

PLANNING FOR A BETTER FUTURE:

HOW HOMELESS ADVOCATES CAN BE INVOLVED IN THE PUBLIC HOUSING PLANNING PROCESS

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I. WHY ADVOCATES SHOULD CARE ABOUT THEIR LOCAL HOUSING PLAN

Advocates for homeless individuals and families have a powerful tool for influencing the development and prioritization of local housing issues. This tool is the public housing planning process. *Participating in this planning process can result in positive and lasting changes for some of the most vulnerable members of a community, including homeless persons.*

This process was created in October 1998, when the *Quality Housing and Work Responsibility Act of 1998* (P.L. 105-276) became law. This law changed the way that the federal government's low income rental housing programs, including public housing and Section 8 housing, are administered. Importantly, *QHWRA provides numerous new opportunities for advocates who work with low-income people and homeless people to be involved in shaping local priorities for the public housing and Section 8 voucher programs in their communities.*

Before QHWRA, the federal government, in the form of the Department of Housing and Urban Development was the primary decisionmaker for these rental housing programs. QHWRA gives local Public Housing Authorities (PHAs) more discretion in setting their policies, such as rent formulas, admissions targets and preferences, building improvements, safety concerns and other matters. In Michigan, PHAs are called Housing Commissions, but the federal language will be used in this booklet.

As a result of this local flexibility, *homeless advocates can persuade local housing officials and planners to focus on particular issues and ideally devote a reasonable proportion of their resources towards the homeless and other lowest income members of the community.*

HUD also administers a second and more comprehensive community planning process called the Consolidated Plan. Importantly, the Consolidated Plan (ConPlan) influences the PHA Plan, because by law the PHA Plan must be consistent with the ConPlan. This booklet describes both plans, concentrating particularly on the PHA process.

This manual discusses many aspects of the PHA planning and ConPlan processes and highlights ways that homelessness advocates can participate meaningfully. It is organized as follows:

The Plans

This section provides an overview of the HUD Consolidated Plan and the PHA Plan, including the differences between the 5- and 1- year plans for each process. This section also explains the relationship between the two plans and describes the influence of the ConPlan on the PHA plan.

The Players

This section identifies the four most important groups in the planning process: the housing authority officials, the resident advisory boards, the community advocates and the homeless men, women and children affected by the policies. This section also provides lists of questions that advocates can use when developing their strategies for working with each of these groups.

The Process

This section describes the steps that a PHA must follow in developing its plan, including a timeline and an overview of the public input requirements. It includes a list of common obstacles facing advocates and several possible solutions to them.

Advocacy Opportunities Within the Plan

This section examines nine parts of the PHA Plan of concern to people who work with homeless clients. It provides specific statutory requirements and describes ways that advocates might want to think about approaching the issues presented. In addition, this section offers questions that advocates can ask about the particular section of the plan to assess how it will impact the local homeless population.

Additional Resources

Six attachments (called “appendices”) provide details about the plans, advocacy strategies, useful materials and how to research housing needs in your community.

Glossary

This section defines many important terms used in the planning process.

Although these materials were written for homeless advocates, they can also be used as a general guide for anyone concerned about public and Section 8 housing in their neighborhood. An additional general resource is the *Resident’s Guide to the New Public Housing Authority Plans*, available from the Center for Community Change (www.communitychange.org).

II. THE PLANS

Overview

Two related plans influence the ways that communities can use their federal resources to assist homeless individuals and families. The first of these, the HUD Consolidated Plan (ConPlan), is a comprehensive vision for how a community will address the needs of its low and very low-income members. The second, the PHA Plan, is similar to the ConPlan in that it encourages communities to prepare and address the needs of their area in a methodical way. However, the PHA plan differs because it has a more particular focus on people seeking and living in public and Section 8 voucher housing. Both of these plans must be consistent with each other. ***Importantly, each of these plans must be drafted through a process that seeks public input.***

In addition, many communities have a Continuum of Care group whose purpose is to address homelessness and related housing issues. (See page 11 below for more information). Just as the PHA and ConPlan must be coordinated and consistent with each other, a community's Continuum of Care plan should be coordinated and consistent with the PHA and Consolidated plans. ***This means that homelessness advocates who participate in their local Continuum of Care should be informed about and participate in the PHA and ConPlan processes in order to assure that all 3 plans are coordinated.***

Both the ConPlan and the PHA Plan consist of a 5-year strategic vision as well as an annual update. The 5-year vision describes a more general mission, as well as broad goals and objectives, while the 1-year plan details the particular steps the community or the agency will take toward achieving these broader goals. Advocates interested in influencing local housing priorities should strive to become familiar with each of these 4 documents.

According to the law, the Annual PHA Plan must address 18 different topic areas, describe other discretionary policies, and explain annual progress being made toward the achievement of the PHA's long-term goals and objectives. ***The PHA Plan must be consistent with the broader ConPlan for the same jurisdiction, meaning that effective advocacy in the ConPlan process can aid advocacy in the PHA Plan process.*** Although this booklet is primarily concerned with the PHA Plan, we briefly review the Consolidated Plan in the sections that follow and also in the Appendices.

HUD Consolidated Plan

What is Required

Communities must develop a consolidated strategic plan (ConPlan) that describes a broad approach to addressing the housing needs of low-income people in their jurisdiction. The community must create a 5-year plan that states its goals on this issue. It must also provide annual updates (“action plans”) which describe the progress the community is making towards the goals raised in the 5-year plan and also identify changes to the community’s needs. The law sets out what elements must be a part of the consolidated plan.

Why it is Important

The ConPlan serves as the master blueprint for promoting affordable housing in a given community. The development of this plan is mandated by federal law under HUD’s administration. Communities have to submit a ConPlan before they are eligible to obtain federal funding from programs including the Community Development Block Grant (CDBG), Emergency Shelter Grant (ESG), the HOME Investment Partnerships Program (HOME), Supportive Housing, and Shelter Plus Care programs. In Michigan, 45 larger cities and counties (called “participating jurisdictions”) get funding from at least one of these programs directly from HUD. For the rest of the state, a state agency, the Michigan State Housing Development Authority (MSHDA) gets and disburses the program funds to smaller communities (MSHDA must comply with the ConPlan requirements). The content of the ConPlan may affect the types of projects that a community or PHAs can undertake using HUD funds. The law requires that projects funded under 17 federal housing programs must be “consistent” with a community’s ConPlan. See Appendix A for a detailed description of this point.

Public Input

There are many opportunities for public input into the process leading to the development of a Consolidated Plan, some of which are detailed in a formal citizen participation plan, others of which are contained in more informal opportunities for dialogue and written feedback. In fact, the law requires that the agency “encourage” public participation, “with particular emphasis” on lower-income individuals. See Appendix A for a detailed description of this requirement

Public Housing Authority Plan

What is Required

In October, 1998, The Quality Housing and Work Responsibility Act of 1998 changed the rules for how local public housing commissions or authorities operate their public housing and Section 8 voucher programs. Among the changes was the creation of a complex planning process which requires PHAs to develop a strategic vision and annual plans. (The HUD rules

for the PHA plan appear at 24 CFR Part 903. (HUD's website for the legislation that created the plan is at www.hud.gov/pih/legis/titlevinfo.html)

PHAs must develop a 5-year plan (the strategic vision which states a general mission and long-term goals) and an annual plan (a specific plan for achieving these goals). Through these plans, local PHAs establish many public housing and Section 8 policies which determine who get and keep federal rental housing resources in a community. PHAs must submit their plans to HUD for approval. For an overview of the topics that must be covered in the PHA plans, see Appendix B.

Importantly, when HUD reviews an annual plan, it looks at whether the document 1) has all of the required information, 2) is consistent with data available to HUD, 3) is consistent with the local Consolidated Plan, and 4) is consistent with federal law. If one of these elements is lacking, the entire Plan can be rejected.

Public Input

Although not as extensive as in the ConPlan, there are several public participation requirements in the PHA Planning process. This means that advocates have access to at least one public forum at which to voice their comments. The PHA Plan, unlike the ConPlan, also requires input from a Resident Advisory Board (RAB), comprised of current tenants of public housing and section 8 rental units within the PHA's jurisdiction. HUD should give considerable weight to the comments of the RAB and can reject a PHA's submission if the RAB has identified significant problems in the Plan. If advocates are able to form partnerships with RABs and submit ideas jointly through the RAB, this will ensure that these suggestions are included in the PHA's submission to HUD. Following sections in this booklet provide detailed explanation of these points.

The Relationship Between The PHA Plan And The Consolidated Plan

PHA plans must be consistent with their jurisdiction's HUD Consolidated Plan. The most important point for advocates is that given this relationship, if homeless needs are not addressed in the ConPlan, the PHA might not address them in its PHA plan. **If the ConPlan doesn't address homelessness, the PHA is prevented from addressing homelessness (as long as its proposal is consistent with other aspects of the ConPlan). If homelessness is not mentioned in the ConPlan, however, it is much easier for the PHA to ignore these needs in its own plan.** Thus, advocates should become as familiar with the ConPlan as possible in preparation for becoming involved in the PHA Plan. As noted earlier, ideally advocates should be involved in getting favorable goals language inserted into the ConPlan that can be used to urge the PHA to adopt consistently favorable goals and policies

The PHA must demonstrate that it has taken steps to ensure that the PHA plan is

consistent with the ConPlan for the same jurisdiction. Indeed, when federal officials developed the model for the PHA plan, they specifically stated that they wanted the PHA plan linked to the goals and information in the ConPlan. Several questions in the final statement of the PHA plan attest to the importance of this link. In addition, the needs, goals and activities detailed in the PHA Plan must reflect the needs and priorities documented in the ConPlan. In fact, PHAs can (indeed *are encouraged to*) use the data provided in the ConPlan to develop the PHA plan, rather than conducting their own community needs assessment.

This requirement of consistency works both ways for advocates. On one hand, if advocates obtain a copy of their local ConPlan (it is a publicly-accessible document) they will have a good idea of what can and should be included in the PHA Plan. On the other hand, sometimes a ConPlan will not contain meaningful (or correct) information. Sometimes it may not fully address the needs of certain groups, like homeless people. In these cases, advocates may need to work on getting more or better information into both the ConPlan and the PHA Plan. ***HUD presumes that the ConPlan is the most authoritative statement of the housing needs for the geographic area, unless discrepancies are identified in your comments submitted as part of the PHA planning process.***

For more information on the ConPlan and how to become involved in shaping your local ConPlan, see Appendix A.

Close Relation Between the Continuum of Care, the PHA and Consolidated Plans

(Why is the line spacing different here? Is there a reason? The plan adopted by your local Continuum of Care, which will address how many government resources will be spent in the community, should be consistent and coordinated with the PHA plan, as well as the ConPlan. Funds that are allocated and policies that are adopted under all the 3 plans should be targeted toward shared and coordinated goals. Local Continuum of Care groups should study their local Consolidated Plan and Public Housing Plan to see how the findings, goals, policies, and funding decisions in those plans relate to each other and to the goals of the Continuum of Care. If the plans set conflicting goals and policies, then homelessness advocates should advocate for changes in one or more of the plans so that they are more closely aligned.

For more information and ideas on how your Continuum of Care group can work to coordinate its planning with the Consolidated and Public Housing plans, contact the staff at your state Housing Development Authority (MSHDA in Michigan) who are working on COC and homelessness issues. Your local legal services agency, who may already serve on the Continuum of Care group, may be a resource for this type of planning as well.

III. THE PLAYERS

Four major constituents play important roles in the planning process: the housing authorities, resident boards, advocates and homeless families and individuals. Interested community members must understand each of these groups when formulating strategies.

Housing Authority Officials

Role

Local public housing authorities own and operate public housing units, and administer the Section 8 voucher program for their community.

PHAs (Do you mean that the housing officials are in charge of developing the annual PHA plan?? Or maybe change the heading to “Public Housing Authority Officials.” I’m confused because in the first paragraph you talk about local authorities and here is a “PHA” and the regs below mention both. I’m not clear about the structure here.) are responsible for developing the annual plans. Some of the mandated activities during this process include: You may want to separate the mandated activities more. They blend in with the rest of the paragraph.

- Naming a Resident Advisory Board (RAB) and involve the RAB in the development of the plan
- Drafting the plan
- Holding a public hearing on the plan
- Submitting the plan to HUD for final approval

In conducting this process, housing authorities must comply with their jurisdiction’s Consolidated Plan. This point is clearly required in the regulations:

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 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. 24 C.F.R. 903.15

Housing officials must balance the demographics of the residents: on one hand, because of the new policy of income deconcentration, they are under pressure to increase the number of higher-income residents in the developments. Yet, on the other, they must achieve a target of very low income people (below 30% of local area media income). Homeless advocates should be aware of these competing priorities.

Advocates should think about

Advocates should recognize the differences between the PHA staff and the PHA Board of Commissioners.. The staff are most closely involved with the day to day operation of programs and implementation of polices.

The Board of Commissioners sets policy and is more removed from how the polices actually impact the residents and housing units. But, the Board must approve all plans before they are sent to HUD. The Board is appointed by the local elected officials, and is comprised of community members who sit for a given period of time (sometimes 5-years). At least one member must be a public housing tenant of Section 8 voucher holder. ***Advocates should find out as much as they can about the Board***—who is on it? when do the members' terms expire? who appoints them? when does the Board meet? (meetings should be open to the public) Is the Board very active and engaged or does it generally defer to the staff?.

Advocates should work to develop positive relations with both the PHA staff and Board. In particular, relations with the staff can be useful for learning the particular outlook that the PHA officials have on homeless issues. Often, the staff's perceptions will influence decisions. It is useful to know the level of information a staff person has about homelessness in the area.

Resident Advisory Boards

Role

The new law states that PHAs must involve residents of public and Section 8 housing in the planning process. For example, each PHA must establish one or more Resident Advisory Boards (RAB), which adequately represents the tenants assisted by the PHA. If the PHA has a Section 8 program of "significant size," the RAB must include representation by Section 8 voucher holders as well. With some limitations, if the PHA already has a resident council, it may be appointed as the RAB. However, the RAB must adequately reflect and represent all of the residents in the PHA's jurisdiction.

RABs have a major role in helping PHAs develop the plans. The RAB is required to participate in the planning process and to make recommendations to the PHA. First, after the proposed plan is subjected to a public hearing, the PHA must discuss with the Board any revision. Second, the PHA must describe to HUD how it has addressed recommendations by the Board. The PHA must consider all RAB comments. Third, the PHA must include all RAB comments with the final plan submitted to HUD for approval. This last point is not necessarily true for comments received at the required public hearing. Finally, if a PHA seems to be ignoring the RAB in the process, the RAB can challenge and request that HUD reject a plan.

Residents who are involved with this Board may need to remind the PHA of their mandated role in the process. Furthermore, the PHA must provide reasonable resources to help

the RAB accomplish its mandate to be involved in providing input, including communicating with other residents.

Advocates should think about

The importance of the role and responsibilities of the RABs present several avenues for advocacy. First, advocates should find out all they can about the Board. Who is on it? Does it reflect and represent all public housing tenants and Section 8 voucher holders?

Does the composition of the Board fulfill all the legal requirements? (These requirements are contained in 24 C.F.R. Parts 903 and 964) Do they meet in the mandated way? Were they properly appointed (instead of handpicked)? Is there the necessary support from the PHA to help the RAB carry out its functions? In light of the importance the law places on the residents' input in the development of the plan, a nonfunctioning or nonexistent RAB can be grounds to reject a plan.

Working Together

Input from the RAB will often carry more weight than that provided by citizen or agency advocates alone. For example, the RAB's comments must be included when the Plan is submitted to HUD for approval, but the public comments do not have to be. Similarly, HUD rules require a PHA to explain how it has considered (or did not consider) the RAB's recommendation, but it is not required to explain how it has considered citizen input.

Advocates should work with the existing RAB to promote their issues. Advocates should try to meet with RAB members to learn about possible areas of common concern. Advocates may be able to work with RAB members to develop joint comments. Alternatively, individual RAB members who are supportive may be willing to incorporate or attach the advocates' comments and suggestions to their own comments. Community advocates may be able to offer support to concerns that were previously raised only by the residents. This type of partnership can benefit residents who may not be able to gather or process the information or do the work that organizations are able to do. Thus, a partnership will benefit both sets of players. *Whatever the partnership, however, the RAB, as well as advocates, should submit all of their comments in writing and keep copies for possible future use.*

A somewhat longer-term approach that may have beneficial results is to have sympathetic individuals (i.e. ex-homeless people) become RAB or tenant council members.

Community Advocates

Role

As has been pointed out, there is a significant role for interested community members both within the HUD Consolidated Planning process and also within the PHA Planning process. This is true both for the 5-year and 1-year plans. *The most important point to keep in mind is to understand what the PHAs are required to do at each step of the way, and to provide comments based on accurate and timely information.*

Advocates should think about

Anyone who is concerned about issues of homelessness, affordable housing and the general obstacles to it faced by low and very-income people can be an advocate. Advocates may be organizations, ranging from local shelters and services providers, to hospitals and public health centers. They can also be local businesses, colleges, schools, elected officials and legal services offices. When considering a PHA's proposed plan, advocates should try to gather information and input from as many concerned sectors of the community as possible.

Continuums of Care

In addition to all of these options, homeless advocates should become involved in, and recruit support from their local Continuum of Care (COC). The COC addresses the multi-faceted nature of homeless, recognizing that it is not necessarily simply a lack of housing that leads to a person's homeless situation, but that other factors, such as mental health problems, addictions and social difficulties, contribute to the problem. Planning for and implementation of the COC process and projects occurs within the strategic overview of local housing and economic conditions that make up each community's Consolidated Plan.

Often, a Continuum will include many members of the social and human services community that work with and are well informed about issues of homelessness. This group may also contain representatives from the local government's planning department and the PHA. Sometimes, the Continuum will have been working on a project (for example, collecting data about the local homeless population) that can be a useful contribution to the PHA plan. The Continuum may also be a good way for advocates to mobilize larger numbers of people to be aware of and involved in the PHA planning process. For example, advocates could present an overview of the planning process at a Continuum meetings and get peoples' involvement.

(You can double check this but the section above seems mostly duplicated in the section below.)

)Homeless Individuals and Families

Role

While there is not a specific statutorily- defined role for members of a community who are or have been homeless, *representatives of this group can be important allies in the effort to shape the PHA Plan.*

Advocates should think about

People who are directly affected by the policies and plans of local government can make

an important impression on decision-makers. By ‘presenting a face’ to what can often seem to be abstract issues, homeless clients who have experienced directly the difficulties of finding or keeping public housing can be effective participants in an advocacy effort.

They can relate their stories about what it was like seeking housing and the difficulties they experienced when approaching the PHA. If these stories are shared at the public hearing and shared with members of the RAB, they may grab the attention of the HUD approval unit.

Homeless clients can also help provide a perspective on whether elements of the plan accord with their reality as a homeless individual or family. For example, they may have insights about whether local subsidized housing is sufficient to help end homelessness for most families, and whether that housing stability can promote retention of employment. Both of these points may be relevant to the priorities in the admissions policies of a PHA.

Clients who are currently (or formerly) homeless should be included in the planning and hearing process, when possible. Interested and appropriate persons may be found on existing advisory boards for homeless shelters, transitional housing, resident boards or councils through the Public Housing Commission, local multi-purpose collaborative bodies, etc. Low-income persons may be more likely to participate in planning meetings or public hearings if they receive help with transportation, or stipend to assist with child day care and transportation. Alternatively, a Continuum of Care or other homelessness advocates could organize a “focus group” or other process for obtaining input at one or more local shelters. The information received from these meetings could be incorporated into recommendations for the Consolidated Plan and PHA Plan.

IV. THE PROCESS

This section reviews the steps a PHA must take in developing its Plan and describes some of the most important points on the planning timelines. It then provides an overview of ways that community leaders can be involved. It then reviews a few troubleshoot tips. Finally, it presents a detailed analysis of the most important sections of the Plan that homeless advocates should follow.

REQUIRED STEPS

PHAs must follow numerous requirements when developing their plans. 24 CFR 903.17(b). Some of these include:

Getting input: PHAs are mandated to get public input when developing the 5- year and the 1- year plans. This requirement includes at least one public hearing to discuss the plan and receive public comment. This hearing must be convenient to PHA residents, both in the location and the time it takes place.

Releasing supporting documents: PHAs must release copies of all relevant documents. These documents must be available for inspection, upon request, at the main PHA office.

Giving notice of draft plan: PHAs must make the Draft Plan available for public review at least 45 days before the hearing. PHAs must also conduct reasonable outreach activities to “encourage broad public participation.” It must also contact all organizations and individuals who indicate that they are interested in participating in the planning process.

Homeless advocates should 1) ask to be put on the list to receive notice of when the plan is available and when the hearing will take place and 2) ask the PHA to bring the draft plan to the Continuum of Care as soon as possible, preferably before the draft is officially released. Advocates might also want to meet with PHAs to discuss their issues before the plan is released for comment.

Following a schedule: PHAs must submit the Plan **75 days** before the beginning of the PHA’s particular fiscal year (FY). PHAs have different fiscal years, which determine when they must submit the plan to HUD. Thus:

<u>FY begins</u>	<u>PHA Plan due 75 days earlier</u>
Jan 1	Oct 18
April 1	Jan 16
July 1	April 17
Oct 1	July 18

Similarly, the fiscal year determines the preliminary planning calendar. *Advocates can find the fiscal years for all Michigan PHAs (“Commissions”) at in Appendix G.*

Responding to public input: A PHA can only adopt a plan and submit it to HUD after it has held a public hearing, considered “all public comments” received on the draft, and made any changes to the plan, based on comments, after consultation with the RAB or other resident organizations. 903.19 (a-c) OK call me anal but I like seeing the full CFR cite. *However, unlike the case with comments from the RAB, the PHA does not have to submit the comments received from the public to HUD with its plan.* This fact makes teaming with an RAB especially important as a way to ensure that the community’s comments will be taken seriously by the PHA, and – if unaddressed – brought to HUD’s attention.

Violations of Public Comment Requirements: If a PHA does not follow the requirements including public participation in developing its plan, the housing statute says that HUD must send the plan back to the PHA if it is challenged *and* if HUD decides that the PHA has not followed the rules.

Amending Plans: PHAs can amend or modify “any PHA policy, rule, regulation or other aspect of the plan.” 903.1(a). Amendments can only be adopted after an open meeting of the

PHA's Board of Directors (1) and is consistent with 903.17 (b).

IDEAS FOR COMMUNITY / ADVOCATE INVOLVEMENT

Advocates have many ways to be involved in this process. Among some of the most significant are:

- Strategize** Identify issues which are most important to you and your clients/members.
Identify PHAs which to focus on. Advocates do not need to address every detail!
Identify information you can bring to PHAs.
Find out the particular calendar and deadlines for the PHA and ConPlan schedules.
- Find allies** Contact resident organizations and request a meeting to discuss common interests.
Form community coalitions around planning and research issues.
- Lay the groundwork** Contact PHA and request to be involved in the planning process.
Request regular meetings with the PHA staff.
Find out what you can provide to make the planning process easier for PHA staff.
- Advocate** Attend public hearings and testify.
Submit written comments to the PHA about issues that you think are important.
Contact HUD if you think the plan does not meet the legal requirements.
Use the media if appropriate to highlight important issues.

For additional ways that community members should think about becoming involved in this public process, see Appendix A (discussing the ConPlan).

COMMON OBSTACLES AND SOLUTIONS

Possible Obstacles

In working with either the PHA or the local government unit responsible for creating the ConPlan, advocates may face several obstacles. For example:

- The PHA / local government does not provide the information you need or have requested*
- The PHA / local government does not follow the rules*
- The PHA / local government did not take your ideas into account*
- The Plan does not meet HUD's standards*
- The PHA does not comply with a plan that has been approved*

Possible Solutions

The specific solution to the problem will depend on what exactly is at issue. However, in

general, advocates can use the following steps to lead to a better understanding or resolution of the problem:

-Find out if there is a law or regulation that says what the PHA must do.

Sometimes you can find the applicable law on the HUD Clips web page.

(See Appendix F).

Your local legal aid or legal services office may be able to help you.

-Work with the RAB to find solutions

Consistent with their elevated status, comments from the RAB

will make a greater impression at the HUD office.

-Utilize the Freedom of Information Act (FOIA) to get information

This can provide a chance to inspect the documents

Be aware that you may be required to pay for copying and staff time if you ask for copies of the document.

-Contact HUD to file a complaint (www.hud.gov/local.html for offices)

-Seek Legal Assistance from a local Legal Services office. Their attorneys may be able to represent you or your clients, or provide you with information you need to advocate on your own. To find your local legal services office look at www.mlan.net or call the State Bar Lawyer Referral 1-800-968-0738.

V. **ADVOCACY OPPORTUNITIES WITHIN THE PHA ANNUAL PLAN**

Overview

A PHA must follow a certain format when it develops its 5- and 1-year plans. In particular, the PHA creates its Annual Plan from a template available on the HUD website (<http://www.hud.gov/pih/pha/plans/phaps-templates.html>, document # 57075.) Because of this easily-accessible and standardized format, advocates can compare the PHA's draft plan with what is required by HUD. Below, we review several sections of the PHA Annual Plan that are of particular interest to homeless advocates. After briefly discussing what each of these sections requires and why it is important, we discuss ways that advocates can provide input on the particular section for the benefit of their clients.

Main Theme --Significant Flexibility and Local Discretion

Because the 1998 federal housing law gave each PHA broad flexibility in shaping its own

priorities and ‘flavor,’ it is difficult and possibly counterproductive to prescribe a single formula or list of policies that homeless advocates should promote. Rather, advocates must review and consider each of the categories in the Plan as it pertains to the specific make-up and needs of their local homeless population. In addition, advocates must also think about the interaction of these categories.

Key PHA Plan Sections

While all aspects of the Plan are important, some are more important in determining the priorities and practices of an individual PHA. We focus on the following areas in which advocates can have the most immediate impact. The parenthetical comments following each category identify what type of tenant is impacted by the particular type of policy. *Remember:* this is only a sample of ideas--there are many other ways that advocates can make their voices heard in this process. Be creative! (Note: not all PHAs handle both public housing and Section 8.)

- 1--Mission of the Housing Authority
- 2--Goals and Objectives
- 3--Housing needs of low and very low-income families, elderly, people with disabilities, and minority households in the community (*public housing and Section 8*).
- 4--Eligibility, selection and admissions policies (*public housing and Section 8*).
- 5--Rent policies (*public housing and Section 8*).
- 6--Plans for demolition and/or other disposition (*public housing*).
- 7--Designation of public housing as elderly/disabled (*public housing*).
- 8--Community service and self-sufficiency (*public housing and Section 8*).
- 9--Other (*public housing and Section 8*)

SELECTED SECTIONS OF THE PLAN

The Plan begins with two sections that provide broad priorities and themes for the rest of the document. It also requires the PHA to list where the Plan and the supporting documents are available for inspection.

1. Mission

REQUIREMENT

Each PHA must describe its overall mission. It can choose between selecting a pre-determined statement from the Department or it can develop a unique statement of its own (“the mission of *our* PHA is to ...”).

WHY IMPORTANT

The PHA’s mission shapes the entire Plan. If reducing or eliminating homelessness is a component of the mission, this emphasis will resonate throughout the Plan. Similarly, if it is not

included, the PHA has indicated that homeless community members are not of primary concern.

ADVOCACY IDEAS

Advocates should try to encourage their local PHA to make the reduction of homelessness a specifically-articulated element of the agency's mission. Because mission statements are often quite general, advocates may need to phrase their preferences in language that is similarly broad ("...providing housing for the most vulnerable in our community..." etc.) Advocating for homeless reduction as a part of the PHA's mission will be facilitated if this goal is also a priority in the HUD ConPlan.

2. Goals and Objectives

REQUIREMENT

A PHA must state its goals and objectives for the coming year, based on its mission. PHAs can either adopt goals provided by HUD in the template or they can develop their own goals.

WHY IMPORTANT

This section moves the PHA's planning process to a level of greater specificity. For example, in the template, HUD provides several goals derived from the Department's national strategic priorities that should be considered by each PHA. Some of these may be of particular interest to homeless advocates. For example:

HUD national strategic priority: Improve community quality of life and economic vitality

Local PHA goal: Provide an improved living environment

Local PHA objectives: Designate certain housing developments or specific buildings for particular resident groups

Thus, this section begins to define the level of attention given to homeless people and sets forth specific objectives that may or may not address the reduction of homelessness within the PHA jurisdiction.

ADVOCACY IDEAS

Advocates should recommend that the PHA develop specific goals and objectives addressing issues relating to local homeless populations. For example, a community might want to encourage the PHA to set a goal to "provide more opportunities to transition very low income people into more permanent or stable housing." One objective to accomplish this goal could then be "reducing homeless 15% below the current local figure in 2001."

After listing the Mission and Goals, the Plan next moves to more specific criteria for defining who will receive services from the PHA, and in what order they will receive these services. It also provides a long list of supporting documents that the PHA may have used to develop the plan, which must be identified.

3. Statement of Housing Needs

REQUIREMENT

Each PHA must assess the housing needs of several different groups within its jurisdiction. This is a multi-step process, which includes the following components:

A) Housing Needs Of All Families Within The PHA's Jurisdiction

PHAs must identify housing needs in their jurisdictions and say how they intend to address these needs "to the maximum extent practicable." PHAs must identify separately the housing needs of certain groups, e.g. those faced by persons at different income levels (including extremely low, very low and low-income families), elderly, disabled, different ethnic and racial groups. For each of these groups, PHA must assess various factors of the group's housing needs, including: affordability, supply, quality, accessibility, size and location. The Plan requires the PHA to list the data sources used for determining this information.

B) Housing Needs Of Families On Public Housing And Section 8 Wait Lists

The PHA must describe how and when it will open the wait lists for both types of subsidized housing. Information in this section is broken down by same types of categories (income, race, etc.) as in the previous section.

C) Strategy For Addressing Needs

The PHA must state what strategies it will use to address the housing needs just described. For example:

Need: Housing for families at or below 30% of Area Media Income (AMI). An area's AMI, along with other useful information about housing costs relative to local income, can be found at <http://www.nlihc.org/oor2000/index.htm>, the website of the National Low Income Housing Coalition)

Strategy: Target available assistance to families at or below 30% of AMI. The PHA can address this need by employing "admissions preference aimed at families with economic hardships"

As is the case throughout the Plan, the PHA has the option of checking a box labeled "Other" and then listing other strategies. This feature gives the PHA the opportunity to present

any approaches not specifically designated by the Plan.

WHY IMPORTANT

The PHA establishes its priorities for particular groups within this section. The PHA will determine these priorities based on the data it chooses to use. ***The sources of information the PHA uses to portray the housing and homelessness situations in its jurisdiction will shape the action plan.*** If they use inaccurate or outdated data about the local homeless population, the services provided will not match the actual need.

ADVOCACY IDEAS

Ensure Complete and Accurate Information: Advocates should try to ensure that the information presented in the Plan most effectively and accurately represents the homeless or near homeless population in the PHA's jurisdiction (city, county, etc.) . Advocates should pay particular attention to the sources the PHA used to compile its data which are listed in the plan, noting whether the information in the plan accurately reflects these sources, whether it matches the information that the advocates have compiled on their own (if any), and if all available and relevant sources have been considered.

Utilize Information from Consolidated Plan (if it is useful): Much of the information that is requested should be found in the ConPlan for the jurisdiction. HUD regulations allow PHAs to use the information from the ConPlan if it accurately describes local housing needs. 64 Fed. Reg. 8173 (Feb. 18, 1999). If they have a copy of the ConPlan, advocates should not have much difficulty in assessing whether the PHA plan is in line with already-defined community priorities. Advocates should use this data to their maximum extent feasible that furthers their local goals.

However, if the ConPlan does not provide this information, or if the ConPlan lists different priorities from the ones desired, advocates may have to supplement the information. ***Generally advocates need to present data showing the magnitude of the difficulty that homeless people face in finding reasonable and affordable living situations.*** For example, this can be accomplished by having people testify about their experiences having difficulty finding certain kinds of housing, in order to demonstrate the need if it is not evident in the Plan. Elsewhere in this packet we list some of the data sources that may be used to add to the information.

4. Policies Governing Eligibility, Selection And Admissions

REQUIREMENT

The federal housing statute mandates that the PHA must address the identified needs "to the maximum extent practicable" in the remaining sections of the Plan. 42. U.S.C. 1437 c-1(d)(1) One of the ways they can do this is by creating the Plan based on their local community needs and resources.

Thus, while PHAs have much discretion on these matters, a few federally-mandated guidelines do indeed exist. For example, each year, 40% of the new or available public housing must go to people classified as extremely low income. Similarly, 75% of the new or turned-in Section 8 vouchers must go to this income group. 42 U.S.C. 1437n(a-b) Yet, PHAs also have discretion to increase these percentages if such a decision will be consistent with the other elements of the Plan. Furthermore, admissions requirements must be consistent with other federal law, such as anti-discrimination law and laws that promote fair housing.

This section of the Plan contains many details. Advocates will have to constantly consider the implications of the PHA's choices on their clients. The list below emphasizes public housing, although a similar list must be compiled for Section 8 Housing.

- A. Eligibility This subsection includes questions about how PHA verifies eligibility for public housing. Also, asks for non-income screening criteria, such as criminal records or rental histories.

- B. Waiting List This subsection includes methods used to prioritize the lists. Also, it where people can apply to get on the waiting list, such as PHA offices.

- C. Targeting The plan can use **income targeting** to promote the support of a certain population groups, especially with regards to different income levels. Thus, a question such as “does the PHA plan to exceed the federal targeting requirements by targeting more than 40% of all new admissions to public housing to families at or below 30% of median area income?” might be useful.

- D. Preferences The PHA's **preferences** to identify who on the waiting list will have priority for available housing units. PHAs have broad discretion (within federal law, of course) to establish preference groups for housing stock / space. Although HUD has eliminated its former federal preference categories, these categories can still be adopted by local PHAs. Some of these include: homeless, victims of domestic violence, people who face a high rent burden. As in previous sections, the PHA can choose to write in “other” preferences. Once preferences are established, the PHA must provide a ranking scale for the different categories. ***Preferences are among the most powerful tools for homelessness advocates to use to make subsidized housing resources more available to homeless persons.***

- E. Occupancy This part of the Plan addresses ways that applicants and residents can access PHA rules.
- F. Deconcentration HUD is placing PHAs under greater pressure to demonstrate that their housing is occupied by households with a wide range of incomes. As a result, federal obligations may lead to possible changes in admissions policies which can sometimes involve “skipping” people on the waiting list with incomes that do not promote deconcentration.

WHY IMPORTANT

The Needs Section shapes the remainder of the Plan. Thus, this section provides PHAs with broad discretion to include or not include homeless people in the clientele that can access public housing.

ADVOCACY IDEAS

Advocates need to pay attention to a number of interrelated issues. Some of the more useful questions to ask about these subsections are:

Who gets on the Waiting List? Advocates should pay attention to how the PHA defines the waiting list. When the list is open, do any of the available positions go to homeless individuals or families? Also, what is the relationship between the waiting list and the PHA’s preferences—do the same groups appear on both lists, or on one but not the other? If so, this presents a situation where certain groups might “slip through the cracks.” Furthermore, the shape of the wait list might be influenced by the preferences for elderly and disabled people—see later section)

One concern is that homeless people may have difficulty getting placed on the wait list because they are not able to physically access the list. If the PHA allows people to sign up at locations such as homeless shelters and social service agencies, instead of restricting this to only the main PHA office, homeless clients might gain improved access to the wait list.

How are the admissions criteria developed? Advocates should check whether the PHA admission criteria are consistent with the Consolidated Plan.

What types of tenant screening processes exist? While tenant screening is permitted, criteria for doing so must be rationally related to an applicant’s likelihood of complying with the PHA’s lease standards. 24 C.F.R. 960.204. Because of this provision, the PHA can screen out homeless or formerly-homeless applicants with illegal drug use and other types of criminal backgrounds. Advocates might review the proposed screening policies and challenge those that violate federal civil rights laws or those that make unreasonable assumptions about the clients’ abilities to comply with the lease. Some PHAs may want to look at a tenant’s rental history.

Some homeless people are evicted due to substandard housing, legitimate disputes with their landlord, or because they were unable to afford the dwelling. The screening criteria should be assessed to see if it might unfairly screen out person who are homeless following an eviction.

What are the numerical targets for different income groups? While PHAs have discretion in setting the lower end of the income-group targets, one important and sometimes overlooked fact is that the federal housing statute does not define the upper limit for this group. Thus, there is flexibility within the targeting realm. To capitalize on this, advocates could demand an increased numerical target for the lowest income clients by requesting a higher percent of people in the below-30% of AMI bracket, coinciding with the incomes of many homeless people.

Who receives housing *first*? Do homeless people receive any preference? Federal law no longer mandates particular preference groups. Instead, PHAs can establish preferences as is most appropriate for their local community. Advocates should assess the proposed preference lists to assess how it will impact their communities. As a general approach, advocates should discuss the benefits of including a preference for homeless individuals or families. *Preferences are one of the most immediate and powerful tools that can be used to make housing available to homeless persons.*

Advocates can suggest preferences for many types of people, for example, those who live in substandard housing, those who pay excessive rent, those who face voluntary displacement, those who are displaced by governmental action or natural disasters, those who are in a work or training program, those who have an employed member of the household or those who have worked a certain length of time. (For additional information on this issue, see David Bryson and Daniel Lindsey's "The Annual Public Housing Authority Plan: A New Opportunity To Influence Local Public Housing And Section 8 Policy," in 33 *Clearinghouse Rev.* 87 (1999)). Furthermore, although federal law no longer guarantees certain preferences, the law requires that PHAs must consider preferences for certain groups, such as victims of domestic violence. Homeless advocates may want to highlight the fact that homeless women in shelters should qualify for this expedited approval of their applications.

Are there some subgroups that might be more consistent with the PHA's goals? Advocates should encourage the PHA to consider whether certain preferences should be adopted in order for the PHA to address housing needs specified in the mission and goals. If the PHA is resistant to a general preference for persons who are homeless, advocates should also think about whether the PHA would be more open to preferences for particular populations of homeless people. Having recognized that PHA officials want to provide space for people who will be good tenants, advocates might focus on promoting subgroups who are most likely to put the PHA at ease. For example, those who have lived in transitional housing for a period of time (demonstrating stability), or those who have been referred from or continue to receive supportive services from

designated social services agencies. Removing the possible stereotypes of homeless people who are unable to comply with the lease requirements may help this process.

What is the history of homeless preferences for this particular PHA? Advocates might need to demonstrate the value of public housing for their homeless clients. In the past, PHAs have actually eliminated preferences for homeless people, claiming that by designating this group as a priority they are actually encouraging people to become homeless when there may not necessarily be any availability for them.

Ideas for Preferences related to homelessness (a short, incomplete list):

- Persons who are homeless (in shelter, living in the street, living temporarily with others)
- Persons who are about to become homeless not due to any fault of their own (due to termination of tenancy, condemnation, inability to pay rent due to involuntary loss of work, etc.)
- Persons who need to move from transitional housing into permanent housing
- Persons receiving homelessness prevention services from designated social agencies
- Persons who pay more than a certain percentage of their income on rent
- Persons who need housing in order to keep Protective Services from removing children from the home
- Domestic violence survivors (this preference must at least be considered by the PHA)

5. Rent Determination Policies

REQUIREMENT

PHAs have broad discretion in defining the shape of their rental categories and policies. However, there are some rules that apply only to public housing. Is there a cite for this?

A. Public Housing, Residents Can Choose From Among Two Rent Structures and whether to Charge Minimum Rent

1. income based rent policies - A resident's rent is usually based on 30% of the resident's adjusted income as their rent.. PHAs have to decide what percentage of income a resident will pay, and define what income is counted. In the Plan, PHAs must describe these income based rent-setting policies, including: discretionary policies, minimum rent, ceiling rents, rent redetermination arrangements.¹

2. flat rents - Residents must be given a choice whether to pay rent based on the flat rent or

¹ Note: historically, some PHAs set "ceilings" on the maximum amount that the rent can be increased under an income based policy. Federal law now requires that these ceilings be phased out, and a PHA who did not previously have a ceiling rent policy cannot now adopt one.

their income. PHAs must set a flat rent for each unit. This sum is based on the rental value of the unit. The federal law says that a flat rent can not be higher than what it costs to operate the particular unit. However, it could be lower.

3. Minimum rent – the PHA can choose whether or not to charge a minimum rent (typically \$25-50) to those persons who have no income or whose small income would otherwise be spent entirely on utilities.

B. For Both Public Housing and Section 8

The PHA must provide information about payment standards and minimum rent. For section 8, the PHA must charge a minimum rent.

WHY IMPORTANT

Rent policies can be complicated, as the interaction among the different ratios of rent types and rental categories may cause groups to “fall through the cracks.” However, the policies will affect the ability of residents and future residents to be able to cover their costs. If a PHA charges a minimum rent for its public housing, this may make it more likely that persons with little or no income, once admitted to the PHA’s housing, will become homeless because they do not have enough money to pay the minimum rent.

ADVOCACY IDEAS

This section is more relevant for people who have acquired public housing than who are searching. However, it is recommended that advocates understand how their suggestions for rent policies will impact the PHA’s interest in achieving certain rent thresholds and overall financial wellbeing. Advocates should pay attention to a number of issues and must constantly ask, “how will this policy or this interaction of policies impact the homeless families I know?” Some of the more useful questions to ask are:

What is the balance between flat rent and income-based rent? PHAs can adjust the ratio of income-based rent versus flat rent. For example, a PHA can decide that it wants to move toward having a greater percentage of people pay flat rent. Homeless people, with minimum income, will probably prefer the former, especially until their financial circumstances stabilize. Accordingly advocates need to watch for the prioritization of these two different categories.

What percentage of their income do residents pay if they select income-based rent schedule? Advocates can influence a PHA's decision to determine what percentage of their income residents will pay. Advocates can also provide input as to how to determine what types of resources will consist of countable incomes. Because PHAs can determine whether certain monies are “income”, and thus how they will effect the rent that a person is actually able to pay, advocates should watch closely. Furthermore, although the 30% of income is the standard, it could go lower, if the PHA chose to “disregard” some of a resident’s income.

What kinds of income adjustments are in place? PHAs have wide latitude in determining what kinds of adjustments can be counted, and whether certain expenses like transportation or medical expenses can be deducted from a resident's income. Advocates should promote policies that will let their homeless clients count a lower portion of their income, especially if they are paying an income-based rent. It is important to remember, however, that if the PHA disregards more income, then typically the PHA must make up the lost rent out of its own funds.

What are the policies that define the minimum rent? For public housing, PHAs are allowed to establish minimum rent up to 50 dollars. Advocates should first argue that the PHA should not charge any minimum rent to persons whose incomes are so low. However, a PHA can "immediately" allow clients to forgo paying even this minimum in "hardship situations". Crises within this category include decreased income resulting from a loss of a job, a death in the family, an increase in expenses for services such as medical costs or transportation to work, an increased risk of eviction and "other situations as may be determined by the agency" 42 U.S.C. 1437 a (a)(3)(B).

Homeless advocates should try to define "other situations" to best address the needs of their communities. The federal regulations specify complicated procedures that must be followed by the PHA to notify residents about and to administer the exemption. Some PHAs can be persuaded that it is less complicated to eliminate a minimum rent policy than for their staff to administer the hardship exemptions in compliance with the law.

How does the PHA compensate Section 8 landlords? PHAs also have discretion about how they set the maximum amount that they will pay to Section 8 landlords, ranging between 90 and 110% of the local fair market rate for units of comparable size. In communities with high rents, advocates should push for a standard that is not too low, or else people using Section 8 vouchers will face difficulty in finding housing.²

6. Demolition And Disposition

REQUIREMENT

PHAs must describe any actions relating to the removal of some of the older or less appropriate housing stock. (housing "stock"? is that like "available units") If the PHA plans to ask HUD for permission to raze or sell any of its housing units, the 1-year plan must describe these units and set forth a time line for its proposed actions. It should be noted when the PHA applies to HUD for permission to demolish or sell a building, the PHA will have to show that the building or units are "obsolete" (a legally-defined term) and that it plan was formulated in consultation with

² Those receiving Section 8 vouchers are allowed to pay more than 30% of their income, but there are still limits on the total amount that they are permitted to pay. Therefore, advocates should push for higher payment rates.

residents.

WHY IMPORTANT

Demolition can pose potential problems for all people who need subsidized housing. If public housing is razed and not replaced, the low-income and homeless people on the waiting lists will not be able to find stable, long-term shelter.

ADVOCACY IDEAS

Homeless advocates must be concerned about the loss of stock that is most relevant to the local homeless population, whether it is families or individuals. Advocates should look closely at this section to what the PHA's plans are. It will be important not only to fight the loss of relevant units, but also to pay attention to the reallocation of housing units. In addition, advocates should pay attention to whether this section of the PHA's plan is inconsistent with the ConPlan.

7. Designation Of Housing For Elderly /Disabled Individuals (Or Families With Such Individuals)

REQUIREMENT

PHAs have the option of designating units for certain, HUD-approved preference groups, such as elderly and disabled people, or families that contain people in these groups. If the PHA has made these designations, they must explain or demonstrate this preference in the Plan, as well as provide numbers of units affected by this preference.

WHY IMPORTANT

Some PHAs have had difficulty filling vacancies in units designated for senior or elderly people. Rather than leave these units empty for a long period of time, these units can (and should) be made available to other persons, first the "near elderly" and then anyone. Priority could be given to persons who are or about to become homeless. Often in these situations, PHAs can designate a list of groups that have priority for these units, which can also impact the availability of housing. In addition, these preferences may help homeless people who fall under one of these designated categories.

ADVOCACY IDEAS

This section of the plan can have provisions that both help and hurt homeless persons, depending on the local circumstances. This demonstrates the difficulties of applying one standardized approach to this category as well as highlighting the need for specific data on each particular community. A high designation for these groups may mean the loss of units that would otherwise be more generally available for homeless people not of these categories. On the other hand, homeless people also are included in these preferential groups.

If there is no one available to fill this particular bracket, advocates must ask when and how the PHA utilizes the waiting list of non-seniors—are homeless people given any kind of priority? At a minimum, advocates should assure that the PHA has allowed “near elderly” persons on its waiting list into such units, a step which would create a larger opportunity for homeless people to be admitted to these units.

Homeless advocates should also consider the extent of disabilities within their local community. Disability is defined very broadly, so it may be the case that a high number of spots designated for disabled will provide more avenues for homeless people.

8. Community Service And Self-Sufficiency Programs

REQUIREMENT

The Plan requires PHAs to think holistically about the people they are serving. PHAs are strongly encouraged to develop multi-faceted approaches to address the need for affordable housing for area residents. Part of this can be accomplished by forming links with the local social service community, and in particular, the agency that is responsible for administering public benefits programs (in Michigan this is the Family Independence Agency). The Plan asks for information about several aspects of this collaboration.

Federal law also now requires that public housing residents who are not currently working or engaged in other approved self-sufficiency activities, to participate in 8 hours of approved community service each month unless they are “exempt”.

A. Coordination With The Local Welfare (TANF) Agency

PHAs and TANF agency can jointly administer or run programs, with the shared goal of enhancing economic and social self-sufficiency. A PHA can accomplish this goal by shaping its policies, such as rent determination or admissions, to complement targeted population groups that are also being assisted by welfare, education or training programs.

B. Services And Programs Offered To Residents And Participants

The PHA must explain these programs and describe how the PHA’s policies are consistent with this goal.

C. Community Service Activities

The PHA must follow the Community Service Requirement as explained in section 12(c) of the Housing Act of 1937.

ADVOCACY IDEAS

Because of the variety of approaches taken by local communities to address their comprehensive human service needs, advocates have much room in this section to present options

and suggestions. Generally, advocates will want their homeless clients both to secure housing assistance and also receive other types of supplementary social services.

PHAs can not require community service of those who are in compliance with or “deferred” or “exempt” from Michigan’s work programs. For example, if someone is deferred or exempt from these work requirements, than the PHA should exempt that from community service requirements. Michigan law already grants deferrals or exemptions for a variety of situations, such as domestic violence, critical events, etc. (the PHA already uses these same crises as reasons to reduce a person’s rent, as mentioned above) Advocates should work with the PHA to make sure that its policy identifies everyone who may be excused from this requirement, and that the PHA’s community service program is reasonable for those who must participate.

9. Other Required Information

REQUIREMENT

The Plan concludes with a catch-all section that asks for information not covered elsewhere. It provides an opportunity for the PHA to make any additional comments or give input. Of particular interest are the sub-sections relating to how input has been provided to the Plan, both through the Residents Advisory Board (RAB) and also through other public channels.

A. Resident Advisory Board Recommendations

Did the PHA receive any comments from RAB? If yes, they must be attached. In addition, the PHA must describe how it addressed any RAB comments that it received.

B. Description Of Election Process For Residents On PHA Board

The PHA must list the different criteria and steps needed to become a member of the Board.

C. Statement Of Consistency With HUD Consolidated Plan

PHA must describe specifically how it has taken steps to ensure consistency with Consolidated Plan for that jurisdiction, including whether:

- Its statement of needs matches that in the ConPlan
- There was joint involvement in planning and consultative process
- There was consultation with Con Plan agency
- The PHA’s activities “are consistent with those in Con Plan”

WHY IMPORTANT

This section pays particular attention to the public and RAB input to the plan. Because of HUD’s requirements in these areas, advocates should pay particular attention to the ways that the plan was developed.

ADVOCACY IDEAS

This is an important section for advocates because by now they should be well familiarized with the opportunities for public input, as well as with the Consolidated Plan.

One challenge is the relation with the RAB, which is given a significant degree of power in this section. There are several approaches. First, homeless advocates should try to find sympathetic RAB members who can adopt their issues (possibly individuals who had been homeless themselves in the past). Second, and more long term, advocates can try to encourage people they know in public housing units to join the RAB itself, a slower process but one that can pay off handsomely in the long run by having a well-positioned voice.

When thinking about the obligation that the PHA cooperate with other local planning agencies, homeless advocates can also target the places that the PHA is likely to deal with, and to bring their issues forward to that group.

CONCLUSION

The Congressionally-mandated process that Public Housing Authorities must follow in order to develop their 5- and 1- year plans provides numerous opportunities for homeless advocates to make a positive and lasting impact for their clients. Although advocates may not be familiar with this process, it is easy to learn the steps and to share ideas with the PHA authorities and Resident Advisory Board members. Many advocates are already involved in (or can become involved in) the local Continuum of Care Committee.

This booklet has provided an overview of the Plan and the avenues for community input. Now, you are ready to begin to be an active participant in determining how your local PHA can focus resources and attention on the needs of homeless men, women and children in your community.

FOR MORE INFORMATION

If you have questions on anything in this booklet or about the planning process please contact your local legal services organization. In Michigan, you can locate your local legal services organization online at www.mlan.net.

Advocates in Michigan can also contact:

The Center for Civil Justice at 989-755-3120 or 800-724-7441 or info@ccj-mi.org.
The Michigan Poverty Law Program – 734-998-6100 ext 21 or schaafs@umich.edu.

APPENDIX A

Avenues For Public Participation In Developing The Consolidated Plan

The ConPlan is a useful advocacy tool for directing federal money toward activities beneficial to homeless people. *ConPlans are used to demonstrate needs and emphasize the severe needs of those with extremely low incomes. However, the priorities that are set and the activities funded often do not follow the identified needs.* Advocates can participate in a variety of ways in order to attract resources for extremely low-income people, so that the most severe needs get a "high" priority.

EXAMPLES: During the development of a HUD Consolidated Plan, there must be a written "citizen participation plan" available to the public. This plan must "provide for" and "encourage" public involvement in developing the ConPlan, whenever any "Substantial Amendment" to the plan is proposed, and when drafting the Annual Performance Report. The jurisdiction drafting or amending the plan or report must encourage involvement by low-income people, especially in low-income neighborhoods. The relevant governmental jurisdictions are "expected to take whatever actions are appropriate to encourage involvement by: "minorities," people who do not speak English, and disabled people. Jurisdictions must also encourage involvement by public and assisted housing residents. For local jurisdictions (not states) the public must have "reasonable and timely" access to local meetings.

Public hearings must be held after "adequate" notice to the public. Publishing small print notices in the newspaper a few days before the hearing is not adequate notice. The regulations say that, "two weeks notice is adequate". Public hearings must be held at times and places convenient for low-income people. Where there are a "significant" number of people who do not speak English, the Plan must show how they can be involved. People must be able to review records from the last five years that are related to the ConPlan and any use of federal money covered by the ConPlan. The jurisdiction must give written, "meaningful", and "timely" responses to written public complaints.

STRATEGIES: What follows is a list of steps that communities might consider when thinking about becoming involved in the ConPlan Process. One of the most important aspects of this is to understand the calendar of events and their mandatory sequence. Furthermore, since the process often takes a long time, advocates should begin to build relationships with local planners far in advance of the actual hearings.

Get Organized - Advocates can request that the local planning authority inform them about the sequence of events leading up to the creation of the ConPlan. If someone requests this information, the planning authority must send it to them. It is a good idea to ask for an opportunity review a draft plan as soon as it can be made available, even if it is not the draft that

will ultimately be made available to the public for comment.

Create A Core Working Group - In order to assure broad community awareness of planning, advocates should form a team of community leaders that will be able to lead the process and form relations with other affected constituents.

Learn The Basics - This step includes reviewing the documents, obtaining a copy of the citizen participation plan, as well as obtaining and reviewing the various performance reports

Document The Local Housing and Shelter Needs - Advocates should provide an effective needs statement. Use information available from your own research and from the types of documents and web sites that are referenced in the appendices.

Analyze The Housing Market - This step includes items such as documenting the loss of affordable housing due to 'elderly only' designation, as well as taking an inventory of existing resources in the community.

Identify Barriers - What are ways that the Plan is not working most effectively to help homeless clients? What are the groups or individuals that will work against you?

Develop Goals and Strategies - What are the most important goals of your group? How could the Con Plan better reflect the needs that you have identified? How could the resources in your community be used to address these needs?

Participate And React - Advocates should try, if possible, to start a dialogue with the drafters of the Consolidated Plan about their concerns even before the public comment period. Once the draft plan is published, advocates should submit written comments, attend public hearings and give feedback. They should utilize the "substantial amendments" requirement which requires the jurisdiction to offer 30 days for public comment prior to adopting such an amendment. If your jurisdiction is proposing a substantial amendment and failing to provide an opportunity for public comment, then a complaint can be filed with HUD.

Advocate to Amend the Plan - Plans can be amended. If an advocacy strategy is not effective before the Plan is submitted, it may be possible to work to amend the approved plan.

This list adapted from "Seizing The Moment: Using HUD's Consolidated Plan To Identify Affordable Housing Opportunities For Homeless People With Serious Mental Illnesses" 1999 Technical Assistance Collaborative, Inc. Also, helpful is "HUD's Consolidated Plan: An Action Guide for Involving Low Income Communities." Center for Community Change.

APPENDIX B

Components Of The PHA Plan--Overview

This list provides an overview of the required sections of the PHA Plan. Local housing offices have wide discretion in shaping each of these sections. We discuss several of these sections in more detail later.

Mission Statement

Goals and Objectives

Table Of Contents

1. Statement of Housing Needs
2. Statement of Financial Resources
3. Policies Governing Eligibility, Selection and Admissions
4. Rent Determination Policies
5. Operations and Management Policies
6. Grievance Procedures
7. Capital Improvement Needs
8. Demolition and Disposition
9. Designation Of Housing For Elderly /Disabled Individuals Or Families
10. Conversion of Public Housing to Tenant-Based Assistance
11. Homeownership Programs Administered by PHA
12. Community Service and Self-Sufficiency Programs
13. Safety and Crime Prevention Measures
14. Pets
15. Civil Rights Certifications
16. Fiscal Audit
17. Asset Management
18. Other Information

APPENDIX C

Documenting Housing Needs In Your Community

PHAs must describe local housing need in their annual plan, and state how they intend to meet those needs with their resources. Housing needs are assessed based on factors such as the affordability, supply, quality, accessibility, size and location of units. Furthermore, these factors must be specifically assessed for different economic, racial and age groups. The PHA must rank these facts based on the severity of the need for each of these groups.

When advocates provide this information to PHAs it makes make their jobs easier. ***More importantly, providing full and accurate information will create accountability for the PHAs and will help ensure that your clients and members are served.***

As has been presented earlier in this booklet, the information provided in the plans will have a significant influence on the programming. Holding the PHA accountable to the Consolidated Plan's description of housing needs in its own plan is an effective negotiating strategy. Later, if the PHA takes an adverse action, having housing need well documented in the annual plan will provide a basis for discussing whether the action was appropriate.

The information you acquire that describes housing needs is useful for meeting with other public officials, the media. It is also helpful for writing grant proposals.

APPENDIX D

Useful Information About Housing Needs In Your Community

The Consolidated Plan is likely to have a lot of information contained in it. Homeless advocates should ask, “Is this right? Does it paint a complete picture? Are the sources accurate? Are they out of date?” Advocates should think about what they know of the barriers that homeless members of their communities face and assess whether the numbers accord with what they have learned.

There are ways to think about the housing needs in a community. Among the most pertinent topics are:

- Availability of housing in general
- Rents of available housing
- Poverty rates
- Minority poverty rates
- Rates of homelessness
- Rates of TANF receipts
- Rates of disability benefits
- Apartment conditions
- Overcrowding
- Eviction statistics in local courts
- Rent burdens on poor people as a portion of total income
- Availability of subsidized housing in the community
- Difficulty in using Section 8 vouchers in your community
- Available jobs and transportation

APPENDIX E

Where to Get Information

Once you have thought about what issues you want to look at, you must then collect the information. There is no one place where all of the data exists. ***This is not secret information--most of it already exists and is available to you!*** Among the most effectively places to go for relevant information include:

- Data your organization already collects
- Personal histories of your clients and members
- Consolidated Plan
- Analysis of Impediments to Fair Housing (part of the Con Plan)
- Other non-profits in your area
- Public school information
- Newspapers
- Other government sources
- Census data
- World Wide Web
- University researchers and students

A very helpful list of relevant data sources and web sites related to housing needs, together with links, can be found on the web site for the Center on Budget and Policy Priorities at <http://www.cbpp.org/11-30-01hous.htm> .

APPENDIX F

Key Documents

1) The HUD Consolidated Plan (5-year plan and 1-year updates)

Consolidated Plan are issued every five years with annual updates and amendments

You must figure out which jurisdiction you are in: call the Planning / Development Department of your city/town or DHCD.

Executive Summaries of all Michigan Con Plans are on the Web at www.hud.gov/states.html . The full documents are available from your town / city hall or DHCD.

2) The PHA Plan (5-year plan and 1-year updates)

3) The Continuum of Care Plan

This plan is developed by the local Continuum of Care which includes various social services organizations and homelessness advocates. The Continuum of Care group makes decisions on how various governmental program funds should be allocated within its jurisdiction (usually but not always a single county) . This plan should be coordinated with the ConPlan and the PHA Plan. For more information on the Michigan COC groups and plans, see the MSHDA site. For general information, see the HUD site, specifically www.hud.gov/offices/cpd/homeless/library/coc/cocguide/index.cfm. Special information for disability advocates is available at <http://www.tacinc.org/hc/CofC.htm>.

4) Other Government Reports

The Planning/Development Department of your town/city may have other documents regarding housing need, plans for subsidized housing, etc.

5) World Wide Web

CCC: Center for Community Change www.communitychange.org/modlcpp2.txt

A 'model citizen participation plan' for the Consolidated Plan, from the Center for Community Change. This site has lots of other useful materials on the planning process, including a checklist for adequate citizen participation and a book that can be ordered.

CENSUS: www.census.gov

CLICD: www.clicd.org/partic/index.htm

An entire book on citizen participation in the HUD Consolidated Planning process. Includes many 'best practices' lists and samples. Also relevant to more specific Housing Authority planning process. From the **Coalition for Low Income Community Development**.

HUD: United States Department of Housing and Urban Development www.hud.gov

Description of programs, locations, local info, maps, homelessness and neighborhood info, how to contact HUD.

HUDCLIPS: www.hudclips.org

Rules and regulations, notices, letters

HUD Policy Development and Research: www.huduser.org

Publications about affordable housing, homelessness, housing for special needs, public and assisted housing, rent, income limits, etc.

LSNC: Legal Services of Northern California www.lsn.net/housing_pha_plans.html

Excellent resources, including sample community comments for one housing authority. From Legal Services of Northern CA.

MCAH: Michigan Coalition Against Homelessness www.orgsites.com/mi/mcahassoc/

A site with general information for homelessness advocates.

MSHDA: Michigan State Housing Development Authority. www.mshda.org

Demographic profiles of each community in MI, state wide reports on housing need and fair housing. Information on MSHDA's housing programs.

NLIHC: National Low Income Housing Coalition www.nlihc.org

Advocacy materials, web links. Includes, "Out of Reach", a report discussing the gap between rents and the ability of low income people to pay them.

NRCHMI: National Resource Center on Homelessness and Mental Illness.

www.prainc.com/nrc/index.html. Includes the downloadable Seizing the Moment: Using HUD's Consolidated Plan to Identify Housing Opportunities for Homeless People with Serious Mental Illnesses."

TAC The Technical Assistance Collaborative www.tacinc.org

Works on issues related to persons with disabilities, substance abuse problems, and on issues of affordable housing. Includes information on how to work on these issues within the Continuum of Care planning process.

APPENDIX G

Fiscal Year Start Dates for Public Housing Commissions in Michigan

		GRAND LEDGE	01/01
ALBION	10/01	GRAYLING	04/01
ALGONAC	04/01	GREENVILLE	07/01
ALLEN PARK	01/01	HAMTRAMCK	01/01
ALMA	01/01	HANCOCK HA	01/01
ALPENA	01/01	HERMANSVILLE	04/01
ANN ARBOR	07/01	HIGHLAND PARK	10/01
BALDWIN	10/01	HILLSDALE	07/01
BANGOR	10/01	HOUGHTON	01/01
BARAGA	07/01	INGHAM COUNTY	10/01
BATH CHARTER	01/01	INKSTER	01/01
BATTLE CREEK	10/01	IONIA	10/01
BAY CITY	10/01	IRON RIVER	01/01
BAY COUNTY	01/01	IRON MOUNTAIN	01/01
BEDFORD TWP	10/01	IRON COUNTY	10/01
BELDING	07/01	IRONWOOD	07/01
BENTON HARBOR	10/01	ISHPEMING	01/01
BENTON TWP	10/01	JACKSON	04/01
BESSEMER	07/01	KENT COUNTY	07/01
BIG RAPIDS	04/01	KINGSFORD	04/01
BOYNE CITY	10/01	L'ANSE	04/01
BRONSON	07/01	LAKE LINDEN	01/01
CADILLAC	01/01	LANSING	07/01
CALUMET	07/01	LAPEER	07/01
CASEVILLE	04/01	LAURIUM	10/01
CHARLEVOIX	04/01	LINCOLN PARK	04/01
CHEBOYGAN	04/01	LIVONIA	01/01
CLINTON TWP	04/01	LUCE COUNTY	01/01
COLDWATER	04/01	LUNA PIER	07/01
COVERT	07/01	MACKINAC CNTY	07/01
DEARBORN	10/01	MADISON HTS	07/01
DEARBORN HTS	01/01	MANISTEE	01/01
DETROIT	07/01	MANISTIQUE	01/01
DOWAGIAC	10/01	MARQUETTE	10/01
DUNDEE	10/01	MARYSVILLE	04/01
EAST TAWAS	01/01	MELVINDALE	01/01
EAST JORDAN	01/01	MENOMINEE	04/01
EASTPOINTE	07/01	MSHDA	07/01
ECORSE	07/01	MIDDLEVILLE	07/01
ELKRAPIDS	10/01	MONROE	10/01
ESCANABA	10/01	MONTCALM CNTY	01/01
EVART	01/01	MOUNT CLEMENS	07/01
FERNDALE	01/01	MT PLEASANT	04/01
FLINT	07/01	MUNISING	01/01
GLADSTONE	04/01		
GLADWIN CITY	07/01		

MUSKEGON HTS	04/01	SAGINAW	07/01
MUSKEGON	10/01	SAINT LOUIS	07/01
NEGAUNEE	01/01	SAINT JOSEPH	04/01
NEW HAVEN	04/01	SARANAC	04/01
NILES	01/01	SAULT STE MARIE	04/01
NORTHVILLE	01/01	SCHOOLCRFT CTY	04/01
ONTONAGON	07/01	SOUTH LYON	07/01
PAW PAW	01/01	SOUTH HAVEN	07/01
PLYMOUTH	10/01	SOUTHFIELD	10/01
PONTIAC	04/01	ST. CLAIR SHORES	01/01
PORT HURON	07/01	ST. CLAIR	01/01
POTTERVILLE	10/01	STAMBAUGH	07/01
RAPID RIVER	07/01	STERLING HTS	10/01
REDFORD TWP	04/01	STURGIS	10/01
REED CITY	07/01	TAYLOR	04/01
RIVER ROUGE	07/01	TRAVERSE CITY	07/01
ROCKFORD	04/01	WAKEFIELD	07/01
ROCKWOOD	04/01	WAYNE	01/01
ROGERS CITY	07/01	WAYNE COUNTY	01/01
ROMULUS	01/01	WESTLAND	07/01
ROSEVILLE	04/01	WYOMING	04/01
ROYAL OAK TWP	04/01	YPSILANTI	07/01
ROYAL OAK	07/01		

GLOSSARY

Annual PHA Plan: Federal law requires all public housing authorities (PHAs) to state in the Plan their policies in 18 subject areas for their public housing and Section 8 voucher programs. The plan is then submitted to HUD for review and approval.

Area Median Income (AMI): Each year, HUD determines the median income in every U.S. metropolitan area or county, with some adjustments for family size and other factors. These figures are then placed in 3 categories - 80% (low income), 50% (very low income) and 30% (extremely low income) of median income - which are used to determine who is eligible for federally funded housing programs. (This year's area median incomes are included in this booklet).

Consolidated Plan (Con Plan): A document submitted to HUD and used as the planning document for a jurisdiction (a state, city, or town, including a consortium of several cities or towns) for funds received under one of several HUD programs (including the Community Development Block Grant, Emergency Shelter Grant, HOME, and HOPWA programs). The Plan must describe the jurisdiction's estimated housing needs, with the number and type of families in need of housing assistance for extremely low-income, low-income, moderate-income, and middle-income families as renters and owners, for elderly persons, for single persons, for large families, for persons with HIV/AIDS and their families, and for persons with disabilities. It must describe the nature and extent of homelessness in the jurisdiction and include a strategic plan for addressing housing and homeless needs.

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.

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

Extremely Low Income (ELI) Families: Those families with income at or below 30% of area median income.

Fair Market Rent (FMR): The amount of rent (including utilities) determined by HUD to be a fair rent for a particular area, usually set at the 40th percentile of the overall rent levels for the area. PHAs use the FMR (90 to 110% of it) to determine the *payment standard*, which is the maximum subsidy amount that a housing agency can pay under the Section 8 voucher program.

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.

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

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

Person with disabilities: A person who: (1) has a disability as defined in 42 United States Code, sec. 423 [essentially the definition for SSI and SSDI eligibility: the inability to engage in substantial, gainful activity due to disability expected to last at least 12 months or result in death]; or (2) is determined, pursuant to regulations issued by the Secretary of HUD, to have a physical, mental, or emotional impairment which (a) is expected to be of long, continued and indefinite duration, (b) substantially impedes his or her ability to live independently, and (c) is of a nature that could be improved by more suitable housing conditions, or (d) has a developmental disability as defined in 42 U.S.C. sec. 6001(7). Such term shall not exclude persons who have the disease of AIDS or any conditions arising from the etiologic agent for AIDS.

Public Housing: The HUD program that provides funding for local PHAs to own, operate and maintain rental housing for low income households

Public housing authority (PHA): A generic term which applies to a local government low income housing provider. A PHA may administer both state and federal public housing programs and the tenant-based Section 8 voucher 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 requires, among other things, the drafting of the Annual and Five Year Plans. This law also gave PHAs more autonomy over the running of their public housing and Section 8 voucher programs.

Section 8: A federal subsidy program that can be either tenant or project-based. Tenant-based Section 8, known as the voucher (“housing choice voucher”) program is usually administered by a local PHA. Under the voucher program, an eligible low income household enters into a lease agreement with a qualified private landlord who contracts with the PHA to receive a monthly rental subsidy payment from the PHA, on behalf of the household. Rather than being assigned to individual households, project-based Section 8 subsidies are attached to units in multifamily rental properties whose owners have entered into contracts with HUD to operate the properties as affordable low income housing.

Tenant-based assistance: A subsidy that is attached to the tenant and is mobile (known as “portable”), because the tenant has flexibility in choosing where to use the subsidy. An example

of this type of subsidy is a Section 8 voucher issued to an applicant. (project-based Section 8 assistance is not portable)

Very Low Income (VLI) Families: Families with incomes between 31% and 50% of area median income.