U.S. Department of Housing and Urban Development Office of Housing – Federal Housing OMB Approval No. 2502-0178 Exp. 04/30/2018

Commissioner

Office of Fair Housing and Equal Opportunity And Office of Multifamily Housing

Checklist for On-Site Limited Monitoring and Section 504 Reviews

Multifamily Housing (Housing) staff or Performance-Based Contract Administrators and Traditional Contract Administrators (CA) must complete this Checklist when conducting on-site management reviews of subsidized and unsubsidized multifamily housing projects. The questions on this checklist cover topics that the Housing staff or CA can be expected to answer and is not intended to cover the full range of civil rights concerns.

NOTE: This document does not require the reviewer to make a determination of civil rights or Section 504 compliance.

The Checklist is divided into four parts.

Part A: Occupancy/Accessible Units/Program Accessibility - This section, along with instructions, must be forwarded to the owner/agent for completion prior to the on-site review. This document must be included with the Documents Reviewer Should Obtain from Owner. See Part D.

Part B: Limited On-Site Monitoring Review - The reviewer must complete this section during the on-site management review of all projects.

Part C: Section 504 Review - The reviewer must complete this section during the on-site management review for all federally-assisted projects.

Part D: Documents Reviewer Should Obtain from the Owner/Agent during the on-site management review.

Please Note that a "No" response to any question does not necessarily mean there is a fair housing or civil rights or a Section 504 violation.

		ADDENDUM B
Management Review for Multifamily Housing Projects	U.S. Department of Housing and Urban Development Office of Housing – Federal Housing Commissioner	OMB Approval No. 2502-0178 Exp. 04/30/2018
Checklist for On-Site Lim	ited Monitoring and Section 504 Revie	ws (Continued)
Project Name:	_	
FHA /Project Number:	_	
Section 8/PAC/PRAC Number:	_	
Owner/General Partner Name:	Management Agent N	Name:
Owner/General Partner Address:	Management Agent A	Address:
Type of Development: Cooperativ		
Total Number of Units:	Total Subsidized Units:	
	D2 Section 202/8 Section 202/PA] Other
Resident Manager's Unit: Yes 🗌 No		
Date of First Occupancy:		
Service Coordinator Employed By Project?	Yes 🗌 No 🗌	
Reviewed by: Housing	PBCA CA Mortgagee	
Reviewer:		
Date:		
Phone:		
This Section is for Multifamily Housing St	taff only:	
The owner/agent is in complia Act of 1992. Possible noncompliance with 7 1992. Referred to the local Office of Fair Ho	y the owner/agent in Part A, the following as been detence with Title VI, Subpart D of the Housing and Comm Title VI, Subpart D of the Housing and Community Depusing and Equal Opportunity for additional review and using and Community Development Act of 1992 - Not	nunity Development velopment Act of l appropriate action.

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

PART A OCCUPANCY/ACCESSIBLE UNITS/PROGRAM ACCESSIBILITY

Authority:

Section 504 of the Rehabilitation Act of 1973 (24CFR Part 8) Fair Housing Act/Title VIII Regulations (24 CFR Part 100.200) Uniform Federal Accessibility Standards (UFAS) (24 CFR Part 40) Regulatory Agreement

For this Part A, the reviewer must forward the form along with the instructions for completion to the owner/agent prior to the on-site review. For subsidized projects, the owner/agent must complete the project information above and the information in Sections I, II, and III below. (See attached instructions.) For unsubsidized projects, the owner/agent must complete the project information above and Sections I and II only. Section III consists of Section 504 compliance, which does not apply to projects that do not receive federal financial assistance. The reviewer will retrieve the completed form from the owner/agent during the on-site review.

SECTION I - OCCUPANCY

1. This property was designed primarily for	•	2. Indicate the numb below	er of units currently occupied by client groups				
		Exclusively Elderly -					
Exclusively Enderly		Exclusively Disabled					
Elderly and Disabled		Elderly/Disabled -					
Near Elderly and Disabled		Near-Elderly Disable					
Family		Family -	Family -				
3. Is there a use agreement or any other doe	cument that indicates th	at this project must ser					
If yes, specify type of document:		Effective D	Yes No Unknown				
Please attach a copy of the document(s) in		Linearez					
 4. If this project is a "covered Section 8 housing project" (see instructions), is there an occupancy preference for the elderly in accordance with Section 651 of Title VI, Subpart D of the Housing and Community Development Act of 1992? Yes No Refer to HUD Handbook 4350.3, REV-1. If No, proceed to question 5. 							
If yes, please enter: a. the date of the elderly preference: b. the number of units that must be reserved for occupancy by non-elderly persons with disabilities, and, c. the date used to determine the number of units reserved for non-elderly persons with disabilities							
5. Is there an occupancy restriction for the e Development Act of 1992?	elderly in accordance w	ith Section 658 of Title	e VI, Subpart D of the Housing and Community Yes □ No □				
Refer to HUD Handbook 4350.3, REV-1							
6. Total Number of Units exclusively for the Elderly 7. Total Number of Units exclusively for Persons with Disabilities 8. Total Number of Units exclusively for Non-Elderly Persons with Disabilities							
I certify that this information is true and acc							
Warning: HUD will prosecute false claims (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 372		ictions may result in cr	iminal and/or civil penalties.				
Signature of Owner		Date:					

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

SECTION II – ACCESSIBLE UNITS

Distribution of all wheelchair and other accessible units in the project.								
Bedroom Size 0 1 2 3 4 5 Other Total								
1. All units								
2. Total units with project-based								
rental assistance								
3. Mobility accessible units								
4. Vision and/or Hearing accessible units								
*5. (Total Accessible Units)								
6. Number of persons on waiting list who have requested accessible units								
7. Number of accessible units occupied by elderly or family tenants								
8. Number of accessible units occupied by non-elderly tenants with disabilities who require the features of the unit								
9. Number of accessible units occupied by elderly tenants with disabilities who require the features of the unit								
10. Percentage of Total Units with Project-Based Rental Assistance Total line 2 ÷ Total line 1 x 100)%								
11. Percentage of Total Units that are mobility accessible Total line 3 ÷ Total line 1 x 100)%								
12. Percentage of Total Units that are vision and/or hearing accessible Total line 4 ÷ Total line 1 x 100)%								

* If a unit is both mobility accessible and vision or hearing accessible, count the unit only once in line 5.

I certify that this information is true and accurate.					
Warning: HUD will prosecute false claims and statements. Convictions may result in criminal and/or civil penalties.					
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)					
Signature of Owner	Date:				

Yes 🗌 No 🗌

Yes No N/A

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

SECTION III - PROGRAM ACCESSIBILITY

SECTION 504 OF THE REHABILITATION ACT OF 1973

Section 504 Coordinator [24 CFR 8.53 (a)]

1 Does the recipient (as defined in 24 CFR 8 3	employ at least 15 employees?
1. Does the recipient (as a c m c a m 2 + C r R 0.5	comproy at reast 15 comproyees.

If Yes, answer Question 2.; if No skip to Question 3.

2. Is at least one person designated to coordinate its Section 504 responsibilities?

If Yes, provide the person's name and telephone number below.

Name:

Telephone Number:

<u>Program Accessibility</u> Under Section 504, a federally assisted Housing Development is required to ensure that its program is usable by and accessible to persons with disabilities. This includes, but is not limited to, maintaining housing and non-housing facilities that are structurally accessible for persons with disabilities. The extent to which facilities must be structurally accessible depends in part, on whether they are new, altered, or existing. In addition, owner/agents are required to ensure that appropriate and effective communication methods are used while communicating with persons with disabilities.

	YES	NO	O COMMENTS			
3. Has the owner/agent taken steps to ensure						
effective communication using:						
a. Qualified sign language and oral						
interpreters?]			
b. Readers?]			
c. Use of tapes?]			
d. Braille materials?]			
Other (Describe):						
I certify that this information is true and accurate.	I certify that this information is true and accurate.					
Warning: HUD will prosecute false claims and sta			ions may result in criminal and/or civil penalties.			
(18 U.S.C. 1001, 1010, 1012; 31 U.S.C.	3729, 3802)				
Signature of Owner		Ι	Date:			
		-				

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

INSTRUCTIONS FOR COMPLETING PART A

General instructions: Complete the project name, FHA/project number, and section 8/pac/prac information in the form header for each page:

SECTION I - Owner/Agent must respond to all questions in this section.

1. Check the appropriate box that the project was designed to serve. (Check only one box. Do not leave blank.)

Exclusively Elderly - defined as a person 62 years of age or older. (This option is for projects that were designed to serve only elderly persons/families, i.e. Section 202 PRAC properties)

Exclusively Disabled – Refer to HUD Handbook 4350.3, REV-1, Figure 3-6 for the applicable definition of disability. (This option is for projects that were designed to serve only persons with disabilities, i.e., Section 202/8 Projects for the Disabled and Section 811 projects. Please note that Section 202/8 Projects for the Disabled were developed to serve only non-elderly persons with disabilities. However, the Section 811 Projects were developed to serve persons with disabilities regardless of age as long as the minimum age requirement (age 18) is met.)

Elderly and Disabled – defined as a property that serves the elderly and non-elderly persons with disabilities. (This option is for projects that were originally designed to serve only elderly persons/families, however the owner may have elected a preference under Section 651 of Title VI, Subpart D of the Housing and Community Development Act of 1992 (Title VI Subpart D) to reserve a percentage of units for non-elderly persons with disabilities in accordance with the provisions of Section 652, Title VI Subpart D. See instruction 4 below for Section 651 definition.)

Family – defined as all persons regardless of age or disability. (This option is for projects that serve all families with no restrictions or preferences as long as the minimum age requirement is met. Please note that family projects may have some units that are reserved for persons with mobility/vision/hearing impairments which would require the applicant to meet the accessibility features of the unit.)

- Enter the number of units occupied by each client group. (Please note that the term "near-elderly disabled" is defined as a person who is at least 50 years of age and below the age of 62 with a disability as defined in HUD Handbook 4350.3, REV-1.)
- Enter zero "0" if there are no units occupied by the listed client group do not leave blank.
- 3. If there is a use agreement or other document requiring that the property must serve only elderly persons, answer "Yes", in the space provided, and attach a copy of the document(s). If there is no use agreement or other document requiring that the property must serve only elderly persons, answer "No". If you are unclear on the term "use agreement", or are not able to locate the use agreement or other document that defines the occupancy of your project, the answer is "unknown". Other documents include the regulatory agreement, loan commitment papers, financial documents, bid invitation, owner's management plan, application for funding, and/or application for mortgage insurance. Please refer to HUD Handbook 4350.3, REV-1, paragraphs 3-17 and 3-18. If you do not have a copy of HUD Handbook 4350.3, REV-1, copies can be obtained from www.hudclips.org or the HUD Customer Service Center at (800) 767-7468.
- 4. Section 651 of Title VI Subpart D permits an owner to give preference¹ to elderly families if (1) the project was originally developed to serve the elderly and (2) it is a "covered Section 8 housing project." "Covered Section 8 housing projects" are projects that were constructed or substantially rehabilitated pursuant to assistance provided under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983, that are assisted under a contract for assistance under such section.

Section 651 of Title VI Subpart D applies to the following programs:

- The Section 8 New Construction Program, 24 CFR part 880
- The Section 8 Substantial Rehabilitation Program, 24 CFR part 881
- The State Housing Agencies Program, insofar as it involves new construction and substantial rehabilitation, 24 CFR part 883
- The New Construction Set-Aside for Section 515 Rural Rental Housing Projects Program, 24 CFR part 884
- The Section 8 Housing Assistance Program for the Disposition of HUD-Owned Projects, insofar as it involves substantial rehabilitation, 24 CFR part 886 subpart C

"Covered Section 8 housing projects" do not include those developed with funding under the following programs:

Section 202; Section 202/8; Section 202 or 811 PRAC; Section 221 (d)(3); and/or Section 236.

If an owner elects a Section 651 preference for the elderly, the owner must reserve a number of units for non-elderly persons/families with disabilities. Title VI Subpart D requires that the owner review the occupancy records on January 1, 1992 and October 28, 1992, the date of enactment for Title VI Subpart D, and determine the number of non-elderly persons with disabilities that occupied units on those two dates. Compare the higher of the two numbers with 10 percent of total project units. The lower of the two resulting numbers must be reserved for non-elderly persons with disabilities, or families with disabilities.

For example, an owner has a covered Section 8 project that consists of 100 units, and decides to implement an elderly preference under Section 651. The first thing the owner must do is find the occupancy records for January 1992 and see how many units were occupied by non-elderly personswith disabilities, or families with disabilities, on January 1. In this example, it was 10 units. Then the owner must find the occupancy records for October 1992 and see how many units were occupied by non-elderly persons/families with disabilities on October 28th, the date of the enactment of the Act. In this example it was 15 units.

¹ A "preference" allows an owner to give priority to elderly persons when selecting tenants for occupancy.

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To obtain the number of units that must be reserved for non-elderly disabled persons or families, the owner must take the higher number of the two dates, which in this example is 15.

If an owner determines that there were no non-elderly persons or families occupying units on either January 1, 1992 or October 28,

1992, the required number of units to be reserved for non-elderly persons with disabilities would be zero (0). However, owners are encouraged to exceed the number of reserved units for non-elderly persons with disabilities if a need exists in the community. Answer question 4 as follows:

If there is an elderly preference in accordance with Section 651 of Title VI Subpart D, answer "Yes". If there is no preference provided to elderly families, answer "No".

- If yes, answer the following:
- (a) If there is an occupancy preference in accordance with Section 651, indicate the effective date of the preference.
- (b) If there is an occupancy preference in accordance with Section 651, indicate the total number of units that must be reserved for non-elderly persons with disabilities based on the two dates above.
- (c) If there is an occupancy preference in accordance with Section 651, indicate which date (see above) was used to determine the number of units that must be reserved for non-elderly persons with disabilities.

5. Section 658 of Title VI, Subpart D of the Housing and Community Development Act of 1992 (Title VI Subpart D) permits owners of "other federally assisted housing" to continue to restrict occupancy to elderly families in accordance with the rules, standards, and agreements governing occupancy in such housing in effect at the time the housing was developed. If (A) the project was originally developed to serve the elderly and (B) the project has continually served elderly tenants. These projects include:

Section 202 Direct Loans (prior to the Section 202 PRAC program)

Section 221(d)(3) BMIR properties (New Construction and Substantial Rehabilitation)

Section 236 properties

Answer question 5 as follows:

If there is an elderly restriction in accordance with Section 658 of Title VI Subpart D, answer "Yes". If there is no elderly restriction and occupancy is not limited to elderly applicants, answer "No".

- 6. If the property designates a number of units that can be occupied only by elderly persons, indicate the number of units. If the property does not have units that can only be occupied by elderly persons, enter zero "0".
- 7. If the property designates a number of units that can be occupied only by persons with disabilities, indicate the number of units. If the property does not have units that can only be occupied by persons with disabilities, enter zero "0".
- 8. If the property has units that must be occupied by non-elderly persons with disabilities, indicate the number of units. If the property does not have units that must be occupied by non-elderly persons with disabilities, enter zero "0".

CERTIFICATION:

Self-Explanatory Must be signed and dated by the owner.

SECTION II – Owner/Agent must respond to all questions in this section.

- 1. Enter the total number of units (by bedroom size) and enter total in the "Total" column.
- Totals must match numbers entered for each bedroom size.
- 2. Enter the total number of units (by bedroom size) that are receiving project based rental assistance.

Totals must match numbers entered for each bedroom size.

3. Enter the number of mobility accessible units by bedroom size, and enter the total in the "Total" column. A mobility accessible unit is one that is located on an accessible route, and when designed, constructed, altered, or adapted, can be approached, entered, and used by individuals with physical disabilities, including those who use wheelchairs. Although accessibility features include items such as grab bars, flashing fire alarms, widened doorways, entrance ramps, etc, this question should be answered by stating the number of subsidized units that, when constructed, are fully accessible in accordance with the Uniform Federal Accessibility Standards (UFAS) which is used to ensure compliance with Section 504 of the Rehabilitation Act of 1973. These standards were jointly developed by the General Service, under the authority of sections 2, 3, 4, and 4a, respectively, of the Architectural Barriers Act of 1968, as amended, Pub. L. No.90-480, 42 U.S.C. 4151-4157. Copies of the UFAS are available from the Architectural and Transportation Barriers Compliance Board , 1331 F Street, NW, Suite 1000, Washington, D.C. 20004-1111, Telephone: (202) 272-0080, email address: info@access-board.gov. If the property is accessible in accordance with Minimum Property Standards (MPS), indicate the number of units that are MPS accessible. Unsubsidized units should also be counted if they meet UFAS compliance requirements.

Totals must match numbers entered for each bedroom size.

4. Enter the number of units, by bedroom size, that are accessible for vision or hearing disabilities and enter total in the "Total" column. Refer to UFAS. See instruction number 3 above.

Totals must match numbers entered for each bedroom size.

5. Total the units from rows 3 and 4 for each bedroom size, and enter the total in the "Total" column.

Totals must match numbers entered for each bedroom size.

Then the owner will then compare that number 15 with a number that is 10 percent of the total project units In this example it's 10. Use the lower number for the number of units that must be reserved. Since 10 is less than 15, for this example the owner must reserve 10 units for non-elderly disabled persons or families.

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

6. Enter the number of persons currently on the waiting list for an accessible unit, by bedroom size, requiring the features of the unit and enter total in the "Total" column.

Total must match numbers entered for each bedroom size.

7. Enter the number of accessible units, by bedroom size, that are currently occupied by elderly or family tenants and enter total in the Total column.

Total must match numbers entered for each bedroom size.

8. Enter the number of accessible units. by bedroom size, occupied by non-elderly tenants with disabilities requiring the features of the unit and enter total in the "Total" column. These tenants must have a mobility impairment as defined above.

Total must match numbers entered for each bedroom size.

9. Enter the number of accessible units, by bedroom size, occupied by elderly tenants with disabilities requiring the features of the unit and enter total in the "Total" column. These tenants must have a mobility impairment as defined above.

Total must match numbers entered for each bedroom size.

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10. Self-explanatory

11. Self-explanatory

12. Self-explanatory

CERTIFICATION:

Self-Explanatory Must be signed and dated by the owner.

SECTION III - Owner/Agent must respond to all questions in this section.

This Section is not applicable to unsubsidized projects.

- The Section 504 Coordinator is required if the owner employs 15 or more people in all its activities. This includes this project combined 1. with other projects they may own and/or manage. Answer Yes or No. If Yes, proceed to question 2; if No, skip to question 3.
- Answer Yes or No to this question. If Yes, please provide the name and telephone number of the coordinator for Section 504 related 2. activities at the project, and go to question 3.
- 3. Answer Yes or No to each item and provide comments as necessary.

CERTIFICATION: Self-Explanatory Must be signed and dated by the owner.

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

PART B ON-SITE LIMITED MONITORING REVIEW

Authority: 24 CFR 5, 108, 110

Questions 1 through 5 apply to owners of subsidized and unsubsidized projects.

	YES	NO	COMMENTS
 Was this project built or substantially rehabilitated after February 1972? (If NO, skip to Question 5.) 			
2. Does the owner have an approved Affirmative Fair Housing Marketing Plan (AFHMP)?			
3. If there is an approved AFHMP as indicated in question 2, is it available on site?			
4. Has the owner/agent reviewed the AFHMP within the last 5 years to ensure that the information is current and applicable?			
5. Date of last AFHMP Update			
			Date:
 Does the project maintain Project Profile Data which shows the composition of the occupants by the following categories (24 CFR 121): 			
a. Race			
b. National Origin/Ethnicity			
c. Sex			
d. Disability			
e. Familial Status			
7. Has the owner/agent developed and implemented a written Tenant Selection plan?			

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

	YES	NO	COMMENTS
8. Does the management agent maintain a waiting list of applicants by:			
(a) Name			
(b) Bedroom size			
(c) Application date and time?			
(d) Requests for accommodations and/or accessible units?			
(e) Preferences?			
9. When a tenant/applicant notifies the owner/agent that he/she has been subject to unlawful discrimination, does the owner/agent provide the applicant/tenant with information about how to file a complaint with HUD?			Unable to Observe
10. Does the owner/agent maintain a record of fair housing complaints?			
11. Is there a local residency preference?			
If yes, was it approved by HUD?			Date of HUD Approval:

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

PART C

SECTION 504 REVIEW

The reviewer must complete this section to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504). Please note that unsubsidized projects are not required to comply with Section 504, therefore if the project is unsubsidized, the reviewer may proceed to Part D.

	YES	NO	COMMENTS
1. Is there a formal, written grievance procedure that provides for resolution of complaints alleging discrimination based on disability, as required by Section 8.53(b)?			
If Yes, document date procedures were adopted:			Date:
2. Does the owner/agent utilize a telecommunications device for the hearing impaired (TTY)?			
If No, Is there an alternative method? Describe under "Comments"			
 When necessary, are auxiliary aides used to communicate with persons with disabilities? Describe under "Comments" 			

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

PART D

DOCUMENTS REVIEWER SHOULD OBTAIN FROM OWNER/AGENT

The reviewer will only bring back documents upon request from FHEO. If the reviewer receives a request from FHEO to obtain certain documents, indicate in column a. During the on-site review, request the documents and indicate the status in columns b, c, or d. For items checked in column c, the reviewer must provide the owner/agent the FHEO address for forwarding the documents.

Document(s)	a. FHEO has requested that the reviewer obtain the following documents:	b. The document has been gathered and is attached to the Checklist	c. The Owner/ Agent agrees to forward the checked document to FHEO within ten (10) business days.	d. The document is not available.
For Part A				
1. Accessible Units/Program Accessibility, Sections I, II, and III (as applicable)				
For Part B:				
2. Most recent Affirmative Fair Housing Marketing Plan (AFHMP)				
 Any of the following documents that are used for outreach as specifically stated in the project's AFHMP or used for other affirmative fair housing marketing. 				
Newspapers/Publications				
Copy of Radio Ads and Announcements				
Copy of TV Ads and Announcements				
Photograph of billboards				
Letterhead				
Handouts				
Brochures and Leaflets				
Photograph and site signs				
Other (Specify):				
4. Project Profile showing occupancy data (See Part B, Question 5).				
5. Written Tenant Selection Plan				

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Checklist for On-Site Limited Monitoring and Section 504 Reviews (Continued)

Project Name:

FHA/Project#

Section 8/PAC/PRAC#

Please Note: The information below only pertains to Section 504 compliance.If this project is unsubsidized, the reviewer should not complete this section.	a. FHEO has requested that the reviewer obtain the following documents:	b. The document has been gathered and is attached to the Checklist.	c. The Owner/ Agent agrees to forward the checked document to FHEO within ten (10) business days.	The document is not available.
For Part C:				
6. Written Grievance Procedure (Part C, Question 3 and 24 CFR 8.53)				
7. Application for Occupancy				
8. Reasonable Accommodation Policy				

FHEO requested that the reviewer observe the following:

The result of the observation is: