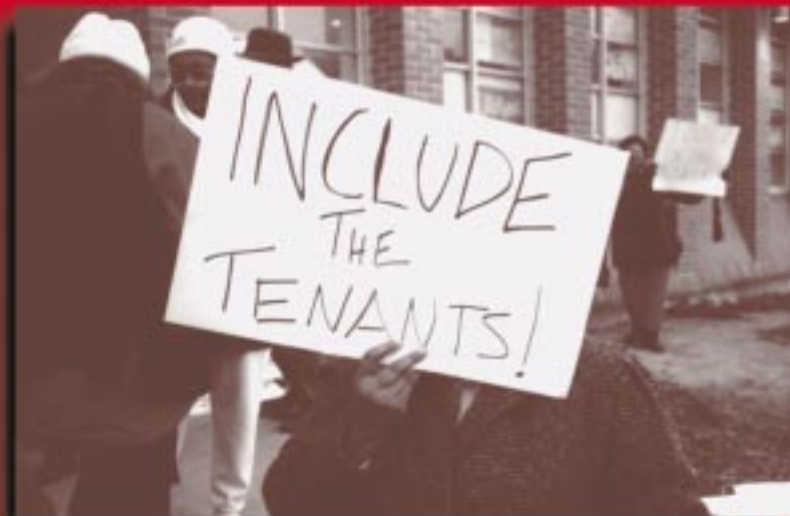


Residents' Guide to the New Public Housing Authority Plans

A Publication of the
Public Housing Residents'
National Organizing Campaign
Supported by the
Center for Community Change



Public Housing Residents' National Organizing Campaign

One of the largest groups of lower income people in the country is the more than four million residents of public housing. However, until recently, this large and potentially powerful group of people have never come together across city and state lines to work to save and improve public housing.

Without doubt, this is a major reason that public housing in this country has been badly neglected and allowed to deteriorate for years *despite* this country's huge and growing need for affordable housing.

But in early 1997, public housing resident leaders from across the country met in Washington, DC, to start the Public Housing Residents' National Organizing Campaign. The Campaign has been growing and becoming stronger ever since. It now has participating organizations from 33 states.

The Campaign's mission is simple: to make the residents of public housing a force to be reckoned with, both in the national public policy debate over public housing's future and in the policies of local public housing authorities. No one else is more affected by this debate and by these policies. No one else cares more or knows more about public housing.

The Campaign has already won many victories for residents:

- ◆ **It incorporated several resident-developed proposals into the 1998 federal housing law,** proposals that replaced policies that could have been devastating for residents. Among other things, the new law requires housing authorities to involve residents as they develop plans for using their federal housing money.
- ◆ **It helped win a crucial role in HUD's new system for evaluating public housing authorities.** Evaluations must now consider "customer satisfaction." Previously, most housing authorities simply evaluated themselves!
- ◆ **It developed strong connections with HUD officials and federal legislators,** which has insured that resident perspectives would be part of all policy debates involving public housing.

Through its sponsoring organization, the Center for Community Change, the Campaign assists local public housing resident groups, helping them organize, build their organizations and fight demolition of their homes. It maintains a telephone hotline to advise residents about many technical issues. It has trained residents in how to use the new housing law and launched a nationwide effort to increase the number of residents who vote.

To demonstrate the breadth of the campaign, it has also organized annual nationwide "rally days" that have so far involved activities in 31 states and conducted two major letter-writing campaigns.

To learn more about the Campaign, contact Othello Poulard, Center for Community Change, 1000 Wisconsin Ave. NW, Washington, DC 20007; 202-342-0519.

Residents' Guide to the New Public Housing Authority Plans



**Residents have a right
to be at the table
when housing authorities
put together their plans.**

This guide is about how residents
can get to that table and turn it around!

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June 1999

Center for Community Change

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Using the Guide

Starting in October 1999, public housing authorities across the country which receive federal dollars must begin to submit yearly plans to HUD, the U.S. Department of Housing and Urban Development. This is a **new requirement** in the *Housing Quality and Work Responsibility Act* passed by Congress last year. These plans give housing authorities even more power than they already had to decide how public and Section 8 housing is run.

Residents and their partners have a *right* to be involved in developing these plans. They *need* to be involved in order to:

- 1. Improve local housing conditions.**
- 2. Provide residents with the opportunities they deserve.**
- 3. Prevent bad policies and management.**
- 4. Meet the housing needs of lower income families.**

The Public Housing Resident's National Organizing Campaign, which is supported by the Center for Community Change, has produced this guide to help residents and their partners get to the table and influence these plans.

It is the first of a two-part series that is designed to help residents use the 1998 federal housing law to save and improve their homes. The second part will be a more comprehensive guide to improving public housing. It will cover other parts of the new housing law, HUD's HOPE VI grant program and how to organize public housing residents, work with a Public Housing Authority, explore alternative management models, get repairs made, deal with vacancies and avoid demolition.

Know the Rules

In October 1998, Congress passed the *Quality Housing and Work Responsibility Act*, which requires housing authorities to submit plans for how they run all their federal programs. This is a new requirement.

In February 1999, HUD (the U.S. Department of Housing and Urban Development) published *Interim Rules* that housing authorities must follow in putting together these plans. **Residents and their partners need to know the Interim Rules to hold housing authorities accountable.**

The purpose of this guide is to give residents information about these new rules. Where the text states, “HUD’s rules say” you will find the legal citation to that rule in the margin. A copy of the *Interim Rules* is in the Appendix so you can read the actual rule.

Warning: *Final Rules* for these plans may be published later in the year. Check the Center for Community Change’s website for updates or replacement pages for this handbook (www.communitychange.org).

Learning the Jargon

When it comes to public and subsidized housing, there are lots of technical terms. We have italicized some of these terms and defined them in the glossary in the back of this guide.

Be Strategic

By the time you have this guide in your hand, many housing authorities will have already begun to put their plans together. In some cases, they may have even received a sample plan, which they are using to start the ball rolling. But every community and every housing authority is different, and no two plans should be the same.

As you go through the process, keep three things in mind:

1. The planning process is an on-going and yearly process. Don’t get overwhelmed by the amount of information that needs to be covered. Be strategic. You can tackle another set of issues next year. **The key is to pick the issues that most concern you and focus on those.**
2. These plans are points of accountability. Housing authorities must be accountable to residents. Resident leaders must be accountable to residents. And HUD must be accountable to residents, housing authorities and Congress. As plans in your community evolve, **work on developing accountability.**
3. **Get the independent resources, expertise and help you need.** The laws can be complicated. The options can be many. And the process, if done well, takes time and resources. Develop teams of residents and community partners that are committed to the process.

Resource: For more information about the *Quality Housing and Work Responsibility Act*, go to the following websites:

- ♦ [HTTP://www.NLIHC.org/news/hsgimp.htm](http://www.NLIHC.org/news/hsgimp.htm).
- ♦ [HTTP://www.HUD.gov/PIH/LEGIS/TITLEV.htm](http://www.HUD.gov/PIH/LEGIS/TITLEV.htm).



Keep Us Informed and Call Us for Help!

The rules about the new housing authority plans are evolving. Please let the Public Housing Residents' National Organizing Campaign know what is and is not working for residents as you go through the process so we can advocate for better rules.

Also, the Campaign has resident leaders and partners who can provide you with training and assistance. **For more information contact:**

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Knowing the Law

1. What Are Public Housing Authority Plans?

There are two new plans that housing authorities which receive public housing or Section 8 housing dollars from the federal government must submit to HUD:

5-year plan

and

1-year plan

Why Are These Plans So Important?

These new plans give housing authorities more power to set their own rules and to determine the future of public and Section 8 housing in your community. These plans will determine major areas of concern such as:

- ♦ What your rent is.
- ♦ Who gets public and Section 8 housing.
- ♦ What types of improvements get made.
- ♦ How the safety of public housing residents is addressed.

These plans also give you the right to lots of information about your housing authority—perhaps more than you have ever had. For example, these plans must tell you:

- ♦ Whether any public housing is targeted for demolition.
- ♦ How many people are on the waiting list.
- ♦ To what extent the housing authority is helping residents get jobs.
- ♦ What kinds of training programs your housing authority offers.
- ♦ What kinds of money your housing authority gets and how it spends it.

Finally, these plans give residents and community partners a point of accountability where the housing authority must be accountable to residents and the community. Use the plan to develop and advocate for strategies to:

- ♦ Address the need for affordable and decent housing.
- ♦ Provide jobs, services and training for residents.
- ♦ Improve housing and neighborhood conditions.



Members of five St. Louis tenant groups affected by the Darst-Webbe redevelopment plan demonstrate in front of City Hall on March 12, 1998.

When Are Plans Due?

The first round of 5-year and 1-year plans are due starting October 1999. HUD's *Interim Rules* on the plan, which came out in February 1999, instructed housing authorities to begin working on plans immediately. For this reason, many housing authorities have already started to work on their plans.

Not all housing authorities, however, must submit plans in October. Your housing authority must submit its plan 75 days before its fiscal year begins.

<u>Fiscal Year Begins</u>	<u>Plans Due to HUD</u>
January 1, 2000	October 15, 1999
April 1, 2000	January 15, 2000
July 1, 2000	April 15, 2000
October 1, 2000	July 15, 2000



TIP

Your first step should be to get the information about when a housing authority's *fiscal year* begins.

Ask your housing authority when its *fiscal year* begins and when its plans are due. Residents have a right to know because the law says that residents must be involved in the creation of the plans.

Resources

A list of all housing authorities and their plan due dates are available on the following website:
<http://NLIHC.org/news/hsgimp/htm>

What Should You Watch Out for in Addition to Plans?

The new plan is not the only change happening. While housing authority plans must include many new policies that affect residents' lives, **the new law also requires housing authorities to change certain policies between now and October 1, 1999.** Policies which must be in place by October 1, 1999 include:

- ◆ Many new rent policies
- ◆ Eligibility and admissions policies
- ◆ Community service
- ◆ Pet rules
- ◆ Lease changes to reflect the new law
- ◆ Deconcentration of developments

While one-fourth of the country's housing authorities' plans are due shortly after October 1, 1999, three-quarters are not due until the year 2000. This means that most housing authorities will change these policies **before** they go through the planning process. Keep two things in mind:

1. Under HUD's rules (24 C.F.R. 966.5), when a housing authority changes policies, it must give residents 30 days notice and an opportunity to comment in writing. Write your housing authority and request that they provide you with a notice of any proposed changes in leases or policies.
2. While housing authorities may feel that they can simply staple their new policies to the plan, residents have the right to make recommendations on these policies during the planning process and to make their recommendations known to HUD.

2. What Is the 5-Year Plan?

The 5-year plan outlines your housing authority's goals for the next five years. It's the more long-range picture. It must include:

1. A statement of the housing authority's **mission**.
2. A statement of the housing authority's **goals and objectives**.

Both the mission and the goals and objectives must focus on the needs of *low*, *very low*, and *extremely low-income* people in the area that the housing authority serves.

A mission statement is the organization's overall purpose and philosophy. One question to address in your housing authority's mission statement is: does it see itself as only a housing provider? For example, some housing authorities believe their only mission is to be good property managers. Others decide their mission is also to help residents access the economic opportunities and social services that they need.

Below you will see that HUD has adopted "promoting economic opportunity" in its own mission statement and recommends that housing authorities do the same.

While this can be a controversial topic, it is important to clarify in order to get a housing authority's commitment to more actively develop job opportunities and access funding for job programs.

Another issue to look out for is whether your housing authority is planning to shift its mission to providing housing for moderate income people and thus use fewer of its resources to help *extremely low income* people.

HUD Interim Rule
24 C.F.R. 903.5

The 5-year plan will be important for many years to come. Watch it carefully. Use it to create a better vision for public and Section 8 housing in your community.

TIP

What Does HUD Say a 5-Year Plan Should Include?

HUD states that a housing authority's mission and goals in its 5-year plan should be consistent with HUD's mission and goals.

HUD's mission is to promote adequate and affordable housing, economic opportunity, and a suitable living environment without discrimination.

HUD Interim Rule
Introduction III. A. 2.

HUD Interim Rule
24 C.F.R. 903.7(o)

HUD Interim Rule
24 C.F.R. 903.5(a)(2)

HUD's strategic goals are to:

- ◆ Increase the availability of decent, safe and affordable housing.
- ◆ Ensure equal opportunity in housing for all Americans.
- ◆ Promote self-sufficiency of families and individuals.
- ◆ Improve community quality of life and economic vitality.

HUD's rules also clearly state that the 5-year plan must *affirmatively further fair housing*. This means that the housing authority must anticipate and avoid policies that discriminate against people protected under the law.

You can —and should—go beyond HUD's mission and goals in thinking about what could be in your housing authority's 5-year plan. In fact, HUD's rules state that, wherever possible, housing authorities must set “quantifiable” goals and objectives.

While housing authorities may be inclined to state goals vaguely, residents should advocate for specific goals that have meaning for your community and can be measured.

This is important to keep in mind now because, in the next 5-year plan, your housing authority must evaluate its progress. The more concrete the goals, the more meaningful the 5-year plan and its evaluation will be.

For example, if your housing authority states that its goal is to modernize existing housing, ask for more specifics:

- ◆ How many apartments does it want to modernize in the next five years?
- ◆ Which housing does it want to modernize?
- ◆ What is its definition of a “modernized” apartment?

3. What Is the 1-Year Plan?

The 1-year plan is about your housing authority's operations, programs and services for the upcoming fiscal year. This is where the details are.

A 1-year plan must:

- ◆ **Address 18 specific topics (see page 31).**
- ◆ **Describe *discretionary* policies that apply to public and Section 8 residents.**
- ◆ **Spell out all other rules and policies.**

There is a lot in the 1-year plan. While you need to pay attention to the details of various policies, don't get overwhelmed by feeling you have to address all 18 topics. *Work with residents to pick the issues that most concern people and focus on those.*

HUD's rules state that residents must be able to locate all basic policies and rules that affect their lives in the 1-year plan. This must be done in ways that are "easily identifiable" for residents and other members of the public.

Your housing authority probably has other plans and policies separate from this new 1-year plan (such as plans for elderly/disabled designation, Section 8 administrative plans, and tenant participation *memorandums of understanding*). One of your goals should be to have all these plans and policies in one place, such as in a three-ring binder that residents and other people have access to. The *final rules* on the plans may require this.

TIP

HUD Interim Rule
24 C.F.R. 903.1(b)

What Does HUD Say a 1-Year Plan Should Include?

HUD's rules say that there are four major standards that 1-year plans must meet. If your housing authority does not meet these standards, *Resident Advisory Boards* may challenge the entire plan or portions of it.

HUD's rules state that 1-year plans must:

- ◆ **Have all the information that HUD requires.**
See page 31 for the 18 Required Elements of the Plan.
- ◆ **Be consistent with information and data available to HUD.**
See page 21 for how residents can make information available to HUD.
- ◆ **Be consistent with your local *Consolidated Plan*.**
See page 27 for more about *Consolidated Plans*.
- ◆ **Be consistent with civil rights and other federal laws.**
See page 50 for more about civil rights requirements.

The 1-year plan must also be consistent with the 5-year plan. Don't take this for granted. If it is not, your housing authority must explain in the 1-year plan "any substantial deviation" from the goals stated in the 5-year plan.

It is important during the planning process to keep asking:

- ◆ What information or data does the housing authority have to back up its recommendations?
- ◆ Is this information consistent with what residents and advocates know to be true?
- ◆ Are the policies and programs being proposed by the housing authority consistent with local needs, the *ConPlans*, other plans and current laws?
- ◆ What information and data can Resident Advisory Boards gather and submit to HUD to support their recommendations?

TIP

HUD Interim Rule
24 C.F.R. 903.23(a)(1)

HUD Interim Rule
24 C.F.R. 903.23(a)(2)

HUD Interim Rule
24 C.F.R. 903.23(a)(1)

HUD Interim Rule
24 C.F.R. 903.7(o)

HUD Interim Rule
24 C.F.R. 903.3(a)(2)

Do All Housing Authorities Have to Submit Full-Blown 1-Year Plans?

No. HUD's rules say that housing authorities can submit what are called *streamlined plans*. These are 1-year plans that do not have to contain certain information, such as information about conversion of public housing to Section 8 tenant-based housing and grievance procedures, despite the fact that these issues are very important to residents.

Your housing authority is eligible to submit a *streamlined* 1-year plan if it is a:

- ◆ *High performing* housing authority.
- ◆ Small housing authority with less than 250 public housing apartments and is not designated as *troubled*.
- ◆ Does not own or operate public housing, but only administers Section 8 vouchers.

Keep in mind—even if your housing authority is eligible to submit a *streamlined plan*, HUD's rules say that it must provide residents and the public with “reasonable means” to obtain the basic information that the full 1-year plans must include.

No matter how well a housing authority is performing, if an issue you are concerned about does not have to be in a *streamlined plan*, urge your housing authority to address it anyway. No matter how well a housing authority is performing, resident input can strengthen how a housing authority is managed and maintained.

Resource:

To find out whether HUD considers your housing authority to be *high performing* or *troubled*, you can go to the following website: http://www.HUD.gov/PIH/PHA/PHA_STAT.html then click on "Housing Authority Profiles."

Getting to the Table

1. Rights of Residents and Community Advocates To Be Involved

The new law and HUD's rules say that housing authorities must involve residents in the planning process. **Residents will have to be vigilant to make sure that this happens in a meaningful way.**

Housing authorities that respect residents will take resident participation seriously and look for creative ways to work in partnership. For example, staff and residents at the Indianapolis Housing Authority go on yearly retreats with a *facilitator* to do planning. This type of regular planning session is a good way to engage in the discussion that is necessary to do *strategic planning*.

Unfortunately, where there has been a history of mistrust and hostility between residents and housing authority staff, housing authorities may meet only the minimal requirements to involve residents—or even less than what is required. In these situations, **residents will have to develop strategies to get to the table and be heard.**

HUD rules say that residents have the following rights:

- ◆ A housing authority must establish **one or more Resident Advisory Boards**.
- ◆ The role of Resident Advisory Boards is to **assist in putting plans together**.
- ◆ A Resident Advisory Board must **“adequately reflect and represent”** the residents assisted by the housing authority.
- ◆ Your housing authority must **provide “reasonable resources”** to Resident Advisory Boards so they can function.
- ◆ Your housing authority **must consider all recommendations** made by Resident Advisory Boards.
- ◆ When submitting its final plan, your housing authority **must give HUD all recommendations** made by Resident Advisory Boards and it must **describe how it addressed or did not address these recommendations**.
- ◆ Resident Advisory Boards and any resident or member of the public has the **right to comment** at a public hearing, which the housing authority must hold before finalizing plans.
- ◆ If a housing authority does not provide Resident Advisory Boards with **adequate notice and opportunity to participate**, a Resident Advisory Board can challenge and prevent a plan from getting approved by HUD.
- ◆ If a housing authority is not following a plan that HUD has approved, anyone can file a complaint with HUD, and it must take appropriate action.

HUD Interim Rule
24 C.F.R. 903.13



Retreat with residents and housing authority staff of the Indianapolis Housing Authority.

HUD Interim Rule
24 C.F.R. 903.13

HUD Interim Rule
24 C.F.R. 903.13(b)

HUD Tenant
Participation Rules
24 C.F.R. 964

Establishing Resident Advisory Boards

The key to meaningful resident participation throughout the planning process will be having Resident Advisory Boards that truly represent residents and that are appropriately supported by the housing authority.

Residents need to carefully monitor how Resident Advisory Boards are established.

HUD rules say that housing authorities must establish Resident Advisory Boards by doing the following:

1. **If a jurisdiction-wide resident council exists** that is *duly elected* by residents and complies with HUD's *tenant participation rules*, the housing authority must appoint this council.
2. **If there is no jurisdiction-wide resident council, but there are local resident councils** that are *duly elected*, the housing authority must appoint these resident councils or their representatives.
3. **Where duly elected resident councils do not exist, or an existing resident council would not adequately represent residents**, the housing authority must urge residents to form *duly elected* resident councils and follow the *tenant participation rules*.
4. As a last resort, **if there are no resident councils** that would "adequately reflect and represent residents," the housing authority may pick the Resident Advisory Board members, but it must provide "reasonable notice" to residents.
5. Where there are a **"significant number" of residents who receive Section 8 tenant-based assistance**, the housing authority must assure that the Advisory Boards have a reasonable representation of Section 8 residents.



Kansas City Tenant Association in Kansas City, Missouri, along with several housing authority staff.

Make sure that your housing authority does not overlook a *duly elected* resident council and pick its own Resident Advisory Board.

Become more familiar with HUD's *tenant participation rules*. These rules establish requirements for resident participation in operating public housing. They are often referred to as "964" for short because their legal cite is 24 C.F.R. 964.

For example, the *tenant participation rules* require that:

- ◆ Resident councils be *duly elected*, which means fairly and democratically elected.
- ◆ An independent third party oversees resident council elections to make sure that they are fair.
- ◆ Elections be held at least once every three years.
- ◆ All residents eligible to vote be given at least 30 days notice of election and nomination procedures and dates.
- ◆ Resident councils have written procedures, such as by-laws, which spell out election and recall election procedures.
- ◆ Housing authorities stop recognizing a resident council if it fails to hold fair and frequent elections.

If your resident council is not *duly elected* or adequately representing residents, review your resident council's by-laws. The by-laws should state the council's duties and explain how to hold an election or recall election.

Resources:

For more information about your legal rights to organize a resident council, see *How to Save and Improve Public Housing*, available from the Center for Community Change.

For a copy of the tenant participation rules, go to the following website: <http://www.access.gpo.gov/nara/CFR/WAISIOX/24CFR964.html> (open up "text," not "pdf").

Getting Clear about How to Work with the Housing Authority

From the start, Resident Advisory Boards should press for a clear understanding of how the boards and a housing authority should work together.

Suggested principles, which could be outlined in a memorandum of understanding, include:

- ◆ The Resident Advisory Board should have independent funding to support its operations.
- ◆ The advisory board should set its own meetings and agenda.
- ◆ The board and housing authority should schedule regular meetings to discuss development of the plans.
- ◆ The housing authority should inform the board about all decisions that have been made about the plans.
- ◆ The advisory board should be consulted by the housing authority before final decisions are made.
- ◆ All notices to residents about plans should be posted at each development.
- ◆ Copies of pending and final plans should be made available at each development for viewing in the evening, as well as during “normal” working hours.
- ◆ Before a Resident Advisory Board “signs off” on all or parts of a plan, the following steps should happen:
 1. The housing authority must provide the advisory board with information and documents to be reviewed before a meeting.
 2. A briefing be scheduled by the advisory board to allow members to ask the housing authority questions and discuss issues.
 3. The advisory board should have time to inform and consult with residents.
 4. The advisory board should have the time and resources to consult with advisors as needed.
 5. The housing authority should respond promptly to requests for information either in writing or with follow-up meetings.
 6. The advisory board should meet as a group before voting or signing off on any plan or document.

The advisory board should also have a clear understanding about how it will operate in a democratic way that effectively represents residents:

- ◆ The advisory board must have its own written procedures, such as by-laws, in accordance with HUD *tenant participation regulations*.
- ◆ All advisory board meetings should be open to all residents, who should

be given reasonable notice of the date, time and place of meetings. (Executive sessions—which exclude non-board members—may be necessary but should be the exception.)

- ◆ An advisory board should have regular meetings with residents to insure that they have input.
- ◆ Minutes of all advisory board meetings should be kept and made available to residents.

The housing authority can establish more than one Resident Advisory Board. Because Section 8 and public housing tenants face different issues (such as how rents are set and how certain programs are working), it may make sense to have at least two advisory boards: one for public housing and one for Section 8. If this were done, there could be joint meetings on issues of joint concern.

TIP

What Did Congress Say About Tenant Participation?

In September 1998, just weeks before Congress passed the *Quality Housing and Work Responsibility Act*, a delegation of New York public housing residents took a bus to Washington, DC, to attend what proved to be a pivotal meeting in protecting *tenant participation rules* (otherwise referred to as "24 CFR 964" or just "964," for short).

The delegation, organized by the New York City Public Housing Resident Alliance, met with New York Senator Alfonse D'Amato, chair of the Senate Committee on Banking, Housing and Urban Affairs. As a result, just moments before the housing law passed, Sen. D'Amato took the floor of the Senate and made clear that the 964 rules—which give tenants the right to organize and participate in the management of their housing—would remain fully intact. As Sen. D'Amato said,

"It is imperative that residents have their First Amendment rights to free speech and assembly protected."



New York City Public Housing Resident Alliance delegation in Washington, DC.

HUD Interim Rule
24 C.F.R. 903.13(a)

Advocating for Resources for Resident Advisory Boards

HUD's rules state that a housing authority **must** “**allocate reasonable resources** to assure the effective functioning of Resident Advisory Boards.” Keep in mind: The rule says “must,” and this is very important. Unfortunately, the rule is also very vague and does not define what is “reasonable.”

For this reason, Resident Advisory Boards will need to be clear about what types of resources can help your Resident Advisory Board function independently of the housing authority. Put together a budget. The more concrete you are about what you need, why you need it and how much it will cost, the better you will be able to advocate for it.

Here are some items to consider when putting together a request for resources to the housing authority:

- ◆ A coordinator hired by the Resident Advisory Board to set up and coordinate resident meetings.
- ◆ Funding to develop an effective resident-wide communications system and for copying and distributing flyers and notices to residents to keep them up-to-date about the planning process.
- ◆ Funding for training, technical assistance and facilitators.
(See page 20 for ideas about what technical assistance may be helpful.)
- ◆ Space for advisory board meetings.
- ◆ Funding or resources for child care and transportation to enable board members to fully participate in meetings.
- ◆ Stipends for board members who will be assisting the housing authority in putting together plans.
- ◆ Computers—or access to computers—that will allow an advisory board to have access to the information about public housing available on the Internet.

Quality Housing
and Work
Responsibility Act
of 1998
Section 519

TIP

HUD has the authority under the new law to provide contracts or grants for technical assistance directly to resident councils. To what extent HUD will do this is unclear at this time.

Resident groups should advocate to both HUD and members of Congress that specific funding to carry out the planning process and for technical assistance should be included in HUD's budget.

Sources of Funding for Resident Participation

The following funding sources could support resident participation:

- ♦ **Housing authority operating funds**, which can fund the cost of tenant participation in management and policymaking. Residents must ask housing authorities for this money.
- ♦ **Housing authority capital funds** (modernization) for expenses such as resident council office or meeting space. Residents must ask housing authorities for this money.
- ♦ **HUD-provided grants**, such as the new Resident Opportunity for Self-Sufficiency Program. Resident groups must apply to HUD for this.
- ♦ **Local, state and private sources** of support, such as local Community Development Block Grant funds, which groups apply for through towns and cities.
- ♦ **Duly Elected Resident Councils**. Under HUD's *tenant participation rules*, *duly elected* resident councils (in housing authorities with more than 250 apartments) may receive up to \$15/per unit per year for resident participation activities. **Duly elected resident councils should ask for this money.** The housing authority can use an additional \$10/per unit per year to pay its costs for resident participation activity (including the cost of holding elections). If requested, a housing authority should also provide a duly recognized resident council with free office and meeting space.

How much money is your housing authority budgeting for Resident Councils and for housing authority tenant participation activities? See page 33 to learn how to find out about housing authority financial resources.

TIP

Start a RaP! What's a RaP?

RaPs stands for **Residents and Partners**.

It is a broad-based group of residents, welfare reform specialists, legal services attorneys, organizers and local organizations that help local resident groups plan and carry out action strategies. RaPs throughout the country are helping monitor and shape the policies and practices of local housing and welfare agencies.

For information, contact:

Othello Poulard
Public Housing Residents' National
Organizing Campaign
Center for Community Change,
(202) 342-0519



Residents and supporters at Union de Vecino in Los Angeles at a planning meeting to set up a RaP.

Getting Technical Assistance and Advice

Just like housing authorities, Resident Advisory Boards may need advice and technical assistance in developing recommendations for plans. What technical assistance or advisors might residents want to better analyze plans, understand options and make recommendations? Here are some suggestions:

- ◆ Legal assistance on various rent, grievance, demolition and civil rights policies, to review the ConPlan, and to help Resident Advisory Boards put recommendations in writing.
- ◆ Resident leaders who know how HUD's tenant participation rules work, and how to hold resident council elections.
- ◆ Organizers and leadership development trainers.
- ◆ Planners and university-based researchers skilled at collecting and analyzing housing data and data about housing discrimination.
- ◆ Local businesses and economic development expertise to explore opportunities for residents to get jobs and create businesses, along with technical assistance about how residents can get and keep jobs.
- ◆ Financial experts to read and interpret budgets.
- ◆ Engineers to inspect properties to document their conditions if a housing authority is considering demolition.
- ◆ Trained facilitators who can help facilitate (and train leaders to facilitate) planning meetings.
- ◆ League of Women Voters chapters to act as independent third parties to oversee Resident Council elections.
- ◆ Translators so that residents who speak different languages can participate.
- ◆ Mediators to do elections and mediate problems within a resident council.
- ◆ Advice on housing development, asset management and housing preservation options.
- ◆ Advocates for elders, people with disabilities and people looking for housing who may be able to help document housing needs.
- ◆ Welfare-to-work and welfare rights groups working on employment, child care and income assistance issues.

Electing Residents to Housing Authority Boards

Another way to get residents to the table is by getting them on housing authority boards.

Now, for the first time in history, federal law requires that every housing authority must have at least one public housing or Section 8 resident on its governing boards. (In some states, this may not be applicable.)

This person is **appointed** by the housing authority unless your housing authority plan states that the resident must be **elected** by other residents. This gives residents the opportunity to vote for who will represent them on the housing authority board. **But it must be stated in the housing authority's plan.**

Advocate that your housing authority's plan state that the resident member of the board be elected by residents, not appointed by the housing authority.

TIP

2. The Power of Resident Advisory Board Recommendations

HUD's rules require housing authorities to consider Resident Advisory Boards' recommendations. What does this really mean?

First, the rules require a housing authority to include Resident Advisory Boards' recommendations in the plan it submits to HUD—whether or not these recommendations have been adopted. This is very important. The power that advisory boards have is the power to get their recommendations into HUD's hands.

Second, HUD's rules require a housing authority to explain in the final plan how it has addressed or not addressed an advisory board's recommendations. In other words, a housing authority can't just ignore advisory board recommendations. You need to hold them accountable and make sure they do this.

Third, under HUD's rules, HUD reviews the plans to see whether they are consistent with information and data available to HUD. Advisory boards have the power to make information and data available to HUD through their written recommendations. This information could show an inconsistency with some aspect of the housing authority's plan which might prevent HUD from approving all or part of the plan.

Example: If a housing authority states that it intends to demolish a development and you know that the housing is in reasonably good condition and you oppose the demolition, you may be able to submit with your recommendations an engineer's report that shows that the housing is structurally sound and can be repaired.

Quality Housing and
Work Responsibility
Act of 1998
Section 505

HUD Interim Rule
24 C.F.R. 903.13(c)

Example: If a housing authority is not running a *Section 3* employment and training program in a way that truly helps residents, collect stories that show the problems. Include these stories in your comments, recommend ways to solve these problems, and point out that these proposals are not in the housing authority's plan.

TIP

Make sure the Resident Advisory Board's recommendations are in writing and that they include information and data that will back up the residents' recommendations.

This is not easy, but very important—especially if an advisory board wants to challenge all or part of the plan. Advisory boards should try to work with a legal services group and other advocates who can help put detailed recommendations together.

Getting Input and Ideas from Residents

The more residents who are informed of and involved in the planning process, the more leverage a Resident Advisory Board may have in influencing the housing authority to adopt its recommendations. For this reason, an advisory board should try to get input from other residents about various issues in the plan. It should urge the housing authority to give it the resources and time to do this.

While some parts of the plan will seem more relevant to people's lives than other parts, the key is to focus first on the issues that most concern the most people. Figuring out how to set up a good Resident Advisory Board that is accountable to residents is important. Here are some tips from residents:

- ◆ Advocate with the housing authority for the resources that the Resident Advisory Board needs to communicate with residents.
- ◆ Have one or two resident meetings a month throughout the planning process, open to all residents. Make sure the meetings are at a good location and time.
- ◆ Respect people's time. Have an agenda. Make sure people who come feel that they can speak and be heard.
- ◆ Be sensitive to cultural issues. Arrange for translators for residents who speak a language other than English.
- ◆ Get flyers out about the meetings, door-to-door and by mail. Connect with people personally the week before as a reminder.
- ◆ Start educating residents about the plan and why it's important.
- ◆ Find out which issues are most important to residents.
- ◆ Survey residents about various issues related to the plan as the plan develops. Keep people engaged and informed about what is happening.

- ◆ Get the results of the *Resident Services and Satisfaction Survey* that housing authorities are required to do as part of the *Public Housing Assessment System* (see page 41).
- ◆ As Resident Advisory Boards develop recommendations, communicate and share this information with residents.

Speaking Up at the Public Hearing

After a housing authority receives recommendations from a Resident Advisory Board, HUD's rules require that the housing authority's board or commissioners hold a public hearing to discuss and invite comments on both the 1-year and 5-year plans. Residents and the public are entitled to submit comments during the hearing.

HUD's rules say that the housing authority must:

- ◆ Provide at least 45 days notice to the public.
- ◆ Hold the hearing in a location that is convenient to the residents.
- ◆ Make available for inspection a copy of the housing authority's proposed plan and all relevant information.

HUD also states that a housing authority should contact all organizations that it believes are interested in its operation, or any organizations that told the authority they are interested.

Here are some guidelines for making the public hearing process work well for your group:

- ◆ While a housing authority must consider comments from the public hearing, it does not have to submit these comments to HUD with its plan—unlike the Resident Advisory Board's recommendations, which it does have to submit. For this reason, advisory boards may want to partner with community organizations on particular issues to make sure those issues become part of the recommendations and get submitted to HUD. Partnering with community organizations may also be a way for advisory boards to divide up the work and focus on different issues.
- ◆ If a housing authority has done little to involve the advisory board in the process, the hearing may be an important way to influence housing authority commissioners and publicly challenge information or recommendations with which residents do not agree. Keep in mind that the hearing may be covered by the local media.
- ◆ The public hearing is an opportunity for residents and people who are on the waiting list for housing to describe the obstacles they have faced in getting housing, jobs or services. Their stories may be what compels the attention of the public and, in turn, the public housing authority.
- ◆ The public hearing is an opportunity for community partners to testify and support the advisory board's recommendations. The more links that public housing residents can form with local organizations and businesses, the stronger they will be. The hearing is also a way to learn who else testifies and what they propose.

HUD Interim Rule
24 C.F.R. 903.17

HUD Interim Rule
Introduction V.A.¶2

Understanding Your Housing Authority’s Interests

Housing authorities (and housing authority directors) have certain interests. Knowing these interests may help Resident Advisory Boards get to the table and more effectively advocate for various policies and programs. For example:

Housing Authority Interest	Resident Advisory Board Approach
Housing authorities need to increase their <i>revenues</i> in order to properly maintain and manage their housing because they are receiving less money from the government. Many are looking to do this by creating mixed-income communities and trying to attract higher income people into developments.	<p>Support housing authority's grant proposals and requests for funding that advisory boards feel are beneficial.</p> <p>Advocate for rent policies and training and job programs that will increase revenues by helping current residents increase their incomes.</p> <p>Offer to meet with local officials to raise money for projects.</p> <p>Join the housing authority in asking your member of Congress to support increases in HUD's budget.</p>
Housing authorities want to increase the number of higher income residents in developments.	<p>Offer to work on developing employment and training programs that will help current residents get decent-paying work.</p> <p>Work on developing rent incentive policies that will help working people stay in public housing.</p>
Housing authorities must deal with an overwhelming amount of new regulations, notices, guidance and requests for funding from HUD every year.	<p>If various staff don't know about certain HUD rules or notices, offer to get them the information. Contact the Center for Community Change for assistance.</p>
Housing authorities want to avoid public criticism, bad press, having residents complain to HUD and litigation.	<p>Develop relationships with local reporters.</p> <p>Develop relationships with local community groups and religious organizations that are concerned about housing.</p> <p>Know that you can submit a complaint to HUD if the plan or parts of the plan do not meet the standards listed on page 11.</p> <p>Try to obtain legal assistance so you have legal advice throughout the planning process.</p> <p>Explain to the housing authority how your proposals will help them conform with the law and their duty to <i>affirmatively further fair housing</i>, in order to avoid potential litigation and public criticism.</p>

Pulling Residents Together

The planning process has the potential to pull residents together, which is what it did for residents from Kansas City, Missouri. The local housing authority had proposed to demolish Guinotte Manor, the home of resident leader Connie Flowers. Residents became involved in the redevelopment and planning process, which Flowers says led to residents working closely together:

"The most significant way that HOPE VI helped the community was by pulling us, the residents, together. We learned that the best consultants to develop the application were the residents, because we had all of the information about what was going on in our development and what would make our development turn around.

"We also learned that we had to stick together. We did this by having a protocol within ourselves. We learned that there can really only be one leader; that everyone needs to decide who that leader is and support that leader. And the leader has to make sure that they really represent the people by keeping them informed and getting their vote or ideas on important issues."

Making the Plan a Point of Accountability

1. What Is HUD's Responsibility?

Under the rules, HUD is supposed to review 1-year and 5-year plans to determine whether they:

- ◆ Have all the information required by law.
- ◆ Are consistent with the *ConPlan*.
- ◆ Are consistent with other information and data available to HUD.
- ◆ Are not inconsistent with any other law.

If HUD does not notify a housing authority within 75 days of when the plan is submitted that it has disapproved one or more sections of its plan, the plan is deemed approved. In other words, if HUD does nothing, a plan is approved. The one exception to this rule is that HUD must provide explicit written approval or disapproval for *troubled* housing authorities.

Keep in mind that HUD is not required to review every element in the plan. If a Resident Advisory Board is concerned about a particular issue, it should call it to HUD's attention in its written recommendations. It should also try to connect the issue to one of the four standards of review listed above.

In addition, advisory boards should submit information and data documenting why HUD should disapprove all or parts of a plan. This not only backs up recommendations, it will make information and data available to HUD. Residents should explore ways to submit information that compels HUD's attention, such as personal stories, statistics, photographs or videos showing housing conditions, engineers' reports and resident surveys.

Beyond recommendations, advisory boards (or anyone) can submit a written challenge to HUD after a housing authority has submitted a plan, raising new concerns not addressed in recommendations. Such a challenge should be submitted as soon as possible after the housing authority submits its final plan.

Remember that HUD's rules require the housing authority to describe in its final plan which advisory board recommendations it has and has not addressed. This is an important point of accountability. Make sure that the housing authority has done this.

2. What Does Your ConPlan Say?

Consolidated Plans (or *ConPlans* for short) are plans that state and local governments submit to HUD in order to receive money from many HUD programs. *ConPlans* must identify all housing needs and come up with strategies for addressing those needs. Larger communities have their own *ConPlan*. Smaller communities are part of a state or region's *ConPlan*.

The *ConPlan* for your area is important to review because the new 1-year and 5-year housing authority plans must be consistent with it. As your housing authority's plan develops, the *ConPlan* could be a way to hold the housing authority accountable.

HUD Interim Rule
24 C.F.R. 903.23

HUD Interim Rule
24 C.F.R. 903.23(a)(2)

First, to assure HUD that plans are consistent with the *ConPlan*, HUD rules require housing authorities to get the appropriate state or local official to certify that they are. If you feel that your housing authority's plan is inconsistent with your local *ConPlan*, inform and meet with state and local officials and try to get them to advocate with you for changes. They have the power not to give your housing authority the certification that they need.

Second, if the housing authority's plan and the *ConPlan* are inconsistent, residents can challenge the housing authority's plan. For example, if the *ConPlan* has made it a priority to serve the needs of *extremely low-income* people and the housing authority's plan establishes admissions policies that prevent *extremely low-income* people from getting access to housing, this may be an inconsistency.

When reviewing the *ConPlan*, ask:

- ◆ Is the information in the Needs section up-to-date, complete and accurate?
- ◆ Is it inconsistent with your housing authority's needs statement?
- ◆ What strategies does the *ConPlan* call for and are they consistent with the housing authority's plan?

In the year 2000, most 5-year *ConPlans* will be due for revision. If your *ConPlan* is not strong, this is the time to make it better.

Resources:

HUD's Consolidated Plan: An Action Guide for Involving Low Income Communities, available from the Center for Community Change, 1000 Wisconsin Ave, NW, Washington, DC 20007, (202) 342-0519.

The Community First: A Public Housing Resident's Guide has a chapter about ConPlans. It is available from the National Low Income Housing Coalition, 1012 14th Street, N.W., Suite 1200, Washington, DC 20005, (202) 662-1530.

Consolidated Plan and Community Development Block Grant Advocacy, by Ed Gramlich in the September/October 1998 *Clearinghouse Review*, volume 32, page 173. This article can be found at the National Center on Poverty Law's website: www.povertylaw.org/housdisc. Click on "Information for residents on PHA plans."

TIP

To get a copy of the *ConPlan* for your area:

- ◆ Call your local community planning department and ask who is responsible for putting together the *ConPlan* for your community. It might be your city, the state or another community.
- ◆ You can also try to locate the executive summary of the *ConPlan*, which is on HUD's website at www.hud.gov/CPD/CONPLAN.html

3. How Can Residents Hold Housing Authorities Accountable to HUD?

HUD's rules provide three ways to hold a housing authority accountable. One involves the process used to develop the plan. The second involves the plan's content. The third involves whether the housing authority is complying with the plan.

1. If your housing authority fails to give a Resident Advisory Board adequate notice or opportunity to comment on the plan, an advisory board can ask HUD to require the housing authority to fix this problem before HUD approves the plan. To do this, the board should write to HUD about this failure as soon as possible. Do not wait to complain and let things get worse. You cannot call HUD with this complaint.
2. If all or parts of the plan do not meet the standards listed on page 11, a Resident Advisory Board should notify HUD in writing after the plan has been submitted. HUD has 75 days to review plans.
3. If the housing authority is not complying with a plan after HUD has approved it, a Resident Advisory Board (or anyone) can file a complaint with HUD. The rules concerning enforcing plans are not very strong. HUD is merely required to provide "an appropriate response" to a complaint that a housing authority is not complying with its plan. But HUD can take any action it determines is appropriate, including withholding funds.

To file a complaint with HUD send your written complaint to your local HUD field office. To get the address and phone number of your local office, go to the following website: <http://www.hud.gov/local.html>.

Beyond HUD's rules and the law, residents need to hold housing authorities accountable by:

- ◆ Closely monitoring how they spend their money.
- ◆ Focusing on results (not personalities).
- ◆ Getting clear on the next opportunity to influence the planning process and making sure that your concerns become part of that process.
- ◆ Working in coalition with community organizations and advocates who share similar concerns.
- ◆ Registering and turning out residents to vote in large numbers.

HUD Interim Rule
24 C.F.R. 903.13(c)

HUD Interim Rule
24 C.F.R. 903.23

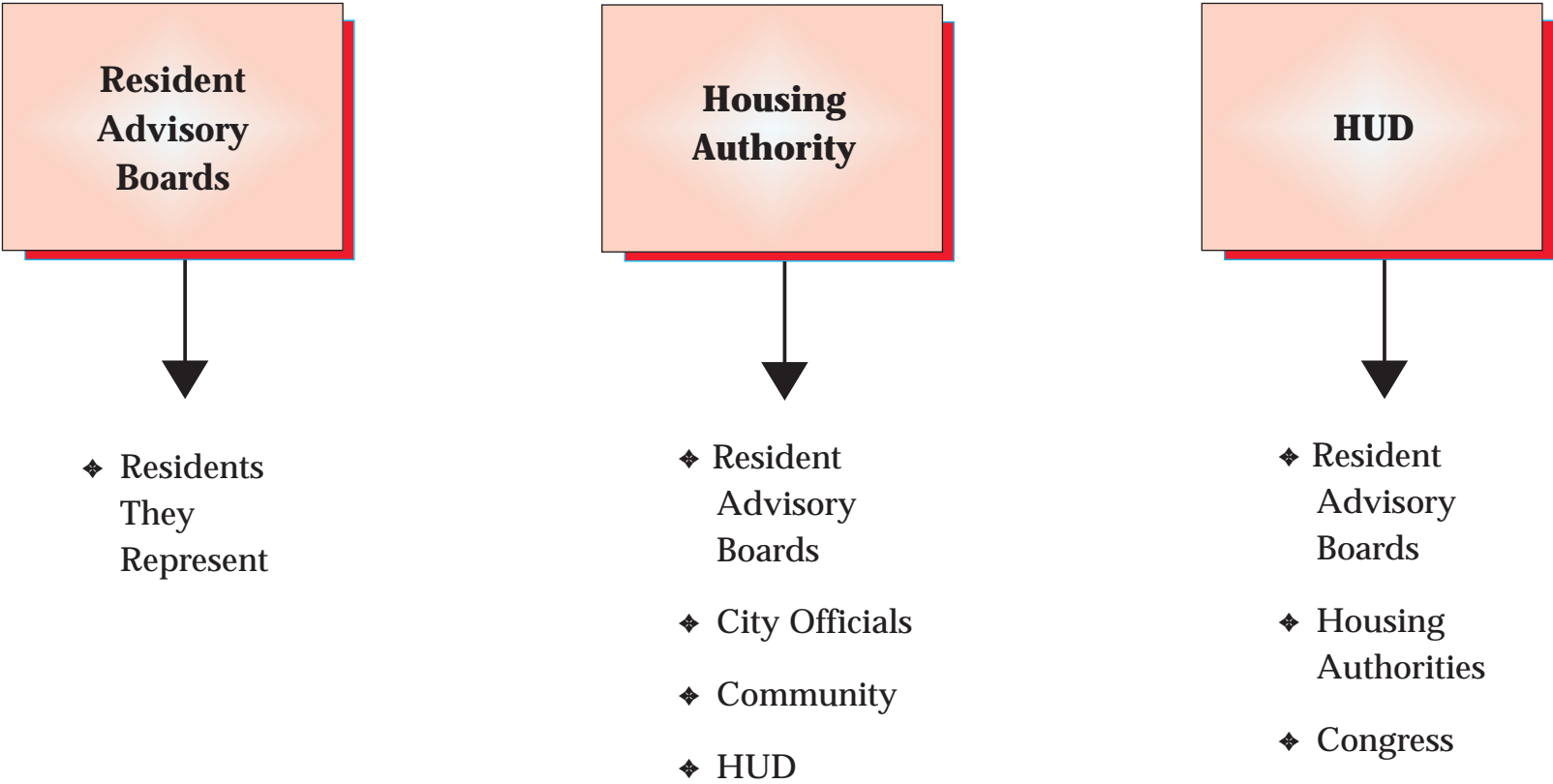
HUD Interim Rule
24 C.F.R. 903.25

Residents have to keep in close touch with the housing authority to find out when it is actually submitting the plan, so you can file your complaint as soon as possible after that. A housing authority may file early, before its plan is technically due.

TIP

Resource: "The Annual Public Housing Authority Plan: A New Opportunity to Influence Local Public Housing and Section 8 Policy," by David B. Bryson and Daniel P. Lindsey, in the May/June 1999 *Clearinghouse Review*, Volume 33. This article can be found at the National Center on Poverty Law's website: www.povertylaw.org/housdisc. Click on: "Information for residents on PHA plans."

Who's Accountable to Whom in the Planning Process?



18 Required Elements of the Plan

Housing authorities must include 18 elements in their yearly plans. All 18 must be addressed in some fashion (unless HUD's Interim Rules state otherwise). Don't get overwhelmed by this list. The key is to figure out which issues most concern you and focus on these.

1. Housing Needs

This is a very important section of the plan. It is where the housing authority must identify who needs housing assistance and say how it intends to address these needs "to the maximum extent practicable."

Resident Advisory Boards must make sure that housing authorities carefully document people's housing needs. The needs statement may become critical in saving housing developments slated for demolition. It will be critical in developing fair admissions policies.

Under the rules, the plan must describe the housing needs of:

- ♦ *Low, very low-income* and *extremely low-income* families living in the area that the housing authority serves.

Extremely low-income = an income of 30% or less of the area median income

Very low-income = an income of between 31% and 50% of the area median

Low-income = an income of between 51% and 80% of the area median

- ♦ Families on the housing authority's public housing and Section 8 waiting lists.
- ♦ Elderly and disabled families.

The plan must also include information about the race and ethnicity of people on the waiting list, people within each of the three income groups, and people in need of housing in the area that the authority serves. Information about race and ethnicity is important to review to make sure that the housing authority is meeting its civil rights obligations and will *affirmatively further fair housing*. For more about civil rights laws, see page 50.

While housing authorities are trying to attract higher income people into public housing, remember they must document the housing need of the poorest people, people who are *extremely low income*. If your *ConPlan* does not state the need for housing for extremely low income people or not state it accurately, make sure your housing authority plan does.

TIP

HUD Interim Rule
24 C.F.R. 903.7

HUD Interim Rule
24 C.F.R. 903.7(a)

Using the ConPlan to describe housing needs

Housing authorities are allowed to use your local *ConPlan* to describe housing needs—if the ***ConPlan* accurately describes these needs**. States and local governments submit *ConPlans* to HUD to get money. (For more about *ConPlans*, see page 27.) The question is: Does it accurately describe housing needs in your area? Read the *ConPlan's* Needs section.

- ◆ Do the figures look right on who needs housing?
- ◆ Where did the government's numbers come from?
- ◆ Are they current and still accurate?
- ◆ Are the needs of minorities, people with disabilities and homeless people clearly identified?
- ◆ Are the needs of *extremely low-income* people clearly stated?
- ◆ Is there information about residents' need for jobs and transportation to jobs?

If the Needs statement in your local *ConPlan* is not accurate or does not give a complete picture, challenge this information in your recommendations. You may be able to collect some of the missing or inaccurate information and put it in your recommendations. Possible sources include:

- ◆ People looking for housing who can describe their experiences. Their personal stories are important to convey in written recommendations and possibly public testimony.
- ◆ Residents who have tried to get work with the housing authority or local government who can describe their experiences.
- ◆ Grant applications that your housing authority have submitted to HUD may provide information about people's housing needs. For example, an application for the Welfare to Work Voucher program may have information about the housing needs of welfare recipients.
- ◆ Community organizations may have information about the housing needs of elders, families, battered women, people with disabilities or people who are homeless.

- ◆ Your local city or town planning department has information about housing.
- ◆ HUD has lots of information about government-assisted housing by community and by development so you can find out what's available and who is receiving assistance. Go to its website at <http://www.huduser.org/datasets/assthsg.html>.
- ◆ Universities may have programs that either have collected or will collect community data (and that know how to collect information).

In the year 2000, most 5-year *ConPlans* will be due for revision. If your *ConPlan* is not strong, this is the time to try to make it better.

TIP

Watch out—if the housing authority is proposing to demolish public housing units or convert them to Section 8 vouchers, make sure the needs statement is very clear and that the housing authority states how it will address this loss of housing, along with the current need.

Use the needs statement to communicate with members of Congress about the housing need in your area and, in turn, the need for increased funding from Congress for housing programs.

Resource:

Are there long waiting lists for public and subsidized housing in your community?
Is public housing facing the threat of demolition?



End of the Line is an 8-minute video that residents and advocates are using to educate politicians and the public about who is standing in line waiting for housing. It documents, through the voices of people forced to wait in these lines, what they must go through to get their name on a waiting list. It makes visible what is invisible to most Americans and calls people to action. It has been used by public housing residents facing demolition to communicate to officials and the public what it feels like to stand in these lines. It has been used in churches and other religious institutions to raise people's awareness and call them to action.

End of the Line and a companion action guide with post cards are available at no cost to public housing residents who plan to use it to organize. For information contact: Ginny Hamilton at the Massachusetts Coalition for the Homeless, (617) 737-3508.

2. Financial Resources

HUD's rules require housing authorities to state how much money they estimate will be available for public housing and Section 8 for their upcoming fiscal year. HUD rules say that, at a minimum, housing authorities must say **how much money there will be for:**

- | | |
|--------------------------|---|
| ◆ Operating Funds | ◆ Capital Funds |
| ◆ Section 8 Funds | ◆ Other HUD Program Money |
| ◆ Other Government Funds | ◆ Tenants' Rents |
| ◆ Other Income | ◆ Non-Federal Sources of Funding (donations, investments, etc.) |

HUD's rules also require a housing authority to describe **how it plans to use its money**. It must do so by describing at least the following categories of activities:

- | | |
|--------------------------------|------------------------------------|
| ◆ Public Housing Operations | ◆ Public Housing Modernization |
| ◆ Section 8 Payments to Owners | ◆ Anti-Crime & Security Activities |
| ◆ Services to Residents | ◆ Program Administration |

HUD Interim Rule
24 C.F.R. 903.7(b)

HUD Rule
24 C.F.R. 990.111

Residents should look at this statement to see whether the housing authority is going after all the grants and sources of funding that it could be pursuing. For example, housing authorities may obtain increased operating funds from HUD for the cost of staffing for a Family Self-Sufficiency Program for public housing residents. There may also be job funding available from local welfare departments.

Residents should also advocate that this part of the plan clearly state what funding is available for resident participation, *duly elected* resident councils and Resident Advisory Boards. This is also an opportunity to find out how much (and whether) housing authorities are allocating per unit to fund tenant participation activities, and what that money is spent on. (See page 19 for more about HUD's rules on tenant participation funding.)

Each year, HUD's rules also require housing authorities to put together an operating budget for HUD at approximately the same time that they submit plans. These budgets will shed more light on how a housing authority is spending its funds. Resident Advisory Boards should ask for a copy of this budget.

Resource:

How Federal Housing Programs Can Help Provide Employment and Training Opportunities and Support Services to Current and Former Welfare Recipients by Barbara Sard, available at the following website: www.CBPP.org.

HUD Interim Rule
24 C.F.R. 903.7(c)

3. Eligibility and Admissions Policies

The 1-year plan must include the authority's policies on eligibility, selection and admission to public and Section 8 housing. Monitor this section closely because the new law makes it a lot easier to admit higher-income people.

To prevent housing authorities from taking only the highest income applicants and ignoring the needs of the poorest people, Congress required that every year housing authorities target a certain percentage of public and Section 8 housing for *extremely low-income* families (people with incomes of 30% or less of the local *area median income*.) This is called *income targeting*. The law requires the following:

Public Housing: Each year, 40% of any new or available public housing apartments must go to *extremely low income* people.

Section 8: Each year, 75% of the new or turned-in Section 8 vouchers must go to *extremely low income* people.

After housing authorities meet their *income targeting* requirements, HUD's *Interim Rules* require housing authorities to state the following:

1. Who gets preference to public and Section 8 housing?

The law no longer gives preference to homeless families, people who have faced domestic violence, and others in severe need of housing. The new law allows housing authorities to establish their own preferences. Many will adopt preferences for people who work and local residents. These policies must be consistent with the *ConPlan* and *affirmatively further fair housing*. Also, preferences must not prevent a housing authority from meeting the *income targeting* requirements listed above.

2. How will the waiting lists for housing be managed?

For example, the new law allows housing authorities to skip over lower income people on the public housing waiting list to accept higher income people who have not been on the list as long in order to achieve *income targeting*.

3. How will people who meet the income targets be screened?

Housing authorities must establish reasonable (not unreasonable) criteria to determine who may be a “good” resident.

4. Will the housing authority establish site-based waiting lists?

The new law allows housing authorities to establish waiting lists for each public housing development, which are called site-based waiting lists.

5. How will the housing authority *deconcentrate* very low income families and create mixed-income public housing communities?

The new law prohibits housing authorities from “concentrating” very low-income families in certain public housing developments or buildings. It also requires housing authorities to design policies that bring higher-income people into lower-income public housing and lower-income residents into higher-income developments. In their plans, housing authorities must show how they plan to attract higher income households into developments in lower-income areas and how they will admit lower-income applicants to higher-income developments.

HUD Rule
24 C.F.R. 960

To achieve income-mixing and still give *extremely low-income* people access to scarce housing, some residents and their partners are working with housing authorities to develop policies that mix or raise incomes from within, as opposed to just focusing on how to bring higher income people into public housing.

TIP

Policies and programs that would raise the income of current residents include developing rent policies that encourage working residents to stay, Section 3 employment strategies and expanding *Family Self-Sufficiency* programs.

As residents review admissions and eligibility policies, figure out how these policies would have affected you.

TIP

- ◆ Would you have been able to get housing?
- ◆ Where would you have been on the list?
- ◆ What impact would policies have on your family, friends and neighbors?

4. Rent Policies

The new law allows housing authorities to set rents for public and Section 8 residents in different ways. These different policies or options may overlap and can be confusing. The key questions with each policy or approach will be to understand who can benefit, how it may affect the housing authority's income and operations, and how the different policies can work together to help as many people as possible.

HUD's rules say that the plan must include a statement of the following rent policies.

Rent Choice for Public Housing Residents

Starting on October 1, 1999, public housing residents may choose whether to pay a **flat rent** or an **income-based rent**.

An *income-based rent* is based on a household's income. It cannot be more than 30% of a household's adjusted income (although it could be less).

A *flat rent* is a set amount based on the "rental value" of the unit. *Flat rents* are supposed to benefit higher income families and residents whose incomes are going up.

Residents can choose to pay a *flat rent* or an *income-based rent* every year when their leases are renewed. If residents choose a *flat rent*, they may at any time switch to an *income-based rent* if their income goes down and they experience a financial hardship (loss of a job, death in the family, loss of government assistance).

TIP

The law says that a *flat rent* for a unit must not be higher than what it costs to provide and operate that unit. The amount, however, could be lower. Residents should advocate that *flat rents* be set as low as possible, taking into consideration condition, size, location and any other factor related to the unit's market value. Keep in mind: the lower the flat rent, the less rental income for housing authorities at a time when they are getting less money from the federal government.

Housing authorities also have some discretion over the procedures tenants use for switching from a *flat rent* to an *income-based rent*. While the law provides some protections for tenants who need to switch from a flat rent because their income has gone down, residents should advocate for procedures that make it clear that they can switch immediately and automatically.

Ceiling Rents for Public Housing Residents

Flat rents and *ceiling rents* are very similar in who they benefit and how they are set. Like flat rents, *ceiling rents* are supposed to encourage higher-income working families to live in public housing. *Ceiling rents* are also based on the amount it costs to operate a unit but use different formulas than *flat rents*. The major differences are that:

- ◆ A housing authority does not have to create a *ceiling rent*. It does have to create a *flat rent* for every unit and allow residents to choose every year whether they want a flat rent.
- ◆ To benefit from a *ceiling rent*, the resident just has to hit the income ceiling (so to speak) and that rent automatically kicks in. To benefit from a *flat rent*, a resident must choose it. If people choose an *income-based rent* and their income goes up—so will their rent. They cannot switch to a *flat rent* until it's time to renew the lease.
- ◆ If a housing authority establishes *ceiling rents* before October 1, 1999, HUD will offset any lost rental income. This gives housing authorities an incentive to set *ceiling rents*. (It is not clear whether HUD will do this after October 1, 1999.) With *flat rents*, HUD will not offset any rental income loss.

Like the *flat rents*, residents should make sure that the amount of *ceiling rents* is put on the table to negotiate.

Also, residents can advocate that a *ceiling rent* be included in an *income-based rent* system so that residents and housing authorities have the benefit of both a *ceiling* and a *flat rent*. For example, if the *ceiling rent* were set at the same amount as the *flat rent*, residents' rents would stop increasing when they hit the ceiling and they would still be protected.

TIP

Minimum Rent Policies for Public and Section 8 Residents

A housing authority can require public and Section 8 households to pay a minimum of \$50 a month for rent and utilities. But it does not have to: a minimum rent could be less than \$50. It could be \$0.

Under the law, residents cannot be charged a minimum rent if it would lead to eviction. Some housing authorities may decide not to have minimum rents to avoid administrative hassle. If they do, however, residents cannot be charged this minimum if they are suffering a “hardship” where there has been a:

1. Death in the family.
2. Loss of income from a job or government cash assistance.
3. Loss of eligibility or awaiting eligibility for a cash assistance program.
4. Another situation that a housing authority determines is a “hardship.”

According to HUD, housing authorities must immediately notify all public and Section 8 residents what a “hardship” is and that residents are entitled to a grievance or informal hearing if a housing authority says they are not suffering a hardship.

Optional Earned Income Disregards for Public Housing Residents

Housing authorities have the discretion not to increase—or increase only a little—public housing residents’ rents when their earnings go up. While these are optional, HUD’s rules provide a variety of ways to do this including: excluding new sources of earned income; excluding income of any family member over 18; excluding work-related costs, such as tools, equipment and clothing; and excluding social security.

Unlike *flat rents* and *ceiling rents*, which protect people with higher incomes, optional earned income disregards protect everyone who experiences increased income from work.

TIP

Appeal to the housing authority's bottom line:

- ◆ Optional earned income exclusions can ultimately mean more stable residents and increased income for housing authorities.
- ◆ Exclusions can help current residents increase their income so that housing authorities can achieve a greater range of incomes from within.

TIP

Mandatory Earned Income Disregards for Public Housing

Current law entitles residents to an 18-month rent freeze when their earnings increase because they participated in employment training and supportive services programs. This law is in effect until September 30, 1999.

As of October 1, 1999, the new law will entitle residents to a 12-month rent freeze because of a new or better-paying job. (There is no training or supportive services requirement.) After this first 12-month period, a housing authority may increase the rent for the next 12 months, but not by more than 50% of the amount that it would have increased. Residents who are eligible for this mandatory disregard if their incomes increase are:

- ◆ People who had been unemployed for one or more years, including people who have earned the equivalent of 500 hours at minimum wage in the previous 12 months.
- ◆ Any family member whose income increased while participating in a family self-sufficiency or other job-training program.
- ◆ People who are or were receiving welfare under TANF or AFDC within the previous 6 months.

Resource:

For a free packet with more information about the current and the new mandatory rent freeze, contact: Amy Copperman, Massachusetts Law Reform Institute, 99 Chauncy St., 5th Floor, Boston, MA 02111-1722, (617) 357-0700 x 326; acopperman@gbls.org

Payment Standards for Section 8 Residents

This involves the maximum amount that the housing authority will pay Section 8 landlords. Housing authorities can set this *payment standard* between 90 and 110% of the local *fair market rent*.

In high rent areas, residents will have to make sure that the payment standard is not set too low. Otherwise, people with Section 8 vouchers will have a hard time finding an apartment they can afford, because landlords will prefer to rent to people without vouchers.

To persuade a housing authority to adopt the highest payment standard necessary in your community, collect stories about the inability of people to use Section 8. Also collect information about rents in your areas compared to HUD's definition of *fair market rent*. Keep in mind that housing authorities don't get paid their administrative fee for a Section 8 unit until a person has "leased-up" and rented an apartment. Thus, the housing authority's interest is to make sure people can use Section 8s quickly.



Resource:

For more information about *fair market rent* in your area, go to the following website: <http://www.huduser.org/datasets/fmr.html>.

5. Maintenance and Management

HUD Interim Rule
24 C.F.R. 903.7(e)

The 1-year plan must include statement of the housing authority's maintenance, operations and management, including:

- ◆ Rules and standards about maintenance in public housing, including a description of any measures needed to prevent or eradicate pests.
- ◆ Rules and policies about managing public and Section 8 housing, including a description of the authority's management structure and staffing.
- ◆ List of all programs that the housing authority runs for both public and Section 8 housing.

This section should also include policies in a housing authority's Section 8 Administrative Plan, which sets out many policies about rents, preferences, search times, waiting list procedures and more.

Issues to watch closely that involve how the Section 8 program is managed include:

- ◆ Providing as much time as possible for people to search for apartment before they lose their Section 8 voucher.

TIP

One possible source of information about management practices in public housing might be your housing authority's *Public Housing Assessment System* evaluation (see page 41). This evaluation should include information about vacancy rates and apartment turn-around time, uncollected rents, accountability for work orders, modernization inspections and security.

- ◆ Doing outreach to bring new landlords into the Section 8 program.
- ◆ Providing the right kind of assistance that will help residents address various obstacles, such as discrimination. (Note: Housing authorities are required to help Section 8 holders who have experienced discrimination file discrimination complaints.)

6. Grievance Procedures

HUD Interim Rule
24 C.F.R. 903.7(f)

HUD's current regulations require housing authorities to have grievance procedures and informal review and hearing procedures for public and Section 8 tenants and applicants. The plan must include a statement of these procedures.

For the most part, the new law left the grievance procedure intact. The only change is that public housing residents can be denied a grievance hearing prior to being evicted if they are being evicted because of violent criminal activity or a new felony conviction in the household.

If your grievance procedure is not working well, this may be an opportunity to put it on the table and make it work better.

Resource: For more information about grievance procedures, see *Community First: A Public Housing Resident's Guide*, available from the National Low Income Housing Coalition, 1012 14th Street, N.W., Suite 1200, Washington, DC 20005, (202) 662-1530.

Housing Authority Evaluations: How Does Your Housing Authority Score?

HUD has created two new programs to evaluate housing authorities. They could provide residents with useful information when putting together recommendations for plans.

1. Public Housing Assessment System (or PHAS for short, pronounced “faaz”)

PHAS is HUD’s new program for assessing public housing. PHAS evaluates four areas of housing authority performance:

1. Physical condition of buildings and common areas.
2. The authority's financial health, to determine how well it is managing its funds.
3. The authority's management practices, including vacancy rates and apartment turn-around time, uncollected rents, accountability, modernization inspections and security.
4. How well residents are satisfied, measured by a survey of residents.

A high PHAS score can result in a housing authority’s being labeled a *high performer*. Remember, high-scoring housing authorities can submit *streamlined* 1-year plans and operate with less HUD oversight (see page 12). The first scores under PHAS will be released no later than Dec. 1, 1999.

2. Section 8 Management Assessment Program (or SEMAP for short, pronounced “c-map”).

SEMAP is HUD’s program for evaluating a housing authority’s performance in managing its Section 8 certification and voucher program. It is a self-evaluation program, where a housing authority evaluates itself. Starting in the year 2000, housing authorities must file SEMAP certifications at the end of their *fiscal years*. HUD will verify the housing authority’s SEMAP score with an independent audit and certain data that HUD routinely collects.



Resident leaders from the National Organizing Campaign meet with HUD officials in Washington, D.C., to discuss housing authority evaluations.

HUD Rule

24 C.F.R. 901 and 902

7. Capital Improvements

HUD requires housing authorities to describe the *capital improvements* necessary to ensure the long-term physical and social viability of public housing. This description must include the capital improvements to be undertaken during the coming year and their estimated cost.

Residents need to carefully monitor what *capital improvements* the housing authority includes in its plan.

- ◆ Are the improvements consistent with what the residents know need to be made?
- ◆ Are they consistent with what the *Public Housing Assessment System* evaluation report says? (See page 41 for more about this report.)
- ◆ Are they consistent with your housing authority's Comprehensive Plan for Modernization, which it must submit to HUD to get funds for modernization?

In the future, HUD's *modernization* grants will be replaced by HUD's new *capital fund*.

TIP

Housing authorities in the past have been required to develop their Comprehensive Plans for Modernization to get modernization funds. HUD requires that they consult with residents when developing these plans and keep minutes of these meetings. These minutes and plans, which are public information available from your housing authority, might be another source of information about *capital improvements*.

8. Demolition and Sale of Public Housing

Demolition of housing greatly concerns many communities. If public housing is demolished or sold and not replaced, it will be very difficult—if not impossible—to meet the housing needs of the poorest who wait in line for housing. In addition, under the new law, there are fewer protections for residents who must relocate because their homes are being demolished or sold.

This is a critical section in the plan. It may be the first time that residents learn about the housing authority's intent to demolish housing.

The 1-year plan must include a description of any housing (or part of a development) for which the housing authority has or intends to apply to HUD for permission to demolish or sell. It must also include a timetable for the demolition or sale (including when it plans to submit its application to HUD). If there are no plans to demolish housing, the housing authority must state this.

But watch out: HUD has also informed housing authorities that they can submit an interim plan—prior to when its 1-year plan is due—just covering its decision to demolish or sell public housing. This means that, prior to going

through a 1-year and 5-year planning process, they can submit an application to HUD to demolish or sell public housing.

Residents can challenge a plan that includes the demolition or sale of public housing if it is not consistent with the local *ConPlan* (see page 29) or it violates civil rights and fair housing laws (see page 50).

To get HUD's approval for demolition, the housing authority must, in addition to stating its intent in the 1-year plan, submit a detailed application to HUD which shows that:

- ◆ A demolition plan was developed with residents.
- ◆ The housing is *obsolete* as defined by the law.
- ◆ There must be "no cost-effective program of modifications."

Residents clearly have the right to be involved in demolition decisions and plans. In addition to the law which requires resident participation, HUD's HOPE VI Program has released special guidance for housing authorities about resident and community involvement. This guidance states that, "Residents are to be included in all phases of the application preparation, planning, implementation and operation of the HOPE VI development...." It also provides specific ways that housing authorities should include residents. Residents, however, must be vigilant in making sure that this is enforced.

Residents also can challenge a demolition plan in court, especially if it does not include a plan for replacing every demolished unit. The new housing law does away with the one-for-one replacement requirement. But, in Kansas City, residents convinced a federal court to order one-for-one replacement of the Heritage House development. (Kansas City is different, however, in that its housing authority is run under a court-ordered "receivership.")

HUD's rules do not require that the housing authority's plans include any documentation showing that a development or certain buildings meet HUD's requirements for demolition (see requirements listed below). If residents oppose a demolition, try to get an engineer to do an inspection that you can attach to recommendations. HUD will then have this information available when reviewing the plan.

If a housing authority's draft plan includes its intent to demolish housing, also keep in mind that state or local officials have to certify that this plan is consistent with the *ConPlan*. If a plan to demolish is not consistent with your local *ConPlan*, one strategy may be to meet with state or local officials and advocate that they not certify the plan. Without this certification, HUD cannot approve a plan.

TIP

Kansas City Resident leader Connie Flowers with Sen. Christopher Bond (R-Mo.) discussing the relocation of public housing being demolished.



**RESIDENT AND
COMMUNITY
INVOLVEMENT:
General Guidance
for the HOPE VI
Program
HUD's
FY 1998 HOPE
Guidebook**

HUD Interim Rule
24 C.F.R. 903.7(i)

HUD Requirements
for Designation of
Public Housing
Projects
PIH Notice 97-12

9. Designation of Housing for Elderly and Disabled Residents

The housing authority must describe any public housing that it plans to convert into elderly only or disabled only housing. Such a conversion must comply with current HUD rules for the designation of public housing.

If a housing authority designates an elderly/disabled development as elderly only (or to cap the number of non-elderly disabled people admitted), **current non-elderly, disabled public housing residents cannot be evicted.** However, the impact of this decision may be that younger disabled applicants will have to wait much longer to get public housing. Even if Section 8 subsidies are provided for these applicants, they may find them difficult to use. Also, the housing authority is not required to make the same number of vouchers available as the number of public housing units lost.

TIP

Resident Advisory Boards should look for ways to preserve the maximum number of apartments available to disabled households. Under HUD's rules (Section 8 programs for people with disabilities), housing authorities must help people with disabilities find apartments. Make sure that housing authorities provide helpful search processes and establish services and *reasonable accommodations* that will help people with disabilities stay housed.

While housing authorities that can submit *streamlined* 1-year plans do not have to report on their intent to designate housing for elders or people with disabilities, you can still advocate that they include such intentions in their 1-year plans.

10. Conversion of Public Housing to Section 8 Vouchers

HUD Interim Rule
24 C.F.R. 903.7(j)

The housing authority eventually must include a description of any building or buildings it owns and which, under the law, it must convert to Section 8 vouchers, or which it plans to voluntarily convert to Section 8 vouchers.

A property considered to be in "distress," as HUD defines this, must be removed from the housing authority's inventory and residents given Section 8 vouchers. This is called *mandatory voucherizing out*. It is required by the new law in two situations:

1. When a property cannot be made viable over the long-term through reasonable measures.
2. When modernization and operating expenses will cost more than vouchers for the remaining families.

The plan must include an analysis of the projects that must be converted and a statement of how much assistance will be used for rental assistance or other housing in connection with the conversion.

Note: HUD will soon issue a rule on voluntary conversions. Until it does, housing authorities do not have to include any statement in the 1-year plan about voluntary conversions.

The problems with “vouchering out” are:

1. The community is losing permanently affordable housing.
2. The number of Section 8 vouchers replacing public housing will most likely be less than the number of public housing apartments lost. This is because the housing authority only gets vouchers for the number of units occupied. In many developments, housing authorities have stopped renting units, meaning that many are not occupied.
3. It may be hard for residents to use Section 8 vouchers.

Keep in mind: any plan to take away housing must be consistent with the *ConPlan* (see page 27). Housing authorities have a legal duty to analyze the racial impact of its conversion on current and future residents. And residents must be involved in planning for conversion to vouchers.

TIP

11. Homeownership Programs

The housing authority must describe how it plans to use Section 8 for homeownership, as well as any present or future plans to convert public housing to a homeownership program.

The new law makes it possible to use Section 8 to pay a mortgage. The housing authority can decide whether to allow people to do so.

Converting public housing to homeownership is a controversial issue. It presents complicated questions because, while helping some residents, it can hurt others.

While there are many issues about how people would use a Section 8 for homeownership and who would qualify, there are creative resident-owned housing options that could be supported, such as limited equity cooperatives or other non-profit housing.

On April 30, 1999, HUD published proposed rules for the Section 8 Homeownership Program. If you are interested in this program, you should get these rules. You can also comment on them until June 29, 1999. For more information, contact Gerald Benoit at HUD at (202) 708-0477.

HUD Interim Rule
24 C.F.R. 903.7(k)

12. Services, Jobs, Training and Community Work Requirement

The housing authority must describe its programs and services for public housing and Section 8 residents. This section will give residents a better handle on what type of assistance the housing authority is providing. It also is an opportunity to improve the way existing programs work and create new programs that can benefit residents.

HUD's rules require a housing authority to describe the following three categories of information in its 1-year plan:

1. All service-related programs it coordinates or promotes or has developed in partnership with other organizations (such as services for elders, people with disabilities and after-school programs for kids).
2. All policies and programs related to economic or social self-sufficiency, including the:
 - ♦ *Section 3 Program (see below)*
 - ♦ *Family Self-Sufficiency Program (see page 47)*
 - ♦ *Economic Development and Supportive Service Program*
3. Policies about the new "community service" requirement.
4. Policies about how and when the housing authority will reduce rent when public housing and Section 8 residents' welfare assistance is cut.



Some residents are using this part of the planning process to assess which services and programs their housing authority offers; and then working with the authority to do outreach and connect with community services and resources.

For example, in one community, residents have worked with the local department of education to put in place an after-school program, tutoring, arts programs and college preparation courses for kids in public housing.

**Section 3
of the Housing and
Community Development
Act of 1968**

Section 3

Section 3 is a federal law that requires housing authorities to create job training opportunities and jobs "to the greatest extent feasible" for public housing residents and low-income people. Thus far, Section 3 has had mixed results. While there is great potential for housing authorities to use some of their federal funding to train and hire residents and to develop training and hiring programs with community businesses, some housing authorities do not believe that this should be part of their mission.

Questions to ask during the planning process about Section 3:

- ◆ What percentage of your housing authority's new hires have been public housing residents or low income people?
- ◆ Does the housing authority have any contracts with resident-owned businesses?
- ◆ Are there opportunities to create resident-owned businesses that can contract with the housing authority?
- ◆ To what extent are contractors hired by the housing authority giving residents and low-income people jobs?
- ◆ If your community receives Community Development Block Grant funds and other programs that are part of the *ConPlan*, is it complying with Section 3?

Resources:

For more information about Section 3:

"Making Section 3 Work: Employment, Training, and Job Opportunities for Low-Income People," by Brad Castel and Arthur Haywood, March 1994 *Clearinghouse Review*, vol. 27, page 1336.

"Department of Housing and Urban Development and Section 3: Challenges and Opportunities," by Wendy Pollack and Dina Schlossberg, in the May/June 1999 *Clearinghouse Review*, vol. 33.

These articles can be found at the National Center on Poverty Law's website: www.povertylaw.org/housdisc. Click on "Information for residents on PHA plans."

Family Self-Sufficiency (FSS) Program

This is a voluntary program intended to help families in public and Section 8 housing get work, keep work and increase their savings. About 1,200 housing authorities have the FSS program. Any housing authority may participate.

The program has pros and cons. Its benefits are that:

1. It can help families get access to job training, jobs and job-related needs (such as childcare and transportation).
2. As people's incomes go up, it allows them to put some of their rent money into a savings account, which they get when they complete the program (or which they may be able to use for education and work-related expenses during the program).

The biggest con is that, under some housing authorities' FSS policies, Section 8 residents who fail to follow the program might lose their Section 8 assistance. Under the law, this cannot happen in public housing.

Does your housing authority have a FSS Program? If so:

- ◆ How is it working?
- ◆ How many people participate?
- ◆ What is their experience?
- ◆ Are they getting services that help them get and keep jobs?
- ◆ What kinds of jobs is it leading to?
- ◆ What would residents do to improve the program?
- ◆ Are there any policies that could harm participants?

If your housing authority has an FSS program or is setting one up, advocate that it not have policies that terminate people's Section 8 if they fail to follow the program.

If your housing authority does not have a FSS program, should it?

- ◆ Is it a way to help increase the income of current residents?
- ◆ Is it a way for your housing authority to build relationships with service providers and other community agencies?
- ◆ Does your housing authority know that HUD will pay for the cost of staff for a public housing FSS Program?

Resource:

For more information, see fact sheet entitled "The Family Self-Sufficiency Program" by the Center on Budget and Policy Priorities. It is available at: www.cbpp.org/pubs/Housing.htm.

New "Community Service" Requirements

The new law requires certain adult residents of public housing to either provide eight hours per month of "community service" or participate in a self-sufficiency program. Many people, however, will not have to meet this requirement, including elders, people with disabilities and people already working. **A housing authority must notify everybody about whether they are exempt.**

A very wide range of activities can qualify for "community service," including going to school and participating in an English as a Second Language program. You should ask questions like these:

- ◆ What types of work will the housing authority define as "community service?" (The housing authority cannot use community service to replace existing jobs.)
- ◆ Does your housing authority have a self-sufficiency program?
- ◆ Are there ways to hook people into existing self-sufficiency programs?
- ◆ What type of work do residents think should be defined as "community service?"

Also, resident councils can create volunteer positions that qualify as “community service,” and housing authorities can contract with resident councils to administer community services.

Policies about rent reduction and welfare cuts

The new law prohibits housing authorities from reducing residents’ rent when their welfare has been cut because of welfare fraud or failure to meet the new welfare work requirements. When HUD publishes its rules, the housing plan will have to describe how they will administer this rent policy. This rule only applies to people who lose welfare because of a work-activity sanction (not for other sanctions).

Plans should make it clear that residents are entitled to grievance hearings if a housing authority refuses to reduce a resident’s rent.

TIP

13. Safety and Crime Prevention

The housing authority must include a plan for safety and crime prevention to ensure the safety of public housing residents. The rules require that the plan:

1. Include the housing authority’s strategy on a project-by-project or jurisdiction-wide basis to ensure the safety of residents.
2. Be developed in consultation with the police department.
3. Describe the need for measures to ensure the safety of public housing residents and prevent crime.
4. Describe any crime prevention activities the housing authority is or will conduct.
5. Include a description of how the housing authority is coordinating with the local police precinct for carrying out crime prevention activities.

If security needs are not adequately addressed by the plan, or if the local police are not complying with it, residents can ask HUD to mediate between the housing authority and the local police to resolve such conflicts.

Questions to ask include:

- ♦ If residents want to set up resident safety patrols, is the housing authority supporting this activity?
- ♦ Does your housing authority receive Drug Elimination Program money from HUD? If so, is the money being targeted to areas with the greatest needs as identified in the 1-year plan?
- ♦ Does the local government or housing authority receive federal money for having police in public housing? If they do, HUD has an even greater interest in making sure this money is used as it is meant to be used, and this should be pointed out in written recommendations.

If your housing authority receives money under the Drug Elimination Program, it must track and record crime in its developments. Ask for this information. It may be useful in addressing security issues

TIP

HUD Interim Rule
24 C.F.R. 903.7(m)

<p>HUD Interim Rule 24 C.F.R. 903.7(n)</p>	<p>HUD Interim Rule 24 C.F.R. 903.7(o)</p> <p>Title VI of the Civil Rights Act of 1964</p> <p>Fair Housing Act</p> <p>Section 504 of the Rehabilitation Act of 1973</p> <p>Title II of the Americans with Disability Act of 1990</p>
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14. Pets

The plan must contain the housing authority’s requirements about pets in public housing.

The new law now allows all tenants, as opposed to just elderly or disabled residents, to have one or more pets, as long as their owners meet reasonable conditions established by the housing authority. Those conditions may include:

- ◆ A nominal fee to cover extra costs.
- ◆ A pet deposit to cover extraordinary costs.
- ◆ Restrictions on the number and type of pets.
- ◆ Limits based upon the type of building.

The right to pets is in addition to HUD’s current rules governing pets in public and assisted housing for elderly families and families with disabilities.

Note: In their first 1-year plan, housing authorities are not required to submit this section of the plan until HUD has come up with final rules for pets in non-elderly or non-disabled housing.

15. Civil Rights Certification

HUD’s rules say that the housing authority must certify that it will carry out its plan in conformity with civil rights, fair housing and other federal laws that forbid discrimination on the basis of race, color, religion, sex, national origin, familial status or disability. This certification applies to both the 1-year and 5-year plans.

Housing authorities also have a special duty to *affirmatively further fair housing*. A housing authority will be considered in compliance with this obligation if it:

1. Examines their programs to identify any obstacles to fair housing choice.
2. Addresses these obstacles in a reasonable way considering available resources.
3. Works to overcome these obstacles and maintain records reflecting its analysis and actions.

Because housing authorities must *affirmatively further fair housing*, they must take the time to think about whether their policies will discriminate against any group protected by the laws. Residents and advocates, however, will have to examine the housing authorities’ policies about who is getting housing and services and who is not to make sure they are complying with civil rights and other fair housing laws. Are people who are facing demolition protected under civil rights laws? Are local lending practices making it difficult for people to move into homeownership? There are many questions to ask.

A housing authority must also have state and local officials certify to HUD that its plan is consistent with the *ConPlan*. In the *ConPlan*, there is a section called the “Analysis of Impediments to Fair Housing.” This section should identify barriers that poor people who are trying to get housing are facing. Review this section to make sure that your housing authority is not acting inconsistently with the *ConPlan*. If it is, you can challenge this inconsistency as a reason why HUD should not approve all or parts of the plan.

16. Annual Audit

The plan must include the results of the most recent *fiscal year* audit of the housing authority. Since HUD already has access to the audit, a housing authority is not required to submit it with the plan. Housing authorities, however, must provide residents with a reasonable means to review this information.

Set up a meeting with housing authority staff so they can review with you, line-by-line, what the audit means. Make sure to get a copy of the audit before the meeting so you can review it yourself.

Look closely at what the auditor calls to the authority’s attention, or any findings of non-compliance with certain program requirements.

Residents should also look at the financial component of the *Public Housing Assessment System* (PHAS), which examines the financial health of the housing authority. For more information about PHAS, see page 43.

TIP

HUD Interim Rule
24 C.F.R. 903.7(p)

HUD Interim Rule
24 C.F.R. 903.7(q)

17. Asset Management

The plan must include a statement of how the housing authority will manage its public housing inventory. This is important because it's about maintenance and how buildings get cared for over time.

The housing authority must state how it will plan for and budget for the long-term operating, capital investment, rehabilitation, modernization, disposition and other needs for its buildings.

TIP

This section may be an early warning sign of future demolition or sale of public housing. For example, a housing authority may not be allocating funds to a particular development because its long-term plans are to demolish it.

If residents feel that conditions are going down in a particular development and that the housing authority is not properly maintaining it, document this in your recommendations.

Keep in mind: residents have a role in selecting and evaluating management, especially when there are contracts with private management companies up for review.

HUD Interim Rule
24 C.F.R. 903.7(r)

18. Additional Information

Under HUD's rules, this final section requires a table of contents and executive summary of the plan. HUD's rules also require that the table of contents identify the location of any materials that are not being submitted with the 1-year plan.

TIP

This section may be particularly important if your housing authority is submitting a *streamlined plan* and you need to identify which materials are not in the plan.

Appendices

PART 903—PUBLIC HOUSING AGENCY PLANS

Sec.

- 903.1 What are the public housing agency plans?
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Authority: 42 U.S.C. 1437c; 42 U.S.C. 3535(d).

§ 903.1 What are the public housing agency plans?

- (a) There are two public housing agency plans. They are:
 - (1) The 5-year plan (the 5-Year Plan) that a public housing agency (PHA) must submit to HUD once every 5 PHA fiscal years; and
 - (2) The annual plan (Annual Plan) that the PHA must submit to HUD for each fiscal year for which the PHA receives:
 - (i) Section 8 tenant-based assistance (section 8(o) of the U.S. Housing Act of 1937, 42 U.S.C. 1437f(o)) (tenant-based assistance); or
 - (ii) Public housing operating subsidy or capital fund (section 9 of the U.S. Housing Act of 1937 (42 U.S.C. 1437g) (public housing)).
- (b) The purpose of the plans is to provide a framework for local accountability and an easily identifiable

source by which public housing residents, participants in the tenant-based assistance program, and other members of the public may locate basic PHA policies, rules and requirements concerning its operations, programs and services.

(c) HUD may prescribe the format of submission (including electronic format submission) of the plans. PHAs will receive appropriate notice of any prescribed format.

(d) The requirements of this part only apply to a PHA that receives the type of assistance described in paragraph (a) of this section.

(e) In addition to the waiver authority provided in 24 CFR 5.110, the Secretary may, subject to statutory limitations, waive any provision of this title on a program-wide basis, and delegate this authority in accordance with section 106 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3535(g)) where the Secretary determines that such waiver is necessary for the effective implementation of this part.

§ 903.3 When must a PHA submit the plans to HUD?

(a) *5-Year Plan.* (1) The first PHA fiscal year that is covered by the requirements of this part is the PHA fiscal year that begins January 1, 2000. The first 5-Year Plan submitted by a PHA must be submitted for the 5-year period beginning January 1, 2000. The first 5-Year Plans will be due no later than 75 days before January 1, 2000. For PHAs whose fiscal years begin after January 1, 2000, their 5-Year Plans are due no later than 75 days before the commencement of their fiscal year. For all PHAs, after submission of their first 5-Year Plan, all subsequent 5-Year Plans must be submitted once every 5 PHA fiscal years, no later than 75 days before the commencement of the PHA's fiscal year.

(2) PHAs may choose to update their 5-Year Plans every year as good management practice. PHAs must explain any substantial deviation from their 5-Year Plans in their Annual Plans.

(b) *The Annual Plan.* The first Annual Plan submitted by a PHA must be submitted 75 days in advance of the first PHA fiscal year in which the PHA receives Federal fiscal year 2000 funds. Since the first PHA fiscal year funded with Federal Fiscal Year 2000 funds will commence January 1, 2000, the first Annual Plan will be due 75 days in advance of that date or October 15, 1999. PHAs with later fiscal year commencement dates must submit their Annual Plans 75 days in advance of their fiscal year commencement date.

Subsequent Annual Plans will be due 75 days in advance of the commencement of a PHA's fiscal year.

§ 903.5 What information must a PHA provide in the 5-Year Plan?

(a) A PHA must include in its 5-Year Plan for the 5 PHA fiscal years immediately following the date on which the 5-Year Plan is due to HUD, a statement of:

(1) The PHA's mission for serving the needs of low-income, very low-income and extremely low-income families in the PHA's jurisdiction; and

(2) The PHA's goals and objectives that enable the PHA to serve the needs of the families identified in the PHA's Annual Plan. For HUD, the PHA and the public to better measure the success of the PHA in meeting its goals and objectives, PHAs must adopt quantifiable goals and objectives for serving those needs wherever possible.

(b) After submission of the first 5-Year Plan, a PHA in their succeeding 5-Year Plans, in addition to addressing their mission, goals and objectives for the next 5 years, must address the progress made by the PHA in meeting its goals and objectives described in the previous 5-Year Plan.

§ 903.7 What information must a PHA provide in the Annual Plan?

The Annual Plan must include the information provided in this section, except that for the first Annual Plan, the following information need not be submitted: the information required by paragraph (l) of this section that pertains to section 12 of the U.S. Housing Act of 1937 (42 U.S.C. 1437j(c)); the information required by paragraph (m) of this section that relates to drug elimination policies; and the information required by paragraph (n) of this section. Additionally, the information described in this section applies to both public housing and tenant-based assistance, except where specifically stated otherwise, and the information that the PHA must submit for HUD approval under the Annual Plan are the discretionary policies of the various plan components or elements (for example, selection policies) and not the statutory or regulatory requirements that govern these components.

(a) *A statement of housing needs.* (1) This statement must address the housing needs of the low-income and very low-income families who reside in the jurisdiction served by the PHA, and families who are on the public housing and Section 8 tenant-based assistance waiting lists, including:

(i) Families with incomes below 30 percent of area median (extremely low-income families);

(ii) Elderly families and families with disabilities;

(iii) Households of various races and ethnic groups residing in the jurisdiction or on the waiting list.

(2) The housing needs of each of these groups must be identified separately. The identification of housing needs should address issues of affordability, supply, quality, accessibility, size of units and location. The statement of housing needs also must describe the ways in which the PHA intends, to the maximum extent practicable, to address those needs, and the PHA's reasons for choosing its strategy.

(b) *A statement of financial resources.* This statement must address the financial resources that are available to the PHA for the support of Federal public housing and tenant-based assistance programs administered by the PHA during the plan year. The statement must include a listing of the significant PHA operating, capital and other proposed Federal resource commitments available to the PHA, as well as tenant rents and other income available to support public housing or tenant-based assistance. The statement also should include the non-Federal sources of funds supporting each federal program. In this statement, the PHA also must describe the planned uses for the resources.

(c) *A statement of the PHA's policies that govern eligibility, selection, and admissions.* This statement must describe the PHA's policies governing resident or tenant eligibility, selection and admission. This statement also must describe any PHA admission preferences, assignment and any occupancy policies that pertain to public housing units and housing units assisted under section 8(o) of the U.S. Housing Act of 1937. The requirement to submit PHA policies governing assignment only applies to public housing. This statement also must include the following information:

(1) The PHA's procedures for maintaining waiting lists for admission to the PHA's public housing projects. These procedures must include any site-based waiting lists, as provided by section 6(s) of the U.S. Housing Act of 1937. This section permits PHAs to establish a system of site-based waiting lists that are consistent with all applicable civil rights and fair housing laws and regulations. Notwithstanding any other regulations, a PHA may adopt site-based waiting lists where:

(i) The PHA regularly submits required occupancy data to HUD's

Multifamily Tenant Characteristics Systems (MTCS) in an accurate, complete and timely manner;

(ii) The system of site-based waiting lists provides for full disclosure to each applicant of any option available to the applicant in the selection of the development in which to reside, including basic information about available sites (location, occupancy, number and size of accessible units, amenities such as day care, security, transportation and training programs) and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types (e.g., regular or accessible) at each site;

(iii) Adoption of site-based waiting lists would not violate any court order or settlement agreement, or be inconsistent with a pending complaint brought by HUD;

(iv) The PHA includes reasonable measures to assure that such adoption is consistent with affirmatively furthering fair housing, such as reasonable marketing activities;

(v) The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications through the following steps:

(A) As part of the submission of the Annual Plan, the PHA shall assess changes in racial, ethnic or disability-related tenant composition at each PHA site that may have occurred during the implementation of the site-based waiting list, based upon MTCS occupancy data that has been confirmed to be complete and accurate by an independent audit (which may be the annual independent audit);

(B) At least biannually use independent testers or other means satisfactory to HUD, to assure that the site-based waiting list is not being implemented in a discriminatory manner, and that no patterns or practices of discrimination exist, and providing the results to HUD; and

(C) Taking any steps necessary to remedy the problems surfaced during the review and the steps necessary to affirmatively further fair housing.

(2) The PHA's admissions policy with respect to deconcentration of very low-income families and income-mixing. Deconcentration and income-mixing is required by section 16 of the U.S. Housing Act of 1937 (42 U.S.C. 1437n). To implement the requirement, which is applicable specifically to public housing, PHAs must:

(i) Determine and compare the relative tenant incomes of each development, as well as the household

incomes of census tracts in which the developments are located; and

(ii) Consider what admissions policy measures or incentives, if any, will be needed to bring higher-income families into lower-income developments (or if appropriate to achieve deconcentration of poverty, into developments in lower income census tracts) and lower-income families into higher income developments (or if appropriate to achieve deconcentration of poverty, into developments in higher income census tracts). PHA policies must devote appropriate attention to both of these goals. PHA policies must affirmatively further fair housing; and

(i) Make any appropriate changes in their admissions policies.

(3) The policies governing eligibility, selection and admissions are applicable to public housing and tenant-based assistance, except for the information requested on site-based waiting lists and deconcentration. This information is applicable only to public housing.

(d) *A statement of the PHA's rent determination policies.* This statement must describe the PHA's basic discretionary policies that pertain to rents charged for public housing units, including applicable flat rents, and the rental contributions of families receiving tenant-based assistance. For tenant-based assistance, this statement shall cover any discretionary minimum tenant rents and payment standard policies.

(e) *A statement of the PHA's operation and management.* (1) This statement must describe the PHA's rules, standards, and policies that govern maintenance and management of housing owned, assisted, or operated by the PHA. This statement also must include a description of any measures necessary for the prevention or eradication of pest infestation which includes cockroach infestation. Additionally, this statement must include a description of PHA management organization, and a listing of the programs administered by the PHA.

(2) The information pertaining to PHA's rules, standards and policies regarding management and maintenance of housing applies only to public housing. The information pertaining to program management applies to public housing and tenant-based assistance.

(f) *A statement of the PHA grievance procedures.* This statement describes the grievance and informal hearing and review procedures that the PHA makes available to its residents and applicants. This includes public housing grievance procedures and tenant-based assistance informal review procedures for

applicants and hearing procedures for participants.

(g) *A statement of capital improvements needed.* With respect to public housing only (public housing projects owned, assisted or operated by the PHA), this statement describes the capital improvements necessary to ensure long-term physical and social viability of the public housing projects, including the capital improvements to be undertaken in the year in question and their estimated costs. PHAs are encouraged to include 5-Year Plans covering large capital items.

(h) *A statement of any demolition and/or disposition.* With respect to public housing only, a description of any public housing project, or portion of a public housing project, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p), and the timetable for demolition and/or disposition.

(i) *A statement of the public housing projects designated as housing for elderly families or families with disabilities or elderly families and families with disabilities.* With respect to public housing only, this statement identifies any public housing projects owned, assisted, or operated by the PHA, or any portion of these projects, that the PHA has designated for occupancy only by the elderly families or only by families with disabilities, or by elderly families and families with disabilities or will apply for designation for occupancy by only elderly families or only families with disabilities, or by elderly families and families with disabilities as provided by section 7 of the U.S. Housing Act of 1937 (42 U.S.C. 1437e).

(j) *A statement of the conversion of public housing to tenant-based assistance.* (1) This statement describes any building or buildings that the PHA is required to convert to tenant-based assistance under section 33 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-5), or that the PHA plans to voluntarily convert under section 22 of the U.S. Housing Act of 1937 (42 U.S.C. 1437t). The statement also must include an analysis of the projects or buildings required to be converted under section 33, and the amount of assistance received commencing in Federal Fiscal 1999 to be used for rental assistance or other housing assistance in connection with such conversion.

(2) The information required under this paragraph (j) of this section is applicable to public housing and only that tenant-based assistance which is to be included in the conversion plan.

(k) *A statement of homeownership programs administered by the PHA.* This statement describes any homeownership programs administered by the PHA under section 8(y) of the U.S. Housing Act of 1937 (42 U.S.C. 1437f(y)), or under an approved section 5(h) homeownership program (42 U.S.C. 1437c(h)), or an approved HOPE I program (42 U.S.C. 1437aaa) or for any homeownership programs for which the PHA has applied to administer or will apply to administer under section 5(h), the HOPE I program, or section 32 of the U.S. Housing Act of 1937 (42 U.S.C. 1437z-4).

(l) *A statement of the PHA's community service and self-sufficiency programs.* (1) This statement describes:

(i) Any PHA programs relating to services and amenities coordinated, promoted or provided by the PHA for assisted families, including programs provided or offered as a result of the PHA's partnership with other entities;

(ii) Any PHA programs coordinated, promoted or provided by the PHA for the enhancement of the economic and social self-sufficiency of assisted families, including programs provided or offered as a result of the PHA's partnerships with other entities, and activities under section 3 of the Housing and Community Development Act of 1968 and under requirements for the Family Self-Sufficiency Program and others. The description of programs offered shall include the program's size (including required and actual size of the Family Self-Sufficiency program) and means of allocating assistance to households.

(iii) How the PHA will comply with the requirements of section 12(c) and (d) of the U.S. Housing Act of 1937 (42 U.S.C. 1437j(c) and (d)). These statutory provisions relate to community service by public housing residents and treatment of income changes in public housing and tenant-based assistance recipients resulting from welfare program requirements.

(2) The information required by paragraph (l) of this section is applicable to both public housing and tenant-based assistance except that the information regarding the PHA's compliance with the community service requirement applies only to public housing.

(m) *A statement of the PHA's safety and crime prevention measures.* With respect to public housing only, this statement describes the PHA's plan for safety and crime prevention to ensure the safety of the public housing residents that it serves. The plan for safety and crime prevention must be established in consultation with the

police officer or officers in command of the appropriate precinct or police departments, and the plan must provide, on a project-by-project or jurisdiction wide-basis, the measures necessary to ensure the safety of public housing residents.

(1) The statement regarding the PHA's safety and crime prevention plan must include the following information:

(i) A description of the need for measures to ensure the safety of public housing residents;

(ii) A description of any crime prevention activities conducted or to be conducted by the PHA;

(iii) A description of the coordination between the PHA and the appropriate police precincts for carrying out crime prevention measures and activities;

(iv) The information required to be included by the Public Housing Drug Elimination Program regulations if the PHA expects to receive drug elimination program grant funds.

(2) If HUD determines at any time that the security needs of a public housing project are not being adequately addressed by the PHA's plan, or that the local police precinct is not assisting the PHA with compliance with its crime prevention measures as described in the Annual Plan, HUD may mediate between the PHA and the local precinct to resolve any issues of conflict.

(n) *A statement of the PHA's policies and rules regarding ownership of pets in public housing.* This statement describes the PHA's policies and requirements pertaining to the ownership of pets in public housing issued in accordance with section 31 of the U.S. Housing Act of 1937 (42 U.S.C. 1437a-3).

(o) *Civil rights certification.* (1) The PHA must certify that it will carry out its plan in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), and title II of the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), and also certify that it will affirmatively further fair housing. The certification is applicable to both the 5-Year Plan and the Annual Plan.

(2) PHAs shall be considered in compliance with the obligation to affirmatively further fair housing if they examine their programs or proposed programs, identify any impediments to fair housing choice within those programs, address those impediments in a reasonable fashion in view of the resources available, and work with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the

PHA's involvement, and maintain records reflecting these analyses and actions.

(p) *Recent results of PHA's fiscal year audit.* The PHA's plan must include the results of the most recent fiscal year audit of the PHA conducted under section 5(h)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437c(h)).

(q) *A statement of asset management.* This statement describes how the PHA will carry out its asset management functions with respect to the PHA's public housing inventory, including how the PHA will plan for long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory.

(r) *Additional information to be provided.* PHAs also must include in their Annual Plan:

(1) A table of contents that corresponds to the Annual Plan's components in the order listed in this section. The table of contents also must identify the location of any materials that are not being submitted with the Annual Plan;

(2) An executive summary that provides a brief overview of the information that the PHA is submitting in its Annual Plan and relates the Annual Plan programs and activities to the PHA's mission and goals as described in the 5-Year Plan, and explains any substantial deviations of these activities from the 5-Year Plan; and

(3) For all Annual Plans following submission of the first Annual Plan, a brief summary of the PHA's progress in meeting the mission and goals described in the 5-Year Plan.

§ 903.9 Must a troubled PHA include additional information in its Annual Plan?

Yes. A PHA that is at risk of being designated as troubled or is designated as troubled under section 6(j)(2) of the U.S. Housing Act of 1937 (42 U.S.C. 1437d(j)(2)) or under the Public Housing Assessment System (24 CFR part 901) must include its operating budget, and include or reference any applicable memorandum of agreement with HUD or other plan to improve performance and such other material as HUD may prescribe.

§ 903.11 Are certain PHAs eligible to submit a streamlined Annual Plan?

(a) Yes, the following PHAs may submit a streamlined Annual Plan, as described in paragraph (b) of this section:

(1) PHAs that are determined to be high performing PHAs;

(2) PHAs with less than 250 public housing units (small PHAs) and that

have not been designated as troubled under section 6(j)(2); and

(3) PHAs that only administer tenant-based assistance and that do not own or operate public housing.

(b) All streamlined plans must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. A streamlined plan must include the following information:

(1) For high-performing PHAs, the streamlined Annual Plan must include the information required by § 903.7(a), (b), (c), (d), (g), (h), (m), (n), (o), (p) and (r). The information required by § 903.7(m) must be included only to the extent this information is required for PHA's participation in the public housing drug elimination program and the PHA anticipates participating in this program in the upcoming year.

(2) For small PHAs that are not designated as troubled or that are not at risk of being designated as troubled, the streamlined Annual Plan must include the information required by § 903.7(a), (b), (c), (d), (g), (h), (k), (m), (n), (o), (p) and (r). The information required by § 903.7(k) must be included only to the extent that the PHA participates in homeownership programs under section 8(y). The information required by § 903.7(m) must be included only to the extent this information is required for the PHA's participation in the public housing drug elimination program and the PHA anticipates participating in this program in the upcoming year.

(3) For PHA's that administer only tenant-based assistance, the streamlined Annual Plan must include the information required by § 903.7(a), (b), (c), (d), (f), (k), (l), (o), (p) and (r). The information required by § 903.7(b) (financial resources) can be a statement of the programs the PHA administers and the estimated number of new families to be assisted and total families to be assisted in each program.

§ 903.13 What is a Resident Advisory Board and what is its role in development of the Annual Plan?

(a) A Resident Advisory Board is a board whose membership is made up of individuals who adequately reflect and represent the residents assisted by the PHA. The role of the Resident Advisory Board (or Resident Advisory Boards) is to participate in the PHA planning process and to assist and make recommendations regarding the PHA plan. The PHA shall allocate reasonable resources to assure the effective functioning of Resident Advisory Boards.

(b) Each PHA must establish one or more Resident Advisory Boards, and the membership on the board must adequately reflect and represent the residents assisted by the PHA.

(1) To the extent a jurisdiction-wide resident council exists that complies with the tenant participation regulations in 24 CFR part 964, the PHA shall appoint the jurisdiction-wide resident council or its representatives as a Resident Advisory Board. If a jurisdiction-wide resident council does not exist but resident councils exist that comply with the tenant participation regulations, the PHA shall appoint such resident councils or their representatives to serve on Resident Advisory Boards, provided that the PHA may require that the resident councils choose a limited number of representatives.

(2) Where the PHA has a tenant-based assistance program of significant size, the PHA shall assure that the Resident Advisory Board or Boards has reasonable representation of families receiving tenant-based assistance and that a reasonable process is undertaken to choose this representation. Where resident councils do not exist which would adequately reflect and represent the residents assisted by the PHA, the PHA may appoint additional Resident Advisory Boards or Board members, provided that the PHA shall provide reasonable notice to residents and urge that they form resident councils that comply with the tenant participation regulations.

(c) The PHA must consider the recommendations of the Resident Advisory Board or Boards in preparing the final Annual Plan. In submitting the final plan to HUD for approval, the PHA must include a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the PHA addressed these recommendations. Notwithstanding the 75-day limitation on HUD review, in response to a written request from a Resident Advisory Board claiming that the PHA failed to provide adequate notice and opportunity for comment, HUD may make a finding of good cause during the required time period and require the PHA to remedy the failure before final approval of the plan.

§ 903.15 What is the relationship of the public housing agency plans to the Consolidated Plan?

The PHA must ensure that the Annual Plan is consistent with any applicable Consolidated Plan to the jurisdiction in which the PHA is located. The Consolidated Plan includes the Analysis

of Impediments to Fair Housing Choice. The PHA must submit a certification by the appropriate State or local officials that the Annual Plan is consistent with the Consolidated Plan and include a description of the manner in which the applicable plan contents are consistent with the Consolidated Plans.

§ 903.17 Must the PHA make public the contents of the plans?

(a) Yes. The PHA's board of directors or similar governing body must conduct a public hearing to discuss the PHA plan (either the 5-Year Plan or Annual Plan, or both as applicable) and invite public comment on the plan(s). The hearing must be conducted at a location that is convenient to the residents served by the PHA.

(b) Not later than 45 days before the public hearing is to take place, the PHA must:

(1) Make the proposed PHA plan(s) and all information relevant to the public hearing to be conducted, available for inspection by the public at the principal office of the PHA during normal business hours; and

(2) Publish a notice informing the public that the information is available for review and inspection, and that a public hearing will take place on the plan, and the date, time and location of the hearing.

§ 903.19 When is the 5-Year Plan or Annual Plan ready for submission to HUD?

A PHA may adopt its 5-Year Plan or its Annual Plan and submit the plan to HUD for approval only after:

(a) The PHA has conducted the public hearing;

(b) The PHA has considered all public comments received on the plan;

(c) The PHA has made any changes to the plan, based on comments, after consultation with the Resident Advisory Board or other resident organization.

§ 903.21 May the PHA amend or modify a plan?

A PHA, after submitting its 5-Year Plan or Annual Plan to HUD, may amend or modify any PHA policy, rule,

regulation or other aspect of the plan. If the amendment or modification is a significant amendment or modification, the PHA:

(a) May not adopt the amendment or modification until the PHA has duly called a meeting of its board of directors (or similar governing body) and the meeting, at which the amendment or modification is adopted, is open to the public; and

(b) May not implement the amendment or modification, until notification of the amendment or modification is provided to HUD and approved by HUD in accordance with HUD's plan review procedures, as provided in § 903.23.

§ 903.23 What is the process by which HUD reviews, approves, or disapproves an Annual Plan?

(a) *Review of the plan.* When the PHA submits its Annual Plan to HUD, including any amendment or modification to the plan, HUD reviews the plan to determine whether:

(1) The plan provides all the information that is required to be included in the plan;

(2) The plan is consistent with the information and data available to HUD and with any applicable Consolidated Plan for the jurisdiction in which the PHA is located; and

(3) The plan is not prohibited or inconsistent with the U.S. Housing Act of 1937 or any other applicable Federal law.

(b) *Disapproval of the plan.* (1) HUD may disapprove a PHA plan, in its entirety or with respect to any part, or disapprove any amendment or modification to the plan, only if HUD determines that the plan, or one of its components or elements, or any amendment or modification to the plan:

(i) Does not provide all the information that is required to be included in the plan;

(ii) Is not consistent with the information and data available to HUD or with any applicable Consolidated Plan for the jurisdiction in which the PHA is located; and

(iii) Is not consistent with all applicable laws and regulations.

(2) Not later than 75 days after the date on which the PHA submits its plan, or the date on which the PHA submits its amendment or modification to the plan, HUD will issue written notice to the PHA if the plan has been disapproved. The notice that HUD issues to the PHA must state with specificity the reasons for the disapproval. HUD may not state as a reason for disapproval the lack of time to review the plan.

(3) If HUD fails to issue the notice of disapproval on or before the 75th day after the PHA submits the plan, HUD shall be considered to have determined that all elements or components of the plan required to be submitted and that were submitted, and reviewed by HUD were in compliance with applicable requirements and the plan has been approved.

(d) *Public availability of the approved plan.* Once a PHA's plan has been approved, a PHA must make its approved plan available for review and inspection, at the principal office of the PHA during normal business hours.

§ 903.25 How does HUD ensure PHA compliance with its plan?

A PHA must comply with the rules, standards and policies established in the plans. To ensure that a PHA is in compliance with all policies, rules, and standards adopted in the plan approved by HUD, HUD shall respond appropriately to any complaint concerning PHA noncompliance with its plan. If HUD determines that a PHA is not in compliance with its plan, HUD will take necessary and appropriate action to ensure compliance by the PHA.

Dated: February 1, 1999.

Harold Lucas,

Assistant Secretary for Public and Indian Housing.

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Glossary

Area Median Income: Each year, HUD determines the average income in every U.S. metropolitan area and some counties. These figures are used to determine who is eligible for federally funded housing programs. To find the median income in your area, go to HUD's website at <http://www.huduser.org/datasets/il/fmr99/index.html>.

Affirmatively Further Fair Housing: Housing authorities have a special duty under civil rights and *fair housing* laws to make sure their policies do not discriminate against people because of their race, color, sex, national origin, familial status or disability.

Audit: Like all business organizations, a housing authority must keep accurate records of all business transactions. The audit is a review of these transactions and verifies the reliability of the organization's financial statements.

Capital Expenses: Expenses for repairs or replacement of buildings or grounds (for example, a new heating system).

Capital Funds: Funds that HUD gives housing authorities to use for development, modernization, code compliance, demolition, relocation, homeownership programs and vacancy rate reduction.

Capital Improvements: Major repairs or replacement of systems.

Ceiling Rents: The maximum rent that can be charged for residents whose incomes are increasing. Benefits higher income residents. Ceiling rents are optional.

Consolidated Plan (ConPlan): A document that a state, town, city or group of cities and towns submits to HUD in order to receive a variety of federal funds (such as Community Development Block Grants, Emergency Shelter Grants and HOME funds). The ConPlan must describe the jurisdiction and its estimated housing needs and include a strategic plan for addressing housing and homeless needs.

Deconcentration: Under the Quality Housing and Work Responsibility Act of 1998, housing authorities are required to design policies that will deconcentrate poverty by bringing higher-income residents into lower-income buildings and by bringing lower-income residents into higher-income developments.

Discretionary: *Discretionary* policies are policies that housing authorities have the option to develop (or not to develop), as opposed to *mandatory* policies created by HUD and Congress which housing authorities must follow.

Disabled Family: A family whose head, spouse or sole member is a person with disabilities, or two or more persons with disabilities living together, or one or more persons with disabilities living with one or more live-in aides.

Duly Elected: A duly elected resident council is one that has been democratically elected by residents according to minimum standards in HUD's rules (24 C.F.R. 964).

Economic Development and Supportive Services Program: This program provides grants to public housing authorities to create and operate programs that increase resident self-sufficiency and provide supportive services. Activities include: economic and business development; establishing micro-loan funds; employment training; and supportive services such as child care, health care, tuition assistance, youth mentoring and transportation. For elders and disabled residents, assistance includes meals, housekeeping and help responding to personal emergencies. This program can also hire residents to be outreach workers.

Elderly Family (federal definition): A family whose head or spouse (or sole member) is an person who is at least 62, or two or more persons who are at least 62 living together, or one or more persons who are at least 62 living with one or more live-in aides.

Extremely Low-Income: Those families with income at or below 30% of *area median income*.

Facilitator: A person who manages a group process so that people work together effectively. A facilitator can help build work groups, help groups solve problems, and guide groups to resolve conflicts and reach agreements.

Fair Housing: The Fair Housing Act (also called Title VIII of the Civil Rights Act of 1968) forbids almost all housing discrimination based on race, color, religion, sex, national origin, familial status or disability. In addition, federally-funded housing agencies have a duty under this law to *affirmatively further fair housing*, which means to anticipate and avoid any discriminatory results of their housing policies.

Fair Market Rent: The amount of rent (including utilities) determined by HUD to be a fair rent for a particular area, usually set at 40% of the overall rent levels for the area. This is what housing authorities then use to determine the payment standard, which is the maximum amount that a housing agency can pay for an apartment under the Section 8 voucher program.

Family Self-Sufficiency Program: A voluntary HUD program intended to help families in public and Section 8 housing get and keep work.

Final Rules: Rules that HUD has made final after receiving public comments.

Fiscal Year: The 12-month period for which an organization or government accounts and budgets for. It does not have to be a calendar year. For the federal government, the fiscal year begins October 1.

Five Year Plan: Starting in Fiscal Year 2000, HUD requires all housing authorities to articulate their housing mission every five years and submit it to HUD.

Flat Rents: Rents set at a certain amount based on the operating costs of a unit. The purpose is to benefit higher income residents. Under the new law, residents choose whether to pay a flat or an *income-based* rent.

High Performing: A high performing housing authority is one that receives a high score based on its evaluations. Under the new *Public Housing Assessment Program (PHAS)*, high performers, which must receive an overall score of 90% or greater, will be under less HUD scrutiny.

HUD: The U.S. Department of Housing and Urban Development, the federal agency that develops, funds, administers and regulates public and subsidized housing programs.

Income-Based Rent: Rent based on either 30% of a household's adjusted income or 10% of gross income, whichever is less. It is often referred to as the "Brooke rent."

Income Targeting: The new law requires that a certain percentage of public and Section 8 housing be targeted to extremely low-income people with incomes of 30% or less than the area median income.

Interim Rules: Rules that are not final.

Low-Income Families: People with incomes between 51% and 80% of *area median income*.

Mandatory: Required. For example, *mandatory* policies are policies that housing authorities must follow.

Memorandum of Understanding: A document, usually between the housing authority and a resident council, which spells out the terms of an agreement.

Modernization: The public housing modernization program funds housing authorities to improve the physical condition and to upgrade the management and operation of existing public housing.

Obsolete: Obsolete in the context of demolition means "obsolete as to physical condition, location, or other factors, making it unusable for housing purposes and no reasonable program of modification is feasible to return the project or portion of the project to useful life...." Section 18 of the U.S. Housing Act, 42 U.S.C. §1437p.

Operating Funds: Funds which a housing authority uses to operate, including funds for staff, maintenance and all other routine expenses.

Project-Based Assistance: A subsidy that is attached to a dwelling unit. Both state and federal agencies administer project-based subsidized housing units, such as a project-based Section 8 development.

Public Housing Assessment System (PHAS): HUD's new system for evaluating public housing authorities. The PHAS (pronounced "faaz") replaces the old Public Housing Management Assessment Program (PHMAP).

Public Housing Authority (PHA): A generic term which applies to a local government housing provider. A PHA may administer both state and federal public housing programs and the tenant-based Section 8 program, and a Section 8 moderate rehabilitation (mod rehab) program.

Quality Housing and Work Responsibility Act of 1998: The law passed in October 1998 which authorizes, among other things, the drafting of the 1-Year and Five Year Plans. This law also repealed federal preferences, established income targeting and phased out the Section 8 certificate program.

Reasonable Accommodation: A reasonable accommodation is a change in a policy, procedure or program that gives people with disabilities a reasonable opportunity to participate. An accommodation is reasonable if it does not change the basic nature of a program or it does not impose an undue administrative or financial burden on a program. What is reasonable depends on individual circumstances and is open to creative interpretation.

Section 3: A federal program that requires housing authorities to create job training opportunities and jobs "to the greatest extent feasible" for public housing residents and low-income people.

Section 8: A federal program for subsidizing housing that can be either tenant- or project-based. Tenant-based Section 8s may be administered by PHAs or regional non-profits. Starting in October 1999, all Section 8 tenant-based subsidies will be issued in the form of vouchers (the certificate program is phased out). Project-based Section 8 subsidies are attached to units in federal and state developments.

Streamlined Plan: Certain housing authorities are allowed to submit streamlined plans, which are 1-year plans that do not have to contain all 18 required elements.

Tenant-Based Assistance: A subsidy that belongs to the resident, who can move with it. An example of this type of subsidy is a Section 8 voucher issued to an applicant.

Tenant Participation Rules: The tenant participation rules are HUD's rules that establish requirements for resident participation in the operation of public housing. They are often referred to as "964" for short because their legal cite is 24. C.F.R. 964.

Troubled: A troubled housing authority is one that receives a low score on its evaluation. Under the new *Public Housing Assessment System (PHAS)*, the consequences for housing authorities that are deemed troubled will be intensive technical assistance, deadlines for improvement and possibly punitive action.

Very Low Income: People with incomes between 31% and 50% of *area median income*.

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Cover photos:

Bottom photo: In March, 1998 members of five St. Louis resident groups affected by their housing authority's plans to demolish public housing protest in front of City Hall as their representatives meet with St. Louis Mayor Clarence Harmon.

Top photo: Residents and supporters at Union de Vecino in Los Angeles at a planning meeting to set up a RaP session.

To join the Public Housing Residents' National Organizing Campaign contact Othello Poulard, Center for Community Change, 1000 Wisconsin Ave., NW, Washington, DC, 20007, 202-342-0519.