

REASON FOR THIS POSITION		
<input checked="" type="checkbox"/> 1. NEW	2. IDENTICAL ADDITION TO THE ESTABLISHED PD NUMBER	3. REPLACES PD NUMBER

POSITION DESCRIPTION COVER SHEET

A7204701

RECOMMENDED

4. TITLE Attorney-Advisor (General)				5. PAY PLAN GS	6. SERIES 905	7. GRADE 13
8. WORKING TITLE (Optional)					9. INCUMBENT (Optional)	

OFFICIAL

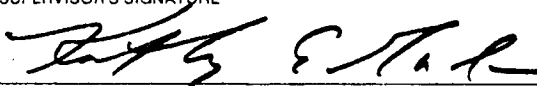
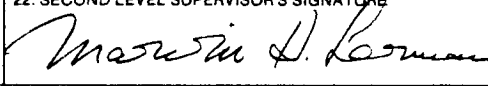
10. TITLE								
11. PP GS	12. SERIES 905	13. FUNC 00	14. GRADE 13	15. DATE MONTH DAY YEAR 07 20 90			16. I/A <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	17. CLASSIFIER

18. ORGANIZATIONAL STRUCTURE (Agency/Bureau)

1st Dept. of Housing & Urban Development	5th
2nd Region I	6th
3rd Office of Counsel	7th
4th Program Operations Branch	8th

SUPERVISOR'S CERTIFICATION

I certify that this is an accurate statement of the major duties and responsibilities of the position and its organizational relationships and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds and that false or misleading statements may constitute violations of such statute or their implementing regulations.

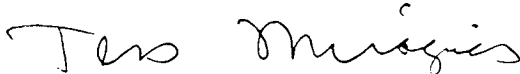
19. SUPERVISOR'S SIGNATURE 	20. DATE 7/13/90	22. SECOND LEVEL SUPERVISOR'S SIGNATURE 	23. DATE 7-16-90
21. SUPERVISOR'S NAME AND TITLE Kathy E. Machan, Assoc. Reg. Counsel	24. SECOND LEVEL SUPERVISOR'S NAME AND TITLE Marvin H. Lerman, Regional Counsel		

FACTOR EVALUATION SYSTEM

FACTOR	25. FLD/BMK	26. POINTS	FACTOR	25. FLD/BMK	26. POINTS	
1. Knowledge Required			6. Personal Contacts			
2. Supervisory Controls			7. Purpose of Contacts			
3. Guidelines			8. Physical Demands			
4. Complexity			9. Work Environment			
5. Scope and Effect			27. TOTAL POINTS ▶		27.	
					28. GRADE ▶	28.

CLASSIFICATION CERTIFICATION

I certify that this position has been classified as required by Title 5, US Code, in conformance with standards published by the OPM or, if no published standard applies directly, consistently with the most applicable published standards.

29. SIGNATURE 	30. DATE 7-20-90
31. NAME AND TITLE Tess Miragias, Personnel Staffing/Classification Specialist	

32. REMARKS	33. OPM CERTIFICATION NUMBER
-------------	------------------------------

MASTER RECORD/INDIVIDUAL POSITION DATA

THIS SIDE TO BE COMPLETED BY THE CLASSIFIER

A. KEY DATA					
1. FUNCTION (1) A	2. DEPT. CD./AGCY-BUR-CD (4) HU 83	3. SON (4) 4401	4. MR. NO. (6) A72047	5. GRADE (2) 13	6. IP NO. (8) A7204701

B. MASTER RECORD									
1. PAY PLAN (2) GS	2. OCC. SER. (4) 0905	3. OCC. FUNC. CD. (2) 00	4. OFF. TITLE CD. (5) Z0005	5. OFF. TITLE (38) ATTORNEY ADVISOR (GENERAL)					
6. HQ. FLD. CD. (1) 2	7. SUP. CD. (1) 8	1 = Sup. SGEG 3 = Mgr. SGEG 4 = Sup. CSRA 5 = Mgmt. CSRA 6 = Leader LGEG 8 = All Others			8. CLASS. STD. CD. (1) X = New Std. Applied Blank = NA	9. INTERDIS. CD. (1) N = No Y = Interdis	10. DT. CLASS (6) MO DAY YEAR		
11. EARLY RET. CD. (1) 1 = Primary 2 = Secondary		12. INACT/ACT (1) 1 = Inactive A = Active		13. DT. ABOL. (6) MO DAY YEAR		14. DT. INACT/REACT (6) MO DAY YEAR		15. AGCY. USE (10)	
16. INTERDIS. SER. (40) (4) (4) (4) (4) (4) (4) (4) (4) (4) (4)									
17. INTERDIS. TITLE CD. (50) (5) (5) (5) (5) (5) (5) (5) (5) (5) (5)									

C. INDIVIDUAL POSITION															
1. FLSA CD. (1) E E = Exempt N = Nonexempt	2. FIN. DIS. REQ. (1) 0 = None 1 = CD 219 2 = CD 220 3 = SF 278 4 = AD 392 5 = SF 849			3. POS. SCHED. (1) A = Sched A B = Sched B C = Sched C 0 = Excepted but not A, B, C			4. POS. SENS. (1) 0 = Nonsensitive 1 = Noncritical 2 = Critical Sensitive		5. COMP. LEV. (4) N 6130						
6. WK. TITLE CD. (4)		7. WK. TITLE (38)													
8. ORG. STR. CD. (18) 1st 2nd 3rd 4th 5th 6th 7th 8th 83 01 01 0300 00 10 00 00								9. VAC. REV. CD. (1) 0 = Position Action No Vacancy A = No Change B = Lower Grade C = Higher Grade D = Different title and/or series E = New Position/New FTE							
10. TARGET GD. (2)		11. LANG. REQ. (2)		12. PROJ. DTY. IND. (1) Blank = N/A Y = Yes		13. DUTY STATION (9) State (2) City (4) County (3) 25 0120 025		14. BUS. CD. (4) 0010		15. DT. LST. AUDIT (6) MO DAY YEAR		16. PAS. IND. (1) Blank = N/A 1 = PAS		17. DATE EST. (6) MO DAY YEAR	
18. GD. BASIS. IND. (1) 1 = Rev. when vacant 2 = Impact of Person 3 = Sup./SGEG 4 = Sup./Program 5 = RGEG 6 = Policy Analysis 7 = Equipment Devel. Guide 8 = Agency Use 9 = Agency Use ALPHAS = Agency Use						19. DT. REQ. REC. (6) MO DAY YEAR		20. NTE. DT. (6) MO DAY YEAR		21. POS. ST. BUD (1) Y Y = Perm N = Other					
22. MAINT. REV/CLASS. ACT. CD. (2) (1st Digit = Activity and 2nd Digit = Results) 31										<table style="width: 100%; border: none;"> <tr> <td style="width: 33%; border: none;">Normal Act 1 = Desk Audit 2 = Sup. Audit 3 = Paper Rev. 4 = PME/Activity Rev.</td> <td style="width: 33%; border: none;">Maintenance Review Act 5 = Desk Audit 6 = Sup. Audit 7 = Paper Rev. 8 = Panel Rev.</td> <td style="width: 33%; border: none;">Results 1 = No Action Req. 2 = Minor PD Change 3 = New PD Req. 4 = Title Change 5 = Series Change 6 = Pos. Upgrade 7 = Pos. Downgrade 8 = New Pos. 9 = Other</td> </tr> </table>		Normal Act 1 = Desk Audit 2 = Sup. Audit 3 = Paper Rev. 4 = PME/Activity Rev.	Maintenance Review Act 5 = Desk Audit 6 = Sup. Audit 7 = Paper Rev. 8 = Panel Rev.	Results 1 = No Action Req. 2 = Minor PD Change 3 = New PD Req. 4 = Title Change 5 = Series Change 6 = Pos. Upgrade 7 = Pos. Downgrade 8 = New Pos. 9 = Other	
Normal Act 1 = Desk Audit 2 = Sup. Audit 3 = Paper Rev. 4 = PME/Activity Rev.	Maintenance Review Act 5 = Desk Audit 6 = Sup. Audit 7 = Paper Rev. 8 = Panel Rev.	Results 1 = No Action Req. 2 = Minor PD Change 3 = New PD Req. 4 = Title Change 5 = Series Change 6 = Pos. Upgrade 7 = Pos. Downgrade 8 = New Pos. 9 = Other													
23. DT. EMP. ASN. (6) MO DAY YEAR			24. DT. ABOL. (6) MO DAY YEAR			25. INACT/ACT (1) 1 = Inact. 2 = Act.		26. DT. INACT/REACT (6) MO DAY YEAR		27. ACCTG. STAT. (4)		28. INT. ASN. SER. (4)		29. AGCY. USE (8)	
30. CLASSIFIER'S SIGNATURE <i>Tom Smagias</i>								31. DATE 7-20-90							

32. REMARKS

Job Description
OFFICE OF COUNSEL

ATTORNEY-ADVISOR GS-13

INTRODUCTION

This Office of Counsel Program Operations Branch, is responsible for providing legal counsel, assistance, reviews and recommendations with respect to programs and activities assigned to the Regional Office. Major HUD programs assigned to the Office of Counsel include single and multifamily mortgage insurance, Public Housing, Section 8 Housing Assistance Payments Program, Community Development Block Grant Program, the Urban Development Action Grant (UDAG) Program, the Housing Development Grant (HDG) Program, and Loan Management functions.

In addition, the Office of Counsel is responsible for providing legal counsel, service, review and recommendations with respect to all HUD programs and activities assigned to the Providence, Rhode Island Office of HUD. The incumbent of this position provides legal services for all HUD programs assigned to the Regional Office. The incumbent is assigned to the Program Operations Branch of the Office of Counsel.

DUTIES AND RESPONSIBILITIES

The Attorney-Advisor at this level is not only expected to be a generalist capable of working effectively and comprehensively with all of the Department's programs and activities but is expected to be able to deal with all areas of the voluminous body of laws and regulations governing or affecting those programs and activities. Typically, the Attorney-Advisor at this level is called upon when other divisions have been unable to resolve a given problem. Consequently, these cases tend to involve matters of significant factual and legal complexity as well as of significant impact on the Department and the general public. In handling such cases, the Attorney-Advisor at this level works directly with Division Directors on a regular basis and often works directly with the Regional Administrator and Deputy Regional Administrator. This job description includes a more detailed discussion of several of the most important of the Attorney-Advisor's functions and responsibilities. However, the following is not a complete list of the attorney's responsibilities. One of the characteristics of the job is that new, complex situations are constantly arising for which no clear precedent exists.

Within his or her area of assignment the incumbent is independently responsible for (a) handling incoming correspondence, memoranda, contracts, applications for financial assistance, etc., involving all HUD programs; (b) analyzing problems and rendering legal opinions on unusually difficult and complex legal problems; (c) responding to inquiries from local entities undertaking activities with Federal assistance; (d) attending inter and intra-agency conferences and field meetings as the legal representative of the Office of Counsel; and (e) providing legal assistance to members of the operations and technical staffs of the Boston Regional and Providence Offices, providing them with advice as to the legal effect of alternative courses of action.

1. Closings

The closing responsibility of the attorney involves the Multifamily Mortgage Insurance and Direct Loan (Section 202) programs as well as the property disposition program for sale of HUD-owned multifamily properties. The Attorney-Advisor is responsible for coordinating all aspects of the closing. The attorney must be capable of drafting and reviewing all legal documents including the mortgage, mortgage note, survey, title policy, and zoning documents, with the overall goal of insuring that no legal problems develop to prevent completion and operation of the project. Both the impact and exposure of this responsibility are high. Projects typically involve several million dollars. The attorney is expected to deal with administrative staff people, with developers, title companies, contractors, mortgagees, and attorneys for all those parties. Because of the complexity of the closings and the amount of money involved, the Attorney-Advisor is required to deal with major law firms representing other parties to the closing.

Prior to initial closing, the Attorney-Advisor is expected to work with Division Directors and attorneys for the parties to resolve any legal problems. The attorney is expected to review early start requests and to initiate and review any significant special conditions to be placed on mortgage insurance commitments.

Prior to final closing, the Attorney-Advisor handles legal problems that arise during construction as well as the legal aspects of cost certification, assignment of the mortgage, transfers of physical assets, or work out arrangements if necessary, with the major goal of bringing the project to final closing. Another equally important goal is to protect the government in the event of problems that develop and to minimize the government's exposure to litigation. The attorney must review and make recommendations for action by HUD to correct the problems that develop during the period prior to final closing.

2. Contract Review and Drafting

Routine contract preparation is handled by legal assistants, and the Attorney-Advisor is required to draft contract language when no standard form exists. Work on preparation of these contracts is coordinated with Division Directors.

3. Public and Assisted Housing

Acts as legal advisor on all phases of public housing including complex problems involved with turnkey contracts of sale and conventional contracts, the Section 8 program, work-outs and settlements of construction problems, and all phases of the operation of Housing Authorities under HUD programs. The Attorney-Advisor is also called upon to work closely with legal counsel for developers of public housing projects as well as with legal counsel for the Public Housing Agencies. Usually, the amount of money involved is in excess of \$500,000.

Furnishes legal advice and assistance to local housing authorities, municipalities, local public agencies and private counsel on the legal aspects of the various HUD programs; the interpretation and application of policies and procedures established by HUD; the interpretation of Federal, state and local laws; the implications of court decisions affecting the programs; the creation of local housing authorities, public agencies and other bodies, including their authority to function, the composition of their membership and offices, and the adoption of by-laws and other regulatory and directive resolutions.

4. Housing Development and Housing Management

Acts as legal advisor for housing development and management legal issues, including the functions described below.

Determines the legal eligibility of public and private applicants to receive Federal financial assistance by (a) analysis of state enabling legislation and compliance therewith by the applicable public or private body to undertake the proposed project; (b) review of documents submitted in connection therewith for legal sufficiency under Federal, state and local law to establish the eligibility of the proposed undertaking; and (c) prepares correspondence and recommends the form of corrective measures to be taken to correct any defects in either of the foregoing.

Works closely with various bond counsel throughout the United States, therefore requiring a thorough knowledge of the law concerning preliminary bond issues of public and private bodies in connection with projects involving bond financing.

Attends conferences with representatives of the Boston Regional Office and with representatives of local bodies seeking Federal assistance.

Reviews evidentiary materials submitted for Housing Development Grants, and coordinates review of these materials with Office of General Counsel attorneys. The impact of the attorney's legal support with respect to the HDG program is major in terms of HUD's financial commitment, since Housing Development Grants are often multi-million dollar transactions involving resolution of unique legal questions and negotiations with attorneys for project developers from major law firms, as well as advising the grant recipients (Massachusetts and Rhode Island cities and towns) of their compliance or noncompliance with HUD requirements for the grant.

Reviews proposals for transfer of physical assets (TPAs) for change of ownership of HUD-insured multifamily properties. The parties to these transactions are usually represented by the most prestigious law firms, and transactions involve millions of dollars in HUD mortgage insurance funds as well as private financing. The attorney is responsible for identifying legal problems and advising HUD program officials and counsel for the parties as to the method for resolving any problems which arise in the proposed TPA.

5. Community Planning and Development

Attorney works with the CPD Division on Community Development Block Grant and UDAG programs and works with CPD on legal problems that develop in connection with its program. The impact of the attorney's decisions in this area is large, since the grantee's funding for these programs may hinge on the decision of the attorney. The attorney also handles matters related to CPD programs, such as relocation appeals and questions involving the Section 312 rehabilitation program.

Attorney-Advisor at this level is responsible for conducting and coordinating with HUD Headquarters attorneys reviews of legally binding commitments in connection with the Urban Development Action Grants program. The impact of the attorney's legal support is major not only in terms of the program implications, but in terms of HUD's financial commitment, since Action Grants are typically multi-million dollar transactions involving resolution of complex legal questions and negotiations with attorneys for project developers from major law firms, as well as advising the grant recipients (Massachusetts and Rhode Island cities and towns) of their compliance or non-compliance with HUD requirements for the grant.

6. Litigation

Often the problems with which the attorney is involved are at a level which is likely to lead to litigation. The Attorney-Advisor has a responsibility to attempt to prevent the occurrence of litigation when appropriate. The attorney should be involved at the earliest possible time when there is an indication litigation may result. The attorney must be able to grasp a complex fact situation, research the various areas of law involved, negotiate with outside parties, and advise HUD on the best course of action to prevent litigation.

AMOUNT OF SUPERVISION REQUIRED

The incumbent works under the supervision of the Supervisory Attorney-Advisor/Associate Regional Counsel for Program Operations. At the Grade-13 level, supervision required is minimal. The Attorney-Advisor is expected to work independently. At this level, the attorney is expected to be intimately familiar with legal aspects of all HUD programs. Moreover, the attorney must be capable of performing the functions of Associate Regional Counsel in the latter's absence. The Attorney-Advisor is expected to deal with Division Directors, Providence Office Manager, top representatives of client agencies and principals in major law firms in the area.