



April 9, 2024

PH PROGRAM NEWS

PIH Issues Notice Extending Adjustment to TAR Scoring Methodology

Yesterday HUD’s Office of Public and Indian Housing ([PIH](#)) published Notice [PIH 2024-09](#) extending the adjustment to the Tenant Accounts Receivable (TAR) sub-indicator under the Management Assessment Subsystem (MASS) indicator for the fiscal year 2023 Public Housing Assessment System (PHAS) assessment cycle. The adjustment was initially implemented in Notice [PIH 2022-02](#). According to yesterday’s notice:

Due to the continued challenges PHAs are facing with TAR, this notice advises that for PHAs with fiscal years ending March 31, 2023, June 30, 2023, September 30, 2023, and December 31, 2023, *only*, HUD is continuing a temporary revision to the scoring methodology for TAR. HUD determined that this extended temporary adjustment to the scoring notice will appropriately score PHAs as they continue to return to normal operations and requirements.

Specifically, PHAs will receive points for TAR as follows:

- TAR is 80 percent or greater = **5 points**
- TAR is between 60 percent and 79 percent = **2 Points**
- TAR is below 60 percent = **0 points**

The document also states that HUD intends to return to the regular scoring methodology for TAR for PHAs with fiscal years ending in 2024.

GENERAL NEWS

HUD Files Disability Discrimination Suit Regarding Accessible Design

In a [press release](#) last Friday, the Department of Housing and Urban Development ([HUD](#)) announced that it is charging multiple entities for failing to design and construct a condominium complex in San Juan, Puerto Rico, in accordance with the accessibility requirements of the [Fair Housing Act](#). The entities include the architectural firm, the general contractor, and both the original and subsequent owners. HUD has also charged some of the entities with failing to approve a reasonable accommodation request made by two residents.

HUD’s [charge](#) alleges that the architectural firm, general contractor, and owners failed to include accessible building entrances on accessible routes, accessible and usable public and common use areas, usable doors in units, accessible routes in units, accessible thermostats, reinforced walls for grab bars in bathrooms, and usable kitchens and bathrooms for persons with disabilities, particularly those in wheelchairs, in the 80-residential unit two-tower buildings. The charge also alleges the entities failed to approve a reasonable accommodation request for an accessible parking space, which would have allowed persons with disabilities to have better use of their units and the common area features.

A United States administrative law judge will hear HUD’s charge unless any party elects to have the case heard in a federal district court. If the administrative law judge finds after a hearing that discrimination has occurred, the judge may award damages to the residents for their losses as a result of the discrimination. The judge may also order injunctive relief and other equitable relief to deter further discrimination, as well as payment of attorney fees. In addition, the judge may impose civil penalties to vindicate the public interest. If the case is heard in a federal court, the judge may also award punitive damages to the residents.

The Fair Housing Act requires multifamily housing built after March 1991 to contain accessible features for people with disabilities. The Act also prohibits discrimination because of disability, including refusing to allow reasonable accommodations that would otherwise permit homeowners with disabilities an equal opportunity to use and enjoy their housing.



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