



## HDLI 2010 Spring Conference Written Materials

### ***KEY LEGAL ISSUES FOR A NEW DECADE: "Ask HUD," Procurement of Legal Services, Smoking Policies, Section 3, Community Service, HUD/OIG Audits, Liability for Pest Control, and Other Important Issues for 2010 & Beyond***

HDLI's 2010 Spring Legal Conference was held May 17-18, 2010 in Washington, D.C. The written materials are now available at a cost of \$300.00 per copy. The Conference included sessions on the following topics: (see next page for the table of contents)

- ◆ Semi-Annual Review of Case Law Affecting Affordable and Public Housing
- ◆ Procurement of Legal Services: HUD Addendum, Fees, & Other Issues
- ◆ Effective Handling of HUD Audits: 504 and OIG Audits
- ◆ Legal Ethics: Hot Topics for 2010
- ◆ Sticky Legal Issues Arising from Lease Terminations: Nonpayment, Criminal Activity, Fraud & More
- ◆ Developing and Enforcing Resident "No Smoking" Policies - Strategies and Pitfalls
- ◆ Pesky Critters: Liability for Pest & Vermin Control
- ◆ Section 3 and Community Service: Legal Issues in Implementing and Enforcing These Program Requirements

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## HDLI's 2010 SPRING LEGAL CONFERENCE

*KEY LEGAL ISSUES FOR A NEW DECADE: "Ask HUD," Procurement of Legal Services, Smoking Policies, Section 3, Community Service, HUD/OIG Audits, Liability for Pest Control, and Other Important Issues for 2010 & Beyond*

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## **"ASK HUD!" Q&A With HUD OGC**

**HUD OGC**

- Memo to HUD OGC with Questions from HDLI members

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- Outline *by Heather Bupp-Habuda*
- Guidance on 208 Waiver Consultations, *Submitted by Heather Bupp-Habuda*
- Communication and the Internet: Facebook, E-mail and Beyond, *by David Hricik, Submitted by Heather Bupp-Habuda*

## **STICKY LEGAL ISSUES ARISING FROM LEASE TERMINATIONS: Nonpayment, Criminal Activity, Fraud & More**

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- HUD Memorandum: Medical Use of Marijuana in Public Housing, *Submitted by Joshua Crawley*
- DOJ Memorandum: Investigations and Prosecutions in States Authorizing the Medical Use of Marijuana, *Submitted by Joshua Crawley*
- *Assenberg v. Anacortes Housing Authority*, 2006 WL 1515603 (W.D.Wash.), *Submitted by Joshua Crawley*
- *PHA of St. Paul v. Edwards*, Findings of Fact, Conclusions of Law, and Order, *Submitted by Laura Pietan*
- *PHA of St. Paul v. Edwards*, Brief of *Amici Curiae* Minneapolis Public Housing Authority and Housing and Development Law Institute, *Submitted by Laura Pietan*
- *PHA of St. Paul v. Edwards*, Memorandum In Response to Defendant's Motion In Limine, *Submitted by Laura Pietan*
- *PHA of St. Paul v. Myrick*, Plaintiff's Memorandum In Opposition to Defendant's Motion to Dismiss, *Submitted by Laura Pietan*
- Challenges to Lease Terminations for Cause; PowerPoint Presentation *by Laura Pietan*

## **Developing and Enforcing Resident "No Smoking" Policies - Strategies and Pitfalls**

**"No Smoking"  
Policies**

- Smoke Free Public Housing; PowerPoint Presentation *by Dan Esterling and Diane Yentel*
- Minneapolis PHA's Smoke Free Designation of Heritage Commons at Pond's Edge: Notice, Lease Addendum, Complaint Form, Survey; *Submitted by Carol Kubic*
- Model Smoke-Free Lease Addendum; *Submitted by Carol Kubic*
- Enforcing No Smoking With Lease Language; *Submitted by Carol Kubic*
- Helping Landlords and Tenants Reduce Exposure to Second-Hand Tobacco Smoke; *Submitted by Carol Kubic*
- Minnesota's Smoke-Free Housing Program; *Submitted by Carol Kubic*
- Up in Flames: The Dangers of Smoking in Apartment Units; *Submitted by Carol Kubic*

- The Case for Smoke-Free Apartments; *Submitted by Carol Kubic*
- Secondhand Smoke in Apartment Buildings: A Summary of Minnesota Research; *Submitted by Carol Kubic*
- MN No Smoking in Public Housing: The Trends in Litigation; *Submitted by Carol Kubic*
- Housing Authority Residents Protest Smoking Ban Proposal, *by Carl Mickelson, The World Newspaper; Submitted by Ned Beman*
- 30 Day Public Notice for Proposed No-Smoking Policy; *Submitted by Ned Beman*
- No-Smoking Policy, North Bend City / Coos-Curry Housing Authorities; *Submitted by Ned Beman*
- Agencies Ban Smoking; The World Newspaper; *Submitted by Ned Beman*
- Housing Authorities Ban Indoor Smoking *by Jessica Musicar, The World Newspaper; Submitted by Ned Beman*

## **HDLI Open Forum**

## **Open Forum**

- "What, Me Worry?," Discussion Topics for Open Forum, *by David Condon*
- Sampling of HDLI List Serve Questions and Discussions; *Submitted by David Condon*
- HUD PIH Notice 2009-28 (HA), Declarations of Trust on PHA Properties; *Submitted by John Heinen*
- Lead Safe Housing Rule and the Renovation, Repair and Painting Rule: Web page comparing HUD and EPA requirements; *Submitted by David Condon*
- HUD Memorandum: PIH Guidance on the Lead-Safe Housing Rule and Lead Disclosure Rule for Field Office Staff; *Submitted by David Condon*
- Lead Compliance Toolkit, Housing Choice Voucher Program, HUD's Lead-Based Paint Regulations (24 CFR Part 35); *Submitted by David Condon*
- HUD PIH Notice 2010-15 (HA), HUD Privacy Protection Guidance for Third Parties; *Submitted by David Condon*
- The Preservation, Enhancement, and Transformation of Rental Assistance Act of 2010, Section by Section Summary; *Submitted by David Condon*
- NAHRO Comment Letter Re: Transforming Rental Assistance, May 4, 2010; *Submitted by David Condon*
- PHADA Comment Letter Re: Transforming Rental Assistance, April 21, 2010; *Submitted by David Condon*

## **PESKY CRITTERS: Liability For Pest & Vermin Control**

## **Pest Control**

- Pesky Critters: Defense and Liability for Bed Bugs and Other Pests; PowerPoint Presentation *by Carol Kubic and Elizabeth Kragness*
- Rent Escrow Decision and Order; *Submitted by Carol Kubic and Elizabeth Kragness*
- Minneapolis PHA Draft Bed Bug Procedures; *Submitted by Carol Kubic and Elizabeth Kragness*
- HUD PIH Notice 2007-12 (HA), Guidance on Integrated Pest Management; *Submitted by Carol Kubic and Elizabeth Kragness*
- HUD PIH Notice 2008-24 (HA), Extension – Guidance on Integrated Pest Management; *Submitted by Carol Kubic and Elizabeth Kragness*
- Draft Infestation Lease Wording; *Submitted by Jeffrey C. Turk*

- *Ludlow Properties, LLC v. Young*, 4 Misc.3d 515, 780 N.Y.S.2d 853 (2004); Submitted by Jeffrey C. Turk
- *Bender v. Green*, 24 Misc.3d 874, 874 N.Y.S.2d 786 (2009); Submitted by Jeffrey C. Turk
- *Mathias v. Accor Economy Lodging, Inc.*, 347 F.2d 672 (2003); Submitted by Jeffrey C. Turk
- *Zayas v. Franklin Plaza*, 23 Misc.3d 1104(A), 881 N.Y.S. 368 (2009); Submitted by Jeffrey C. Turk
- *Jefferson House Associates, LLC v. Boyle*, 6 Misc.3d 1029A, 800 N.Y.S. 348 (2005); Submitted by Jeffrey C. Turk
- *Prell v. Columbia Sussex Corp.*, 2008 WL 4646099 (2008); Submitted by Jeffrey C. Turk
- *Grogan v. Gamber Corporation*, 19 Misc.3d 798, 858 N.Y.S.2d 519 (2008); Submitted by Jeffrey C. Turk

**SECTION 3 AND COMMUNITY SERVICE: Legal Issues in Implementing and Enforcing These Program Requirements**

**Section 3 / Community Service**

- Section 3, Submitted by Patricia S.A. Arnaudo
- Section 3 Reporting Guidance, Submitted by Patricia S.A. Arnaudo
- Section 3 Frequently Asked Questions, Submitted by Patricia S.A. Arnaudo
- HUD PIH Notice 2009-48 (HA), Administering the Community Service and Self-Sufficiency Requirements (CSSR), Submitted by Patricia S.A. Arnaudo
- An Advocate's Guide to the HUD Section 3 Program by National Housing Law Project, Submitted by Larry Butler