

POSITION DESCRIPTION

SUPERVISOR ATTY ADVSR GEN, GS-0905-15

SETID	HUD01	JOB CODE	FC0020	DATE	04/22/2005	OPM CERT #			
PAY PLAN	GS	SERIES	0905	GRADE	15	PAY BASIS	Per Annum	FUNC CLASS	NA
WORK TITLE	DEPUTY REGIONAL COUNSEL								
SPVY LEVEL	Supv/Mgr	POSITION SENSITIVITY	NCrit Sens	LEO POSITION	N/A	MEDICAL CHECK REQ.	No	BUS CODE	8888
FLSA	Exempt	PATCOB	Professnl	EXECUTIVE DISCLOSURE	No	EMPL/FIN INTEREST	Yes	FUND SOURCE	Approp Fnd
CLASSIFIER									
CLASS STANDARD									
DATE CLASSIFIED	04/22/2005								

MAJOR DUTIES

SUPERVISORY ATTORNEY-ADVISOR (GENERAL)
DEPUTY REGIONAL COUNSEL
GS-905-15

INTRODUCTION

The Regional Counsel is responsible for providing legal counsel, review, assistance and recommendations to the Regional Director, Field Office Directors, program managers and directors and heads of various Centers operating within his or her jurisdiction on a variety of complex issues raised by top management and program staff with respect to all programs within the jurisdiction. The Regional Counsel's activities may embrace any legal issue pertaining to the administration of HUD programs and operations including, among others, issues related to housing and community development, contracts, real property, constitutional law, corporations, associations, partnerships, agency, foreclosures, torts, employee and labor relations, taxation, negotiable instruments, municipal corporations, municipal and private financing, environmental law, creditors rights, bankruptcy, civil procedure, fair housing, equal employment opportunity, ethics and administrative law. The Regional Counsel is a recognized expert in several of these areas. Subject to delegations of authority and other applicable limitations, the position of Deputy Regional Counsel includes the same duties and responsibilities as those of the Regional Counsel.

DUTIES AND RESPONSIBILITIES

The Deputy Regional Counsel 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 legal issues. The incumbent renders advice and recommendations at all levels of the organization, from the General Counsel and Assistant Secretaries to field managers and directors.

Incumbent plans, directs, coordinates, and reviews the operation of a staff of attorneys and support staff in carrying out the following activities:

1. Litigation. Participates with U.S. Attorneys in preparing and handling cases in which HUD is a party and participates with private attorneys in handling cases involving HUD-funded activities.
2. Program Advice and Counseling. Renders formal opinions, which are controlling within the jurisdiction, and provides advice on legal questions which arise in connection with the program responsibilities of the Department. These include, but are not limited to, questions related to insurance of mortgages, provision of subsidy assistance, loan and mortgage servicing, and property acquisition and disposition under numerous discrete programs under the National Housing Act; the provision of loan and subsidy assistance for the development and operation of public and assisted

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housing under the U.S. Housing Act of 1937; the provision of community development assistance under Title I of the Housing and Community Development Act of 1974; and meeting the requirements of State law and cross-program federal laws such as the Uniform Relocation and Real Property Acquisition Policies Act of 1970 and the National Environmental Policy Act of 1969.

Such opinions may involve almost all fields of law and frequently involve controversial issues.

3. Program Assistance. Ensures that program actions are undertaken in a legally sound manner through such activities as conducting insured multifamily closings, reviewing applications for loan or grant funds, reviewing applications for certain Departmental approvals such as transfers of multifamily assets and title evidence in single-family assignment cases, and preparing contracts for subsidy under assisted and public housing programs.

4. Supervision of Field Counsel. Provides professional supervision and assistance to field office attorneys with respect to the above-described duties and responsibilities to be carried out in those respective offices. Conducts periodic monitoring of field counsel activities through performance reviews. Provides specialized training and guidance with respect to the implementation of new programs inaugurated by the enactment of federal housing legislation and new policies or interpretations of requirements of existing programs. Provides administrative assistance as requested and as appropriate.

5. Program Enforcement. Furnishes legal services with respect to the investigative and audit functions exercised by the Regional Inspector General Offices. Provides legal advice and assistance with respect to issuance of Departmental sanctions, including, most notably, limited denials of participation. Reviews proposals for affirmative litigation not handled by the Enforcement Center and prepares and handles such cases in accordance with outstanding instructions.

6. Fair Housing and Equal Opportunity. Furnishes requisite legal services and representation with respect to the Office's civil rights enforcement activities under the Fair Housing Act, Title VI (nondiscrimination in federally assisted programs), Title VII (nondiscrimination in federal employment) of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, as amended, and other applicable laws and executive orders.

7. Administration. Provides legal services with respect to administration and management of the Region, including advice and representation with regard to disciplinary actions and other personnel matters, procurement matters, and voucher payment questions.

8. Information Law. Provides legal advice and assistance with respect to Freedom of Information and Privacy Act issues. Reviews and approves requests seeking testimony from HUD employees.

9. Incumbent carries out a wide variety of administrative and management responsibilities with or on behalf of the Regional General Counsel, including assigned tasks relating to IT systems, personnel management, performance evaluation, space and file management, training and orientation, supplies, management plans and studies, reports, and service on task forces and working groups.

10. Acts as Deputy Counselor within the jurisdiction, and in such capacity renders advisory services to departmental employees in matters pertaining to the regulations on Standards of Conduct.

SUPERVISORY RESPONSIBILITIES

Directs and reviews the work of subordinate attorneys in the discharge of the functions assigned to the Office of Counsel; oversees and provides advice, assistance, and guidance to the HUD Chief Counsel; reviews work for proper application of professional judgment, conformity with established HUD policy, and compatibility with overall Departmental mission and goals. Is responsible for EO in the Office of the Counsel, actively promoting affirmative action policies in daily personnel

activities.

SUPERVISION RECEIVED

The Deputy Regional Counsel reports to the Regional Council and carries out assignments with little or no supervision. He or she acts as Regional Counsel in his or her absence. Notwithstanding the presence of the Regional Counsel, determinations, approvals, and other decisions of the Deputy Regional Counsel shall be considered actions of the Regional Council, except insofar as such decisions involve matters reserved specifically to the Regional Council by higher authority. To the extent practicable, however, the Deputy Regional Counsel consults with the Regional Council on matters of special significance or interest to the Regional Council, the Regional Director, or the General Counsel. Decisions of the Deputy Regional Counsel shall be subject to reconsideration and redetermination by the Regional Council to the extent authorized and appropriate.

GUIDELINES

Guidelines for some of the incumbent's work consist of statutes, regulations, handbooks and policy memorandums. 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 frequently recognized as a technical authority in the development and interpretation of guidelines regarding the area of expertise.

COMPLEXITY

The matters on which the incumbent works involve extremely complex and difficult legal or policy questions or factual issues for which 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 decision 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 program legal work usually involves considerable sums of money, often running into the tens of millions of dollars. The incumbent's work involves problems of unusual delicacy, such as multifamily or community development block grant fraud or fair housing cases.

PERSONAL CONTACTS

The Deputy Regional Counsel's field office jurisdiction contacts ordinarily include the Regional Director, Field Office Directors, program managers and directors, top 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,

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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 Deputy Regional Counsel confers and negotiates with regard to important management, legal and policy questions which are of considerable consequence or importance to the Agency. The incumbent also responds to inquiries from local entities undertaking activities with federal assistance. He or she works in close harmony with program managers, 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.

PHYSICAL DEMANDS

This position entails no unusual physical demands. Although the work is primarily sedentary, the Deputy Regional Counsel 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.

OTHER SIGNIFICANT FACTS

Incumbent has professional relationships with leading public and private attorneys in the jurisdiction and from time-to-time throughout the country. He or she must possess the requisite legal expertise and talent to maintain the legal position of the Federal Government. The complex nature and broad impact of Departmental programs, coupled with the lack of specific or detailed guidelines in applicable federal statutes, regulations, and policy issuances affords wide latitude to incumbent and imposes unusual judgment requirements.

The position requires graduation from an accredited law school with admittance to the bar of a state or territory and specialized experience with legal aspects of economic development, community planning and development, real estate development and management, fair housing and program enforcement.

JOB COMPETENCIES (The full range of competencies for the occupational series is provided for information and development purposes; not every competency displayed is required at the individual position level.)

EVALUATION STATEMENT