

POSITION DESCRIPTION

ATTORNEY-ADVISOR (GENERAL), GS-0905-12

SETID	HUD01	JOB CODE	FC0056	DATE	01/27/2012	OPM CERT #			
PAY PLAN	GS	SERIES	0905	GRADE	12	PAY BASIS	Per Annum	FUNC CLASS	NA
WORK TITLE	ATTORNEY-ADVISOR (GENERAL)								
SPVY LEVEL	Other	POSITION SENSITIVITY	NCrit Sens	LEO POSITION	N/A	MEDICAL CHECK REQ.	No	BUS CODE	1010
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	01/27/2012								

ATTORNEY-ADVISOR (GENERAL), GS-0905-12

INTRODUCTION

The position is located in the Regional Counsel's Office or the Field Counsel's Office. As appropriate, the incumbent reports to either the Regional Counsel or the Chief Counsel/Associate Regional Counsel for Housing Finance and Programs. The incumbent is responsible for providing comprehensive legal service, counsel, recommendations, reviews and opinions which relate to all functions and activities, both programmatic and administrative, which are assigned within the incumbent's assigned area of service. The incumbent handles necessary programmatic transactional work. The work assignments may include multiple field offices or states. Major program areas include: Single Family and Multifamily Insured Housing Programs, Office of Healthcare Programs, Community Planning and Development Programs, Public and Indian Housing Programs, Office of Administration, Field Policy and Management, and Labor Relations. 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, creditors rights, equal employment opportunity law, 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 governmental entities within the 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.

DUTIES AND RESPONSIBILITIES

The incumbent identifies and analyzes problems and renders legal opinions on legal issues involving complex facts and difficult areas of law, with direction as needed. The questions presented often implicate multiple areas of law for which there is often no clear legal precedent and the legal opinions reflect recognition of the practical and programmatic impact of the legal analysis, and the articulation of legally viable solutions for the operation of Departmental programs. The incumbent, as requested, actively participates and contributes to the development of protocols and policies on all matters affecting HUD programs and administration within the field office's jurisdiction and generally exercises independent judgment and discretion in formulating responses to legal issues, often involving matters of first impression that involve substantial monetary sums. As requested, the incumbent renders advice and recommendations to all levels of the organization, including the Regional Counsel, Chief Counsel/Associate Regional Counsel for Housing, General Counsel, Field Office Managers, Directors, and Assistant Secretaries, as appropriate.

The incumbent attends to complex, sensitive and controversial legal problems that result from the implementation of the programs and activities of the Department. The incumbent, as assigned, functions as the Regional or field office's liaison to the U.S. Department of Justice, as well as liaison to other federal, state and local agencies. As assigned, the incumbent works closely with counsel representing those federal, state and local agencies on cross-cutting issues impacting the Department and other governmental agencies both state and federal. At the request of the Regional Counsel or Chief Counsel/Associate Regional Counsel for Housing Finance and Programs, the incumbent meets with representatives of those agencies, including the U.S. Attorney, Assistant U.S. Attorneys, Special Agents of the Federal Bureau of Investigation, Assistant States Attorneys General, and attorneys representing other federal and local state 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 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 concerns of administrators, state and local officials, industry representatives, the general public, or others who may be affected by new or revised programs.

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 agency'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 factual and legal analysis and provides legal opinions 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 field office and headquarters level.

The incumbent maintains a close and continuing working relationship with the Regional Counsel and Chief Counsel/Associate Regional Counsel for Housing Finance and Programs, Office of General Counsel and the 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, at the request of the Regional Counsel or Chief Counsel/Associate Regional Counsel for Housing Finance and Programs. The incumbent recommends policies and procedures implementing new or amended legislation affecting Departmental programs. The incumbent attends meetings, on behalf of the Regional Counsel or Chief Counsel/Associate Regional Counsel for Housing Finance and Programs, as the principal legal advisor and consultant in program areas and provides sound legal assistance and guidance on complex legal matters of great significance.

The incumbent, as assigned, 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 consultations regarding financing documents for bond proposals.

The incumbent is responsible for interpreting 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 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 federal, state and local levels, including mayors, and county commissioners as well as other elected and appointed officials, regarding community development funded activities, as well as inquiries on resource/categorical programs still in existence in the jurisdiction. This work often necessitates not only full knowledge of the CDBG statutes and regulations but also pertinent statutes and regulations governing programs no longer funded but which are still ongoing. Such resource/categorical programs relate back to laws enacted in the late 1940's to the present requiring specialized skill and knowledge including research into the legislative history of laws and regulations.

The incumbent provides training in legal matters to staff assigned to the field office as well as participation in local, regional, and national 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 protected through appropriate and enforceable 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, state revenue bonds, Section 11(b) tax-exempt bonds, and other federal, state, and local resources in a very fluid and evolving environment as part of the income stream for project financing. Some transactions are not only inherently complex but have, to the extent that they result in irrevocable tax-exempt status, multi-million dollar impact on the federal treasury.

The incumbent is the principal legal representative of the Department during the final stages of the transaction's progress towards closing. With direction as needed, 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, with direction as needed. The incumbent must analyze complex factual issues and balance the divergent and 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 incumbent provides support to deal 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, 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, with direction as needed. The support involves the review and approval of legal evidentiaries for 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 \$50,000,000.00 per transaction. The incumbent is ultimately responsible for assuring that the United States interests have been provided appropriate and enforceable legal safeguards reflected in the contracts and other agreements which are developed and/or reviewed, revised and modified by the incumbent. 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, 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 provides legal advice, direction, and guidance in the CDBG, NSP, HOME, ESG, HOPWA, Supportive Housing Program, and the Section 108 Loan Guarantee 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.

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, Field Office Director, program managers, directors and staff, as assigned.

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 is responsible 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 transactions involving state and federal finance agencies. The areas of law often will involve multiple states and both state laws 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 whose resolution have a 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 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, defines 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, regulations 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.

SUPERVISION RECEIVED

The incumbent works under the direction of the Regional Counsel or Chief Counsel/Associate Regional Counsel for Housing Finance and Programs. The incumbent receives moderate professional guidance and direction from the Regional Counsel or Chief Counsel/Associate Regional Counsel for Housing Finance and Programs or her/his designee, as necessary. The incumbent, with direction as needed, plans the approach, conducts any necessary investigation, research or negotiations and develops the complete recommendation, decision, report, opinion, brief, contract or other product. The incumbent exercises independent discretion with moderate direction in the formulation of responses and develops and renders sound and reliable advice and recommendations. The work results are deemed technically authoritative, are reviewed for the effect of the advice on overall programs, 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 the majority of projects for which she/he is responsible, with moderate direction as needed, keeping the supervisor apprised of the status of those projects and any 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, Regional Counsel, Chief Counsel/Associate Regional Counsel for Housing Finance and Programs, or his/her designee, the incumbent formulates, determines or effectively influences the Department's policies and actions, with moderate direction as needed. The incumbent is generally recognized as an 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 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 Directors of a program or administrative nature.

COMPLEXITY

The matters on which the incumbent works involve 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, Chief Counsel/Associate Regional Counsel for Housing Finance and Programs, 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, and housing providers. HUD headquarters contacts include the General Counsel, Deputy General Counsel, Associate and Assistant General Counsel, Deputy Assistant Secretaries and Special Assistants. As assigned, 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

As assigned, 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 may 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, and program enforcement.