # Units	#Units-ground level	#Units-elevator served	Total Covered Units	% (covered units/all units)
X	72	24	0	24	33.33%
X	72	24	0	24	33.33%





CORRECTIVE ACTION PLANS

Content: Describe Status of Structures

Refer to format for corrective action plan-

REHABILITATION ACT OF 1973, SECTION 504-UFAS**			
(Assisted projects only)			
		(if year built is 1988-1989, enter precise date of permit.)	
List of buildings	Year Built	Permit Date	Date First Assisted
By building permit, phase or section, as applicable, but if dating is obvious for all structures, just enter "all" and year built.			
500 W. Main Street	1977		1977





CORRECTIVE ACTION PLANS

Content: Describe Status of Structures

Refer to format for corrective action plan-

Show figures for each project, phase, structure listed:

Bldg Type, # Stories (elevator, walk-up)	Total # Units	5% of all units	# units accessible (mobility)	2% of all units	# units accessible (sensory)
8 Story, Elevator	180	9	6	3.6	2





DIGRESSION: EXISTING ASSISTED HOUSING

Not built as assisted

Onsite evaluation may be a problem because:

there may be uncertainty whether the presence of certain accessibility features (e.g., 5% / 2% accessible units within the project; individual accessible elements as the project underwent other alterations) is required.

(from proposed Mortgagee Letter, Appendix 3)

Needs assessor is not in a position to resolve this uncertainty





DIGRESSION: EXISTING ASSISTED HOUSING

So what to do? Three steps:

1. *...needs assessor or inspector will note on the Physical Inspection Report the absence of accessibility features measured against the requirements for new construction described at 24 CFR 8.22*

AND THEN

2. *Lender must review and evaluate the accessibility features noted as absent ...and demonstrate why the absence of an accessibility feature or features is not a deficiency.*

(from proposed Mortgagee Letter, Appendix 3)





DIGRESSION: EXISTING ASSISTED HOUSING

So what to do? Three steps:

3. *Where it is determined that the absence of an accessibility feature or features does constitute a deficiency, the work required to correct the deficiency must be included in critical repairs and in a corrective action plan*

(from proposed Mortgagee Letter, Appendix 3)





CORRECTIVE ACTION PLANS

Content: Describe Status of Structures

Some existing projects may become assisted.

REHABILITATION ACT OF 1973, SECTION 504-UFAS**			
(Assisted projects only)			
(if year built is 1988-1989, enter precise date of permit.)			
List of buildings	Year Built	Permit Date	Date First Assisted
By building permit, phase or section, as applicable, but if dating is obvious for all structures, just enter "all" and year built.			
500 W. Main Street	1996		2012





CORRECTIVE ACTION PLANS

Content: Describe Status of Structures

And be subject to Section 504-UFAS

Show figures for each project, phase, structure listed:

Bldg Type, # Stories (elevator, walk-up)	Total # Units	5% of all units	# units accessible (mobility)	2% of all units	# units accessible (sensory)
8 Story, Elevator	180	9	0	3.6	0





CORRECTIVE ACTION PLANS

Key Project Info-The Lender's Job

Date built?

Is the project assisted?

LENDER PROVIDED INFO:	
Currently Insured?	Yes/No & SOA
Proposed SOA?	
Is Project Federally Assisted?*	Yes/No

