

# Federal Housing Programs Overview

## Public Housing Program



HJN Basic Training  
Washington, DC  
December 6, 2008



National Housing Law Project  
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### Public Housing Overview



## Key Components

- **Number of Units**
  - 1.18 million (1.01 million occupied)
  - 31% elderly families
  - Approx. 45% African-American
  - 23% Hispanic (may be Afr-Amer or Caucasian)

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### Public Housing Overview



## Key Components

- **How Program Works: Subsidy Mechanism**
  - HUD provides annual operating subsidies determined by formula, recently revised
  - Anticipated tenant rents subtracted from allowable expenses to determine federal operating subsidy
  - Original project debt already paid
  - HUD now provides capital funds for capital improvements; PHAs apply via PHA plan process
  - Other grants may be available: HOPE VI, ROSS;

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Public Housing Overview

## Key Components

### ■ Ownership

- Public Housing Agency (PHA) owner
- PHA created by state enabling law, governed by Board with resident member
- Jurisdiction can be statewide, county-wide or city-wide, or other geographical or political areas

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Public Housing Overview

## Key Components

### ■ Who's Involved?

- HUD HQ and field office
- HUD evaluates PHA under PHAS
- PHA develops an annual and five-year plan which HUD approves and may review
- Residents and resident councils, RAB
- Local community?

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Public Housing Overview

## Key Components

### ■ Key Regulatory Features

- Federal statute, regulations, contracts, Handbooks, HUD Notices and forms
- Locally developed rules, policies and contracts
- PHA plan developed locally, available locally or on HUD web site
- Admission and Continued Occupancy Plan (ACOP) developed locally, available as supporting document to PHA plan
- Tenant lease developed locally, per fed'l regs

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Public Housing Overview

Key Components

- **Finding Out Where this Housing Is Located in Your Community**
  - Each PHA profile on HUD website: provides basic contact information, total #Us and developments
  - PHA plan materials available locally may list
- **Tips for Determining What Kind of Housing is Involved**
  - Owned and managed by the PHA, which receives rent. Get the lease.
  - Age of building, could be as old as 1937
  - Tenant aware of grievance procedure
  - Income and rent recertified annually by PHA

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Public Housing Overview

Key Components

- **Getting Information:**
  - Statutes, Regs, Handbooks, HUD Notices @ [www.hudclips.org](http://www.hudclips.org)
  - NHLP Manual, *HUD Housing Programs: Tenants' Rights* (3d ed. 2004) (supp 2006-07)
  - NHLP *Housing Law Bulletin*, published monthly
  - NHLP Website, <[www.nhlp.org](http://www.nhlp.org)>
  - NHLP HJN list-serve
  - National Low Income Hsg Coalition weekly memo
  - Center on Budget and Policy Priorities web site

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Public Housing Overview

Key Components

- **Related Subprograms or Set-Asides for Special Uses**
  - May be managed by a private company
  - New development, e.g. HOPE VI, may be "mixed finance," using tax credit or other funding, as well as ACC for operating subsidies and "mixed income"
  - Some Pub. Housing ACC units are homeownership
  - A few developments are managed by residents
  - PHAs increasingly managing or developing housing other than conventional Public Housing

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Public Housing Overview

## Admissions

- There is a separate session on admissions for HUD assisted multifamily housing, including public housing.
- The basics admission issues are included in the Public Housing Outline

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Public Housing Overview

## Rents

- **System Rife with Errors Both Ways**
  - Some Tenant are paying too much others too little; but there has been some improvement
- **Income-Based Rents**
  - Most residents pay monthly rent based upon one-twelfth of 30% of adjusted annual income
  - If higher, Ts pay 10% of gross, or "welfare rent"
- **Choice of Flat Rent**

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Public Housing Overview

## Rents

- **Annual Income and Exclusions**
  - All income anticipated for coming year
  - Many exclusions, deductions, disallowances:
    - Earned Income Disregard/Disallowance (EID)
    - \$\$ after first \$480 from age 18 and over, full-time students who are not head of household
    - \$\$ for foster care
    - \$\$ of live-in aides
    - Deferred lump sum additions due to delayed start of SSI or social security payments, etc.
    - Minors' earned income

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## Earned Income Disregard

- If unemployed for prior year (less than 500 hours of minimum wage)
- Increase in earnings due to participation in job training program
- Within 6 months of receiving welfare
- All increases in earned income for 12 months and 50% of such income for another 12 months (over 4 year period)

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## Rents

### ■ Adjusted Income after Deductions

- \$480 per dependent
- \$400 for elderly or disabled family
- Unreimbursed medical for elderly or disabled family
- Unreimbursed attendant care or apparatus expenses for disabled to work
- Child care expenses for employment or education
- Local deductions?
- **1990 deductions for child or spousal support never backed by appropriations**

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## Rents

### ■ Recertification:

- At least annually
- Interims for decreases on tenant request, except for certain loss of welfare
- For increases per lease and annual plan policy
- Note statute specifies *monthly* income, useful if HUD's rules or LL's practices use annual income and actual monthly is lower
- Flat rent tenant recert every 3 years

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Public Housing Overview

Rents

- **Minimum Rent and hardship exemptions:** \$0 to \$50, in PHA Plan; hardships best-kept secret
- **Ceiling rents:** supposedly gone Oct. 2002

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Public Housing Overview

Rents

- **Utility Allowance:** Owner sets "reasonable" amount of T-paid utils, credited vs. tenant share; adjust when change by >10%; some Ts get U reimbursement
- **Challenge T rent level** via grievance proc

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Public Housing Overview

Community Service

- **Applicable to all Public Housing Adults**
  - Working or engaged in work activities
  - Exempt if 62 years or older
  - Disabled or primary care taker of disable
  - Meets qualifications of being exempt under state TANF or other state welfare program
  - Member of family receiving TANF or other state welfare program
- **8 hours per month of community service or economic self sufficiency program**

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## Community Service

- **PHA Must Develop Policy**
  - Could provide list of organizations; May include attendance at RAB meetings
  - Verification from 3d parties
- **If Non Compliance**
  - PHA Notice: lease will not be renewed at end of 12 month period
  - Written agreement to comply
  - If non compliance PHA must terminate lease or non complier is no longer residing in the unit

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## Grievance Procedures

- On tenant request to dispute PHA action or inaction involving tenant lease or PHA policies
- Eviction actions involving criminal activity may be exempt if HUD issued DP determination for specific judicial procedure used by PHA

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## Eviction

- Evictions will be covered in the afternoon.
- Basics of evictions are covered in the outline

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Public Housing Overview

Current Important Issues

- PHA has discretion over many program features, influenced through the PHA Plan process or Board
  - Streamlining of PHA plan process; for small PHAs; new PHA plan Template and proposed rules
- Loss of Public Housing Units/200,000 since 1995
  - HOPE VI
  - mandatory and voluntary conversion
  - demolition and disposition under Section 18
  - PHA disinvestment

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Public Housing Overview

Current Important Issues

- Budget pressures: Operating subsidies currently at 82% of formula need; capital back log of \$22 billion
- May be partially addressed in stimulus package or as part of revitalization of communities

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Public Housing Overview

Current Important Issues

- Some PHAs are exempt from many provisions of federal statute due to "Moving to Work"; legislation pending to amend and create HIP
- Other related programs promote self-sufficiency: e.g., Family Self-Sufficiency Program and Section 3
- Other rules (§ 964) govern Public Housing Resident councils
- VAWA

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