Happy New Year! I hope everyone enjoyed a most wonderful holiday season!

FAHRO looks forward to a very productive new year for housing programs in Florida and around the country. Following the success of the first-ever FAHRO Housing Summit, with the participation of the leading nationwide housing advocacy groups, planning is already underway for the next Summit. This year the Housing Summit will be held on May 19, at the conclusion of the Executive Directors’ Forum in Key West, May 17-18, 2017. Attendees of the ED Forum are urged to participate in the one-day Housing Summit focusing on current opportunities and challenges for PHAs and other housing providers, including necessary regulatory relief in an age of constrained funding.

The 2017 FAHRO Annual Convention and Trade Show is scheduled for July 31-Aug. 3, 2017, in Orlando. The Annual FAHRO Basketball Tournament will take place July 28-30, 2017. All FAHRO members are encouraged to attend the championship game early Sunday afternoon in support of the youth teams.

As in previous years, FAHRO will extend an invitation to the incoming secretary of U.S. HUD, upon his confirmation, to meet with the membership. This meeting is a great opportunity for FAHRO, and serves as a valuable introduction for the secretary and our members to initiate broad collaboration in our mutual efforts to provide quality housing services to the disadvantaged in our communities as well as to our nation’s veterans.

Speaker Corcoran dedicated the entire first committee week for “Legislature University” to help members and staff understand the new rules and processes. Sessions ranged from “Introduction to State Government” with lessons in ethics, open meetings and public records to “How to Fill Out Your Committee Preference Form” and “What to Expect in Your First Term.”

More than one-third of the 120 House members are new to their legislative seats for 2017. Among the 46
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Member Feedback

Do you need help with a project or issue and want to see if any of our readers have the answer? Has a colleague done something wonderful that deserves an attaboy or attagirl? Or are you just frustrated and want to vent? Here is your chance to (anonymously if you wish) say thanks, ask for assistance, vent your frustrations, express your opinion or let us know how you feel.

- The Housing Authority of the City of Fort Myers has appointed Reverend Dr. Israel Suarez to its board of commissioners. Suarez is the founder and CEO of the Nations Association Charities. He founded the organization in 1978 to save at-risk youth in Southwest Florida through mentoring programs and education. In 1990, Nations Association was recognized as A Point of Light by President George H. W. Bush. Through the years, thousands of young people have graduated from the nonprofit's programs learning life skills, personal responsibility and leadership. Welcome, Dr. Suarez!

- Congratulations to the Lee County Housing Authority for receiving a High Performance status in the Public Housing Assessment System (PHAS) report for 2016. The LCHA scored 90 points out of a possible 100.

If you would like to contribute to Sounding Off, please email your comments to Susan Trainor, FHAHOgram editor, editor.trainor@gmail.com.
We Love Our Lindsey Software.

Bartow Housing Authority
Executive Director: Catherine E. Reddick
Bartow, Florida

“I have been using Lindsey for more than 23 years, and I would not use anything else. Lindsey has so many good shortcuts, that it doesn’t take me long to do anything!”
— CATHARINE REDDICK —

THE SITUATION
Catherine Reddick, Executive Director of Bartow Housing Authority in Florida, loves to talk about Lindsey software. With more than 23 years as a user, she feels that Lindsey is user-friendly, very easy to learn and helps her do her job more effectively.

Catherine began her career in public housing at the Winter Haven Housing Authority. After 13 years, she moved to the Bartow Housing Authority as Executive Director and has been there for 11 years.

THE SOLUTION
Lindsey is a total solution for Catherine and her staff and she is not afraid to tell other agencies. “I know I am not their largest client, but they always treat me like I am,” says Catherine.

Bartow HA uses almost every module Lindsey has, plus the mobile solutions and HousingManager.com online rental applications. They have made an investment in the entire package and like the way everything works together.

MOBILE
Catherine comments, “When we first got the mobile products, I was a little afraid of making the change. Then I went out and did an inspection on the iPad myself and realized it was much easier than I ever expected.”

HOUSINGMANAGER.COM
Moving applications online has been extremely beneficial in reducing tenant traffic in the office. Tenants are very versatile and have adapted well to filing out applications from their computer, tablet or mobile device.

TRAINING & SUPPORT
Catherine and her staff take advantage of the free training opportunities whenever possible, attending webinars and using the online Portal. “We use support when there is a problem, or something I just cannot figure out. They know me by my first name,” says Catherine with a smile.

Bartow Housing Authority is a satisfied Lindsey customer. After 23 years using Lindsey, Catherine says it would be hard to find another company that could change her mind. “Lindsey has made an investment in this industry by creating products that make my job easier, and I have made an investment in Lindsey.”

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In 2013, President Barack Obama reauthorized and signed into law the Violence Against Women Reauthorization Act of 2013 (VAWA 2013). VAWA 2013 expanded housing protections to HUD programs. On Oct. 27, 2016, HUD issued its final rule implementing the VAWA 2013 requirements into HUD regulations.

Though many areas of the final rule are important, this article concentrates on the following two significant areas of HUD’s final rule.

**Affiliated Individual**

VAWA 2013 provides that “[n]o person may deny assistance, tenancy, or occupancy rights to housing assisted under a covered housing program to a tenant solely on the basis of criminal activity directly relating to domestic violence, dating violence, sexual assault, or stalking that is engaged in by a member of the household of the tenant or any guest or other person under the control of the tenant, if the tenant or an affiliated individual of the tenant is the victim or threatened victim of such domestic violence, dating violence, sexual assault, or stalking.” VAWA 2013 defines affiliated individual as: A) a spouse, parent, brother, sister or child of that individual, or an individual to whom that individual stands in loco parentis; or B) any individual, tenant or lawful occupant living in the household of that individual.

In the final rule, HUD revised the definition of affiliated individual to: A) a spouse, parent, brother, sister or child of that individual, or a person to whom that individual stands in the place of a parent or guardian (for example, the affiliated individual is a person in the care, custody or control of that individual); or B) any individual, tenant or lawful occupant living in the household of that individual. A live-in aide or a guest could be an affiliated individual of a tenant, and if that aide or guest is a victim, the tenant with whom the affiliated individual is associated cannot be evicted or have assistance terminated on the basis that the affiliated individual was a victim.

These distinctions are noteworthy when evaluating a tenant’s rights under VAWA 2013. Under VAWA 2013 and HUD regulations, the covered housing provider must determine who the victim is and determine whether that individual falls within the definition of affiliated individual, if the victim is not the tenant.

See LEGAL UPDATE on page 11
Planning Ahead for Front End Fair Housing and Civil Rights Reviews for New Construction RAD Conversions

by Michael Syme and Alec Stone

The U.S. Department of Housing and Urban Development’s Rental Assistance Demonstration (RAD) is all the rage, with HUD boasting 185,000 units of public housing in the queue for conversion from public housing to site-based Section 8 assistance under Component 1 of RAD (the maximum number of units currently permitted by Congress) and many more units on a wait list.

Like many new programs, the standards that HUD applies to review and approve particular sites for RAD conversions are still evolving. Nowhere is this more apparent than in the context of front end fair housing and civil rights reviews conducted by HUD’s Office of Fair Housing and Equal Opportunity (FHEO) under RAD Component 1. If a front end review is triggered, FHEO is given the opportunity to review and approve a proposed RAD conversion to ensure that applicable fair housing and civil rights requirements will be met upon conversion.

New HUD Guidance for Civil Rights and Fair Housing Reviews for RAD Conversions

On Nov. 10, 2016, HUD published PIH Notice 2016-17 (HA). At the time this article was submitted for publication, the 30-day period for public comment on the new guidance had just concluded. It is possible that HUD will make subsequent revisions to the new guidance based on comments received. Nonetheless, the new guidance provides clarity on circumstances where a front end review is triggered.

Although the new guidance lists a number of circumstances that will trigger FHEO’s front end review, this article will focus on FHEO front end reviews of conversions involving new construction, whether on a new site or on a current site, in an area of minority concentration. If a proposed RAD transaction involves new construction in an area of minority concentration, HUD will allow the RAD conversion to move forward only if 1) sufficient, comparable housing opportunities for minority families in the income range to be served by the proposed project exist outside areas of minority concentration; or 2) the project is necessary to meet overriding housing needs that cannot be met in that housing market area.

The new guidance provides detailed and extensive criteria that will guide FHEO’s determination of whether a particular site is located in an area of minority concentration. Generally speaking, a site is considered to be in an area of minority concentration when either 1) the percentage of persons of a particular racial or ethnic minority within the area of the site is at least 20% higher than the percentage of that minority group in the housing market area as a whole; or 2) the project is necessary to meet overriding housing needs that cannot be met in that housing market area.

Under the new guidance, HUD will consider the area of the site to be the census tract in which the site is located and will consider the housing market area to be the geographic region from which it is likely that residents of housing at the proposed site would be drawn for a given multifamily housing project. In each case, however, HUD may deviate from these metrics if there is strong evidence to support an alternate determination.

What If My Proposed New Construction RAD Conversion Site Is Located in an Area of Minority Concentration?

Many, if not most, public housing properties available for a RAD conversion are located in what HUD would consider to be an area of minority concentration. The location of these public housing properties is inextricably linked to broad historic and political considerations and to policies at the national and local levels that public housing authorities (PHA) have little to no control over. As such, many PHAs planning to construct new RAD units on their public housing property will need to convince HUD that the conversion should move forward based on one of...

See RULES & REGULATIONS on page 11

LEGISLATIVE AFFAIRS continued from page 1

freshmen House members, there are 24 Republicans and 22 Democrats—the second-largest freshman class in the Florida House’s history. (There were 63 new members in 2000.) Two of the House members have recent experience in the Legislature, having moved from the Senate back to the House: Palm Beach County Democrat Joe Abruzzo and Rockledge Republican Thad Altman.

Speaker Corcoran’s reforms have been the talk of Tallahassee. The Florida Senate, however, is carrying on with business as usual.

Senator Joe Negron was elected president of the Senate, and there are only minor changes to last year’s rules and processes. With a freshman composition even more significant than that of the House, half of the 40-member Senate is new in 2017. With respect to both chambers, many of the new faces have held elected office before (even within the Legislature itself), but for several this is their first foray into public service.

In the Senate, there are 20 freshmen: 11 Democrats and nine Republicans. At least a dozen are recent former representatives promoted by voters to the Legislature’s upper chamber.

Committee meetings started in earnest the week of January 9, when all 160 lawmakers returned to Tallahassee for the purpose of hearing legislation.
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Northwood II - Daytona Beach Housing Authority
NAHRO Merit Award Winner
Celebrating Affordable Housing Month in Plains, Georgia

During Affordable Housing Month in October, Commissioner Christopher Mitchell and Executive Director Pamela Brewster of DeFuniak Springs HA along with Brewster’s husband, Tom, and grandson Jon Thomas attended the Chautauqua Festival in Plains, Georgia. Mitchell is a former employee of President Jimmy Carter, and the group from DeFuniak Springs had the opportunity to attend two suppers with the Carters. They were also honored to meet Bill and Melinda Gates at one of the functions. Another highlight of the trip was a visit to the Housing Authority of the City of Americus (Georgia). President and Mrs. Carter made their home in a public housing unit when they first returned to Plains after being married. The group wrapped up their weekend by attending the Sunday school class taught by President Carter at Maranatha Baptist Church. 📸

Pamela Brewster poses in front of the apartment where former President Jimmy Carter and Rosalynn lived from 1953 to 1954.

Tom Brewster, Rosalynn Carter, President Jimmy Carter, Jon Thomas and Pamela Brewster

Christopher Mitchell and the plaque that commemorates the Carters living in unit 9A of the Dura Apartments in Plains, Georgia.

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Pinellas County Housing Authority’s Magnolia Gardens Assisted Living Community was pleased to have Mark Welsh of Honor Flight West Central Florida speak to residents and guests on November 30. Several senior veterans were present to hear the details and to find out what the Honor Flight trips to Washington, D.C., are all about.

The purpose of Honor Flight is to recognize American veterans for their sacrifice and service by flying them to visit the memorials dedicated in their honor in Washington, D.C. The trips are free, one-day events for veterans.

Many pictures and memorabilia were available for the residents and guests to see. There was a great amount of interaction and enthusiasm during the event, and we’re excited to say that Joe Croteau, Magnolia Gardens resident and a Navy veteran (1950-54) who served during the Korean War, will be going on the next scheduled Honor Flight trip in April 2017.

Honor Flight West Central Florida provides information about Honor Flights to Pinellas HA residents and guests.

Send Your News to FAHRO!
Tell us about your accomplishments, milestones and other interesting member news.
Your fellow members want to know!
Submit your news to FAHRO via email: editor.trainor@gmail.com (attach in MS Word format).
Photographs are welcome!
Sarasota Housing Authority Partners for 5th Annual Shop with a Cop Event for Underprivileged Children

The Sarasota Housing Authority, City of Sarasota Police Department and Target partnered for the fifth year to provide 100 underprivileged children with a unique holiday experience.

SHA's Shop with a Cop holiday shopping event is an initiative designed to help build positive and respectful relationships between law enforcement and children living in SHA communities.

Shop with a Cop pairs 100 local underprivileged children with local law enforcement to shop for holiday gifts at a local Target store prior to opening for the day. The event was held on Saturday, December 10, from 6 to 8 a.m. at the Target located at 5350 Fruitville Road in Sarasota.

IBERIABANK provided a significant grant, and SHA received other donations from local organizations and individuals during the 2016 Giving Challenge. The money raised provides a Target gift card for each of the 100 children.

“This is what the holiday spirit is all about,” says Chief Bernadette DiPino, Sarasota Police Department. “We want to help children in our community build relationships with our officers. Shop with a Cop is a chance to help form relationships and educate our local families about the role that our officers play in our community."

“Having a safe, strong, vibrant community begins with having mutual respect and trust between community members and the men and women sworn to protect them,” says SHA President & CEO William Russell. “Shop with a Cop builds positive relationships through this uplifting holiday event.”

Those wishing to donate for next year’s event can do so through the Sarasota Housing Authority’s 501(c)3 affiliate, Sarasota Housing Funding Corporation (SHFC). Checks can be made payable to Sarasota Housing Funding Corporation with “Shop with a Cop” in the memo line. Credit card donations can be made online at SarasotaHousing.org/SHFC.aspx. Checks or cash donations can be dropped off at the Sarasota Housing Authority, 269 South Osprey Avenue, Sarasota, Monday through Thursday, 8 a.m. to 5 p.m., and Friday, 8 a.m. to noon. For more information, call the Sarasota Housing Authority at 941/361-6210. 100% of donations will be spent on Target gift cards for the children.
the two exceptions available—that there are either sufficient comparable opportunities or the development is necessary to meet overriding housing needs.

The new guidance provides a long list of relevant factors that HUD will consider in determining whether either of these two exceptions is met, but notes that HUD will consider “the totality of the circumstances” and “all relevant facts” in making such a determination. While it is encouraging that HUD is adding more clarity to the factors FHEO will consider in front end reviews, the open-ended nature of the review process still risks leading to delays, headaches and additional costs for PHAs planning new construction as part of a RAD conversion on properties in areas of minority concentration.

That said, the new guidance does provide two instances where HUD will presume, absent information to the contrary, that a site located in an area of minority concentration has met the exception that sufficient comparable opportunities exist. They are as follows:

1. If least 50% of the comparable hard units in the PHAs portfolio, including project-based voucher developments using the PHAs subsidy, are outside areas of minority concentration; and

2. If a set of RAD conversions from a single public housing property, individually or in combination, will result in the creation of as many similarly affordable housing units outside areas of minority concentration as are constructed on the original public housing site.

Keep in mind that the new guidance sets forth an extensive list of situations where front end civil rights and fair housing reviews of RAD conversions are required. The foregoing discussion is by no means exhaustive. PHAs and their developer partners should become familiar with the new guidance to adequately plan for such front end reviews.

For additional information about HUD’s front end civil rights and fair housing reviews of RAD conversions, please contact Alec Stone (astone@cohenlaw.com, 412/297-4645) or Michael Syme (msyme@cohenlaw.com, 412/297-4965).

Michael Syme has represented housing authorities, municipal government entities and developers in the financing, development and revitalization of low-income communities for over 20 years. He is the chair of Cohen & Grigsby’s Affordable Housing Group and currently serves as the firm’s vice president of special projects. He is the firm’s former vice president of finance and treasurer.

Alec Stone practices in Cohen & Grigsby’s Real Estate, Housing & Public Finance Group. He has played a role in a number of mixed-finance, low-income housing tax credit and public housing developments, and he regularly advises public housing authority clients on federal, state and local regulatory matters.

LEGAL UPDATE continued from page 5

**Notice of Occupancy Rights and Certification Form**

HUD’s notice of occupancy rights and accompanying certification form must be provided to all existing tenants no later than one year after the effective date of HUD’s final rule. The final rule does not require housing providers to give tenants the notice and the certification form after first providing it to tenants as described above. HUD encourages housing providers to post the notice in public areas such as community bulletin boards, where all tenants will have access to view it.

In addition to providing the notice and certification form to all existing tenants, VAWA 2013 provides that each public housing agency, owner or manager of housing assisted under a covered housing program shall provide the notice together with the certification form to an applicant or tenants of housing assisted under a covered housing program during any of three specific situations: “… A) at the time the applicant is denied residency in a dwelling unit assisted under the covered housing program; B) at the time the individual is admitted to a dwelling unit assisted under the covered housing program; [or] C) with any notification of eviction or notification of termination of assistance.”

Within the next year, covered housing providers should plan to incorporate the notice and certification form during each tenant’s annual recertification appointment or lease renewal. A preview of the notice and certification form can be found within HUD’s final rule at bit.ly/HUD-VAWA2013. HUD’s final rule is pending publication in the Federal Register. The effective date of HUD’s final rule will be determined after the rule is published in the Federal Register.

VAWA 2013, along with HUD’s final rule, will necessitate some additional language in your notices to residents and in updates to your policies and procedures and to your lease addenda. Please consult your legal counsel for recommended changes.

Suzanne J. DeCopain is an associate with Saxon Gilmore. She practices in the area of affordable and public housing. She can be reached at 813/314-4528 or sdecopain@saxongilmore.com.

**Attention Members!**

**Keep FAHRO Up-to-Date!**

Help us serve you better by keeping our record of your mailing address, telephone, fax, email address and website address up-to-date.

Whenever you make a change, please send your new information via email to Javis Ogden, Javis@FAHRO.org, call 850/222-6000 or fax 850/222-6002.

Thank you!
FAHRO Family,

As we move into the new year, there are some big things on the horizon for FAHRO. We planted the seeds for some important initiatives in 2016, and 2017 is the year when we will begin to see the fruits of our arduous labors. Among them, Affordable Housing Month and the Affordable Housing Summit will continue, and we’re looking to make both bigger and better than before.

Here are some important save-the-dates for 2017. Be sure to mark them on your calendar as you’ll want to be front-and-center for all of them!

**Annual Convention & Trade Show**
**July 31 - August 3, 2017**

The 2017 Annual Convention & Trade Show will take place July 31 - August 3, 2017, at Disney’s Grand Floridian Resort & Spa at Walt Disney World in Orlando! Look for an improved course curriculum, a full vendor showroom and much more as we continue to improve FAHRO’s annual flagship program! Plus, the program date pattern has been revamped for conciseness, with the opening session taking place on Tuesday, August 1, and the banquet on Wednesday, August 2. Also, the annual FAHRO Basketball Tournament will make a big return the preceding weekend, July 28-30, 2017!

**Executive Directors’ Forum**
**May 17-18, 2017**

The 2017 Executive Directors’ Forum will kick off on May 17-18, 2017, at Marriott Key West Beachside. Program curriculum includes the board of directors meeting, legal discussions for housing authorities and a keynote on state and federal legislative affairs.
SAVE THE DATE!
Important FAHRO Events in 2017

Florida Housing Summit
May 19, 2017

The 2017 Florida Housing Summit will follow the Executive Directors’ Forum, on May 19, 2017, at Marriott Key West Beachside. Improvement in the way we serve as providers of affordable housing is an ongoing journey, and the Florida Housing Summit is where you want to be to have a hand in how that improvement is conceptualized. Topics of discussion will include funding affordable housing, proportional regulation and an analysis of Florida’s housing market.
Playground Equipment, Concussions and Death

Important information brought to you by FPHASIF!

On Aug. 20, 2010, a 9-year-old girl died after falling off playground equipment at an elementary school in Oklahoma. According to police, the girl fell off an X-Wave teeter-totter. When she stood up, the teeter-totter hit her in the head. Witnesses said she became unresponsive almost immediately. EMS and bystanders performed CPR before she was brought to a local hospital, where she was pronounced dead. Autopsy results revealed that the girl died of a severe concussion.

After the young student’s death, the school removed the teeter-totter from the playground and “at least six other Oklahoma school districts followed suit, either removing the toys or keeping children off of them.”

In October 2013, the mother of the girl settled a lawsuit against the school district, the company that made the X-Wave and the company that sold the equipment to the school. “Lawsuit over Wyandotte Elementary School playground death settled,” www.koamtv.com (Oct. 24, 2013).

Commentary and Checklist

According to the CDC, more than 200,000 children, ages 14 and younger, are brought to emergency rooms for treatment of playground-related injuries. Approximately 45% of these injuries are “severe fractures, internal injuries, concussions, dislocations and amputations.”

The United States Consumer Product Safety Commission (CPSC) has provided guidelines for public playgrounds, including those owned by schools. These playground equipment safety guidelines are found in the CPSC handbook, a public document that can be copied as needed.

All equipment should be inspected for safety and durability before installation. Even if the equipment meets safety standards in the beginning, regular inspections should be done to ensure that the equipment remains safe after multiple uses.

Schools and other organizations such as PHAs must perform due diligence as to all playground equipment before purchase. They should check if there have been reported injuries or lawsuits involving the equipment. Do not rely on the salesperson to provide you the data … you must do your own research.

Here are some data concerning playground injuries:

✓ Approximately 75% of nonfatal injuries occur on public playgrounds.
✓ Between 1990 and 2000, 147 children ages 14 and younger died from playground-related accidents.
✓ Girls sustain injuries more often than boys do (55% versus 45%).
✓ Children ages 5 to 9 have higher rates of emergency department visits for playground injuries than any other age group.
✓ More injuries occur on climbers than on any other playground equipment.

This informational piece, written by The McCalmon Group, Inc., was published on My Community Workplace, Aug. 22, 2016. Republished from MyCommunityWorkplace.org on behalf of Hunt Insurance Group, LLC.
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FAHRO is committed to the professional development of the people who provide public and assisted housing in Florida by offering a network for increased communication and education. We will continue to support legislation for the improvement and development of affordable housing and economic opportunities.

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