

POSITION DESCRIPTION

SUPERVISORY ATTORNEY-ADVISOR (GENERAL), GS-0905-15

SETID	HUD01	JOB CODE	FC0045	DATE	07/15/2010	OPM CERT #			
PAY PLAN	GS	SERIES	0905	GRADE	15	PAY BASIS	Per Annum	FUNC CLASS	NA
WORK TITLE	ASSOC REG CNSL FOR HOUSING FINANCE AND PROGRAMS								
SPVY LEVEL	Other	POSITION SENSITIVITY	NCrit Sens	LEO POSITION	N/A	MEDICAL CHECK REQ	No	BUS CODE	8888
FLSA	Exempt	PATCOB	Professnl	EXECUTIVE	No	EMPL/FIN INTEREST	Yes	FUND SOURCE	Approp Fnd
CLASSIFIER	Joanne C Anderson								
CLASS STANDARD	GS-0905 GENERAL ATTORNEY STANDARD								
DATE CLASSIFIED	07/15/2010								

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ASSOCIATE REGIONAL COUNSEL FOR HOUSING FINANCE AND PROGRAMS

INTRODUCTION

The position is located in the Field Counsel's Office. The incumbent is responsible for providing comprehensive legal services, counsel, recommendations, reviews, and opinions regarding all functions and activities, both programmatic and administrative, assigned to personnel within the incumbent's assigned area of service which may include multiple field offices or states. The incumbent handles necessary programmatic transactional work. Major program areas include Single Family and Multifamily Insured Housing, Office of Healthcare Programs, Community Planning and Development, Public and Indian Housing, Fair Housing and Equal Opportunity, Office of Administration, Field Policy and Management, and litigation. The field office's legal service activities embrace, among other things, the law of contracts, real property, constitutional law, corporations, association, partnerships, agency, foreclosures, tort, taxation, negotiable instruments, municipal corporations, municipal and private financing, environmental law, creditor's rights, administrative law, bankruptcy, landlord tenant law, and administrative and civil procedure. The incumbent must be knowledgeable with respect to all aspects of federal statutory, regulatory, and case law, executive orders, rules, regulations, and policies that pertain to the Department's programs and activities as well as the law governing the function, structure, authority and activities of the relevant state and local government entities with the regional or field office's jurisdiction. The incumbent's work must be ethical, legally accurate, useful, timely, and delivered with the utmost competence, cost effectiveness and professionalism. The incumbent focuses on assisting Departmental staff in planning, developing and operating efficient and effective systems for ensuring statutory and regulatory compliance from program recipients, grantees and clients.

DUTIES AND RESPONSIBILITIES

The incumbent identifies and analyzes problems and renders legal opinions on complex legal questions including questions which implicate multiple areas of law for which there is often no clear precedent. The incumbent actively participates in setting policy in all matters affecting HUD programs and administration in the field office jurisdiction and exercises independent judgment and discretion in formulating responses to novel legal issues, often involving matters of first impression that involve substantial monetary sums. The legal advice provided often is precedent setting with program wide implications. The incumbent renders advice and recommendations to all levels of the organization, including the General Counsel, Assistant Secretaries, field managers and directors as appropriate.

The incumbent personally attends to the most complex, sensitive, and controversial legal problems that arise incident to the activities of the Office. The incumbent functions as the office's liaison with the U.S. Department of Justice, meeting frequently with representatives of that agency, including the U.S. Attorney, Assistant U.S. Attorneys, Special Agents of the Federal Bureau of Investigation, Assistant States Attorneys General, attorneys representing other federal state and local agencies, including public housing agencies, state finance agencies, and members of the private bar to develop useful solutions to challenges which cut across Departmental programs as well as those that impact outside agencies and entities, both state and federal.

The incumbent provides advice to program directors, managers and staff to ensure that the established policies, standards, and procedures pertaining to legal matters are appropriately carried out and performed. The legal support and advice provided often involve the HOCs and Hubs within the Field Office's area of operation that may expand to multiple states.

The incumbent serves as legal counsel to the Field Office Director and is responsible for advising on and ensuring that policies, procedures and regulations are consistent with the intent of the law and are administratively sound, efficient, and economical in operation. In developing the details of operations the incumbent considers the needs, desires, and attitudes of administrators, state and local officials, industry representatives, the general public, or others who may be affected by new or revised programs. In this capacity, the incumbent has the lead responsibility for, and serves as the staff expert on, all legal aspects pertaining to the operations of the office divisions and the programs they administer.

The incumbent advises on the effect, application and interpretation of federal law in general, and specifically the laws and regulations of this Department, and other federal agencies, opinions of the Comptroller General of the United States, the a HUD's General Counsel, Office of Management and Budget, common law, administrative law, as well as other federal state and local laws and regulations that are implicated in the administration and implementation of the Department's programs and activities. The incumbent is responsible for identifying questions of legal import which require research, analysis and interpretation. The incumbent prepares opinions and memoranda outlining the facts and the applicable law with accompanying analysis and recommendations. The incumbent is responsible for developing the material which, in effect, becomes the agency's justification for the implementation of the agency's programs and the positions and determinations made by the agency's officials at the regional, field, and headquarters level.

The incumbent supervises and directs the activities of the Office of Counsel, which consists of such attorneys, para-professional and clerical personnel as is necessary to provide required legal support and service to the Office.

The incumbent maintains a close and continuing working relationship with the Office of General Counsel, Regional Counsel and Field Counsel, Regional Administrator, office managers and directors, program specialists, and city and state legal advisors and officials. The incumbent conducts and/or participates in the legal aspects of formulating office operating policy. The incumbent acts as principal attorney in charge of recommending policies and developing procedures and regulations implementing new or amended legislation affecting Departmental programs. The incumbent attends meetings on behalf of the Field Office Administrator as the principal legal advisor and consultant in program areas and provides expert technical assistance and direction on the most complex and important legal matters.

The incumbent confers with nationally recognized bond counsel and attorneys, and with representatives of local public bodies, public and private developers, and deals directly with high officials of the state housing finance agency, including its director and counsel. The incumbent advises such representatives and participates with these officials in the discussion of policy and operating problems, with special responsibilities for contributing advice and opinions regarding the legal implications of questions presented, proposes courses of action, and advises on significant policy decisions. The incumbent consults with city officials regarding such matters as final proposals to finance assisted housing projects for the elderly and the like, including consulting regarding financing documents for bond proposals.

The incumbent is responsible for interpreting extremely complex and difficult legal questions related to the statutes, regulations and handbooks governing the various HUD programs. This function often results from requests for interpretations by the private sector clients and state and local officials, as well as program division heads and very high ranking departmental officials.

The incumbent responds to inquiries to the Department from officials at all levels such as mayors and county commissioners regarding community development funded activities as well as inquiries on resource/categorical programs still in existence in the jurisdiction. This would necessitate not only full knowledge of the CDBG acts and regulations but also pertinent acts and regulations governing programs no longer funded but still ongoing. Such resource/categorical programs relate back to laws enacted in the late 1940's to the present.

As requested by the General Counsel and/or the Regional Counsel, the incumbent renders advisory services to the field office employees in matters pertaining to the Standards of Conduct and other ethics matters and assists the appropriate Departmental Ethics Officer in the preparation of formal ethics opinions.

The incumbent provides training in legal matters to staff assigned to the field office as well as participation in local, national and regional training on programs or issues assigned to the field office.

HOUSING PROGRAMS

The incumbent is responsible for assuring the successful closing of transactions insured by the Federal Housing Administration or involving grants. . Such transactions may be secured by property not physically located within the area of responsibility of the local field office and may involve multi-family housing, hospitals or other major healthcare facilities, nursing homes, assisted living facilities and supportive housing for the disabled or elderly. The transactions typically involve very large sums of money and from time to time may exceed as much as \$100,000,000.00 per transaction. The incumbent is ultimately responsible for assuring that the United States interests have been provided proper legal safeguards. This requires the legal analysis of novel and very complex financial arrangements as well as the drafting of legal instruments to effect such transactions. Additionally, the incumbent is responsible for analyzing title issues arising in connection with closings and for conducting the extensive legal research commonly required to resolve such issues. The incumbent is responsible for dealing with sophisticated financing mechanisms, such as Low Income Housing Tax credits, Section 1602 Exchange grants, state revenue bonds, Section 11(b) tax-exempt bonds, state, county, city and charitable resources in a very fluid and evolving environment as part of the income stream for the project financing. Some transactions are not only inherently complex but have, to the extent that they result in irrevocable tax-exempt status, an irreparable a multi-million dollar impact on the federal treasury.

The incumbent is the primary voice of the Department during the final stages of the transaction's progress towards closing. The incumbent must effectively communicate the Department's positions and concerns as determined in consultation with various HUD personnel to lenders and lenders' counsel, owners and owners' counsel, as well as to the other Lenders participating in financing the project; and efficiently evaluate and balance all of the competing interests, usually advocated by nationally recognized attorneys and financiers who possess very particular expertise in such matters.

The incumbent assumes responsibility for providing the legal support necessary to resolve the problems of distressed projects that arise both prior to and subsequent to final endorsement of the mortgage instruments. The incumbent must analyze complex factual issues and balance the conflicting interest of the many parties involved in a manner which serves the best interest of HUD. Moreover, incumbent is responsible for preparing contracts and legal instruments necessary to implement the appropriate remedial action. The incumbent's recommendation requires unusually delicate sensitivity since the impact commonly affects large numbers of low and moderate income persons to the extent that new housing is made available in a cost-effective manner or commonly prevents multi-million dollar payments from federal revenues. In addition to preventing litigation which is lengthy, costly or detrimental to HUD's interest, the efforts of incumbent are expected to serve as a model within the Department for dealing with similar distressed projects.

The incumbent exercises full responsibility for analyzing and resolving complex financing and title issues regarding conveyances of HUD-owned single family and multifamily properties. Additionally, the incumbent is responsible for the legal support necessary for the abatement or exemption of HUD-owned properties from property tax liability. This requires both negotiations with local tax assessors and quasi-judicial resolution before state administrative bodies of property tax issues. The incumbent is also responsible for providing legal support to the HOC on legal issues which arise out of the Real Estate Owned (REO) portfolio of both single and multifamily properties including litigation involving federal, state, and local law.

PUBLIC AND INDIAN HOUSING

The incumbent provides legal support and counsel in connection with novel or complex approaches to and mechanisms for the development of public housing and Section 8 Housing Choice Voucher assisted projects. The support involves the review and approval of legal evidentiaries for the HOPE VI Grants, mixed-finance projects, Capitol Fund Financing Program, Operating Fund Financing Program, Public Housing Mortgage Program, secondary financing, and ARRA Competitive Funding Grants. The transactions typically involve very large sums of money which frequently exceed \$20,000,000.00 per transaction. The incumbent is ultimately responsible for assuring that the United States interests have been provided proper legal safeguards. This requires the legal analysis of novel and extremely complex financial arrangements as well as the drafting of legal instruments to effect such transactions. Additionally, the incumbent is responsible for analyzing title issues arising in connection with approval and for conducting the extensive legal research commonly required to resolve such issues. The incumbent is responsible for dealing with sophisticated financing mechanisms, such as Low Income Housing Tax credits, Section 1602 Exchange grants, state revenue bonds, Section 11(b) tax-exempt bonds, state, county, city and charitable resources in a very fluid and evolving environment as part of the income

stream for the project financing. Some transactions are not only inherently complex but have, to the extent that they result in irrevocable tax-exempt status, an irreparable multi-million dollar impact on the federal treasury.

The incumbent provides the primary legal support for remedial actions designed to resolve problems of public housing authorities in the operation of Section 8 voucher and public housing programs that significantly impact their financial stability and affected tenant populations. The incumbent is responsible for conducting the legal analysis and determining the legal sufficiency of Office recommendations that Public Housing Authorities be determined in violation of applicable HUD contracts, including recommendations for possible remedies and adverse sanctions in instances of malfeasance or fraud. The support provided by incumbent with regard to management of public housing issues often has a precedent setting as well as a multi-million dollar impact, and usually requires creative and original legal efforts.

COMMUNITY PLANNING AND DEVELOPMENT

The incumbent is responsible for the legal review of complex questions of program activity eligibility, including conflicts of interest, environmental issues, and legal reviews of appeal under the Urban Relocation Act. The incumbent also provide legal advice direction and guidance in the HOME, HOPWA, Supportive Housing Program and NSP program. Moreover, the incumbent is responsible for the preparation of special contract language, particularly with regard to complex factual and legal issues arising in connection with fair housing and equal opportunity issues related to analysis of impediments by cities in their consolidated plans and matters related to affirmatively furthering fair housing, where there is little or no precedent and where the resolutions thereof have a multi-million dollar impact on the grant amount and on the intended program beneficiaries.

LITIGATION

As requested, the incumbent provides professional and administrative legal assistance as appropriate to protect the interests of the United States and promote the priorities of the Department in lawsuits in all courts and in proceedings before administrative or quasi-judicial bodies, usually involving situations where the United States or Departmental personnel are named as a party. The incumbent must be able to work independently and to contribute as a part of a highly functioning team consisting of other attorneys and legal support professionals from field offices, regional offices, HUD headquarters and/or the Department of Justice. Duties may involve any and all aspects of litigation including investigation and analysis of facts and law, formulation of strategy or tactics and determining the appropriate personnel to be involved in a particular action. Other cases may involve the preparation of detailed litigation reports, drafting of affidavits, answers to interrogatories or other documents or pleadings. Efforts oftentimes will affect the course of litigation which may be precedent setting and affect the operation of the Department, a particular program, or perhaps the state or federal government in general, and the outcomes of cases often involve hundreds of thousands to millions of dollars. The incumbent may be appointed by the justice Department as a Special Assistant United States Attorney to represent the Unites States in civil actions at the trial or appellate level from time to time. The incumbent is responsible for counseling various clients regarding ways to minimize the chance of litigation or the cost of litigation when appropriate to protect the interest of the United States. The incumbent is expected to provide input into decisions to pursue, defend or appeal cases which may arise from activities which impact the field office or its programs. The incumbent may be called upon to negotiate or participate in negotiations for settlement.

OTHER

The incumbent actively participates in the setting of policies regarding matters affecting the Department's programs and office administration in assigned jurisdictions. The incumbent exercises independent judgment and discretion in identifying legal issues and formulating responses to them. The incumbent renders advice and recommendations to all levels of the field organization, including the Regional Administrator, the Field Office Director, program managers, directors and staff.

The incumbent is responsible for conducting conflict of interest reviews and recommendations concerning the receipt of HUD program benefits by major state and local elected officials. This not only has significant impact and precedential value on elected officials within the affected state but also often is a matter of extreme delicacy involving inter-governmental relations between the federal government and state and local governments.

The incumbent has the primary responsibility for providing advice and opinions on equal opportunity, environmental and historic preservation issues applicable to all programs affected by those matters and often must provide advice in those areas on matters which are complex and without precedent.

The incumbent is responsible for conducting legal research and providing legal opinions that relate to complex financial transaction involving state and federal finance agencies. The areas of law often will involve multiple states and both state law related to corporations, and state and federal tax laws.

The incumbent is also responsible for other duties as assigned.

NATURE OF THE LEGAL PROBLEM - GENERAL

With respect to all of the programs within this position purview, the incumbent:

1. Renders legal advice to appropriate Departmental management officials and staff.
2. Addresses legal problems the resolution of which have far reaching economic, social and political impact on the public as well as relations with state and local governing bodies and agencies.
3. Resolves difficult legal disputes between agency program participants having outcomes with significant impact on the public interest. Such resolution includes contractual as well as programmatic conflicts.
4. Addresses issues of complex financing, mixed-income funding sources used in the distribution and expenditure of HUD funds and FHA insured proceeds.
5. Analyzes extremely complex, difficult legal or policy questions or factual issues which frequently have no clear precedent or guidance.
6. Conducts research independently and often under extreme time constraints often defining strategy or policy to give guidance to decision makers and legal staff.
7. Performs legal work involving knowledge of federal law and practice related to implementation of the programs administered by the Department as well as applicable state laws including: real estate, contracts, federal statutes and case law, executive orders, rules, regulation and policies, legislative position, programs and activities and the law governing the function, structure, authority and activities of the state and local agencies who participate and administer HUD funded programs.

SUPERVISORY RESPONSIBILITIES

The incumbent has supervisory authority over field attorneys and support staff. The incumbent is responsible for professional and practical guidance to staff, assigns cases and problems, informing staff attorneys of any unusual circumstances surrounding the assignment, any background information which must be considered, and any important policy considerations that will govern developments in the case or the solution. The incumbent is responsible for the continuing professional growth of the staff and for development of individual training and continuing legal education, including administration of a training budget; for ensuring acceptable performance by his staff through the use of evaluation and appropriate awards and disciplinary measures; for planning, assigning, and following through on the work of his staff to assure completion as scheduled; and for resolving complaints from staff. The incumbent is also responsible for recruiting, interviewing and recommending the hiring of professional and clerical staff, as well as determining fitness of staff for promotions and other incentive awards. The incumbent is also responsible for keeping employees informed regarding the policies, procedures, and goals of the Department as they relate to their work on assigned projects.

SUPERVISION RECEIVED

The incumbent is under the supervision of the Regional Counsel. The incumbent receives professional guidance and direction from the General Counsel or his/her designee, as necessary. Assignments are typically carried out without preliminary instruction. The incumbent independently plans the approach, conducts any necessary investigation, research or negotiations and develops the complete decision, report, opinion, brief, contract or other product. The incumbent consistently exercises independent discretion in the formulation of responses and renders advice and recommendations. The

work results are deemed technically authoritative and, if reviewed at all, are reviewed for the effect of the advice on overall program and are generally accepted without significant change. Performance is evaluated on the basis of soundness of decisions and determinations, feasibility of recommendations and suggestions offered in discussing unprecedented, unusual and significant cases, sound application of regulatory guides and policies and smooth office management. The incumbent plans, organizes, and carries out projects independently, keeping supervisor apprised of the status of those projects and major problems encountered.

GUIDELINES

Guidelines for typical work are contained in federal and state statutes, regulations, handbooks and policy memoranda. Frequently, however, no guidelines exist or the guidelines are not clear. In such instances, and with authorization from the General Counsel or his/her designee, the incumbent independently formulates, determines or effectively influences the Department's policies and actions. The incumbent is recognized as a technical authority in the development and interpretation of guidelines regarding the area of expertise.

KNOWLEDGE REQUIRED BY POSITION

The position requires knowledge of most aspects of federal statutory and case law, executive orders, rules, regulations and policies that pertain to the Department's programs and activities, as well as the law governing the function, structure, authority and activities of the state and localities within a field office's jurisdiction. The position also requires familiarity with all federal, state and local agencies and authorities whose activities are related to the activities of the Department. This position requires mature professional judgment and a high degree of initiative and ability to communicate effectively with others in an advisory as well as a supervisory capacity and administrative experience showing maturity and reliability of judgment in interpreting and applying broad policies and in reaching sound decisions. This position requires expertise in all HUD programs for compliance with laws and governing regulations of decisions made by Division Directors of a program or administrative nature.

COMPLEXITY

The matters on which the incumbent works involve extremely complex and difficult legal or policy questions or factual issues for which often no clear precedent exists. The incumbent must extensively probe and research to define the problem and craft a strategy or policy to guide decision-makers and legal staff to resolving the problem. Resolution of these matters requires the incumbent to extensively research, analyze, investigate and evaluate expert testimony or information in controversial or highly technical areas, including environmental science, medicine, statistics, finance and engineering. When solving such problems, the incumbent must engage in a high level of original and creative thought to balance conflicting interests.

SCOPE AND EFFECT

Through the rendering of precedent-setting decisions affecting the Office of General Counsel and Departmental policies and procedures, the incumbent's work has a major impact on the activities of the Department with respect to client agencies and the general public. It may also have the effect of broadening or restricting the Department's activities or have an important impact on the real estate industry or other major industries whose economic position affects the health and stability of the general economy. The incumbent's programmatic legal work usually involves sizeable sums of money and problems of unusual delicacy and complexity.

PERSONAL CONTACTS

The incumbent's contacts ordinarily include principal staff such as the Field Office and Regional Administrators, Regional Counsel, program managers and directors, field Office of Inspector General staff, United States Attorneys, federal court and administrative law judges, city and county attorneys, general counsel for state housing finance agencies, state and local community development agencies and public housing authorities, counsel for developers, sponsors, contractors, lenders, housing providers, fair housing respondents and employees. HUD headquarters contacts include the General Counsel, Deputy General Counsel, Associate and Assistant General Counsel, Deputy Assistant Secretaries and Special Assistants. The

incumbent communicates directly with such officials and attends inter-agency and intra-agency conferences and meetings as HUD's legal representative.

PURPOSE OF CONTACTS

The incumbent confers on, negotiates and influences important management, legal and policy questions which are of considerable consequence or importance to the Department's mission. The incumbent also responds to inquiries from local entities undertaking activities with federal assistance. The incumbent works closely with other departmental staff, providing legal advice to assist them in making determinations by advising them of the legal effects of alternative courses of action. The incumbent also tries cases before courts and administrative bodies as assigned.

PHYSICAL DEMANDS

This position entails no unusual physical demands. Although the work is primarily sedentary, the incumbent may be required to travel within the United States.

WORK ENVIRONMENT

No unusual risks are associated with the work environment. The position requires a private work area and access to a law library. Security appropriate for the facility housing the office will be provided. The incumbent will be required to complete an annual Confidential Financial Disclosure OGE-450.

OTHER SIGNIFICANT FACTS

The incumbent must be a United States Citizen, must have graduated from an accredited law school and must be a current member in good standing of the bar of a state, territory of the United States, District of Columbia or Commonwealth of Puerto Rico. The incumbent must have specialized experience with legal aspects of economic development, community planning and development, real estate development and management, finance, secured transactions, fair housing and program enforcement