

Speaker's Office <speaker@guamlegislature.org>

M&C Fwd: GHURA's Board Meeting (August 12, 2019_)

1 message

Speaker's Office <speaker@guamlegislature.org> Wed, Aug 28, 2019 at 10:23 AM
To: Clerks Office <clerks@guamlegislature.org>
Cc: Rennae Meno <rennae@guamlegislature.org>
Bcc: Tina Muna Barnes <tinamunabarnes@gmail.com>

08-28-19	8:00 AM	08-12-19	Board Meeting held on August 12, 2019.*	Guam Housing and Urban Renewal Authority	35GL-19-0951





Sinseru yan Minagåhet,

Office of the Speaker • Tina Rose Muña Barnes
Committee on Public Accountability, Human Resources & the Guam Buildup

35th Guam Legislature
I Mina'trentai Singko na Liheslaturan Guåhan

Guam Congress Building | 163 Chalan Santo Papa | Hagatna, GU 96910
T: (671) 477-2520/1
speaker@guamlegislature.org

35GL-19-0951
Speaker Tina Rose Muña Barne

AUG 2 8 2019
Time 8:00 AM / PM
Received By: Matt

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Gumai pribilehu yan konfedensia este siha na mensåhi. Solo espesåtmente para hågu ma entensiona pat ma aturisa para unrisibi. Sen prohibidu kumu ti un ma aturisa para manribisa, na'setbe, pat mandespåtcha. Yanggen lachi rinisibu-mu na este na mensåhi , put fåbot agoʻ guatu gi I numa'huyong gi as speaker@guamlegislature.org yan despues destrosa todu siha I kopian mensåhi. Si Yu'os ma'åse'.

---------- Forwarded message ---------
From: **Kathleen J. Taitingfong** <kathleen@ghura.org>
Date: Wed, Aug 28, 2019 at 8:00 AM
Subject: GHURA's Board Meeting (August 12, 2019_)
To:

Hafa Adai and Good Morning!

The above attachment is GHURA's August 12, 2019 BOC Mtg. packet with its approved minutes and other corresponding documents.

Respectfully,

August 12, 2019 BOC Mtg..pdf

Kathleen Taitingfong
Administrative Aide
GHURA's ADMIN Division
475-1376
kathleen@ghura.org

2019 AUG 28 AM 8:34

0951

BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 P.M., August 12, 2019
GHURA's Main Office
1st floor, Conference Room, Sinajana
AGENDA

I. ROLL CALL

II. BOARD MEETING PUBLIC ANNOUNCEMENTS

1st Printing – Monday, August 05, 2019
2nd Printing – Saturday, August 10, 2019

III. APPROVAL OF PREVIOUS BOARD MINUTES – July 29, 2019

IV. NEW BUSINESS

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1. **Intent of Award** ..... RFP#GHURA-5-6-2019-CPD, Professional Services for a Housing Study And Needs Assessment Proposal	1 - 5
2. **Resolution No. FY2019-020** ..... Resolution to adopt The Guam Elderly (Guma Trankilidat) Multifamily Housing Program Administrative Plan	6 - 67
3. **Resolution No. FY2019-021** ..... Resolution approving the Smoke-Free Public Housing Policy Revision No. 1, Public Housing Lease Addendum No. 2, and Marijuana (Cannabis) Policy for Public Housing	68 - 84

V. MANAGEMENT REPORT

VI. OLD BUSINESS

1. **Update on Subpoenas**	85 - 86

VII. CORRESPONDENCE AND REPORTS

1. **Upcoming REAC Physical Inspection Schedule** **87**

VIII. GENERAL DISCUSSION / ANNOUNCEMENTS

1. **Next proposed scheduled Board Meeting:** Monday, August 26th @ 12:00 p.m.

IX. ADJOURNMENT

Hundreds detained in Russia protest

MOSCOW (Reuters) - Russian police forcibly detained over 800 people attending a protest in Moscow on Saturday to demand free elections, including prominent activist Lyubov Sobol, after authorities warned the demonstration was illegal.

Police removed Sobol, an ally of jailed opposition politician Alexei Navalny, from a taxi and bundled her into a van minutes before the start of what anti-Kremlin activists described as a peaceful walk to protest against the exclusion of their candidates from an election next month.

In another blow to Navalny, Russian investigators opened a criminal investigation into the alleged laundering of 1 billion rubles ($15.3 million) by his anti-corruption foundation. Navalny and his allies say the foundation, which has published a slew of embarrassing investigations into government officials, is transparently financed from public donations.

OVD-Info, an independent monitoring group, said police had detained 828 people in Moscow on Saturday, in some cases beating them with truncheons as they lay on the floor. Reuters reporters witnessed dozens of arrests. In one case police carried off a man as he clung upside down to his bicycle.

Police said they had detained 600 and that 1,500 had attended the protest, though footage of demonstrations which flared in different parts of Moscow suggested many more had taken part. Opposition activists later posted screen shots online of police reports suggesting around 10,000 had attended.

Saturday's protest was smaller than one a week earlier, but underlined the determination of some Kremlin critics — especially younger people — to keep pressing to open up Russia's tightly choreographed political system.



RALLY: *Law enforcement officers detain a participant in a rally calling for opposition candidates to be registered for elections to the Moscow City Duma, the capital's regional parliament in Moscow, Russia, Aug. 3. Shamil Zhumatov/Reuters*

Many but not all of those detained were later released by police, including Sobol who was fined 300,000 rubles ($4,596) for violating Russia's tough protest laws.

The focus of protesters' anger is a prohibition on a number of opposition-minded candidates, some of whom are allies of Navalny, from taking part in a September election for Moscow's city legislature.

That vote, though local, is seen as a dry run for a national parliamentary election in 2021.

Authorities say opposition candidates failed to collect enough genuine signatures to register. The excluded candidates say that is a lie and insist on taking part in a contest they believe they could win.

"They (the authorities) are wiping their feet on us," said Elena, a student attending Saturday's protest.

Another attendee, Yevgeny Snetkov, a 61-year-old engineer, described as brazen the way the authorities had prevented opposition candidates from running. "I had no option left but to protest," he said.

Some protesters chanted "Putin is a thief" as they marched.

Facing international condemnation

Observers said the police presence was one of the biggest at such a protest in nearly a decade. Mobile internet access was cut in some areas and police cordoned off swaths of central Moscow to stop people gathering.

At a similar protest a week earlier, police detained more than 1,300 in one of the biggest security operations of recent years that brought wide international condemnation.

Authorities carried out a new round of detentions and home searches before Saturday's protest and opened criminal proceedings for what they term mass civil unrest, an offense which carries a penalty of up to 15 years in jail.

Activists say the Russian constitution allows them to freely protest. But authorities say they need to agree to the timing and location of any demonstrations in advance, something that was not done ahead of Saturday's protest.

Opposition activists say the authorities have repeatedly refused to allow protests in central Moscow, leaving them with no choice but to go ahead anyway.

At least eight of Sobol's allies, including Navalny, are in jail for breaking protest laws. The ruling United Russia party dominates the national parliament and Navalny plus his allies are starved of media air-time.

President Vladimir Putin and the Kremlin have not commented on the standoff with the opposition, but Moscow prosecutors on Friday had warned would-be protesters that Saturday's demonstration had not been approved.

At well over 60%, Putin's approval rating is still high compared with many other world leaders, but is lower than it used to be due to discontent over years of falling incomes.

Last year the 66-year-old former KGB intelligence officer won a landslide reelection and a new six-year term until 2024.

Adviser: Lawmakers can't stop no-deal Brexit

LONDON (Reuters) - Lawmakers will be unable to stop a no-deal Brexit on Oct. 31 by bringing down Britain's government in a vote of no confidence next month, Prime Minister Boris Johnson's top aide has advised, according to the Sunday Telegraph.

Dominic Cummings, one of the architects of the 2016 campaign to leave the European Union, told ministers that Johnson could schedule a general election after the Oct. 31 Brexit deadline if he loses a vote of no confidence in parliament, the newspaper said, citing sources.

Johnson has promised to lead Britain out of the EU on Oct. 31 with or without a deal but has a working majority of just one after his Conservative Party lost a parliamentary seat on Friday.

Some of his lawmakers have hinted they would vote against him to prevent a no-deal Brexit — a rising prospect that has sent the pound tumbling to 30-month lows against the dollar over the last few days.

Lawmakers are unable to table a motion of no confidence before next month because the House of Commons is in recess until Sept. 3.

"(Lawmakers) don't realize that if there is a no-confidence vote in September or October, we'll call an election for after the 31st and leave anyway," Cummings was quoted by one of the Sunday Telegraph's sources as saying.

Committee On Health, Tourism, Historic Preservation, Land and Justice

SENATOR THERESE M. TERLAJE
I Mina'trentai Singko na Liheslaturan Guåhan
35th Guam Legislature

UPCOMING PUBLIC HEARING ANNOUCEMENTS
Guam Legislature Public Hearing Room, Guam Congress Building, Hagåtña
AGENDA:

- **Wednesday, August 7, 2019 at 5:00 p.m.:** Confirmation Hearing on the Executive Appointment of Joseph M. Borja as Director of the Department of Land Management.
- **Friday, August 16, 2019 at 5:00 p.m.:** Confirmation Hearing on the Executive Appointment of Arlene P. Bordallo as a Member of the CHamoru Land Trust Commission.
- **Thursday, September 5, 2019 at 2:00 p.m.:** Public Hearing on Bill 187-35 (COR)- An Act to adopt the rules and regulations attached hereto as Exhibit A, Entitled: "Rules and Regulations governing adoption of codes of professional conduct and ethics by the Guam Board of Allied Health Examiners," specifically adding a new § 101301 to Title 25 of the Guam Administrative Rules and Regulations.

If you require any special accommodations or for further information, please contact the Office of Senator Therese M. Terlaje at 472-3586. Testimonies may be submitted to our office at Ada Plaza Center, Suite 207, 173 Aspinall Avenue, Hagåtña, Guam 96910, to the Guam Congress Building, or via email at senatorterlajeguam@gmail.com. The hearing will broadcast on local television, GTA Channel 21, Docomo Channel 117/60.4 and stream online via I Liheslaturan Guåhan's live feed at http://www.guamlegislature.com/live_feed.htm. This

GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Board of Commissioners Meeting
12:00 P.M., Monday, August 12, 2019
GHURA Main Office
1st Floor Conference Room
117 Bien Venida Avenue, Sinajana

Doc. No. 35GL-19-0951.*

House Speaker Pelosi in Central America as Trump seeks asylum deals

GUATEMALA CITY (Reuters) - U.S. House of Representatives Speaker Nancy Pelosi led a congressional delegation to Central America on Thursday as the Trump administration presses the region to stop U.S.-bound asylum seekers before they reach the U.S. border.



Nancy Pelosi

Pelosi, a Democrat, began in Guatemala, which under threat of economic sanctions struck a deal with Republican President Donald Trump late last month to become a "safe third country." That will require migrants to seek refuge in Guatemala rather than in the United States.

But critics question whether Guatemala, which faces its own instability, has the resources to handle the potential surge in asylum applications.

U.S. acting Homeland Security Secretary Kevin McAleenan said this month that the United States wants similar agreements with Honduras and El Salvador, where Pelosi will also visit.

McAleenan's office said on Thursday the number of migrants apprehended or deemed inadmissible on the U.S. border with Mexico fell 21% to 82,049 in July from June.

"The situation is improving by every available metric, but, I want to be very clear, that we remain at and beyond crisis levels in illegal crossings," McAleenan said in a statement.

According to Customs and Border Protection data, law enforcement actions against Guatemalan migrants fell by 41%, against Salvadorans by 21% and against Hondurans by 16% in July.

Immigration, one of Trump's signature issues in the 2016 presidential campaign, is already shaping up as a central issue in the November 2020 election. Democrats have sharply criticized Trump's policies aimed at banning nearly all asylum-seekers from entry, warehousing detainees in crowded quarters and holding children separately from the adults they traveled with.

Pelosi's office said she would meet with representatives from government, the judiciary and rights groups in Guatemala.

"We look forward to strengthening our partnership to enhance regional security and stability, create greater economic opportunity, combat corruption and advance human rights to make it safer for people to thrive in their communities," Pelosi said in a statement.

While in Guatemala, Pelosi will visit a children's shelter and meet with human rights activists Helen Mack and Alvaro Montenegro, as well as former Vice President Eduardo Stein, according to a person with knowledge of the matter.

Britain PM: UK must leave EU on Oct. 31



JOHNSON: *Britain's Prime Minister Boris Johnson speaks during the first meeting of the National Policing Board at the Home Office in London, Britain, July 31. Kirsty Wigglesworth/ Pool via Reuters*

LONDON (Reuters) - Parliament should honor the 2016 Brexit referendum and leave the European Union on Oct. 31, British Prime Minister Boris Johnson said on Thursday when asked if he would resign if his government lost a vote of no-confidence.

Johnson has pledged to take Britain out of the EU at the end of October, with or without a deal, setting himself up for a clash with lawmakers who have vowed to try and stop a no-deal Brexit, including by trying to collapse the government.

Some reports have said Johnson could refuse to resign even if he lost a no-confidence vote, in order to delay an election beyond Brexit day and ensure the country leaves the EU.

Asked if he would accept he had to resign if he lost a confidence vote, Johnson told reporters: "I think that what Members of Parliament should do and what I think they've already voted to do when triggering Article 50 ... is honor the mandate of the people and leave the EU on October 31."

Earlier, the Financial Times reported that Johnson would hold an election in the days following Brexit if lawmakers sink his government in a no-confidence vote, which many expect to be held in early September when parliament returns from its summer break.

Asked about the possibility of holding an election before Britain has left the EU, Johnson said voters wanted to see politicians deliver on the result of the 2016 referendum.

He said the government was working hard to reach a deal with the EU and if Britain can get changes to the so-called backstop, an insurance policy aimed at avoiding a hard border on the island of Ireland, then "there is a good deal to be done."

Britain would continue preparing for a no-deal Brexit, he said, but that with "common sense and good will" from the EU, he still believed it was the case that the chances of such an outcome were a million to one.

"There's every possibility for the EU to show flexibility and there's bags of time for them to do it and I'm confident they will," he added.

MESSAGE OF APPRECIATION

We, the family of the late

GEORGE TENEZA CASCASAN

"HOMER"

There are not enough words to express our deepest appreciation to all our family and friends for their love, prayers, and support during our time of bereavement. We are forever grateful for your personal help and generosity.

We especially thank:
Kloppenburg Family
K.E.I. Admin Family
Turtle Tours Maintenance Crew
Patrick and Bertha Maza Cruz
GW Class of '82
Loko Moko Bowling Family
San Juan Bautista Church
Ordot Mayor's Office
Ada's Funeral Home
Guam Veterans Affairs Office



GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Board of Commissioners Meeting
12:00 P.M., Monday, August 12, 2019
GHURA Main Office
1st Floor Conference Room
117 Bien Venida Avenue, Sinajana

For special accommodation, contact Ms. Kathy Taitano Tel No. 475-1322 or TTY #472-3701

PUBLICATION NOTICE

In accordance with the provisions of Guam Code Annotated, Title XI, Chapter III, Section 3315, notice is hereby given that:

ALAN T. YBARRA
dba: A.Y. LAS VEGAS KARAOKE & BAR

has applied for a Class: **Four (4) General-ON-Sale (Transfer of ABL)** said premises being marked as Lot: **L 5142 1 4 NEW**

Doc. No. 35GL-19-0951.

BOARD OF COMMISSIONERS
REGULAR SCHEDULED MEETING
12:00 p.m., August 12, 2019
GHURA Main Office, 1st floor conference room
Sinajana, Guam
MINUTES

After notice was duly and timely given pursuant to the Open Government Law of Guam and the Bylaws of the Authority, the Board of Commissioners' regularly scheduled meeting of **Monday August 12, 2019** at 12:00 p.m. at the GHURA Sinajana Main Office, 1st Floor Conference Room was conducted.

I. ATTENDANCE, QUORUM, AND CALL TO ORDER

COMMISSIONERS PRESENT:	Sabino P. Flores, Chairman
	Carl V. Dominguez, Member
	Joseph A. Cameron, Member
	George F. Pereda, Member
	Monica O. Guzman, Vice Chairwoman
	Joseph M. Leon Guerrero, Resident Commissioner
COMMISSIONERS ABSENT:	NONE
LEGAL COUNSEL:	Anthony Perez
MANAGEMENT & STAFF:	Ray S. Topasna, Executive Director
	Elizabeth F. Napoli, Deputy Director
	Audrey Aguon, Special Assistant
	Albert Santos, A&E Manager
	Katherine Taitano, Chief Planner
	Lucele Leon Guerrero, Controller
	Kimberly Bersamin, HR Administrator
	Norma San Nicolas, Section 8 Administrator
PUBLIC:	John O'Conner (Guam Daily Post)
	Mr. Enrique Torres

Meeting was called to order at 12:00p.m. by Chairman Flores. He also indicated that 6 members of the Board of Commissioners were present, and called the meeting to order.

Minute No.	Ref. No.	Approval of Previous Board Meeting	Action By:
166/19		The Chairman opened the meeting for discussions on item #3, the Approval of previous Board Minutes. He indicated that on the third paragraph on pg. 7 of 14, the discussion was actually on whether the request for clarification fell under Minor informality. He wanted clarification on exactly what their bid was and not on whether they responded or not. He added that it was clarified by the Buyer Supervisor, who clarified what their Bid constituted, especially in light of the amendments that were issued. This was to ensure that the IFB was in full compliance.	
167/19		**Motion to approve the July 29, 2019 Board meeting minutes as corrected was made by Commissioner Dominguez and seconded by Commissioner Leon Guerrero. There were no objections by the other board members. The Motion was Approved.**	
Minute No.	**Ref. No.**	**NEW BUSINESS**	**Action By:**
168/19		**Intent of Award - RFP#GHURA-5-6-2019-CPD, Professional Services for a Housing Study and Needs Assessment Proposal** Mr. Albert Santos stated that he had been in negotiations for the housing study with partners in Hawaii. A&E and CPD met via conference call with SMS Research & Marketing Services. SMS Research & Marketing submitted their final offer on Aug. 1, 2019 of $485,968, a 28.7% reduction from their initial offer. Based on GHURA's final evaluation, management has agreed to accept the proposal submitted by SMS Research & Marketing Services. GHURA's Management requests that the Board approve the contract for services with SMS in the amount of $485,968 and to proceed with the 2019 Housing Study and Needs Assessment.	**Albert Santos**

Minute No.	Ref. No.	NEW BUSINESS	Action By:
169/19		**Commissioner Cameron made a motion to accept the RFP#GHURA-5-6-2019-CPD, Professional Services for a Housing Study and Needs Assessment Fee Proposal to the company SMS in the amount of $485,968 to proceed with the housing study and needs assessment. The motion was seconded by Commissioner Dominguez. There were no objections by the other board members. The Motion was Approved.**	
170/19		**Resolution No. FY2019-020:** **Resolution to adopt The Guam Elderly (Guma Trankilidat) Multifamily Housing Program Administrative Plan** Commissioner Dominguez suggested that revisions be made to the Resolution. He suggested that the word UPDATED be added to the title of the Resolution, for clarity. Also suggested was to strike the word CURRENT in the third paragraph of the Resolution. Vice Chairwoman Guzman suggested that the name, Guma Trankilidat appear as the first words in paragraphs 3 and 4. Deputy Napoli emphasized the changes that were made in the table of contents: chapters 2 (pg. 30 5th paragraph- the Marijuana Clause). Chapter 4 (Order of selection), and 9 (Marijuana manufacture, distribution, or possession). Attorney Tony Perez added that the reason for this update is to remind tenants and also to clarify that when Guam passed the Marijuana law, that all GHURA tenants are prohibited from smoking Marijuana on GHURA property. The use of marijuana is still illegal under federal law.	

Minute No.	Ref. No.	NEW BUSINESS	Action By:
171/19		**A motion was made by Commissioner Dominguez to adopt the Resolution of the Updated Guam Elderly Multifamily Housing Program Administrative Plan known as Resolution No. FY2019-020. The motion was seconded by Commissioner Pereda. There were no objections by the other board members. The Motion was approved.**	
172/19		**RESOLUTION NO. FY2019-021-** Resolution approving the Smoke-free Public Housing Policy Revision No. 1, Public Housing Lease Addendum No.2, and Marijuana (Cannabis) Policy for Public Housing. Chairman Flores wanted clarification on whether non-tenants, such as citizens passing through GHURA property are bound by this. Attorney Perez stated that unless a guest is visiting a specific GHURA Tenant, GHURA cannot hold that tenant accountable. Mrs. Norma San Nicolas, Section 8 Administrator, added that the regulations are also included in Section 8. The regulations state that if a tenant is receiving subsidy from housing assistance, they are prohibited from growing, smoking, or having marijuana on the property. Commissioner Dominguez asked Mr. Santos if the PH properties are accessible by the public. Mr. Santos replied that PH properties are government public rights of way.	
173/19		**Commissioner Cameron made a motion to approve Resolution FY2019-021, approving the Smoke-free Public Housing Policy Revision No. 1, Public Housing Lease Addendum No. 2, and Marijuana (Cannabis) Policy for Public Housing. The motion was seconded by Chairman Flores. There were no objections by the other board members. The Motion was Approved.**	

Minute No.	Ref. No.	MANAGEMENT REPORT	Action By:
174/19		**Executive Management Report -** • **Update on Section 8 Plan-** GHURA sent a letter to HUD requesting Approval of the proposed Success Rate Payment Standards. HUD responded and indicated that they will review and send a reply by this week. • **REAC Inspection for 4 AMPs and GT-** Scheduled for Sept. 5th-13th, 2019 -all hands-on deck. -GHURA has authorized OT • **Meetings with COS and GEPA** -to address delays in permitting -$700K at risk -GHURA anticipates that GEPA will approve the construction permit of the 88 LIHTC homes. -Met with Ironwood Officials on August 8, 2019 -Reminded the COS that the GOV is the grantee for our CDBG projects. • **Press Releases & Other Promotions** -Letter to the Editor- Unsung Heroes- Service Coordinators for ROSS, Multifamily, and FSS. • Enhancement of CCTV Surveillance- Main office, GT, Toto, Agat, and Yona.	**Ray Topasna**
Minute No.	**Ref. No.**	**OLD BUSINESS**	**Action By:**
175/19		**Update on Subpoenas -** Deputy Napoli stated that a Subpoena was sent from Attorney J. Arriola's office requesting for	**Elizabeth Napoli**

Doc. No. 35GL-19-0951.*

Minute No.	Ref. No.	OLD BUSINESS	Action By:
175/19 continuation		documents to be submitted to his office by August 5, 2019. GHURA was not able to submit all the requested documents by the due date, however, Attorney Ecube was able to get an approval on extended time to retrieve items in storage. Some items like invoices, emails, and documents were found in storage and submitted to Attorney Ecube's office. Another Subpoena was sent by Attorney Vandaveld's office requesting for other types of documents. Ms. Napoli added that the record keeping/filing of emails made it difficult for GHURA's MIS division to locate specific requested documents/information. Many were found in secondary accounts, instead of in the primary point of contact's account. However, GHURA was able to turn over what it could find. Ms. Napoli stated that it was important to document and report to the AG's and U.S. Attorney's Office the difficulty GHURA had in locating critical subpoenaed documents/information. She also stated that the GHURA staff continues to experience difficulty in locating specific documents/emails/files. Commissioner Cameron expressed deep concerns about the problem of information being difficult to locate. He suggested that GHURA address this problem immediately. Attorney Tony Perez stated that in the past HUD has come to GHURA with search warrants to extract information from GHURA's servers and files. He explained that GHURA should not have missing records, files, or documents because HUD has all records stored in their servers. HUD has done a complete investigation of everything going back before the current investigation. He	

Minute No.	Ref. No.	OLD BUSINESS	Action By:
175/19 continuation		added that GHURA has always complied with providing requested information pursuant to subpoenas. He added that if there are missing information, he would not be able to explain it as there were no investigations happening in GHURA during that time period. He reiterated that HUD has all the information regarding GHURA on their servers. Deputy Napoli replied that even if HUD has the information, it isn't HUD that is being requested to provide information. GHURA should not have had a hard time locating any information when prompted to produce specific documents, files, or emails. Director Topasna added that another concern of the executive management was that, although GHURA's MIS department alerted executive management about not being able to retrieve information dating back to 2011, the past GHURA administration had never officially reported the missing information to authorities. Mr. Topasna felt that it was imperative that the proper authorities be notified and that they understand that the current GHURA Board of Commissioners and the Executive Management are not at fault for any of the missing information. Chairman Flores thanked everyone for their input.	
Minute No.	**Ref. No.**	**Correspondence and Reports**	**Action By:**
176/19		**Upcoming REAC Physical Inspection Schedule** Chairman Flores stated that this item was already discussed earlier in the meeting. He moved on to item 8, General Discussions.	

Doc. No. 35GL-19-0951.*

Minute No.	Ref. No.	General Discussions / Announcements	Action By:
177/19		Chairman Flores opened the floor to the public audience in attendance. Mr. Enrique Torres spoke on behalf of his wife, Bertha Torres. He explained that his wife could not attend the meeting, but wanted to officially present her case to the board. He explained that at the last board meeting his wife pleaded with the board to assist her with the $7683.24 soil testing fee. He also provided an update of additional photos of the property that he wanted attached to the letter written to the Board Chairman. He urged the board to move forward with their request for GHURA to fund the soil testing. He added that they wanted to move forward with the pouring of the foundation, the building of safe and sound structure, and move into the home. Commissioner Dominguez asked Mr. Torres if he was asking GHURA to engage soil testing for the property. Mr. Torres responded, "Yes." Commissioner Cameron stated that he is a kind person, but is a stickler for policy. He added that the GHURA Board of Commissioners are policy driven. Mr. Torres said that despite various correspondences and interactions between his wife and the GHURA staff, there have been no resolutions. Nothing happened until he sought help from DPW and the soil engineers. He said he would like an answer from the board. Attorney Perez stated that the easiest answer is to look at the Grant, Contract of Sale, the Warranty Deed, and the Grant of Lien, which explains what GHURA agreed to do. He also stated that GHURA is not obligated to compensate them or pay for the soil testing.	

Minute No.	Ref. No.	General Discussions / Announcements	Action By:
178/19		**Next proposed scheduled Board Meeting: Monday, August 26, 2019 @ 12pm** Chairman Flores inquired if there were any objections to the next Board meeting date. There were no objections. Date of next Board meeting scheduled for August 26, 2019 **a**pproved.	

179/19 ADJOURNMENT

There being no further business before the Board, a motion was made by **Commissioner Dominguez** and seconded by **Commissioner Cameron,** and unanimously agreed upon, to adjourn the meeting. The meeting was adjourned at **1:22 p.m.**

(SEAL)

RAY S. TOPASNA
Board Secretary/Executive Director

Doc. No. 35GL-19-0951.*

GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701
Website: www.ghura.org

EQUAL HOUSING OPPORTUNITY

MEMORANDUM:

TO: GHURA Board of Commissioners

FROM: Executive Director

DATE: 05 August 2019

SUBJECT: RFP #-GHURA-5-6-2019 CPD
Professional Services for a Housing Study and Needs Assessment
Fee Proposal

The Authority has completed negotiations with SMS Research & Marketing Services, Inc. to provide professional services for a Housing Study and Needs Assessment. The project will include a housing market analysis, housing demand study, Fair Market Rents study, and recommendations for strategies to address housing issues.

A/E and CPD met via conference call with SMS on two occasions to discuss the scope of work needed to conduct this project.

In response to GHURA's request, SMS submitted their best and final offer August 1, 2019, herein attached. GHURA has reviewed the pricing options and agreed to the reduced amount of $485,968. This represents a 28.74% reduction from their initial proposal of $682,787.

Provided for your comparison to the SMS proposal is the government cost estimate as prepared by GHURA's A/E Manager in the amount of $440,000.00 for professional services.

Based on the final evaluation of SMS's proposal, management now requests Board approval of a contract for services with SMS in the amount of $485,968 to proceed with the 2019 Housing Study and Needs Assessment.

Attachment: Proposal dated July 26, 2019.
Government Cost Estimate
SMS BAFO

At the Regular Board Meeting of August 12, 2019, a motion was made by Commissioner Cameron and Seconded by Commissioner Dominguez to accept RFP#GHURA-5-6-2019-CPD, Professional Services for a Housing Study and Needs Assessment Fee Proposal to SMS for the amount of $485,968 to proceed with the 2019 Housing Study and Needs Assessment. Without any further discussion and objection, the motion was approved.

GHURA does not discriminate against persons with disabilities.
The Chief Planner has been designated as Section 504 Coordinator.
The Coordinator can be contacted at the above address and telephone numbers.

Established 1960

Beyond Information. Intelligence.

Database Marketing

Economic & Social Impact Studies

Evaluations

Research

Modeling/Forecasting

SMS
1042 Fort Street Mall
Suite 200
Honolulu, HI 96813
Ph: (808) 537-3356
Toll Free (877) 535-5767
E-mail: info@smshawaii.com
Website: www.smshawaii.com

July 26, 2019

Albert Santos
A/E Manager
Guam Housing and Urban Renewal Authority
117 Bien Venida Avenue
Sinajana, Guam 96910

Aloha Albert,

Following up on our conversation last week, we have taken the opportunity to identify possible options to reduce the budget for the housing projects.

Below is a summary table of the financial implications of the options investigated so far.

- Column A – Current budget
- Column B – Reflects possible cost saving in the FMR telephone survey after further pre-testing
- Column C – Reflects changing the methodology for the FMR Survey to mail surveys instead of doing telephone interviews. This would require GHURA to provide a database of household addresses, including both homeowners and renters.
- Column D – Our recommended approach – use the mail methodology for FMR and take out the Affordable Housing Information System development. The Information System is important but can be addressed in the future when additional funding is available.

Housing Demand Program Options				
	A	B	C	D
Base Project	$ 311,630	$ 311,630	$ 311,630	$ 311,630
Options	$ 111,537	$ 111,537	$ 111,537	$ 85,537
FMR	$ 249,000	$ 207,881	$ 88,801	$ 88,801
Total	**$ 672,167**	**$ 631,048**	**$ 511,968**	**$ 485,968**

We reviewed the Rev&Tax website and found it vastly improved since our last project. It may indeed be the solution to the FMR survey problem. Addresses are readily available and look complete. We are not sure whether the coding would let us identify residential vs. commercial/industrial units, single-family vs. multi-family units, owned vs. rented units, etc. The biggest problem we have with tax bases is that most do not provide a way to reach renters. It would be nice to have at least the number of units in the building. There are also many codes in the file that I do not recognize. Those may include some of the information I have listed above. If you do talk with Rev&Tax, you could mention some of those items. If not, we can work it out with them.

It is important to note, as was also stated in the proposal, the payment schedule for the FMR study is 50 percent upon survey approval and balance upon delivery of report.

We would also request that we complete the project by December 2019 with draft report presented in November 2019.

We are looking forward to our discussion Tuesday morning at 8:00 am Guam time.

It is important to note, as stated in the proposal, the payment schedule for the FMR study is 50 percent upon survey approval and balance upon delivery of report.

We also request that we complete the project by December 2019 with draft report presented in November 2019 assuming we receive the Notice to Proceed on August 1, 2019.

We are looking forward to our discussion Tuesday morning at 8:00 am Guam time.

Best regards,



James E. Dannemiller
Executive Vice President
SMS Research & Marketing Services, Inc.

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August 1, 2019

Mr. Albert Santos
A/E Manager
Guam Housing and Urban Renewal Authority
117 Bien Venida Avenue
Sinajana, Guam 96910

RE: RFP#-GHURA-5-6-2019-CPD
Guam Housing Study and Needs Assessment

Aloha Mr. Santos:

Following up on our conversation last week, we have prepared our best and final offer for the RFP#-GHURA-5-6-2019-CDP.

We plan to change the project scope to substitute a mailed FMR survey for the personal interview survey, and to eliminate the Information System discussed in the options section of our proposal. The mail sample will be developed with GHURA's assistance providing liaison with other government and utilities offices.

With those revisions, our BAFO price for the project is $485,968.00.

It is important to note, as was also stated in the proposal, the payment schedule for the FMR study is 50 percent upon survey approval and balance upon delivery of report.

We would also request that we complete the project by January 31, 2020 with draft report presented in December 31, 2019.

Best regards,

James E. Dannemiller
Executive Vice President
SMS Research & Marketing Services, Inc.

COST ESTIMATE

ACTIVITY AND LOCATION: Housing Study -CPD	CONSTRUCTION CONTRACT NO.	SHEET 1 OF 1
PROJECT TITLE: Guam Housing needs assessment	IDENTIFICATION NO.	
	ESTIMATED BY: Albert H. Santos, A/E	DATE PREPARED: 5/27/2019

ITEM DESCRIPTION	QUANTITY NUMBER	QUANTITY UNIT	ENGINEERING ESTIMATE UNIT COST	ENGINEERING ESTIMATE TOTAL
RFP#-GHURA-5-6-2019-CPD for Housing Study and Needs assessment, last study conducted 10 years ago at $250K	1	LS	$320,000.00	$320,000.00
FMR	1	LS	$ 120,000.00	$120,000.00
				$ 440,000.00

Cost estimate revised for the addition of FMR per addeddum #4

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. FY2019-020

Moved By: CARL DOMINGUEZ **Seconded By: GEORGE PEREDA**

RESOLUTION TO ADOPT THE UPDATED GUMA TRANKILIDAT (GUAM ELDERLY MULTIFAMILY HOUSING PROGRAM) ADMINISTRATIVE PLAN

WHEREAS, HUD Occupancy Handbook 4350.3 requires all Public Housing Agencies that administer Multifamily Housing Programs to document written plans outlining *Occupancy Requirements for HUD's Subsidized Multifamily Housing Program*; and

WHEREAS, The 'Plan' must establish local policies for the administration of the Multifamily Housing Program in accordance with requirements set forth by the U.S. Department of Housing and Urban Development (HUD); and

WHEREAS, GHURA's Guma Trankilidat (Guam Elderly Housing Multifamily Housing Program) has revised the existing administrative plan to include updated mandates, regulations and policies that directly impact the current administration of the Multifamily Housing Program; and

WHEREAS, The Guma Trankilidat (Guam Elderly Housing Multifamily Housing Program) Administrative Plan is the supporting documentation to the Housing Agencies Annual Plan in accordance with 24 CFR 903; and therefore be it

RESOLVED, that the Board of Commissioners hereby adopts the updated Guma Trankilidat (Guam Elderly Housing Multifamily Housing Program) Administrative Plan.

IN A SCHEDULED BOARD MEETING, SINAJANA, GUAM – AUGUST 12, 2019
PASSED BY THE FOLLOWING VOTES:
AYES: **SABINO FLORES, MONICA GUZMAN, CARL DOMINGUEZ, GEORGE PEREDA, JOSEPH CAMERON, JOSEPH LEON GUERRERO**
NAYES: **NONE**
ABSENT: **NONE**
ABSTAINED: **NONE**

I hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted by the Guam Housing and Urban Renewal Board of Commissioners on **August 12, 2019**.

(S E A L)

RAY S. TOPASNA
Secretary/Executive Director

Revisions to 2014 Guam Elderly Housing Program (Guma Trankilidat)

Multifamily Housing Program Administrative Plan

CHAPTER, PAGE	**Changes Made in GT Administrative Plan**
Title Page	Added new proposed and/or revision
TOC- 2, TOC 4 and TOC – 9	Updated TOC
CHAPTER 2 – REASONABLE ACCOMMODATIONS Pg. 30 of 288	To add Use of Medicinal Marijuana
CHAPTER 4 – TENANT SELECTION PLAN Pg. 74 of 288	To add Public Law 114-201 Housing Opportunity Through the Modernization Act (HOTMA) of 2016
CHAPTER 9 – DRUG ABUSE AND OTHER CRIMINAL ACTIVITY (GHURA POLICY-Use of Illegal Drugs and Alcohol Abuse) Pg. 194 of 288	To add Definition of Marijuana

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CHAPTER 2: CIVIL RIGHTS AND NONDISCRIMINATION REQUIREMENTS

INTRODUCTION

Owners of HUD-subsidized multifamily properties are subject to several important federal civil rights laws affecting both admission and occupancy. These requirements seek to ensure that all applicants have equal access to affordable housing and that owners treat all tenants impartially.

This chapter provides an overview of key federal civil rights and nondiscrimination requirements that pertain to admissions and occupancy in properties subject to the HUD Occupancy Handbook 4350.3. The following chapters describe HUD regulations and GHURA policies related to these topics in four parts:

Part I: Applicable Laws. This part provides the laws and regulations governing the responsibilities of GHURA relevant to occupancy in HUD-subsidized Multifamily Housing Programs.

Part II: Nondiscrimination Requirements under the Fair Housing Act. This part summarizes the key nondiscrimination requirements established under the Fair Housing Act applicable to Multifamily Housing Programs. These rules and policies are based on the Fair Housing Act (42.U.S.C. § 3601 et.seq.) and Section 504 of the Rehabilitation Act of 1973, and incorporate guidance from the Joint Statement of The Department of Housing and Urban Development and the Department of Justice (DOJ), issued May 17, 2004.

Part III: Additional Nondiscrimination and Accessibility Requirements for Persons with Disabilities. This part explains the requirements and procedures that owners of HUD-subsidized Multifamily Housing must follow to ensure nondiscrimination and accessibility of their properties to persons with disabilities as required by Section 504 of the Rehabilitation Act of 1973 and the Fair Housing Act.

Part IV: Housing Discrimination Complaints and Compliance. This part details the obligations of GHURA to provide information about an owner's responsibilities in the event of a housing discrimination complaint and key references regarding fair housing compliance reviews.

PART I: APPLICABLE LAWS

2-I.A KEY REGULATIONS AND STATUTE

Federal laws require PHAs to treat all applicants and participants equally, providing the same quality of service, regardless of family characteristics and background. Federal law prohibits discrimination in housing on the basis of Race, Color, Religion, Sex, National Origin, Age, Familial Status, and Disability.

GHURA Policy

GHURA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:

- 24 CFR, Part 1, Nondiscrimination in Federally Assisted Programs of the Department of Housing and Urban Development- Effectuation of Title VI of the Civil Rights Act of 1964
- 24 CFR, Part 8, Nondiscrimination based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development (Section 504 of the Rehabilitation Act of 1973)
- 24 CFR, Part 100, Discriminatory Conduct under the Fair Housing Act
- 24 CFR, part 146, Nondiscrimination on the Basis of Age in HUD Programs or Activities Receiving Federal Financial Assistance (Age Discrimination Act of 1975)
- 24 CFR 200, Subpart M, Affirmative Fair Housing Market Regulations
- 24 CFR §§ 880.612(a), 881.601, 883.701, 884.223(a), 886.329(a)
- 42 U.S.C. § 13641, Housing and Community Development Act of 1992
- Uniform Federal Accessibility Standards (UFAS) effective July 11, 1988
- Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA)
- When more than one civil rights law applies to a situation, the laws will be read and applied together.
- Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted.

2-I.B GENERAL PROVISIONS

Federal regulations prohibit discrimination against certain protected classes. State and local requirements, as well as PHA policies, can prohibit discrimination against additional classes of people.

GHURA shall not discriminate on the basis of the following "protected classes" - Race, Color, Sex, Religion, and Familial status, Age, Disability or National Origin.

Familial status includes children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18.

GHURA Policy
In addition to the federal regulations prohibiting discrimination against certain protected classes, GHURA will not discriminate on the basis of marital status or sexual orientation, receipt of public assistance, political beliefs or other affiliations.

2-I.C FAIR HOUSING ACT

The Fair Housing Act prohibits discrimination in most housing and housing-related transactions with respect to the following bases of Race; Color; Religion; Sex; Disability; Familial status; or National origin. The Act applies to all housing units subject to the HUD Occupancy Handbook 4350.3.

GHURA Policy
GHURA will not use any of these factors to:

- Deny anyone the opportunity to apply to rent housing, or deny any qualified applicant the opportunity to lease housing suitable to his or her needs;
- Provide anyone housing that is different from that provided to others;
- Subject anyone to segregation, even if by floor or wing;
- Restrict anyone's access to any benefit enjoyed by others in connection with the housing program;
- Treat anyone differently in determining eligibility or other requirements for admission, in use of the housing amenities, facilities or programs, or in the terms and conditions of a lease;
- Deny anyone access to the same level of services;
- Deny anyone the opportunity to participate in a planning or advisory group that is an integral part of the housing program;
- Publish or cause to be published an advertisement or notice indicating the availability of housing that prefers or excludes persons;
- Discriminate in the provision of brokerage services or in residential real estate transactions;
- Discriminate against someone because of that person's relation to or association with another individual; or
- Retaliate against, threaten, or act in any manner to intimidate someone because he or she has exercised rights under the Fair Housing Act.

Doc. No. 35GL-19-0951.*

2-I.D TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI prohibits all recipients of federal financial assistance from discriminating based on Race, Color, or National Origin. Title VI applies to any program or activity receiving federal financial assistance, not just housing. Each federal agency has its own Title VI regulations. Thus, owners, must remember that if they receive funds from any other federal agency, they will be subject to those agencies' Title VI rules, in addition to HUD's Title VI regulations, which are found at 24 CFR Part 1.

In housing, Title VI and the Fair Housing Act apply to many of the same types of activities. However, HUD has broader investigative authority in complaints related to violations of Title VI and the authority to impose different types of remedies than it does in cases involving violations of the Fair Housing Act.

Title VI regulations require that recipients have an affirmative obligation to take reasonable steps to remove or overcome any discriminatory practice or usage that subjects individuals to discrimination based on race, color, or national origin. The regulations also require that, even in the absence of prior discrimination, recipients should take affirmative steps to overcome the effects of conditions that results in limiting participation by persons or a particular race, color, or national origin.

Title VI regulations also require that owners maintain racial and ethnic data showing the extent to which member of minority groups are beneficiaries of federal financial assistance.

2-I.E AGE DISCRIMINATION ACT OF 1975

This Act prohibits discrimination based upon age in federally assisted and funded programs or activities, except in limited circumstances.

It is not a violation of the Act to use age as screening criteria in a particular program if age distinctions are permitted by statute for that program or if age distinctions are a factor necessary for the normal operation of the program or the achievement of a statutory objective of the program or activity.

2-I.F SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 prohibits discrimination based upon disability in all programs or activities operated by recipients of federal financial assistance. Although Section 504 often overlaps with the disability discrimination prohibitions of the Fair Housing Act, it differs in that it also imposes broader affirmative obligations on owners to make their programs as a whole, accessible to persons with disabilities.

The Section 504 regulations establish affirmative accessibility requirements for newly constructed or rehabilitated housing, including providing a minimum percentage of accessible

units. In order for a unit to be considered accessible, it must meet the requirement of the Uniform Federal Accessibility Standards (UFAS).

2-I.G CIVIL RIGHTS RELATED PROGRAM REQUIREMENTS

HUD-subsidized Multifamily Housing properties are subject to Civil Rights Related Program Requirements developed under civil right authorities. These requirements reflect HUD's obligation to ensure that the programs and activities that receive federal funds comply with federal civil rights laws.

Some of the Civil Rights Related Program Requirements include, but are not limited to, the terms listed below.

- Occupancy policies
  - Application requirements
  - Waiting list requirements
  - Tenant selection requirements

- Use of residency preferences in a manner that does not have a disparate impact on members of any class of individuals protected by federal civil rights laws;

- Consistent maintenance requirements; and

- Consistent policies across properties owned by the same owner to ensure against steering, segregation, or other discriminatory practices.

- Improving Access to Services for Persons with Limited English Proficiency (LEP). Executive Order (E.O.) 13166 requires Federal agencies and grantees to take affirmative steps to communicate with persons who need services or information in a language other than English.

  - Housing owners must take reasonable steps to ensure meaningful access to the information and services they provide for persons with LEP. This may include interpreter services and/or written materials translated into other languages.

  - HUD specific LEP guidance, "Final Guidance to Federal Financial Assistance Recipients regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" was published in the Federal Register on January 22, 2007.

GHURA Policy

GHURA will take affirmative steps to communicate with people who need services or information in a language other than English. These individuals will be referred to as "persons with Limited English Proficiency (LEP)".

Doc. No. 35GL-19-0951.*

In order to determine the level of access needed by LEP persons, GHURA will weigh the following four factors: 1) the number or proportion of LEP persons eligible to be served or likely to be encountered by the Multifamily Housing Program 2) the frequency with which LEP persons come into contact with the program 3) the nature and importance of the program, activity, or service provided by the program to people's lives; and 4) the resources available to GHURA and costs. Balancing these four factors will ensure meaningful access by LEP persons to critical services while not imposing undue financial or administrative burden on GHURA.

2-I.H TITLE VI, SUBTITLE D OF THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1992 (42 U.S.C. § 13641)

Title VI-D authorizes owners of certain HUD multifamily assisted developments to elect to serve elderly families, limit the numbers of disabled families residing in the projects or to adopt preferences for elderly families, depending upon the type of project and whether certain requirements are met. While owners must comply with all relevant sections pursuant to Title VI-D, owners should pay close attention to Section 651 and 658 with respect to eligibility and tenant selection.

While this statute is not a civil rights law, it is referenced, because if it is applied incorrectly, an owner may be in violation of federal civil rights laws, as well as program requirements.

2-I.I REQUIRED DATA AND RECORD-KEEPING

Required Data:

For subsidized Multifamily Housing, HUD requires owners to gather data about the race and ethnicity of applicants and tenants so that HUD can easily spot possible discrimination, track racial or ethnic concentrations, and focus enforcement actions on owners with racially or ethnically identifiable properties. To avoid risk of violating civil rights and nondiscrimination requirements when seeking to gather such data, owners should consistently ask the same questions of all prospective and current tenants.

Record-Keeping:

Records: Owners must keep civil rights related records in accordance with 24 CFR§§1.6, 8.55(b), and 107.30. The civil rights related records include race and ethnicity data, compliance with Executive Order 11063.

Access to Records: Owners are required to allow HUD staff and Contract Administrators access to the relevant records for their properties and other sources of information, as necessary, for determining compliance with civil rights and nondiscrimination requirements.

PART II: NONDISCRIMINATION REQURIEMENTS UNDER THE FAIR HOUSING ACT

2-II.A. KEY REGULATION

24 CFR Part 100, Discriminatory Conduct under the Fair Housing Act

2-II.B GENERAL

The Fair Housing Act prohibits discrimination in housing on the basis of Race, Color, Religion, Sex, Disability, Familial status, or National Origin. Owners are responsible for ensuring that the policies and practices used in properties covered by HUD Occupancy Handbook 4350.3 do not incorporate prohibited practices. This section provides an overview of these requirements. Owners are fully responsible for understanding and complying with the requirements applicable to their properties.

2-II.C UNLAWFUL REFUSAL TO RENT OR NEGOTIATE FOR RENTAL

GHURA Policy
GHURA will not refuse, either directly or indirectly, to rent or negotiate for rental of a dwelling based on an individual's Race, Color, Religion, Sex, Disability, Familial Status, or National Origin, or those of a person associated with the individual.

2-II.D OTHER PROHIBITED RENTAL ACTIVITIES

GHURA Policy
GHURA will not engage in activities that steer potential tenants away from or toward particular units by words or actions based on Race, Color, Religion, Sex, Disability, Familial Status, or National Origin.

GHURA will not make housing units and related service unavailable to any potential tenants based upon Race, Color, Religion, Sex, Disability, Familial Status or National Origin.

2-II.E DISCRIMINATION IN THE REPRESENTATION OF AVIALABE DWELLINGS

GHURA Policy
GHURA will not purposely provide false information to applicants about the availability of units that limits the living options of prospective tenants based on Race, Color, Religion, Sex, Disability, Familial Status, or National origin of the applicant or persons associated with the applicant.

Doc. No. 35GL-19-0951.*

2-II.F DISCRIMINATION IN TERMS, CONDITIONS, PRIVILEGES, SERVICES, AND FACILITIES

GHURA Policy
GHURA will not deny or limit services based on Race, Color, Religion, Sex, Disability, Familial Status, or National Origin of the applicant, tenant, or a person associated with the applicant or tenant.

Federal discrimination laws generally prohibit housing providers from implementing policies or practices that appear to be neutral on their face but have a significant adverse or disproportionate impact on persons based on Race, Color, Religion, Sex, National Origin, Familial Status, or Disability.

2-II.G DISCRIMINATION MARKETING, STATEMENTS, AND NOTICES

GHURA Policy
GHURA will market available units in a nondiscriminatory manner:

- This requirement covers printed or published notices statements, or advertisements.
- The marketing requirement also covers oral notices or statements.

2-II.H RETALIATORY OCCUPANCY PRACTICES, COERCION, INTIMIDATION, AND INTERFERENCE

It is unlawful to coerce, intimidate, threaten, or interfere with any person's exercise or enjoyment of any Fair Housing rights. It is also unlawful to take such action on account of a person's actions to aid or encourage any other person in the exercise or enjoyment of any Fair Housing rights.

Examples of threatening activities based on classes:

- Intimidating or threatening a person verbally, in writing, or in some other way that results in that person being denied the benefits of living in a unit;
- Threatening, intimidating, or interfering with a persons' enjoyment of a dwelling because of the race, color, religion, sex, disability, familial status, or national origin of such person, or of visitors or associates of such person (including sexual harassment);
- Threatening an employee or agent with firing or other negative acting for any legal, nondiscrimination, pro-regulatory, effort to help someone rent a unit;
- Intimidating or threatening any person because that person is engaging in activities designed to make other persons aware of Fair Hosing rights, or encouraging such other persons to exercise their Fair Housing rights;
- Failing to investigate and address allegations that a tenant or group of tenants is harassing or threatening another tenant because of that tenant's' race, color, national origin, sex, religion, disability, or familial status; and
- Retaliating against a person who has made a complaint, testified, or in any way assisted

Doc. No. 35GL-19-0951.*

with proceeding under the Fair housing Act.

Doc. No. 35GL-19-0951.*

PART III: ADDITIONAL NONDISCRIMINATION AND ACCESSIBILITY REQUIREMENTS FOR PERSONS WITH DISABILITIES

2-III.A OVERVIEW AND GENERAL REQUIREMENTS

The Fair Housing Act establishes specific nondiscrimination and accessibility requirements for housing sold and rented in the U.S. regardless of whether the housing received any federal financial assistance. Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against persons with disabilities and establishes accessibility requirements by recipients of federal financial assistance in both housing and non-housing programs.

Section 504 establishes certain affirmative accessibility standards that owners must meet regardless of whether or not an applicant or tenant has made an individual request for a reasonable accommodation.

Below is a list of regulations pertaining to additional nondiscrimination and accessibility requirements for persons with disabilities:

- 24 CFR Part 8, Nondiscrimination Based on Handicap in Federally Assisted Programs and Activities of the Department of Housing and Urban Development (Section 504 of the Rehabilitation Act of 1973)
- 24 CFR Part 100, Discriminatory Conduct under the Fair Housing Act
- 24 CFR Part 108, Compliance Procedures for Fair Housing Marketing

2-III.B POLICIES AND PROCEDURES TO ENSURE NONDISCRIMINATION AND PROMOTE ACCESSIBILITY

Nondiscrimination in Owner Policies

- Both Section 504 and the Fair Housing Act prohibit owners from following policies or practices that discriminate overtly on the basis of disability.
- Owners are also obligated to modify any neutral policies which have the effect of discriminating on the basis of disability.
- Owners must not fail to provide reasonable accommodations when such accommodations may be necessary to afford a person with disabilities equal opportunity to use and enjoy a dwelling unit and the public and common areas.
- Owners must ensure that their policies and procedures do not have a disparate or impact on persons with disabilities.
- Owners are not required to provide supportive or other services that fall outside the scope of the applicable housing program for the property.

Coordinating Efforts to Comply with Section 504 Requirements

- When an owner, managing entity, or project employs 15 or more people, regardless of their location or duties, the owner or managing entity must also designate one person for the property to coordinate efforts to comply with Section 504 requirements. This does not exempt the owner with fewer than 15 employees from complying with Section 504 requirements, only from having to designate a person.

Communications with Persons with Disabilities.

- Owners must take steps to ensure effective communication with applicants, tenants, and members of the public.
- Owners are not required to take any actions when the owner can demonstrate that it would result in a fundamental alteration in the property or program or impose undue financial and administrative burden.
- Owners must take steps to the maximum extent feasible to accommodate requests for effective communication with persons with disabilities.

Providing Auxiliary Aids to Ensure Effective Communication with Hearing and Speech-Impaired Individuals

- Owners must provide auxiliary aids where necessary to give tenants and applicants with disabilities equal opportunity to receive and enjoy the benefits of the project/assistance.
- In furnishing auxiliary aides needed by persons with disabilities, owners should give primary consideration to the types of aids requested by the individual.
- Appropriate auxiliary aids do not include individually prescribed devices.

Written Communications

- Owners must accommodate requests by persons with disabilities to have written materials presented in a manner which can be understood by those individuals.

Telecommunications

- Where an owner uses a telephone to communicate with members of the public, applicants, and tenants, the owner must use a telecommunications device suitable for the hearing-impaired (TTY) or equally effective communication system.

Information about availability of Accessible Units

- Owners must have policies and practices to ensure that information about the availability of accessible units reaches eligible persons with disabilities.

- HUD also encourages owners to maintain contact with sources/agencies in the community who provide services to persons with disabilities so that, when accessible unit become available, persons in need of these units may have the opportunity to living in them.

Determining Eligibility of Applicants for Admission and Assistance

- In applying the nondiscrimination requirements of Section 504 and the Fair Housing Act regarding persons with disabilities, owners must ensure that the polices used at properties covered by this section are consistent with 1) Assigning accessible units, and 2) Moving tenants who require special features into accessible units.
- Determine the eligibility of each applicant on a case-by-case basis.
- Admit applicant in accordance with eligibility requirements of the program/project.
- Uniformly apply the eligibility and tenant selection criteria to all applicants.

Assigning Accessible Units

- Applicability
  - Projects with five or more units.
  - Units made accessible under Section 504, designed for disabled families/households when the project was approved for funding.

- Eligibility for Accessible Units
  - A percentage of units in most properties contain accessible features. Eligibility for these accessible units may be limited to a specific population.
  - Owners must place applicants eligible for an accessible unit on the waiting list in accordance with the property's waiting list procedures.
  - Owners may no t prohibit an eligible family with a member who has a disability from accepting a suitable non-accessible unit if no accessible unit is available when the family reaches the top of the waiting list.
  - If an appropriate-size accessible unit is not available, owners may house an applicant needing an accessible unit in a larger accessible unit in order to maximize the use of the accessible features.

- Order When Assigning Accessible Units
  - When there is a current tenant or qualified applicant with a household member requiring accessibility features of the unit.
  - When neither a current tenant nor a qualified applicant requires the features of the available accessible unit.

Moving Tenants Who Require Special Features into Accessible Units

- If a member of a tenant household becomes disabled that requires special accessibility features and requires an accessible unit, the owner may move the tenant into an accessible unit instead of altering the tenant's existing unit to make it accessible.

- If a member of a tenant household is a person who does not need specific accessible features, but whose disability requires that they live on a particular floor, the owner must move that tenant household to the new unit when it is available.
- If the tenant household is being moved to a different unit as a reasonable accommodation to a household member's disability, then the owner must pay for the move unless doing so would constitute undue financial burden.

Owner Self-Evaluation

- Section 504 requires recipients of federal financial assistance to conduct a self-evaluation of their policies to determine whether they are consistent with the Rehabilitation Act of 1973.
- Ensure owners' ongoing responsibility to operate their programs so that they are accessible to and usable by persons with disabilities [24 CFR §8.24].
- Periodically conduct self-evaluations to ensure compliance.
- Provide Office of Fair Housing and Equal Opportunity the following information:
  - A list of persons consulted during the process;
  - A description of areas of the project eh owner examined and any problems identified; and
  - A description of any modifications the owner made and any steps taken to correct them.
- Develop a transition plan for completing structural changes needed to make the property readily accessible and usable to persons with disabilities.

2-III.C PHYSICAL ACCESSIBILITY

GHURA must comply with a variety of regulations pertaining to physical accessibility, including the following.

- Notice PIH 2010-26
- Section 504 of the Rehabilitation Act of 1973
- The Americans with Disabilities Act of 1990
- The Architectural Barriers Act of 1968
- The Fair Housing Act of 1988

GHURA's policies concerning physical accessibility must be readily available to applicants and resident families. They can be found in three key documents.

- This policy, the Guam Elderly Housing (Guma Trankilidat) Multifamily Housing Program Administrative Plan, describes the key policies that govern GHURA's responsibilities with regard to physical accessibility.
- Notice PIH 2010-26 summarizes information about pertinent laws and implementing regulations related to nondiscrimination and accessibility in federally-funded housing programs.

Doc. No. 35GL-19-0951.*

- GHURA's PHA Plan provides information about self-evaluation, needs assessment, and Section 504 transition plans.

The design, construction, or alteration of GHURA's facilities must conform to the Uniform Federal Accessibility Standards (UFAS). Notice PIH 2010-26 contains specific information on calculating the percentages of units for meeting UFAS requirements.

Newly-constructed facilities must be designed to be readily accessible to and usable by persons with disabilities. Alterations to existing facilities must be accessible to the maximum extent feasible, defined as not imposing an undue financial and administrative burden on the operations of the public housing program.

2-III.D REASONABLE ACCOMMODATIONS

A "reasonable accommodation" is a change, exception, or adjustment to a policy, practice or service that may be necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since policies and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use and enjoy a dwelling. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act]

Federal regulations stipulate that requests for accommodations will be considered reasonable if they do not create an "undue financial burden" for the housing authority, or result in a "fundamental alteration" in the nature of the program or service offered. A fundamental alteration is a modification that alters the essential nature of a provider's operations.

"Though the use of marijuana has been legalized on Guam per the passage of Public Law 35-5, the possession, use, manufacture, cultivation and distribution of marijuana is strictly prohibited on all GHURA properties. This prohibition extends to Guma Trankilidat units, common areas, administrative buildings, community rooms and facilities, and outdoor areas under GHURA's control. Federal non-discrimination laws do not require public housing authorities to allow marijuana use as a reasonable accommodation for any disability."

Types of Reasonable Accommodations

When it is reasonable and will not cause undue financial burden, GHURA shall accommodate the needs of a person with disabilities.

Examples include but are not limited to:

- Permitting applications and reexaminations to be completed by mail;
- Conducting home visits;
- Permitting a higher utility allowance for the unit if a person with disabilities requires the use of specialized equipment related to the disability;
- Modifying or altering a unit or physical system if such a modification or alteration is necessary to provide equal access to a person with a disability;

- Installing a ramp into a dwelling or building;
- Installing grab bars in a bathroom;
- Installing visual fire alarms for hearing impaired persons;
- Allowing a GHURA-approved live-in aide to reside in the unit if that person is determined to be essential to the care of a person with disabilities, is not obligated for the support of the person with disabilities, and would not be otherwise living in the unit;
- Providing a designated handicapped-accessible parking space;
- Allowing an assistance animal;
- Permitting an authorized designee or advocate to participate in the application or certification process and any other meetings with GHURA staff; and
- Displaying posters and other housing information in locations throughout GHURA's office in such a manner as to be easily readable from a wheelchair.

Request for Reasonable Accommodations

If an applicant or tenant indicates that an exception, change, or adjustment to a rule, policy, practice, or service is needed because of a disability, HUD requires that GHURA treat the information as a request for a reasonable accommodation, even if no formal request is made. [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

The family must explain what type of accommodation is needed to provide the person with the disability full access to GHURA's programs and services.

If the need for the accommodation is not readily apparent or known to GHURA, the family must explain the relationship between the requested accommodation and the disability.

GHURA Policy
GHURA will encourage the family to make its request in writing using a reasonable accommodation request form. However, GHURA will consider the accommodation any time the family indicates that an accommodation is needed whether or not a formal written request is submitted.

Verification of Disability

The regulatory civil rights definition for persons with disabilities is provided in Exhibit 2-1 at the end of this chapter. The definition of a person with a disability for the purpose of obtaining a reasonable accommodation is much broader than the HUD definition of disability which is used for waiting list preferences and income allowances.

Before providing an accommodation, GHURA must determine that the person meets the definition of a person with a disability, and that the accommodation will enhance the family's access to GHURA's programs and services.

If a person's disability is obvious or otherwise known to GHURA, and if the need for the requested accommodation is also readily apparent or known, no further verification will be required [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

- Third-party verification must be obtained from an individual identified by the family who is competent to make the determination. A doctor or other medical professional, a peer support group, a non-medical service agency, or a reliable third party who is in a position to know about the individual's disability may provide verification of a disability [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act].

- GHURA must request only information that is necessary to evaluate the disability-related need for the accommodation. GHURA may not inquire about the nature or extent of any disability.

- Medical records will not be accepted or retained in the participant file.

- In the event that GHURA does receive confidential information about a person's specific diagnosis, treatment, or the nature or severity of the disability, GHURA will dispose of it. In place of the information, GHURA will note in the file that the disability and other requested information have been verified, the date the verification was received, and the name and address of the knowledgeable professional who sent the information [Notice PIH 2010-26].

Approval/Denial of Request for Reasonable Accommodations [Joint Statement of the Departments of HUD and Justice: Reasonable Accommodations under the Fair Housing Act, Notice PIH 2010-26]

GHURA must approve a request for an accommodation if the following three conditions are met.

- The request was made by or on behalf of a person with a disability.

- There is a disability-related need for the accommodation.

- The requested accommodation is reasonable, meaning it would not impose an undue financial and administrative burden on GHURA, or fundamentally alter the nature of GHURA's operations.

Requests for accommodations must be assessed on a case-by-case basis. The determination of undue financial and administrative burden must be made on a case-by-case basis involving various factors, such as the overall size of GHURA's program with respect to the number of employees, type of facilities and size of budget, type of operation including composition and structure of workforce, the nature and cost of the requested accommodation, and the availability of alternative accommodations that would effectively meet the family's disability-related needs. Before making a determination whether to approve the request, GHURA may enter into discussion and negotiation with the family, request more information from the family, or may require the family to sign a consent form so that GHURA may verify the need for the requested accommodation.

GHURA Policy

After a request for an accommodation is presented, GHURA will respond, in writing, within 15 business days.

If GHURA denies a request for an accommodation because there is no relationship, or nexus, found between the disability and the requested accommodation, the notice will inform the family of the right to appeal GHURA's decision through an informal hearing (if applicable) or the grievance process .

If GHURA denies a request for an accommodation because it is not reasonable (it would impose an undue financial and administrative burden or fundamentally alter the nature of GHURA's operations), GHURA will discuss with the family whether an alternative accommodation could effectively address the family's disability-related needs without a fundamental alteration to the public housing program and without imposing an undue financial and administrative burden.

If GHURA believes that the family has failed to identify a reasonable alternative accommodation after interactive discussion and negotiation, GHURA will notify the family, in writing, of its determination within 15 business days from the date of the most recent discussion or communication with the family. The notice will inform the family of the right to appeal GHURA's decision through an informal hearing (if applicable) or the grievance process.

PART IV: HOUSING DISCRIMINATION COMPLAINTS

2-IV.A HOUSING DISCRIMINATION COMPLAINTS

HUD is responsible for responding to complaints involving the Fair Housing Act, Section 504 requirements, and other civil rights requirements. Anyone who believes that he or she has been subject to discriminatory treatment from GHURA may file a housing discrimination complaint. If an applicant or tenant indicates to GHURA that they want to file a housing discrimination complaint, GHURA will take one of the following steps:

GHURA Policy

- Refer the individual to HUD;
- Provide the individual with Fair Housing and Equal Opportunity's (FHEO) pamphlet, Fair Housing – It's Your Right (HUD-1686-FHEO); and/or
- Refer the complaint to GHURA's Fair Housing/Section 504 Coordinator to review if the individual's assertions have any merit and make corrections as necessary to ensure compliance.

EXHIBIT 2-1: DEFINITION OF A PERSON WITH A DISABILITY UNDER FEDERAL CIVIL RIGHTS LAWS [24 CFR §§ 8.3 and 100.201]

A person with a disability, as defined under federal civil rights laws, is any person who:

- Has a physical or mental impairment that substantially limits one or more of the major life activities of an individual, or
- Has a record of such impairment, or
- Is regarded as having such impairment

The phrase "physical or mental impairment" includes:

- Any physiological disorder or condition, cosmetic or disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
- Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term "physical or mental impairment" includes, but is not limited to: such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, drug addiction and alcoholism.

"Major life activities" includes, but is not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, breathing, learning, and/or working.

"Has a record of such impairment" means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

"Is regarded as having an impairment" is defined as having a physical or mental impairment that does not substantially limit one or more major life activities but is treated by a public entity (such as the PHA) as constituting such a limitation; has none of the impairments defined in this section but is treated by a public entity as having such an impairment; or has a physical or mental impairment that substantially limits one or more major life activities, only as a result of the attitudes of others toward that impairment. The definition of a person with disabilities does not include:

- Current illegal drug users
- People whose alcohol use interferes with the rights of others
- Persons who objectively pose a direct threat or substantial risk of harm to others that cannot be controlled with a reasonable accommodation under the Multifamily Housing program

The above definition of disability determines whether an applicant or participant is entitled to any of the protections of federal disability civil rights laws. Thus, a person who does not meet this disability is not entitled to a reasonable accommodation under federal civil rights and fair housing laws and regulations.

The HUD definition of a person with a disability is much narrower than the civil rights definition of disability. The HUD definition of a person with a disability is used for purposes of receiving the disabled family preference, the $400 elderly/disabled household deduction, the $480 dependent deduction, the allowance for medical expenses, or the allowance for disability assistance expenses.

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CHAPTER 4: WAITING LIST AND TENANT SELECTION

INTRODUCTION

When a family wishes to receive housing rental assistance at Guam Elderly Housing (Guma Trankilidat) Multifamily Housing Program, the family must submit an application. The application should provide GHURA with information needed to determine the family's eligibility. GHURA places all families that apply for assistance on a waiting list. When a unit becomes available, GHURA must select families from the waiting list in accordance with HUD requirements and GHURA policies as stated in the Guam Elderly Housing (Guma Trankilidat) Multifamily Housing Program Administrative Plan. GHURA is required to adopt a clear approach to accepting applications, placing families on the waiting list, selecting families from the waiting list, and must follow this approach consistently.

HUD regulations require that all families have an equal opportunity to apply for and receive housing assistance, and that GHURA affirmatively further fair housing goals in the administration of the program. Adherence to the selection policies described in this chapter ensures that GHURA will be in compliance with all relevant civil rights and nondiscrimination requirements, as described in Chapter 2.

This chapter describes HUD and GHURA policies for accepting applications, managing the waiting list and selecting families for assistance. The policies outlined in this chapter are organized into four sections, as follows:

Part I: The Tenant Selection Plan. This part describes the required and recommended contents of the HUD tenant selection plan.

Part II: Marketing. This part describes marketing and outreach activities to attract tenants with particular attention to Affirmative Fair Housing Marketing Plan.

Part III: Waiting List Management. This part includes information related to accepting applications, waiting lists, and record-keeping related to tenant applications.

Part IV: Selecting Tenants from the Wait List. This part covers tenant selection and screening criteria. It also discusses applicant interviews, and applicable requirements and procedures when applicants are found to be ineligible, including written notification to applicants of denial of assistance.

PART I: THE TENANT SELECTION PLAN

4-I.A OVERVIEW

This part describes the policies that guide GHURA's efforts to distribute and accept applications, and to make preliminary determinations of applicant family eligibility that affects placement of the family on the waiting list. This part also describes GHURA's obligation to ensure the accessibility of the application process to elderly persons, people with disabilities, and people with limited English proficiency (LEP).

4-I.B KEY REGULATIONS

Tenant Selection Plan

- 24 CFR § 5.655 Owner Preferences in Selection for a Project or Unit
- 24 CFR §§ 880.104, 881.104, 883.105, 884.118, 886.119, 886.318 (Applicability of 24 CFR, Part 5, and responsibilities of the owner)
- 24 CFR §§ 891.410, 891.610, 891.750 (Selection and admission of tenants)

Income-Targeting

These regulations are applicable only to the Section 8 project-based program except where otherwise noted.

- 24 CFR § 5.653 Admission – Income-eligibility and income-targeting
- 24 CFR §§ 5.601, 5.603 (Occupancy Requirements for Section 8 Project-based Assistance)

Preferences

- 24 CFR §§ 5.655, 880.602, 881.601, 883.701, 884.214, 886.132, 886.321, 891.230, 891.750 (Owner preferences/requirements in selection for a project or unit)
- 24 CFR § 236.715 Determination of Eligibility
- 24 CFR § 880.612a, 881.601, 883.701, 884.223a, 886.329a (Preference for occupancy by elderly families)

Required Criminal and Drug Screening Standards

- 24 CFR Part 5, Subpart I – Preventing Crime in Federally Assisted Housing – Denying Admission and Terminating Tenancy for Criminal Activity and Alcohol Abuse
- 24 CFR Part 5, Subpart J – Access to Criminal Records and Information

Screening for Suitability

- 24 CFR § 5.655 Owner Preferences in Selection for a Project or Unit

Rejecting Applicants and Denial of Rental Assistance

- 24 CFR §§ 880.603, 881.601, 883.701, 884.214, 886.121 and 132, 886.321 and 329, 891.410, 891.610, 891.750 (Tenant selection and admission)

Denial of Assistance to Noncitizens and DHS Appeal Process

- 24 CFR Part 5, Subpart E – Restrictions on Assistance to Noncitizens

4-I.C TENANT SELECTION PLAN

HUD requires owners to develop and make public written tenant selection policies and procedures that include descriptions of the eligibility requirements and income limits for admission into the program. The Tenant Selection Plan should include whether there is an elderly restriction preference in the admission, and must cite supporting documentation to ensure nondiscrimination in selection.

4-I.D INCOME TARGETING

For each project assisted under a contract for project-based Section 8 assistance, the owner must lease not less than 40% of the dwelling units (assisted under the contract) that become available for occupancy in any project fiscal year to extremely low-income families. The methodology for income-targeting must be described in the tenant selection plan.

To comply with this requirement, GHURA will perform the following:

GHURA Policy

GHURA will determine whether the composition of the current waiting list can achieve the income-targeting requirement by simply following the standard waiting list order with no additional procedures.

GHURA will admit only extremely low-income families until the 40% target is met. In chronological order, GHURA will select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. Once this target is met, applicants will continue to be selected in the waiting list order.

Order of Selection

Selection priority shall be provided to U.S. Citizens and National over non-U.S. and other aliens covered under 141 of the Compact of Free Association between the United States and the Marshall Islands, the Federated States of Micronesia and Palau in accordance with Public Law 114-201 of the Housing Opportunity Through the Modernization Act (HOTMA) of 2016. Order of selection will begin with U.S. Citizens and Nationals according to the date and time of application.

Once all U.S. families have been selected, GHURA will select non-U.S. Citizens and aliens according to date and time of their applications. When selecting families from the waiting list, PHAs are required to use targeted funding to assist only those families who meet the specified criteria, and PHAs are not permitted to skip down the waiting list to family that it can afford to subsidize when there are not sufficient funds to subsidize the family at the top of the waiting list [24 CFR 982.204 (d) and (e)].

GHURA Policy

Citizens and Nations of the United States shall have priority over non-U.S. or Aliens covered under Section 141 of the Compact of Free Associations Agreement between the United States and the Marshall Islands, the Federated States of Micronesia, and Palau. GHURA will skip over non-U.S. applicants to select U.S. Citizens/Nationals applicant first. Once all U.S. applicants have been selected from the waiting list, other families will be selected from the waiting list on a first-come, first-served basis according to the date and time of their complete application was received by GHURA or in accordance with targeted funding requirements. Documentation will be maintained by GHURA as to whether families on the list qualify for and are interested in targeted funding. If a higher placed family on the waiting list is not qualified or not interested in targeted funding, there will be a notation maintained so that GHURA does not have to ask higher placed families each time targeted selections are made.

4-I.E PREFERENCES

Assigning preferences to applicants who meet certain criteria is a method intended to provide housing opportunities to applicants based upon household circumstances. Applicants with preferences are selected from the waiting list and receive an opportunity for an available unit earlier than those who do not have a preference.

GHURA Policy

There are no preferences adopted for the Guam Elderly Housing (Guma Trankilidat) Multifamily Housing Program. Selection of an applicant from the waiting list will be consistent in the order of time and date of application.

4-I.F SCREENING FOR SUITABILITY

Screening for Suitability as a Tenant [24 CFR § 960.203(c)]
GHURA is responsible for the screening and selection of families to occupy Multifamily Housing units. GHURA may consider all relevant information. Screening is important to Multifamily Housing communities and program integrity and to ensure that assisted housing is provided to those families that will adhere to lease obligations.

GHURA Policy
GHURA will consider the family's history with respect to the following factors:
Payment of rent and utilities
Caring for a unit and premises
Respecting the rights of other residents to the peaceful enjoyment of their housing
Criminal activity that is a threat to the health, safety, or property of others
Behavior of all household members as related to the grounds for denial
Compliance with any other essential conditions of tenancy

Resources Used to Check Applicant Suitability
Housing authorities have a variety of resources available to them for determination of the suitability of applicants. Generally, GHURA should reject applicants who have recent behavior that would warrant lease termination for a Multifamily Housing resident.

GHURA Policy
In order to determine the suitability of applicants, GHURA will examine applicant history. Such background checks will include:

Past Performance in Meeting Financial Obligations, Especially Rent

PHA and landlord references for the current landlord, gathering information about past performance meeting rental obligations such as rent payment record, late payment record, whether GHURA/landlord ever began or completed lease termination for non-payment, and whether utilities were ever disconnected in the unit. PHAs and landlords will be asked if they would rent to the applicant family again.

Applicants with no rental payment history will also be asked to provide GHURA with personal references. The references will be requested to complete a verification of the applicant's ability to pay rent if no other documentation of ability to meet financial obligations is available. The

applicant will also be required to complete a checklist documenting their ability to meet financial obligations.

If previous landlords or the utility company do not respond to requests from GHURA, the applicant may provide other documentation that demonstrates their ability to meet financial obligations (e.g. rent receipts, cancelled checks, etc.)

Disturbances of Neighbors, Destruction of Property or Living or Housekeeping Habits at Prior Residences that May Adversely Affect Health, Safety, or Welfare of Other Tenants, or Cause Damage to the Unit or the Development

PHA and landlord references for the past five years, gathering information on whether the applicant kept a unit clean, safe and sanitary; whether they violated health or safety codes; whether any damage was done by the applicant to a current or previous unit or the development, and, if so, how much the repair of the damage cost; whether the applicant's housekeeping caused insect or rodent infestation; and whether the neighbors complained about the applicant or whether the police were ever called because of disturbances.

Police records within the past five years will be used to check for any evidence of disturbance of neighbors or destruction of property that might have resulted in arrest or conviction.

A personal reference will be requested to complete a verification of the applicant's ability to care for the unit and avoid disturbing neighbors if no other documentation is available.

4-I.G PROHIBITED SCREENING CRITERIA

HUD prohibits GHURA from establishing any of the following types of screening criteria:

Criteria that could be discriminatory as follows:

- Discrimination based on Race, Color, Religion, Sex, National Origin, Age, Familial Status or Disability
- Discrimination against segments of populations

These prohibitions apply to:

- Accepting and processing applications
- Selecting from the waiting list
- Assigning units
- Certifying and recertifying eligibility for assistance; and

All other aspects of continued occupancy.

4-I.H REJECTING APPLICANTS AND DENIAL OF RENTAL ASSISTANCE

GHURA may reject applicants for the following:

- The applicant is ineligible for the occupancy as described in Chapter 3
- Is unable to disclose and document SSNs of all household members
- Does not sign and submit verification of consent from or the Authorization for Release of Information (forms HUD-9887 and HUD-9887-A)
- Household has characteristics not appropriate for the specific type of unit available at the time, or the family size is not appropriate to the unit available.

PART II: MARKETING

4-II.A KEY REGULATIONS

- 24 CFR § 108.40 (Affirmative fair housing marketing compliance reviews)
- 24 CFR Part 110 – Fair Housing Poster
- 24 CFR Part 200, Subpart M – Affirmative Fair Housing marketing Regulations
- 24 CFR §§ 880.601, 883.701 (Responsibilities of owner/borrower)
- 24 CFR §§ 884.214, 886.121, 886.321 (Marketing)
- 24 CFR §§ 891.400, 891.600 (Responsibilities of the owner/borrower)

4-II.B AFFIRMATIVE FAIR HOUSING MARKETING REQUIREMENTS

Multifamily properties built or rehabilitated since July 1972 must develop and carryout an Affirmative Fair Housing Marketing Plan – Form HUD-935.2A.

HUD requires owners to comply with the requirements of their HUD-approved Affirmative Fair Housing Marketing Plan, designed to promote equal housing choice for all prospective tenants regardless of Race, Color, Religion, Sex, Disability, Familial Status, or National Origin.

4-II.C FAIR HOUSING POSTER

Owners of HUD-subsidized Multifamily Housing must display the Equal Housing Opportunity poster (i.e., Fair Housing Poster) in accordance with HUD requirements.

PART III: WAITING LIST MANAGEMENT

4-III.A KEY REGULATIONS

Taking Applications for Occupancy

- 24 CFR § 5.659 Family Information and Verification
- 24 CFR §§ 880.603, 881.601, 883.701, 884.214, 886.121, 886.321, 891.410, 891.610, 891.750 (Selection and admission of tenants)

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Creating and Maintaining Waiting Lists

- 24 CFR § 5.655 Owner Preferences in Selection for a Project or Unit
- 24 CFR §§ 880.603, 881.601, 883.701, 884.214, 886.121 and 132, 886.321 and 329, 891.410, 891.610, 891.750 (Tenant selection and admission)

Record-Keeping

- 24 CFR §§ 880.603, 881.601, 883.701, 884.214, 886.321, 886.329, 891.410, 841.610, 891.750 (Selection and admission off tenants)
- 24 CFR, Part 1 – Nondiscrimination in Federally Assisted Programs

4-III.B TAKING APPLICATIONS FOR OCCUPANCY

Any family that wishes to receive assistance in the Guam Elderly Housing (Guma Trankilidat) Multifamily Housing Program must apply for admission to the program. HUD permits GHURA to determine the format and content of applications, as well how such applications will be made available to interested families and how applications will be accepted by GHURA. However, GHURA must include Form HUD-92006, Supplement to Application for Federally Assisted Housing, as part of GHURA's application.

GHURA Policy

Depending upon the length of time that applicants may need to wait to receive assistance, GHURA may use a one- or two-step application process.

A one-step process will be used when it is expected that a family will be selected from the waiting list within 60 days of the date of application. At application, the family must provide all of the information necessary to establish family eligibility and level of assistance.

A two-step process will be used when it is expected that a family will not be selected from the waiting list for at least 60 days from the date of application. Under the two-step application process, GHURA initially will require families to provide only the information needed to make an initial assessment of the family's eligibility, and to determine the family's placement on the waiting list. The family will be required to provide all of the information necessary to establish family eligibility and level of assistance when the family is selected from the waiting list.

Families may obtain application forms from GHURA's office during normal business hours. Families may also apply online.

Completed applications must be returned to GHURA by mail, by fax, or submitted in person or online during normal business hours. Applications must be complete in order to be accepted by GHURA for processing. If an application is incomplete, GHURA will notify the family of the additional information required.

ACCESSIBILITY OF THE APPLICATION PROCESS

Elderly and Disabled Populations

GHURA must take a variety of steps to ensure that the application process is accessible to those people who might have difficulty complying with the normal, standard PHA application process. This could include people with disabilities, certain elderly individuals, as well as persons with limited English proficiency (LEP). GHURA must provide reasonable accommodation to the needs of individuals with disabilities. The application-taking facility and the application process must be fully accessible, or GHURA must provide an alternate approach that provides full access to the application process. Chapter 2 provides a full discussion of GHURA's policies related to providing reasonable accommodations for people with disabilities.

Limited English Proficiency

PHAs are required to take reasonable steps to ensure meaningful access to their programs and activities by persons with limited English proficiency [24 CFR Part 1]. Chapter 2 provides a full discussion on GHURA's policies related to ensuring access to people with limited English proficiency (LEP).

PLACEMENT ON THE WAITING LIST

GHURA must review each complete application received and make a preliminary assessment of the family's eligibility. GHURA must accept applications from families for whom the list is open unless there is good cause for not accepting the application (such as denial of assistance) for the grounds stated in the regulations [24 CFR § 982.206(b)(2)]. Where the family is determined to be ineligible, GHURA must notify the family in writing [24 CFR § 982.201(f)]. Where the family is not determined to be ineligible, the family will be placed on a waiting list of applicants. No applicant has a right or entitlement to be listed on the waiting list, or to any particular position on the waiting list [24 CFR § 982.202(c)].

Ineligible for Placement on the Waiting List

GHURA Policy

If GHURA can determine from the information provided that a family is ineligible, the family will not be placed on the waiting list. Where a family is determined to be ineligible, GHURA will send written notification of the ineligibility determination within 20 business days of receiving a complete application. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review and explain the process for doing so (see Chapter 9).

Eligible for Placement on the Waiting List

GHURA Policy

GHURA will send written notification of the preliminary eligibility determination within twenty (20) business days of receiving a complete application.

Placement on the waiting list does not indicate that the family is, in fact, eligible for assistance. A final determination of eligibility will be made when the family is selected from the waiting list.

Applicants will be placed on the waiting list according to any preference(s) for which they qualify, and the date and time their complete application is received by GHURA.

4-III.C MATCHING APPLICANTS ON THE WAITING LIST TO AVAILABLE UNITS

Guam Elderly Housing (Guma Trankilidat) Multifamily Housing Program has only 1 bedroom units available for rent. GHURA practices nondiscrimination when matching applicants on the waiting list to available units.

4-III.D CREATING AND MAINTAING WAITING LISTS [HUD Occupancy Handbook Chapter 4, 4-16]

GHURA must have policies regarding various aspects of organizing and managing the waiting list of applicant families. This includes opening the list to new applicants, closing the list to new applicants, notifying the public of waiting list openings and closings, updating waiting list information, purging the list of families that are no longer interested in or eligible for assistance, as well as conducting outreach to ensure a sufficient number of applicants.

Receiving the application. Upon receiving the application, GHURA must indicate on the application the date and time received.

Preferences. GHURA must collect information about the preferences for which the applicant qualifies.

GHURA Policy
There are no application preferences for the Guam Elderly Housing Program (Guma Trankilidat) Multifamily Housing Program.

Providing Notice. GHURA must provide notice of closing of the waiting list.

OPENING AND CLOSING THE WAITING LIST

Closing waiting lists:

Doc. No. 35GL-19-0951.*

A PHA is permitted to close the waiting list if it has an adequate pool of applicant families to fill the unit vacancies.

GHURA Policy
GHURA will continue to accept applications for the Guam Elderly Housing (Guma Trankilidat) Multifamily Housing Program. GHURA will monitor the waiting list to ensure that the list does not become so long that wait becomes excessive.

Opening waiting lists:

If the waiting list has been closed and GHURA agrees to accept applications again, the notice of this action must be announced in a publication likely to be read by potential applicants in the same manner as the notification that the waiting list was closed. The advertising should conform to the outreach activities described in the Approved Affirmative Fair Housing Marketing Plan.

GHURA Policy
GHURA will announce the reopening of the waiting list at least 10 business days prior to the date applications will first be accepted.

To reach persons who cannot or do not read newspapers, GHURA will initiate contact through village mayors, community service personnel and non-profit organizations. GHURA will also try to utilize public service announcements.

GHURA will communicate the status of program availability to their service providers in the community and advise them of housing eligibility factors and guidelines so that they can make proper referral of their clients to the program.

DETERMINING AN APPLICANT'S PRELIMINARY ELIGIBLITY

GHURA will make a preliminary assessment to determine eligibility before putting an applicant on the waiting list to ensure the following:

There are no obvious factors that would make the applicant ineligible
The family may be eligible, but the unit available is not of appropriate size for the household
To avoid performing the eligibility determination twice before admitting he applicant to the property.

4-III.E PLACING FAMILIES WITH DISABLED FAMILY MEMBERS [HUD Occupancy Handbook Chapter 4, 4-17]

Doc. No. 35GL-19-0951.*

An owner must not skip over a family that has reached to the top of the list and has indicated a need for certain unit accommodations because of a disability.

GHURA Policy

GHURA will not skip over a family that has reached to top of the list that needs certain unit accommodations due to a disability. GHURA will notify the household when a unit becomes available regardless if it has accessibility features. Based on the requirements of Section 504, the family will be given the opportunity to decide whether the unit meets their needs. The family may accept a standard unit and request some modifications as a reasonable accommodation

GHURA will take reasonable and nondiscriminatory steps to maximize the use of accessible units by eligible individuals whose disability requires the accessibility features of a particular unit. Families who have a member who needs the accessibility feature of a unit will be the priority to occupy accessible units over families with no disabled family members.

GHURA will first offer the unit to an individual with disabilities currently residing in a non-accessible unit who requires the features of the unit.

If no current tenants require the special features, GHUR A will then offer the unit to the next qualified applicant on the waiting list.

When there are no current tenant or a qualified applicant which requires the features of an available accessible unit, GHURA will offer the unit to another tenant or applicant in a manner consistent with the tenant selection policy.

4-III.F DOCUMENTING CHANGES TO WAITING LISTS

GHURA will maintain changes to the waitlist that document applicant additions, selections, withdrawals, and rejections. The purpose of maintaining this documentation is to provide HUD and RD Reviewers, or independent Reviewers the following:

- Applicant information on the waitlist
- Confirmation on whether an applicant was housed at the appropriate time
- To document actions taken with respect to the family's application for tenancy.

4-III.G UPDATING WAITING LIST INFORMATION

HUD requires GHURA to establish policies to use when removing applicant names from the waiting list.

Purging the Waiting List

The decision to withdraw an applicant family that includes a person with disabilities from the waiting list is subject to reasonable accommodation. If the applicant did not respond to a PHA request for information or updates because of the family member's disability, GHURA must reinstate the applicant family to their former position on the waiting list.

GHURA Policy

The waiting list will be updated every six months to ensure that all applicants and applicant information is current and timely.

To update the waiting list, GHURA will send an update request via first class mail to each family on the waiting list to determine whether the family continues to be interested in, and to qualify for, the program. This update request will be sent to the last address that GHURA has on record for the family. The update request will provide a deadline by which the family must respond and will state that failure to respond will result in the applicant's name being removed from the waiting list.

The family's response may be via telephone or in writing and may be delivered in person, by mail, or by fax. Responses should be received within the designated month GHURA indicates in its letter.

If the family fails to respond within the designated time period, the family will be removed from the waiting list without further notice.

If the notice is returned by the post office with no forwarding address, the applicant will be removed from the waiting list without further notice.

If the notice is returned by the post office with a forwarding address, the notice will be re-sent to the address indicated. The family will have to respond within a designated time period set by GHURA from the date the letter was re-sent.

If a family is removed from the waiting list for failure to respond, the Executive Director or his/her designee may reinstate the family if he or she determines the lack of response was due to GHURA error, or to circumstances beyond the family's control.

4-III.H REMOVING NAMES FROM THE WAITING LIST

Removal from the Waiting List

GHURA Policy

Doc. No. 35GL-19-0951.*

If at any time an applicant family is on the waiting list, GHURA determines that the family is not eligible for assistance (see Chapter 3); the family will be removed from the waiting list.

4-III.I REINSTATING APPLICANTS TO THE WAITING LIST

If a family is removed from the waiting list because GHURA has determined the family is not eligible for assistance, a notice will be sent to the family's address of record as well as to any alternate address provided on the initial application. The notice will state the reasons the family was removed from the waiting list and will inform the family how to request an informal review regarding GHURA's decision (see Chapter 9).

4-III.J RECORD-KEEPING

GHURA will retain current application as long as the family's status on the waiting list is active. For family's whose names have been removed from the waitlist, GHURA will retain documentation for three years. Files will be kept secure so that personal information remains confidential.

PART IV: SELECTING TENANTS FROM THE WAITING LIST

4-IV.A GENERAL

As units become available, families on the waiting list must be selected for assistance in accordance with the policies described in this part.

The order in which families receive assistance from the waiting list is based on the selection method chosen by GHURA. GHURA must maintain a clear record of all information required to verify that the family is selected from the waiting list according to GHURA's selection policies.

4-IV.B APPLICANT INTERVIEWS

NOTIFICATION

When a family has been selected from the waiting list, GHURA must notify the family.

GHURA Policy
GHURA will notify the family by certified mail when it is selected from the waiting list. The notice will inform the family of the following:

- Date, time, and location of the scheduled application interview, including any procedures for rescheduling the interview

Doc. No. 35GL-19-0951.*

- Who is required to attend the interview?

- Documents that must be provided at the interview to document the legal identity of household members, including information about what constitutes acceptable documentation

- Other documents and information that should be brought to the interview

If a notification letter is returned to GHURA with no forwarding address, the family will be removed from the waiting list. A notice of denial (see Chapter 3) will be sent to the family's address of record, as well as to any known alternate address.

INTERVIEW

HUD recommends that housing authorities obtain the information and documentation needed to make an eligibility determination though a private interview. Being invited to attend an interview does not constitute admission to the program.

Assistance cannot be provided to the family until all SSN documentation requirements are met. However, if GHURA determines that an applicant family is otherwise eligible to participate in the program, the family may retain its place on the waiting list for a period of time determined by GHURA [Notice PIH 2010-3].

Reasonable accommodation must be made for persons with disabilities who are unable to attend an interview due to their disability.

GHURA Policy
Families selected from the waiting list are required to participate in an eligibility interview.

The head of household, spouse/co-head and all other adult family members will be strongly encouraged to attend the interview together. However, either the head of household or the spouse/co-head may attend the interview on behalf of the family. Verification of information pertaining to adult members of the household not present at the interview will not begin until signed release forms are returned to GHURA.

At the initial interview documents will be requested. The second meeting will be conducted only if the head of household or spouse/co-head provides appropriate documentation of legal identity. If the family representative does not provide the required documentation, the appointment may be rescheduled when the proper documents have been obtained.

Pending disclosure and documentation of social security numbers, GHURA will allow the family to retain its place on the waiting list for ***60 days***. If not all household members have disclosed their SSNs at the next time GHURA is selecting applicants, GHURA will proceed to the next eligible applicant family on the waiting list.

The family must provide the information necessary to establish the family's eligibility and determine the appropriate level of assistance, as well as completing required forms, providing required signatures, and submitting required documentation. If any materials are missing, GHURA will provide the family with a written list of items that must be submitted.

Any required documents or information that the family is unable to provide at the interview must be provided within 10 business days of the interview. If the family is unable to obtain the information or materials within the required time frame, the family may request an extension. If the required documents and information are not provided within the required time frame (plus any extensions), the family will be sent a notice of denial (See Chapter 3).

An advocate, interpreter, or other assistant may assist the family with the application and the interview process.

Interviews will be conducted in English. For limited English proficient (LEP) applicants, GHURA will provide translation services in accordance with GHURA's LEP plan.

If the family is unable to attend a scheduled interview, the family should contact GHURA in advance of the interview to schedule a new appointment. In all circumstances, if a family does not attend a scheduled interview, GHURA will send another notification letter with a new interview appointment time. Applicants who fail to attend two scheduled interviews without GHURA approval will be denied assistance based on the family's failure to supply information needed to determine eligibility. A notice of denial will be issued in accordance with policies contained in Chapter 3.

COMPLETING THE APPLICATION PROCESS

GHURA must verify all information provided by the family. Based on verified information, GHURA must make a final determination of eligibility (see Chapter 3) and must confirm that the family qualified for any special admission, targeted admission, or selection preference that affected the order in which the family was selected from the waiting list.

GHURA Policy

If GHURA determines that the family is ineligible, GHURA will send written notification of the ineligibility determination within 20 business days of the

determination. The notice will specify the reasons for ineligibility, and will inform the family of its right to request an informal review (Chapter 16).

If a family fails to qualify for any criteria that affected the order in which it was selected from the waiting list (e.g. targeted funding, extremely low-income), the family will be returned to its original position on the waiting list. GHURA will notify the family in writing that it has been returned to the waiting list, and will specify the reasons for it.

If GHURA determines that the family is eligible to receive assistance, GHURA will invite the family to attend a briefing in accordance with the policies in Chapter 5.

4-IV.C APPLYING INCOME TARGETINIG REQUIREMENTS IN SECTION 8 PROPERTIES

For each project assisted under a contract for project-based Section 8 assistance, the owner must lease not less than 40% of the dwelling units (assisted under the contract) that become available for occupancy in any project fiscal year to extremely low-income families. The methodology for income-targeting must be described in the tenant selection plan.

To comply with this requirement, GHURA will perform the following:

GHURA Policy
GHURA will determine whether the composition of the current waiting list can achieve the income-targeting requirement by simply following the standard waiting list order with no additional procedures.

GHURA will admit only extremely low-income families until the 40% target is met. In chronological order, GHURA will select eligible applicants from the waiting list whose incomes are at or below the extremely low-income limit to fill the first 40% of expected vacancies in the property. Once this target is met, applicants will continue to be selected in the waiting list order.

4-IV.D VERIFICATION OF PREFENCES

Preferences claimed by applicants must be verified. Owners may verify qualifications for preferences at the time the application is submitted or when a unit becomes available.

GHURA Policy
There are no application preferences for the Guam Elderly Housing Program (Guma Trankilidat) Multifamily Housing Program.

4-IV.E IMPLEMENTING SCREENING REVIEWS

Screening activities should occur prior to approval of tenancy and should be applied consistently.

GHURA Policy
GHURA may review and screen the following:

Credit History
Previous landlords – Determine if the applicant paid rent on time
Rental History
Cooperation with recertification procedures
Violations of house rules
Violations of the lease
History of disruptive behavior
Poor housekeeping practices
Previous evictions for lease violations
Termination of assistance for fraud; or
Conviction for the illegal manufacture, distribution, or use of controlled substances.
Housekeeping
Poor housekeeping habits
Drug Abuse and other Criminal Activity
Obtain criminal records received from the law enforcement agency

4-IV.F ENSURING THAT SCREENING IS PERFORMED CONSISTENTLY

To ensure that screening is performed consistently, GHURA establishes the following procedures:

- Use consistent staffing to reduce inconsistencies that occur due to interpretation of policies.
- Develop instructions for staff who are conducting screening activities to ensure consistency
- Use standard forms
- Use objective criteria when interviewing
- Follow formal, written process for collecting information

4-IV.G VERIFYING THE NEED FOR ACCESSIBLE UNITS

When an applicant requests for an accessible unit or a unit preference, GHURA may conduct inquiries to:

Verify that the applicant is qualified for the unit, which is only available to persons with a disability or to persons with a particular type of disability

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Verify that the applicant needs the features of the unit as an accommodation to his or her disability.

Verify that the applicant is qualified to receive a priority on the waiting list available to persons with a disability or to persons with a particular type of disability.

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CHAPTER 9: TERMINATION

INTRODUCTION

HUD regulations specify the reasons for which a PHA can terminate a family's assistance, and the ways in which such terminations must take place. They also dictate the circumstances under which an owner may terminate the tenancy of an assisted family. This chapter presents the policies that govern voluntary and involuntary terminations of assistance, and termination of tenancy by the owner. It is presented in four parts:

Part I: Termination of Assistance. This part discusses key requirements and procedures regarding when and how a tenant's assistance must be terminated.

Part II: Termination of Tenancy by Lessees. This part discusses the tenant's responsibilities when the tenant wishes to terminate tenancy.

Part III: Termination of Tenancy by the Owner. This part outlines allowable circumstances for terminating tenancy and the requirements and procedures that owners must follow to terminate a tenant's residency.

Part IV: Discrepancies, Errors, and Fraud. This part describes the circumstances when owners must investigate discrepancies and provides guidelines on how to distinguish tenant errors from fraud. It also identifies how to take action.

PART I: GROUNDS FOR TERMINATION OF ASSISTANCE

9-I.A KEY REGULATIONS

- 24 CFR § 5.218 (Penalties for failing to disclose and verify social security and employer identification numbers)
- 24 CFR § 5.232 (Penalties for failing to sign consent forms)
- 24 CFR § Part 5, Subpart E – Restrictions on Assistance to Noncitizens
- 24 CFR § 5.659 (Family information and verification)
- 24 CFR § 247.4 (Termination of tenancy notice procedures applied to the termination of assistance notice)

9-I.B APPLICABILITY

GHURA's authority to remove or terminate assistance is established by the HUD-required lease provision entitled "Removal of Subsidy".

9-I.C KEY REQUIREMENTS: WHEN ASSISTANCE MUST BE TERMINATED

HUD requires an owner must terminate a tenant's assistance for failure to provide required information during the recertification process and signing consent or verification forms.

GHURA Policy

GHURA will terminate assistance to a tenant family for the following circumstances:

- Tenant's failure to provide required information for recertification
  - Changes in family composition
  - Changes in income or social security numbers for new family members, etc.
- Tenant's failure to sign/submit required consent and verification forms (HUD-9887 and from HUD-9887-A)
- At Annual Recertification, if it is determined that tenant has an increased ability to pay full contract rent
- Tenant does not meet citizenship requirements (in the event that GHURA encounters delays verifying information provided by the tenant.)

9-I.D PROCEDURES FOR TERMINATING OR REINSTATING ASSISTANCE

In order to ensure there is no discrimination termination and reinstatement procedures, owners are required to ensure procedures are developed that are consistently applied to all tenants.

GHURA will terminate and reinstate tenant families consistently using the following principles:

GHURA Policy

A. Terminating Assistance
   a. Proper notice to the tenant must be provided the following information:
   b. Written notice
      i. Specific date the assistance will terminate
      ii. Reason for terminating assistance
      iii. Amount of rent the tenant will be required to pay
      iv. Notification that if the tenant fails to pay, GHURA may enforce the termination in court
      v. The tenant has a right to request within 10 calendar days from the date of the notice a meeting to discuss the termination of assistance

B. Reinstating Assistance

GHURA may reinstate a tenant's terminated assistance if:
   a. The original termination of assistance was due to
      i. A tenant's failure to recertify, or
      ii. A tenant's increased ability to pay
   b. The original termination of assistance was not due to fraud
   c. The tenant submits the required information; and
   d. Assistance is available for the unit.

9-I.E TERMINATION OF ASSISTANCE RELATED TO ESTABLISHIG CITIZENSHIP OR ELIGIBLE IMMIGRATION STATUS

In accordance with the HUD Occupancy Handbook 4350.3, Chapter 8, 8-7, an owner must not terminate assistance on the basis of ineligible immigration status of a family member for the following reasons:

When Assistance Must Not Be Terminated

- The primary (automated) and secondary (manual) verification search of any immigration documents that were submitted in time has not been completed by the Department tof Homeland Security (DHS);
- The family member for whom required evidence has not been submitted has moved from the assisted dwelling;
- The family member who is determined not to have eligible immigration status following DHS verification has moved from the assisted dwelling unit;
- The DHS appeals process under 24 CFR § 5.514(3) has not been concluded
- Assistance for mixed family is continued in accordance with 24 CFR § 5.516 and 24 CFR § 5.518; or

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- Deferral of termination of assistance is granted in accordance with 24 CFR § 5.516 and 24 CFR § 5.518.

Termination of Assistance When Unable to Establish Citizenship or Eligible Immigration Status

- When an owner is unable to establish citizenship or eligible immigration status of family members, assistance to a tenant cannot be terminated unit the completion of an informal hearing.
- Within 30 days of a DHS appeal decision or a notice from the owner terminating assistance, a tenant may request that the owner provide a hearing. (See HUD Occupancy Handbook 4350.3, Chapter 8, 8-7 C.2 for detailed hearing procedures.)
- The owner must provide a written final decision based solely on the facts presented at the hearing to the tenant within 14 days of the informal hearing.
- A decision against a tenant member issued in accordance with the requirements listed above does not preclude the tenant from exercising the right to seek redress directly through the judicial process.
- The owner must retain for 5 years documents that may have been submitted by the tenant as part of the DHS appeal or the informal hearing process. (See HUD Occupancy Handbook 4350.3, Chapter 8, 8-7 C.5 for detailed document list.)

Termination of Assistance When a Tenant Allows an Ineligible Individual to Reside in a Unit

If an owner determines that a tenant knowingly permitted another individual who is not eligible for assistance to reside in the unit on a permanent basis, the owner may terminate the tenant family as follows:

- For a period of not less than 24 months

This provision does not apply if assistance provided to the family was prorated and ineligibility was known and considered.

PART II: TERMINATION OF TENANCY BY LESSEES

9-II.A KEY REGULATIONS

- 24 CFR §§ 880.606, 884.215, 886.127, 886.327, 891.425, 891.625, and 891.765 Lease Requirements

9-II.B KEY REQUIREMENTS

In order to terminate tenancy, the tenant is required to provide GHURA with written 30-day notice to vacate the unit.

Note: The regulations for RHS Section 515/8 properties permit either the tenant or the owner to initiate the request to terminate the lease with a 30-day written notice.

GHURA Policy
Guam Elderly Housing Program (Guma Trankilidat) Multifamily Housing Program is a RHS Section 515/8 property. GHURA or the tenant may terminate the lease with proper written 30-day notice of the unit being vacated.

9-II.C ALLOWABLE USE OF SECURITY DEPOSIT

If a tenant fails to pay the required rent or if there are tenant damages to the unit, GHURA may use the tenant's security deposit to pay the outstanding rent and/or damages. Any remaining funds will be paid to the tenant. GHURA must follow the requirements outlined in Chapter 6 of this Admin Plan on guidelines for security deposits.

PART III: TERMINATION OF TENANCY BY OWNERS

9-III.A KEY REGULATIONS

Termination of Tenancy

- 24 CFR §§ 5.850-5.852, 5.858-5.861, 5.901, 5.903 and 5.905 (Termination of tenancy in Screening and Eviction for Drug Abuse and Other Criminal Activity; Final Rule)
- 24 CFR §§ 247.3, 880.607, 881.601, an d883.701 (Fraud, minor violations, nonpayment of rent, state or local Landlord and Tenant Act)
- 24 CFR §§ 247.3, 880.607, 881.601, 883.701, and 884.216 (Substantial lease violations)
- 24 CFR §§ 880.607, 881.601, 883.701, and 247.3 (Other good cause)
- 24 CFR §§ 880.607, 881.601, 883.701, and 884.216 (Lease expiration)

Eviction for Drug Abuse and Other Criminal Activity

- 24 CFR §§ 5.850-5.852, 5.858-5.861, 5.901, 5.903, and 5.905 (Eviction in Screening and Eviction for Drug Abuse and Other Criminal Activity; Final Rule)

  Note: These regulatory requirements do not apply to owners of housing assisted by the Rural Housing Service under Section 514 and Section 515 of the Housing Act of 1949.

Providing Notice of Termination of Tenancy

- 24 CFR § 247.4 Termination Notice

Doc. No. 35GL-19-0951.*

- 24 CFR § 247.6 Eviction

9-III.B OVERVIEW

HUD established termination procedures for owner's to use as a mechanism for ensuring tenants fulfill their obligations and remain compliant with their lease while participating in federally subsidized programs. The termination procedures seek to ensure that tenants are provided due process and that there are consistencies in responding to terminating tenancy.

9-III.C MATERIAL NONCOMPLIANCE WITH THE LEASE [HUD Occupancy Handbook 4350.3, Chapter 8]

In accordance with HUD's Occupancy Handbook 4350.3, Chapter 8, owners may terminate tenant leases for material noncompliance such as abandonment of unit and fraud.

The following are GHURA's policies for termination of the lease due to material noncompliance.

GHURA Policy

1. Failure of a tenant to submit required information on household income and composition;

   Failure to Provide Consent
   The PHA must terminate assistance if any family member fails to sign and submit any consent form they are required to sign for a reexamination. See Chapter 7 for a complete discussion of consent requirements.

   Failure to Document Citizenship
   The PHA must terminate assistance if (1) a family fails to submit required documentation within the required timeframe concerning any family member's citizenship or immigration status; (2) a family submits evidence of citizenship and eligible immigration status in a timely manner, but United States Citizenship and Immigration Services (USCIS) primary and secondary verification does not verify eligible immigration status of the family; or (3) a family member, as determined by the PHA, has knowingly permitted another individual who is not eligible for assistance to reside (on a permanent basis) in the unit.

For (3) above, such termination must be for a period of at least 24 months. This does not apply to ineligible noncitizens already in the household where the family's assistance has been prorated. See Chapter 7 for a complete discussion of documentation requirements.

   Failure to Disclose and Document Social Security Numbers
   The PHA must terminate assistance if a participant family fails to disclose the complete and accurate social security numbers of each household member and the documentation necessary to verify each social security number.

However, if the family is otherwise eligible for continued program assistance, and the PHA determines that the family's failure to meet the SSN disclosure and documentation requirements was due to circumstances that could not have been foreseen and were outside of the family's control, the PHA may defer the family's termination and provide the opportunity to comply with the requirement within a period not to exceed 90 calendar days from the date the PHA determined the family to be noncompliant.

GHURA Policy
GHURA will defer the family's termination and provide the family with the opportunity to comply with the requirement for a period of 90 calendar days for circumstances beyond the participant's control such as delayed processing of the SSN application by the SSA, natural disaster, fire, death in the family, or other emergency, if there is a reasonable likelihood that the participant will be able to disclose an SSN by the deadline.

2. Extended absence or abandonment of the unit;

   Family Absence from the Unit
   The family may be absent from the unit for brief periods. The PHA must establish a policy on how long the family may be absent from the assisted unit. However, the family may not be absent from the unit for a period of more than 180 consecutive calendar days for any reason. Absence in this context means that no member of the family is residing in the unit.

   **A tenant may request through a reasonable accommodation, to be absent from the unit more than 180 consecutive calendar days due to a medical operation. GHURA will use its discretion to approve the family's request and verify the scheduled procedure and recovery period. Failure to make this request in writing and receive approval from GHURA will constitute abandonment of unit.

3. Fraud – when a tenant knowingly provides inaccurate or incomplete information.

4. Repeated minor violations that:
   a. Disrupt the livability of the property
   b. Adversely affect the health or safety of any person, or the right of any tenant to the peaceful enjoyment of the property;
   c. Interfere with the management of the property; or
   d. Have an adverse financial effect on the property.

5. Nonpayment of rent due under the lease.

9-III.D DRUG ABUSE AND OTHER CRIMINAL ACTIVITY

Doc. No. 35GL-19-0951.*

Methamphetamine Manufacture or Production [24 CFR § 982.553(b) (1)(ii)]
The PHA must terminate assistance if any household member has ever been convicted of the manufacture or production of methamphetamine on the premises of federally-assisted housing.

HUD requires the PHA to establish policies that permit the PHA to terminate assistance if the PHA determines that:

- Any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Any household member's abuse or pattern of abuse of alcohol may threaten the health, safety, or right to peaceful enjoyment of the premises by other residents;
- Any household member has violated the family's obligation not to engage in any drug-related criminal activity; and/or
- Any household member has violated the family's obligation not to engage in violent criminal activity.

Marijuana Manufacture, Distribution, or Possession

"Though the use of marijuana has been legalized on Guam per the passage of Public Law 35-5, the possession, use, manufacture, cultivation and distribution of marijuana is strictly prohibited on all GHURA properties. The Controlled Substances Act, 21 U.S.C.§§ 801 et.seq., categories marijuana as a Schedule 1 controlled substance; and the manufacture, distribution, or possession of marijuana is illegal under federal law, despite marijuana usage being permitted under Guam law. Marijuana is thus not permitted on GHURA properties."

Use of Illegal Drugs and Alcohol Abuse

GHURA Policy

GHURA will terminate a family's assistance if any household member is currently engaged in any illegal use of a drug, or has a pattern of illegal drug use that interferes with the health, safety, or right to peaceful enjoyment of the premises by other residents. GHURA will terminate assistance if any household member's abuse or pattern of abuse of alcohol threatens the health, safety, or right to peaceful enjoyment of the premises by other residents.

Currently engaged in is defined as any use of illegal drugs during the previous six months.

GHURA will consider all credible evidence, including but not limited to, any record of arrests, convictions, or eviction of household members related to the use of illegal drugs or abuse of alcohol.

In making its decision to terminate assistance, GHURA may, on a case-by-case basis, choose not to terminate assistance.

***Drug-Related and Violent Criminal Activity** [24 CFR § 5.100]*
Drug means a controlled substance as defined in Section 102 of the Controlled Substances Act (21 U.S.C. § 802).

Drug-related criminal activity is defined by HUD as the illegal manufacture, sale, distribution, or use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug.

Violent criminal activity means any criminal activity that has as one of its elements the use, attempted use, or threatened use of physical force substantial enough to cause, or be reasonably likely to cause, serious bodily injury or property damage.

GHURA Policy
GHURA will terminate a family's assistance if any household member has violated the family's obligation not to engage in any drug-related or violent criminal activity during participation in the Multifamily Housing program.

GHURA will consider all credible evidence, including but not limited to, any record of arrests and/or convictions of household members related to drug-related or violent criminal activity, and any eviction or notice to evict based on drug-related or violent criminal activity.

In making its decision to terminate assistance, GHURA may, on a case-by-case basis, choose not to terminate assistance.

9-III.E MATERIAL FAILURE TO CARRY OUT OBLIGATIONS UNDER A STATE OR LOCAL LANDLORD AND TENANT ACT

State and local laws impose obligations on a landlord and tenant and provide that violations of the tenant's obligations constitute grounds for eviction.

Examples of a tenant's failure to fulfill his/her obligation under a State or Local Landlord and Tenant Act include but are not limited to:

- Overcrowding a unit in violation of the local housing code; and
- Damaging, destroying, or defacing a unit to such extent that the unit is no longer in compliance with the housing code.

9-III.F OTHER GOOD CAUSE

HUD permits the PHA to terminate assistance under a number of other circumstances. It is left to the discretion of the PHA whether such circumstances in general warrant consideration for the termination of assistance. The Violence against Women Act of 2005 explicitly prohibits PHAs from considering incidents of, or criminal activity directly related to, domestic violence, dating violence, or stalking as reasons for terminating the assistance of a victim of such abuse.

Doc. No. 35GL-19-0951.*

GHURA Policy

GHURA **will** terminate a family's assistance if:

- The family has failed to comply with any family obligations under the program.
- Any family member has been evicted from federally-assisted housing in the last five years.
- Any PHA has ever terminated assistance under the program for any member of the family.
- Any family member has committed fraud, bribery, or any other corrupt or criminal act in connection with any federal housing program.
- The family has breached the terms of a repayment agreement entered into with GHURA.
- A second incident of violating the family obligations after the family has received counseling from GHURA will result in a termination.
- A family member has engaged in or threatened violent or abusive behavior toward GHURA personnel.

Abusive or violent behavior towards GHURA personnel includes verbal as well as physical abuse or violence. Use of racial epithets, or other language, written or oral, that is customarily used to intimidate may be considered abusive or violent behavior.

Threatening refers to oral or written threats or physical gestures that communicate intent to abuse or commit violence.

In making its decision to terminate assistance, GHURA may, on a case-by-case basis, choose not to terminate assistance.

PART IV: DISCREPANCIES, ERRORS, AND FRAUD

9-IV.A PROCUDURES FOR ADDRESSING DISCREPANCIES AND ERRORS

To promote income and rent integrity, owners must investigate and research discrepancies and possible errors. The immediate objective is to determine income and rent correctly.

GHURA Policy

GHURA will conduct the following steps to determine income and rent correctly.

1. Identify if the error involving the tenant constitutes a program violation (a breach of the lease, regulation, or other program requirement.)
2. Investigate and review the facts.
3. Notify and Meet with the Tenant within 10 days to discuss the allegations.
4. Determine the Outcome of the Investigation.

If GHURA has determined that the tenant knowingly provided inaccurate or incomplete information, GHURA may pursue the incident as fraud.

9-IV.B PROCEDURES FOR ADDRESSING FRAUD

If after following the steps outlined in 9-IV.A, GHURA determines that the tenant has knowingly provided inaccurate or incomplete information and considers that a tenant has committed fraud, GHURA may take the following actions:

1. Terminate tenancy
2. File civil and /or criminal action
3. Take civil action against the tenant to recover improper subsidy payments.

9-IV.C DISCREPANCIES BASED ON INFORMATION FROM A STATE WAGE INFORMATION COLLECTION AGENCY (SWICA) OR FEDERAL AGENCY

Requirements Regarding Wage Information Discrepancies

1. Applicants and tenants who receive housing assistance that receive a discrepancy letter issued by HUD must submit the letter to GHURA.
2. Tenants may be denied assistance or have their level of assistance adjusted based on earnings information received from SWICAs or federal agencies.
3. GHURA may not deny, suspend, or reduce any benefits of a tenant until HUD or GHURA has verified the following:
    a. The amount of the income/wages;
    b. Whether the tenant had access to the income/wages
    c. The period of when the tenant actually received the income/wages.

9-IV.D REIMBURSEMENT TO HUD FOR OVERPAYMENT OF ASSISTANCE [HUD Occupancy Handbook, 4350.3, Chapter 8, 8-20]

A. Tenant's Obligation to Repay

1. The tenant must reimburse the owner for the difference between the rent the tenant should have paid and the rent he/she was actually charged if the tenant:
    a. Fails to provide the owner with interim changes in income or other factors;
    b. Submits incorrect information on any application, certification, or recertification; and
    c. As a result, is charged a rent less than the amount required by HUD's rent formulas.
2. The tenant acknowledges his/her obligation to make such reimbursements
3. If the tenant does not pay in full, an owner should enter into a repayment plan with the tenant to collect these funds over a specific period of time.
4. The tenant is not required to reimburse the owner for under charges cause solely by the owner's failure to follow HUD's procedures for computing rent or assistance payments.
5. A tenant must reimburse the owner for the total overpayment back to the date of admission if the following occurs:
    a. The applicant submits information on income and family composition as the basis for the owner to make a determination that the applicant is eligible;
    b. The applicant is admitted a s a tenant; and
    c. It is alter determined that the e information was incorrect and the tenant was not eligible for assistance.

6. The owner makes an adjustment on the monthly HAP voucher to reflect the amount of the tenant's reimbursement of unauthorized assistance.

B. Owner's Obligation to Repay

1. The owner is not required to reimburse HUD immediately for overpayments of assistance where the overpayment was caused by the tenant's submission of incorrect information. Repayments are required when and as tenants repay in accordance with an agreed-upon repayment plan.
2. The owner must reimburse HUD for all other overpayments of assistance where such overpayments were due to the owner's error or the owner's failure to follow HUD's procedures. HUD or the Contract Administrator may permit the owner to repay such overpayments in one lump sum or over a period of time through reduction of normal housing assistance requisitions if immediate repayment in full would jeopardize the financial condition of the property.

9-IV.E REIMBURSEMENT TO TENANT FOR OVERPAYMENT OF RENT [HUD Occupancy Handbook 4350.3]

When an owner reviews a tenant's file and recalculates a t tenant's income, an owner may discover that a tenant has been paying a higher amount of rent than should have been charged. In these instances, GHURA will perform the following:

GHURA Policy

1. Correct the error and provide notice to the tenant that the error will be corrected retroactively;
2. Inform the tenant the new monthly rent the tenant is required to pay;
3. Inform the tenant of the amount of the overpayment due to the tenant;

GHURA will meet and discuss with the tenant how the overpayments will be applied to future monthly rental payments.

GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701
Website: www.ghura.org

EQUAL HOUSING OPPORTUNITY

Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lieutenant Governor

REQUEST FOR PUBLIC COMMENT

(This ad is paid for by the Guam Housing and Urban Renewal Authority Guam Elderly (Guam Trankilidat) Multifamily Housing Program Fund)

The Guam Housing and Urban Renewal Authority (GHURA) is seeking the public's comment on the Authority's proposed revision of the Guam Elderly (Guma Trankilidat) Multifamily Housing Program Administrative Plan beginning ***May 30, 2019 to July 15, 2019***. The Administrative Plan contains policies governing the administration of the Guam Elderly (Guma Trankilidat) Multifamily Housing Program. The Plan is currently being updated to include policies relative to statutory and discretionary changes that impact GHURA's Guam Elderly (Guma Trankilidat) Multifamily Housing Program. Copies of these plans are available for public review, Monday through Friday 8:00 a.m. to 5:00 p.m. (closed weekends and holidays), at the following locations:

GHURA's Main Office: 117 Bien Venida Avenue, Sinajana, Guam 96910
GHURA's website: www.ghura.org
AMP sites (Public Housing sites):
AMP 1 – 23 Calle Paquito, Toto Gardens, Toto, Guam 96910
AMP 2 – 10 JC Rojas Circle, Yona, Guam 96915
AMP 3 – Pagachao Drive, Agat, Guam 96928
AMP 4 – 27 Doni Lane, Toto Gardens, Toto, Guam 96910
Guma Trankilidat Elderly Housing Project – 145 Trankilidat Street, Tumon, Guam 96913

Guma Trankilidat participants, applicants, non-profit organizations and government service providers of low-income families, the elderly and persons with disabilities to review the proposed revision Guam Elderly (Guma Trankilidat) Multifamily Housing Program Administrative Plan and to submit a written statement(s) to GHURA during regular hours of operation, beginning **May 30, 2019 through July 15, 2019**. Oral and written comments may be submitted via e-mail to pmendiola@ghura.org or sent via facsimile to (671) 646-0313; or via postal service to GHURA at the following address:

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
Guam Elderly (Guma Trankilidat) Multifamily Housing Program
Attn: PearlyJean Mendiola, Property Site Manager
145 Trankilidat Street
Tumon, Guam 96913

Oral and written testimony may also be submitted during the **Public Hearing scheduled for July 23, 2019 (Tuesday), 2:00 – 3:00 p.m. at the Guma Trankilidat Community Center , 145 Trankilidat Street, Tumon**. Any person(s), agencies, or organizations are welcome to attend. Anyone requiring additional information regarding the Guam Elderly (Guma Trankilidat) Multifamily Housing Program; or if you are a person with a disability requiring reasonable accommodations, please contact PearlyJean Mendiola at (671) 646-6301 or 472-3701 (TTY/TDD).

GHURA does not discriminate on the basis of disability in the admission or access to, treatment or employment in its programs or activities. Katherine Taitano, Chief Planner, is the designated coordinator for compliance with the nondiscrimination requirements of Section 504, the ADA, the U.S. Department of Housing and Urban Development, and Urban Development Section 504 regulations implemented by the EEOC and the Department of Justice.

/s/ Ray S. Topasna
Executive Director

GUMA TRANKILIDAT ADMINISTRATION PLAN
LOG SHEET FOR PUBLIC COMMENT (May 30 - July 15, 2019)

NO.	DATE	NAME	TELEPHONE NUMBER	SIGNATURE
1	5/31/19	Vicente Santos	685-1799	
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Guma Trankilidat
Public Hearing for Changes to GT Administrative Plan
July 23, 2019 at 2:00pm

NO.	Print Name	TELEPHONE #	Signature of Attendant
1	Pearleyjean Mendiola	646-6301	- Property Site Manager GT
2	ALICE JAMES	300-8412	- Multi-family Service Coordinator
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GUAM HOUSING AND URBAN RENEWAL AUTHORITY
BOARD OF COMMISSIONERS
RESOLUTION NO. FY2019-021

Moved By: JOSEPH CAMERON **Seconded By: SABINO FLORES**

RESOLUTION APPROVING THE SMOKE-FREE PUBLIC HOUSING POLICY REVISION NO. 1, PUBLIC HOUSING LEASE ADDENDUM NO. 2, AND MARIJUANA (CANNABIS) POLICY FOR PUBLIC HOUSING

WHEREAS, pursuant to Section 5104, Title 12 of the Guam Code Annotated, the Board of Commissioners of the Guam Housing and Urban Renewal Authority (GHURA) is given the right and responsibility to govern and control the operations of the Authority, and to establish policies for its day-to-day operations, and generally to undertake its responsibilities as supreme authority for the agency; and

WHEREAS, the Department of Housing and Urban Development (HUD) has implemented a ruling that requires all Public Housing Authorities (PHA) administering a public housing program to adopt and implement a Smoke-Free Policy in which GHURA adopted in July 2018; and

WHEREAS, the Federal law prohibits the manufacture, distribution, and possession of marijuana along with the increased risk of fire, increased maintenance costs, noxious odor, and the known health effects of marijuana, even when Guam law authorizes its medical and/or recreational use; and

WHEREAS, GHURA hereby declares that it will continue to have zero tolerance for marijuana use, and will adhere strictly to the HUD Federal law with regard to all use of marijuana, or any other substance listed as a Schedule 1 drug under the Federal Controlled Substances Act. Residents may not possess or be engaged in the manufacturing, use of, or distribution of such drugs; and

WHEREAS, GHURA has updated the Smoke-Free Public Housing Policy to include the prohibition of smoking and use of marijuana, which is not permitted anywhere in GHURA property; and

WHEREAS, the Board of Commissioners has determined that approving and authorizing the implementation of the Smoke-Free Public Housing Policy Revision No. 1 and Public Housing Lease Addendum No. 2, and the Marijuana (Cannabis) Policy for Public Housing is in the best interest of the Guam Housing and Urban Renewal Authority (GHURA) and its overall goal of providing quality, affordable housing to low-income families; and

NOW THEREFORE,

BE IT RESOLVED, that the Board of Commissioners of the Guam Housing and Urban Renewal Authority (GHURA) hereby approves and authorizes the implementation of the Smoke-Free Public Housing Policy Revision No. 1, the Public Housing Lease Addendum No. 2, and the Marijuana (Cannabis) Policy for Public Housing, to be effective this date; and

BE IT FURTHER RESOLVED, that the Board hereby directs the Executive Director of GHURA to take any and all necessary administrative actions to implement this resolution.

IN A REGULAR BOARD MEETING, SINAJANA, GUAM – AUGUST 12, 2019
PASSED BY THE FOLLOWING VOTES:

AYES:	**SABINO FLORES, MONICA GUZMAN, CARL DOMINGUEZ, GEORGE PEREDA, JOSEPH CAMERON, JOSEPH LEON GUERRERO**
NAYS:	**NONE**
ABSENT:	**NONE**
ABSTAINED:	**NONE**

I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted by the Guam Housing and Urban Renewal Authority Board of Commissioners on **August 12, 2019**.

(S E A L)

RAY S. TOPASNA
Board Secretary/Executive Director

GUAM HOUSING AND URBAN RENEWAL AUTHORITY
SMOKE-FREE PUBLIC HOUSING LEASE ADDENDUM NO. 2

POLICY: It is the policy of the Guam Housing and Urban Renewal Authority (PHA) to seek to promote and enforce a smoke-free living environment.

LEASE ADDENDUM: Tenant and all members of Tenant's family or household are parties to a written Lease Agreement (herein referred to as the "Lease") with the Guam Housing and Urban Renewal Authority (herein referred to as the "PHA"). The following additional terms, conditions, and rules are hereby incorporated into the Lease. A breach of this Lease Addendum shall give each party all the rights contained herein, as well as the rights in the Lease.

A. **PURPOSE:** The parties desire to mitigate: (i) the irritation and known health effects of secondhand smoke; (ii) the increased maintenance, cleaning, and redecorating costs from smoking; (iii) the increased risk of fire from smoking; and (iv) the higher costs of fire insurance for a non-smoke-free building.

B. **DEFINITION OF SMOKING**: The term "smoking" means inhaling, exhaling, breathing, burning or carrying any prohibited tobacco products, or similarly lighted smoking material, including marijuana, in any manner, form or derivative.

C. **SMOKE-FREE AREAS:** Tenant agrees and acknowledges that the **premises to be occupied by Tenant and members of Tenant's household**, and **all living units and interior common areas,** including but not limited to community bathrooms, lobbies, community rooms, laundry rooms, hallways, stairwells, management/administrative offices, electrical closets, storage units, maintenance garages, and entryways, are designated as smoke-free.

   Further, Tenant agrees and acknowledges that **all outdoor areas within 25 feet of the Guam Housing and Urban Renewal Authority housing and administrative buildings** including, but not limited to patios, balconies, stairways and attached structures, are also designated as smoke-free.

   Tenant and members of Tenant's household shall not smoke anywhere in said smoke-free areas, nor shall Tenant permit any guests or visitors under the control of the Tenant to smoke in said smoke-free areas.

D. **TENANT TO PROMOTE SMOKE-FREE POLICY AND REPORT SUSPECTED VIOLATION:** Tenant shall inform all of their household members, guests, and visitors of the Smoke-Free Policy. Further, Tenant shall promptly notify PHA Management in writing of any incident wherein tobacco smoke is migrating into the Tenant's dwelling unit from sources outside of the Tenant's dwelling unit.

E. **PHA TO PROMOTE SMOKE FREE POLICY:** PHA shall inform each new and current tenant of the Smoke-Free Policy at the time of Lease signing, and any time thereafter, as may be deemed appropriate. PHA will install conspicuous No Smoking signs at entrances and exits, in common areas on building exteriors noting "No Smoking", "This is a smoke-free environment", "No-smoking within 25 feet of the building", and the like.

   New tenants will be required to sign a Smoke-Free Lease Addendum at the time of lease up. Current tenants will sign the Smoke-Free Lease Addendum at least 30 days before the effective date. The signed Smoke-Free Lease Addendum will be kept in the Tenant's file and a copy given to the Tenant.

F. **PHA NOT A GUARANTOR OF SMOKE FREE ENVIRONMENT:** The PHA's adoption of a Smoke-Free Policy does not make the PHA, nor any of its managing agents, the guarantor of Tenant's health, or of the smoke-free condition of Tenant's unit and common areas. However, the PHA shall take reasonable steps to enforce the smoke-free terms of its lease, and to make its properties as smoke-free as is reasonably possible.

PHA will address violations of this policy upon the PHA's actual knowledge of said smoking, or if the PHA has been given written notice of said smoking, and said notice can be substantiated. PHA may also discover violations of the policy as part of a unit inspection, or other observations by PHA personnel.

G. **EFFECTS OF BREACH AND RIGHT TO TERMINATE LEASE:** Any party who violates the terms and conditions of this Addendum shall be in material breach of the Lease Agreement, and subject to the termination of the Lease by the PHA, in accordance with the procedures set out in the Lease Agreement. A material or continuing breach of this Addendum shall be a material breach of the Lease, and grounds for termination of the Lease by the PHA, in accordance with the procedure set out in the Lease.

H. **DISCLAIMER BY HOUSING AUTHORITY:** The PHA's adoption of a Smoke-Free Policy does not in any way change the standard of care that the PHA would have to a tenant household to render buildings and premises designated smoke-free any safer, more habitable, or improved, in terms of air quality standards, than any other rental property. PHA specifically disclaims any implied or expressed warranties that the building, common areas or tenant's premises will have any higher or improved air quality standards than any other rental property. The PHA cannot and does not warranty or promise that the rental premises or common areas will be free from secondhand smoke.

Tenant acknowledges that PHA's ability to police, monitor, or enforce the agreements of the Smoke-Free Policy is dependent, in significant part, on voluntary compliance by all tenants and their household members and guests. Tenants with respiratory ailments, allergies, or a physical or psychological condition relating to smoke, are put on notice that the PHA does not assume any higher duty of care to enforce the smoke-free lease addendum, than any other PHA obligation under the Lease.

I. **ADDENDUM BINDING ON TENANTS:** Each tenant must execute this Addendum as a condition of residency in GHURA's residential units. Failure of the tenant to execute this Addendum does not eliminate or exclude the responsibility of tenants to abide by the Smoke-Free Housing Policy as adopted by the Board of Commissioners on _____.

J. **EFFECTIVE DATE:** This Smoke-Free Lease Addendum No. 2 shall be effective on _____ _____.

_____	_____
Printed Name of PHA Manager	Tenant Name, Printed
_____	_____
Signature/Date of PHA Manager/Representative	Tenant Signature/Date

GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Aturidat Ginima' Yan Rinueban Siudat Guahan

Sinajana, Guam

SMOKE-FREE PUBLIC HOUSING POLICY

REVISION No. 1

Adopted by GHURA Board of Commissioners
Resolution No.: _____
Date of Adoption: _____
Effective Date of Implementation: _____

SMOKE-FREE PUBLIC HOUSING POLICY
REVISION NO. 1

INTRODUCTION

The Department of Housing and Urban Development (HUD) has implemented a ruling that requires all Public Housing Authorities administering a public housing program to implement a smoke-free policy. The rule specifically requires each Public Housing Authority to implement a policy on prohibited tobacco products and all smoking in any interior common areas including, but not limited to community rooms, community bathrooms, lobbies, reception areas, hallways, electrical rooms and closets, storage rooms, offices, and within all living units in public housing and PHA administration office buildings, maintenance shops and vehicles. (In brief, a smoke-free policy for ALL public housing interior areas.)

The Guam Housing and Urban Renewal Authority (hereinafter referred to as the PHA) is also prohibiting electronic nicotine delivery systems (ENDS), e-cigarettes, and vaping, and is including it in this Policy's definition of Smoking. This Policy extends to all outdoor areas up to twenty-five (25) feet from any type of housing (doors/entrances, windows and porches), and administrative office buildings and maintenance facilities.

This Policy further prohibits the smoking of marijuana, in any manner, form or derivative. The Controlled Substances Act (CSA), 21 U.S.C. Section 801 et.seq., categorizes marijuana as a Schedule 1 substance and, therefore, the manufacture, distribution, or possession of marijuana is illegal under federal law, even if it is permitted under state law. Marijuana is therefore not permitted anywhere in GHURA property.

HUD is requiring implementation of smoke-free public housing to improve interior air quality in housing, to benefit the health of public housing tenants and public housing staff, reduce the risk of catastrophic fires, and lower overall maintenance costs. This Policy applies to all tenants, tenant's families, tenant's guests, visitors, contractors, service personnel, and employees.

PURPOSE

The Guam Housing and Urban Renewal Authority (hereinafter referred to as the PHA) is dedicated to protect the health and safety of its residents. In recognition that direct exposure to smoke or involuntary exposure to secondhand smoke can cause respiratory illness, heart disease, asthma, cancer, and/or other adverse health effects, and to reduce the risk of fires and maintenance costs, the PHA has implemented and adopted the Smoke-Free Public Housing Policy (hereinafter referred to as the Policy).

This Policy is in compliance with 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), Fair Housing Act, the Department of Housing and Urban Development (HUD) registers and notices, Title 24 of the Code of Federal Regulations, the Admissions and Continued Occupancy Policy (ACOP), and State and local laws.

EFFECTIVE DATE

Effective _____, the PHA adopts this Smoke-Free Public Housing Policy.

SMOKE-FREE LIVING ENVIRONMENT

This Policy prohibits smoking in the following areas:

- In all public housing living units,
- In all public housing interior areas including, but not limited to hallways, stairways, electrical closets, storage units, administrative offices, community centers, laundry centers, and similar structures,
- In all outdoor areas within 25 feet of PHA building(s), including entry ways, porches, balconies and patios, or to the PHA's property boundary in situations where the boundary is less than 25 feet from the PHA-owned building(s),
- At playgrounds, picnic areas, and other exterior common areas (and within 25 feet of these locations),
- In administrative/office buildings and maintenance buildings, and
- In any PHA owned, leased or operated vehicle.

The PHA is not prohibiting smoking by residents, rather, the PHA is prohibiting smoking inside public housing living units and interior common areas, public housing administrative office buildings, public housing community rooms or community facilities, and laundry rooms, in outdoor areas within 25 feet of the housing and administrative office buildings, and in other areas designated as restricted areas.

APPLICABILITY

New Admissions

All new admissions signing a lease on, or after, the effective date of this Policy, are subject to all provisions herein.

Existing Residents

Existing residents are required to sign the Smoke-Free Housing Lease Addendum within sixty (60) days of notification of the effective date of this Policy. Residents who are not willing to comply with the terms of this Policy shall complete and submit a Notice to Vacate form prior to the expiration of the sixty (60)-day notification period. Residents who refuse or fail to sign the Smoke-Free Lease Addendum after the sixty (60)-day notification period will be subject to termination of their lease pursuant to Sections IX, Tenant Obligations, and XVI, Termination of Lease. All current residents who smoke will be provided with information/resources about cessation programs upon their request.

Visitors and Guests

This Policy applies to all resident's visitors, guests or other persons under the resident's control while on PHA-owned properties. Visitors, guests or other persons under the resident's control must not engage in any smoking of specified prohibited tobacco products (including e-cigarettes, vaping and marijuana) in restricted areas, or in other outdoor areas that the PHA has designated as smoke-free. Residents and members of the resident's household must not allow visitors, guests, and other persons under their control to violate this Policy.

PHA Staff

This Policy applies to all PHA employees, contractors, and agents while on PHA-owned properties.

DEFINITIONS

Common Areas – All areas open to all residents, resident's families, guests, visitors, contractors, service personnel, employees and members of the public.

Designated Smoking Areas: Areas or structures **outside** of the required 25 feet perimeter that may be designated by the PHA, where prohibited tobacco products are allowed.

NOTE: The PHA has not designated any smoking areas on the PHA's property at this time. Residents may not discard smoking products on the property.

Development/Property: All Public Housing developments and properties are included in this Policy, and all related administrative offices and maintenance facilities.

Individual Units: the interior and exterior spaces tied to a particular unit. This includes, but is not limited to, bedrooms, hallways, kitchens, bathrooms, front and rear porches.

Interior Common Areas: Defined as living units. Interior common areas, electrical rooms, closets, storage rooms, community rooms/bathrooms, laundry rooms, lobbies, hallways, offices, and public housing administrative offices/buildings, maintenance facilities and vehicles.

Smoking – means igniting, inhaling, exhaling, breathing, carrying or possessing any lit cigar, cigarette, pipe, water pipe (referred to as hookahs), or other tobacco product or similar lighted product, in any manner or in any form, or any other device containing tobacco, marijuana, or other legal or illegal substances that burn. This definition also includes electronic nicotine delivery systems (ENDS), including electronic cigarettes (e-cigarettes).

- **Electronic Cigarette** – the term "Electronic Cigarette" means any electronic device that provides a vapor of liquid nicotine and/or other substances to the user, as she or he simulates smoking. The term shall include such devices whether they are manufactured or referred to as e-cigarettes, e-cigars, e-pipes, vaping, or under any product name.

Public Housing: Low-income housing, such as, community facilities, public housing offices, and laundry rooms assisted under the U.S. Housing Act of 1937 (the 1937 Act), other than assistance under section 8 of the 1937 Act.

REASONABLE ACCOMMODATIONS

Residents who are persons with disabilities may request a Reasonable Accommodation in relation to the Smoke-Free Public Housing Policy, in accordance with the PHA's Reasonable Accommodation Policy.

The PHA will consider the request for a reasonable accommodation on a case-by-case basis. Residents must adhere to the Smoke-Free Public Housing Policy until such time a reasonable accommodation is granted.

Note: The act of smoking itself is not a disability under the ADA. Per the Smoke-Free Public Housing Final Rule, December 5, 2016, HUD is not aware of any medical conditions for which smoking is considered a legitimate, proven treatment; therefore, smoking will not be considered a reasonable accommodation for a disability.

PHA RESPONSIBILITIES

PHA shall inform each resident of the Smoke-Free Policy at the time of Lease signing, and any time thereafter, as may be deemed appropriate. PHA will install conspicuous no-smoking signs at entrances and exits, in common areas on building exteriors noting "No Smoking", "This is a smoke-free environment", "No-smoking within 25 feet of the building", and the like.

The PHA shall post no-smoking signs at entrances to all buildings.

The PHA will distribute a copy of this Policy, and notice of the intent to implement the Policy, to each household at least 30 days prior to the effective date of the Policy.

The PHA will distribute a copy of the Smoke-Free Housing Lease Addendum, and notice of requirement that residents must sign the Smoke-Free Housing Lease Addendum, to each household at least 60 days prior to the effective date of the Smoke-Free Housing Lease Addendum.

The notice shall contain the time frame within that period for acceptance of the Smoke-Free Housing Lease Addendum. The notice shall also state that failure to sign the Smoke-Free Housing Lease Addendum will result in lease termination, and contain information regarding grievance procedures.

The PHA is responsible for the enforcement of this Policy; however, the PHA does not assume any higher duty of care to enforce this Policy than any other PHA obligation under the Dwelling Lease.

The PHA will ensure the Lease Addendum and other occupancy policies are consistent with the provisions of this Policy.

The PHA shall promote this Policy, in meetings and discussions with residents, and enforce compliance with this Policy. The PHA will make information about smoking cessation resources available on-site to help interested residents learn more about quitting smoking. The PHA may continue to promote cessation resources for residents when the PHA, in its discretion, deems it helpful. The PHA understands the effort it will take for residents to comply with this Policy, but the health of all residents must be considered.

Smoke-free housing does not mean that smokers are prohibited from living in the PHA developments. It simply means that residents and visitors are not allowed to smoke anywhere inside or within 25 feet outside of any PHA housing or administrative office building.

TENANT RESPONSIBILITIES

1. Smoking is prohibited within twenty-five (25) feet of all buildings, door/entrances, windows, porches, administrative offices and maintenance facilities.
    - Residents and members of the resident's household shall abide by this Policy and shall inform their visitors, guests and other persons under the resident's control of the Policy.
    - Residents and members of the Resident's household must not allow visitors, guests, and other persons under the resident's control to violate this Policy.

2. Residents are responsible for the actions of their household, guests and visitors. Any residents, including the members of their household, guests, or visitors, will be considered in violation of the lease if found smoking within twenty-five (25) feet of any PHA-owned buildings, units, or in places that are designated as non-smoking area.
    - Residents are responsible for the actions of their household, their visitors, guests and other persons under the resident's control.

LEASE ENFORCEMENT

The PHA will enforce the Smoke-Free Public Housing Policy. The PHA will provide residents due process when enforcing this Policy and the lease agreement, and provide residents their right to an informal and formal hearing regarding any violations of this Policy or lease agreement.

Failure to adhere to any of the conditions of the Policy will constitute a lease violation and may result in enforcement actions up to, and including, eviction. In addition, residents will be responsible for all costs to remove smoke odor and/or residue upon any violation of this Policy, as outlined in the Schedule of Maintenance and Other Charges in the Admissions and Continued Occupancy Policy.

The PHA will not evict for a single incident of smoking in violation of the Policy. Here are examples to determine resident violations of the no smoking policy that could include, but are not limited to:

a. Staff witnesses a resident, resident's guest, family member, or service provider smoking in non-smoking areas under resident's control;

b. Staff witnesses a lighted smoking product in an ashtray or other receptacle in non-smoking areas under the resident's control.

c. Damages to the interior of the property (countertops, floors, etc.) that are the result of burns caused by smoking products.

d. Evidence of smoking in a unit includes, but is not limited to, cigarette or other smoking product smells, smoke clogged filters, ashes, smoke film, including smoke damage to walls.

e. Repeated reports to staff of violations of this Policy by third parties.

Lease violations of the Policy will be handled in a progressive manner as follows:

- *1st Violation:*
    - A home visit will be conducted by the Property Site Manager or designated staff. The Property Site Manager or designated staff will issue a Verbal Warning referencing the section of the Dwelling Lease that has been violated.
    - Resident will be provided a copy of the Smoke-Free Public Housing Policy and cessation materials.
    - Resident will be required to sign an Acknowledgement of Verbal Warning form which will be documented in the resident's file.

- *2nd Violation:*
  - The Property Site Manager will issue a Written Warning referencing the section of the Dwelling Lease that has been violated.
  - Resident will be provided a copy of the Smoke-Free Public Housing Policy and cessation materials.
  - Resident will be required to sign an Acknowledgement of Written Warning form which will be documented in the resident's file.
- *3rd Violation:*
  - Resident will be required to attend a private conference in the Management Office to review the terms of the Dwelling Lease and the Smoke-Free Public Housing Policy.
  - The Property Site Manager will issue a Second Written Warning and require the resident to sign an Acknowledgement of Second Written Warning form which will be documented in the resident's file.
- *4th Violation:*
  - A 30-day termination letter, with the right to appeal, and Grievance Hearing.
- Notice must contain information regarding Grievance Procedures.

EFFECT OF BREACH AND RIGHT TO TERMINATE LEASE

A breach of this Policy shall give each party all the rights contained herein, as well as the rights contained in the Lease. A material or continuing breach of this Policy shall be a material breach of the Lease, and grounds for termination of the Lease by the PHA, in accordance with the procedure set out in the Lease.

PHA NOT A GUARANTOR OF SMOKE-FREE ENVIRONMENT

The PHA's adoption of a Smoke-Free Policy, and the efforts to designate portions of the Property as smoke-free, does not make the PHA the guarantor of resident's health, or of the smoke-free condition of the smoke-free portions of the Property. The PHA will take reasonable steps to enforce the Smoke-Free Policy. The PHA is not required to take steps in response to the use of prohibited tobacco products, unless the PHA has actual knowledge of the use of such products, and the identity of the responsible resident.

PHA DISCLAIMER

The adoption of a non-smoking living environment does not in any way change the standard of care that the PHA has under applicable law to render the Property any safer, more habitable, or improved in terms of air quality standards, than any other rental premises. The PHA specifically disclaims any implied or express warranties that the Property will have any higher or improved air quality standards than any other rental property. The PHA cannot and does not warranty or promise that the Property will be free from secondhand smoke. The PHA's ability to police, monitor, or enforce this Policy and Lease Revision is dependent in significant part on voluntary compliance by residents and residents' guests.

Residents with respiratory ailments, allergies or other condition relating to smoke are put on notice that the PHA does not assume any higher duty of care to enforce this Policy, than any other PHA obligation under the lease agreement.

Although the PHA has adopted a Smoke Free Housing Policy, it cannot guarantee that smoking will never happen.

SMOKE-FREE LEASE ADDENDUM

The Smoke-Free Lease Addendum No. 2 is attached, hereto, and made a part hereof. The Lease Addendum shall be controlling. If there is a conflict between this Policy and the Lease Addendum, the Lease Addendum shall control.

Upon adoption of the Policy, all new tenants will be given a copy of this Smoke-Free Policy and will sign the Smoke-Free Lease Addendum No. 2.

Upon adoption of the Policy, all current residents will be given a copy of this Smoke-Free Policy, Revision No. 1, and will sign the Smoke-Free Lease Addendum No. 2 at least 30 days before the effective date. Section XVII, Modification of the Lease, of the PHA Lease Agreement, allows changes to the Lease (including a Smoke-Free Lease Addendum) with written notice to the Residents.

The signed Smoke-Free Lease Addendum No. 2 will be kept in the Resident's file and a copy given to the Resident.

GUAM HOUSING AND URBAN RENEWAL AUTHORITY

Aturidat Ginima' Yan Rinueban Siudat Guahan

Sinajana, Guam

MARIJUANA (CANNABIS) POLICY FOR PUBLIC HOUSING

Adopted by GHURA Board of Commissioners

Resolution No.: _____

Date of Adoption: _____

Effective Date of Implementation: _____

MARIJUANA (CANNABIS) POLICY FOR PUBLIC HOUSING

INTRODUCTION

Due to the Federal prohibition of the manufacture, distribution, and possession of marijuana even when Guam law authorizes its medical and/or recreational use, along with the increased risk of fire, increased maintenance costs, noxious odor, and the known health effects of marijuana, the PHA hereby declares that the Authority continues to have zero tolerance for marijuana use, as defined below. GHURA's Smoke-Free Public Housing Policy has been updated to include Marijuana (Cannabis). The Guam Housing and Urban Renewal Authority's (GHURA) Marijuana (Cannabis) Policy for Public Housing (the "Policy") applies to all residents, resident's families, resident's guests, visitors, contractors, service personnel, and employees. This Policy shall be strictly enforced.

Copies of this Policy shall be distributed to all current residents, new residents, applicants, and employees.

BACKGROUND

In Guam, the legalization of recreational marijuana was signed into law on April 4, 2019 by Governor Lourdes A. Leon Guerrero. Public Law 35-5 makes it legal under Guam for people twenty-one (21) years of age or older to possess and cultivate certain amounts of marijuana for recreational use.

However, marijuana is regulated by both Guam and Federal law, and the Federal Controlled Substances Act, 21 U.S.C. § 801, et seq., continues to prohibit the manufacture, distribution, and possession of marijuana even when Guam law authorizes its use. Under the Supremacy Clause of the U.S. Constitution, Article VI, Paragraph 21, federal law supersedes Guam law where there is a direct conflict of laws. Further, even if a person has a prescription for medical marijuana, the Federal Fair Housing Act states that a disability/handicap "does not include current, illegal use of or addiction to a controlled substance" as defined in the Controlled Substances Act (CSA).

The Quality Housing & Work Responsibility Act of 1998 (Public Housing Reform Act), 42 U.S.C. § 13661, requires that public housing authorities ("PHA") administering HUD's rental assistance programs establish standards and lease provisions that prohibit admission into the Public Housing program based on the illegal use of controlled substances, which includes state legalized marijuana.

PROHIBITION ON THE USE OF MARIJUANA

The PHA will adhere strictly to the HUD federal law with regard to all use of marijuana or any other substance listed as a Schedule I drug under the CSA. Residents may not possess or be engaged in the manufacturing, use of, or distribution of such drugs.

DEFINITIONS

Cultivation: The term cultivation means the growth or act of growing marijuana (recreational and/or medical) and/or cannabis. Cultivation also covers all stages of growth beginning with the Germination process which is where the seeds sprout and the root emerges until the plants are ready to be harvested.

Development/Property: All Public Housing developments and properties are included in this policy and all related administrative offices and maintenance facilities.

Drug-related criminal activity is the illegal manufacture, sale, distribution, use of a drug, or the possession of a drug with intent to manufacture, sell, distribute or use the drug. *(NOTE: Per memo from HUD General Council Helen R. Kanovsky dated January 20, 2011 - Subject: Medical Use of Marijuana and Reasonable Accommodation in Federal Public & Assisted Housing "federal and state non-discrimination laws do not require PHA's and owners of other federally assisted housing to accommodate requests by current or prospective residents with disabilities to use medical marijuana")*

Marijuana: The term "marijuana" is the leaves of a cannabis plant that are used as a drug that can be smoked or consumed in order to create a feeling of being euphoric or "high". An example of marijuana is the leaves of a plant that people roll up into the form of a cigarette in order to smoke and get high. It can be also called weed, herb, pot, grass, bud, ganja, Mary Jane, to name a few.

Public Housing: Low-income housing, such as, community facilities, public housing offices, and laundry rooms assisted under the U.S. Housing Act of 1937 (the 1937 Act), other than assistance under section 8 of the 1937 Act.

Resident: The term "resident" means any tenant, resident, household member, or family member who resides at any of the Properties.

RULES AND REGULATIONS

All residents, resident's families, resident's guests, visitors, contractors, service personnel, and employees must abide by the following rules and regulations:

1. **Notice to Applicants**. All prospective residents and housing applicants will be informed that the lists marijuana as a Schedule I drug, and that the possession of marijuana or any other Schedule I drug, even if in possession of a current medical marijuana registration, will not be allowed in any of GHURA's Properties.
2. **Admission Prohibited**. Admission into any of GHURA's Properties is prohibited to a household with member(s) who are illegally using marijuana, or any other controlled substance.
3. **No-Smoking or Cultivating Marijuana**. All Asset Management Properties (AMP) have been designated as a no-smoking or cultivating living environment. There shall be no smoking or cultivating anywhere in the unit or in any of the common areas or adjoining grounds.

4. **Prohibition the Use of Marijuana**. The PHA will adhere strictly to the HUD federal law with regard to all use of marijuana or any other substance listed as a Schedule I drug under the CSA. Residents may not possess or be engaged in the manufacturing, use of, or distribution of such drugs.

5. **Medical Marijuana is not a reasonable accommodation**. Federal nondiscrimination laws do not require public housing authorities or owners to allow marijuana use as a reasonable accommodation for disabilities.

6. **Compliance by Resident's Guests**. Resident is responsible for informing families, guests, visitors and service personnel of this Policy and for ensuring resident's families, guests, visitors and service personnel comply with this Policy.

7. **Lease Violation**. A breach of this Policy will be considered a major lease violation which may result in termination of tenancy.

8. **Complaints**. If resident witnesses someone engaged in the use of marijuana in or on GHURA's Properties, resident is encouraged to report the violation to the Property Site Manager in writing as soon as possible.

9. **Investigations**. Property Site Managers receiving a complaint will take appropriate measures to investigate and will take subsequent enforcement action, if necessary, as soon as possible. Property Site Managers are not required to take steps in response to illegal drug use or possession unless Property Site Managers know of the illegal use or possession or have been given written notice of the illegal use or possession.

10. **Communication of Policy to Existing Residents**. This Policy shall be communicated by the Property Site Manager to all new and current residents and employees of GHURA at least thirty (30) days prior to its effective date.

    a. New residents shall be given two (2) copies of this Policy. After review, the resident must sign one copy and return the executed copy to the Property Site Manager prior to moving in. The Property Site Manager shall place the signed copy in the resident's file.

    b. Upon adoption of the Policy, all current residents of the GHURA Properties covered by this Policy shall be given two copies of the Policy by the Property Site Manager. After review, resident must sign one copy and return the executed copy to the Property Site Manager within ten (10) days. The Property Site Manager shall place the signed copy in resident's file.

11. **Prohibition.** All residents, resident's families, household members, resident's guests, visitors, contractors, service personnel and GHURA employee are prohibited from the use, possession, and cultivation of marijuana or any other Schedule I drug on GHURA property, including the individual units of the residents.

This Policy is in compliance with 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act (ADA), Fair Housing Act, the Department of Housing and Urban Development (HUD) registers and notices, Title 24 of the Code of Federal Regulations, the Admissions and Continued Occupancy Policy (ACOP), and State and local laws.

Resident Certification.

I have read and understand this Policy, and I agree to abide by its provisions.

I understand that failure to comply with this Policy may constitute a lease violation and that a lease violation may be cause for termination of my tenancy.

I acknowledge that the Property Site Manager's ability to police, monitor, or enforce the agreements of this Policy is dependent in significant part on voluntary compliance by the residents of the GHURA-owned properties.

Resident Name (printed): _____

Resident Signature: _____

Unit Number/Street: _____ Date: _____

Adopted: _____

Effective Date: _____

EXECUTIVE MANAGEMENT REPORT – Aug 12, 2019

- **Update on GHURA/S8 Action Plan**
    - HUD has responded via email that they have reviewed our letter dated July 23 addressed to Jesse Wu requesting Approval of Proposed Success Rate Payment Standards, and that we may get a response by this week
- **REAC Inspections of all 4 AMPs and Guma Trankilidat**
    - September 5th thru 13th
    - All hands on deck
        - We have authorized OT for all work performed after normal 80-hour workweek
- **Series of Meetings w/ Chief of Staff and GEPA**
    - To address delays in permitting process relative to GEPA's review of many of our construction projects
        - GEPA immediately granted approval of Micronesia Self Help project
            - $700K at risk
        - We anticipate that GEPA will approve the construction permit for the 88 homes (LIHTC project)
            - Ribbon Cutting and Groundbreaking event – August 21
            - Met w/ Ironwood corporate office – Aug 8
    - I reminded the COS that the Governor is the grantee for our CDBG projects
- **Press Releases and other Promotions**
    - Letter to the Editor – Unsung Heroes of GHURA
        - Francesca Gatuz, Alice James, Sandrina Cepeda & Pauline Santos
            - Service Coordinators for ROSS, Multi-Family, & FSS
    - Enhancement of CCTV Surveillance System – Main Office, Guma Trankilidat, Toto, Agat & Yona.

GHURA

Guam Housing and Urban Renewal Authority
Aturidat Ginima' Yan Rinueban Siudat Guahan
117 Bien Venida Avenue, Sinajana, GU 96910
Phone: (671) 477-9851 · Fax: (671) 300-7565 · TTY: (671) 472-3701
Website: www.ghura.org

EQUAL HOUSING OPPORTUNITY

Lourdes A. Leon Guerrero
Governor of Guam

Joshua F. Tenorio
Lt. Governor of Guam

Sabino P. Flores
Chairman

Carl V. Dominguez
Commissioner

George F. Pereda
Commissioner

Eliza U. Paulino
Commissioner

Joseph A. Cameron
Commissioner

Monica O. Guzman
Commissioner

Joseph M. Leon Guerrero
Resident Commissioner

Ray S. Topasna
Executive Director

Elizabeth F. Napoli
Deputy Director

VIA EMAIL

August 9, 2019

Leevin Taitano Camacho
Office of the Attorney General of Guam
590 S. Marine Drive, Suite 901
Tamuning, Guam 96910

RE: Missing Records

Dear Attorney General:

Please be advised that in responding to subpoenas in connection with the ongoing criminal cases against former public officials of GHURA, we are having difficulty providing some of the requested information. This is to officially notify you of problems we have encountered with records/documents that cannot be located. Specifically, they are: (1) Emails that were subject of a recent subpoena that were not retrievable from the account where it originated from (the primary contact for all parties), but we were able to source out some of these missing emails from secondary accounts. (2) As many as three CDs containing past subpoenas and supporting documents were missing from the files of the primary custodian of such records; however, our MIS division had back-up copies so that we have now restored the official record. (3) Certain pages of a contract for legal services pertaining to GHURA's former legal counsel are missing from the official records.

The housing authority is still in the process of ascertaining what other official records/documents pertaining to the ongoing cases may be missing. We will officially notify you if we find that other records/documents are missing. If you have any questions regarding this matter, please do not hesitate to contact me.

Respectfully yours,

E F Napoli

Elizabeth F. Napoli
Deputy Director

Cc: Sabino Flores
Chairman of the Board

GHURA

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Resident Commissioner

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Executive Director

Elizabeth F. Napoli
Deputy Director

VIA EMAIL

August 9, 2019

Shawn N. Anderson
U.S. Attorney for the District of Guam and the NMI
Sirena Plaza
108 Hernan Cortez, Suite 500
Hagatna, Guam 96910

RE: Missing Records

Dear Mr. Anderson:

Please be advised that in responding to subpoenas in connection with the ongoing criminal cases against former public officials of GHURA, we are having difficulty providing some of the requested information. This is to officially notify you of problems we have encountered with records/documents that cannot be located. Specifically, they are: (1) Emails that were subject of a recent subpoena that were not retrievable from the account where it originated from (the primary contact for all parties), but we were able to source out some of these missing emails from secondary accounts. (2) As many as three CDs containing past subpoenas and supporting documents were missing from the files of the primary custodian of such records; however, our MIS division had back-up copies so that we have now restored the official record. (3) Certain pages of a contract for legal services pertaining to GHURA's former legal counsel are missing from the official records.

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Respectfully yours,

EFNapoli

Elizabeth F. Napoli
Deputy Director

cc: Sabino Flores
Chairman of the Board

GHURA does not discriminate against persons with disabilities.
The Chief Planner has been designated as Section 504 Coordinator.
The Coordinator can be contacted at the above address and telephone numbers.

Albert Santos

From: Carroll, Christina Y <Christina.Y.Carroll@hud.gov>
Sent: Sunday, August 04, 2019 12:14 PM
To: alsantos1@ghura.org; rstopasna@ghura.org; phillysn@ghura.org; rhess@ghura.org; mjduenas@ghura.org; narcissa@ghura.org; plleonguerrero@ghura.org; gmcura@ghura.org; pmendiola@ghura.org
Cc: Schmoll, Anastasia; Brady, Dexter L; Arcara, James S; Gordon, Ava M; Carroll, Christina Y
Subject: OFFICIAL NOTICE: HUD REAC Physical Inspections of the Guam Public Housing Authority (4 GU001 Properties) - September 5 - 12, 2019

Importance: High

Hello Mr. Albert Santos and the Guam Public Housing Authority Property Management Team,

I hope this message finds you all well.

This notice is to inform you of the upcoming REAC Physical Inspections scheduled for **four (4) GQ001** Guam Public Housing Authority properties.

The inspections are scheduled to be conducted on September 5 – 12, 2019 beginning at 9:00 AM.

Upon receipt of this message please be sure to "**Reply All**" to this notice informing us that you are in receipt of the inspection dates and time.

Thereafter, I will follow up with your inspection confirmation letter.

September 2019 Guam Public Housing Authority REAC Physical Inspection S						
Property Name	Property ID	Estimated Duration	Buildings/Units	Scattered Site?	QA Inspector	Start Da
GHURA 250	GQ001000001	2 Days	75/158	Yes	Schmoll	9/5/201
GHURA 100	GQ001000002	3 Days	126/163	Yes	Brady	9/5/201
GHURA 99	GQ001000003	3 Days	132/195	No	Brady	9/10/20
GHURA 250	GQ001000004	3 Days	104/234	Yes	Schmoll	9/9/201

Your cooperation is appreciated.

Thank you.

Christina Carroll

Christina Y. Carroll
Management Analyst
Physical Inspection Quality Assurance Division (PASS-QA)
PIH - Real Estate Assessment Center (REAC)
U.S. Department of Housing and Urban Development
Phone: (202) 738-3858