

DEMOCRACY (IN)ACTION:

HOW HUD, NYCHA AND OFFICIAL STRUCTURES UNDERMINE RESIDENT PARTICIPATION
IN NEW YORK CITY PUBLIC HOUSING



BY VINCENT VILLANO WITH SONDRY YUDELMAN

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the Unitarian Universalist Veatch Program at Shelter Rock

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COMMUNITY VOICES HEARD

Community Voices Heard (CVH) is an organization of low-income people, predominantly women with experience on welfare, working to build power in New York City and State to improve the lives of our families and communities. We are working to accomplish this through a multi-pronged strategy, including public education, grassroots organizing, leadership development, training low-income people about their rights, political education, civic engagement and direct-action issue campaigns. We are currently working on welfare reform, job creation, public housing and other economic justice issues that affect low-income people, particularly low-income women of color.

For additional information, including copies of the full report, please contact Community Voices Heard at 212-860-6001, or visit our website at www.CVHaction.org/reports.

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EXECUTIVE SUMMARY

INTRODUCTION

New York City public housing is the oldest and largest program of its kind in North America with close to 180,000 apartments in 336 developments officially housing over 400,000 residents. Unofficially, the public housing system makes it possible for over a half million low-income New Yorkers to remain in an increasingly unaffordable city. With so much at stake, those who consider themselves stewards of public housing welcome the existence of federal regulations (known as the 964 regs) that enable residents to participate in the betterment of their developments as well as in the policymaking process that affects public housing throughout the city.

Broadly speaking, resident participation has been shown to lead to a number of key benefits, including: better building conditions and quality of life, more satisfaction with living conditions overall, the feeling of empowerment gained through enhanced control over one's living situation, and the building of community. This, in turn, has a positive impact beyond these immediate benefits to residents. It makes it easier for landlords to maintain their properties and contributes to the overall well being of American cities by building vibrant, sustainable communities.

This research set out to explore whether or not the current regulations and structures around which public housing resident participation in NYC is currently organized, result in the meaningful and democratic processes that bring about these benefits.

HISTORICAL CONTEXT

The history of public housing resident participation can be categorized into four major periods: 1) Early Resident Organization, 1930s-1950s; 2) Grassroots Resident Control, 1960s-1975; 3) Top-down Resident Management, 1976-1993; and 4) Expanded Participation with Limitations, 1994-the present. It is the last period with which this research is most concerned.

In the first period of resident participation (1930s-1950s), resident associations primarily offered residents with a way to socialize with neighbors rather than an opportunity to participate in policymaking. In the second period (1960s-1970s), grassroots resident movements, like the rent strike of three St. Louis public housing developments in 1969, led to local victories around resident participation in the overall operation and management of public housing. These local victories, in turn, motivated federal legislators to create policy on resident participation. In the third period (1980s to 1993), resident management dominated the form of participation in public housing and was formalized as foundation-funded, top-down programs. In the current period (1994 to the present), the emphasis on resident management was rolled back and key policy milestones expanded resident participation while encouraging a form of it that would not threaten the agenda of HUD and the Housing Authorities (HAs).

The current period is one characterized by the evolving contradictions rooted in the three periods preceding it. Historically, advocates of resident participation came from many points on the political spectrum: conservative, liberal and progressive. Competing political views influenced and produced current resident participation policy – policy that largely limits the extent to which residents can participate meaningfully and democratically in the decisions that affect their living conditions.

PUBLIC HOUSING RESIDENT PARTICIPATION: THE CURRENT STATE OF AFFAIRS

Through a combination of resident surveys, focus groups, policy and theoretical literature review, observations, and interviews our research revealed the following:

OVERALL FINDING: Current policy impedes the development of meaningful resident participation in two main ways:

- **Power:** It places major limitations on the power resident bodies have to shape policy.
- **Enforcement:** It lacks the appropriate oversight measures needed to hold HAS accountable to ensuring that meaningful resident participation occurs.

FINDING #1: The vast majority of public housing residents do not participate in the official resident participation system at the local or city levels.

- ***Only 14 percent of survey respondents voted in the last RA election at their development.*** The percentage was higher for those that participate in their RA, but was still only slightly over half (52 percent).
- ***Survey data revealed that 1 in 2 respondents (47 percent) did not even know that their development had a RA, and only 1 in 5 respondents (17 percent) participate in their RA.*** Subtracting the 5 percent of survey respondents who participate as elected officers, revealed that even fewer residents from the general population — only 12 percent of our sample — participate in their RA.
- ***Youth, men, and Latinos in our survey were the least likely to participate in their resident associations.*** Older African-American women with long-term residency emerged as the main RA participants. Seventy-five percent of those who participated in their RA identified as African-American/ Black as opposed to only 22 percent Latino. Eighty-five percent of these respondents identified as women as opposed to 15 percent men. Sixty-three percent of these respondents were between the ages of 40 and 69. Eighty percent of these respondents have lived in their development for 16 years or more.

FINDING #2: The absence of an effective communication system leaves the vast majority of residents without critical information on NYCHA policies, or the resident participation system and its processes.

- ***Residents' Lack Awareness of Policy:*** Of those survey respondents who knew of RA presence at their development, only 40% felt that it provided information on NYCHA policies. This feeling was supported by the fact that the vast majority of residents surveyed were not aware of key public housing policies and policy-related information. For example:
 - 92 percent of respondents did not know that NYCHA pays the New York Police Department (NYPD) \$73 million for policing services, and
 - 75 percent of the residents surveyed did not know that NYCHA had a \$195 million deficit (now approximately \$137.1 million for FY 2010).

- ***Residents' are Unaware of the Official System:*** The vast majority of residents are not aware of key existing components of the official resident participation system.
 - 67 percent of those who knew of RA presence at their development did not know the RA officers representing them.
 - 83 percent of respondents to our survey had not heard of the Citywide Council of Presidents (CCOP) or the Resident Advisory Board (RAB).
 - 80 percent of respondents had not heard of the Annual Plan process.
 - 62 percent of the respondents who did not vote said that this was because they did not know when the election was taking place.
- ***Barriers to Effective Resident Communication:*** There are two main barriers to effective communication at the systemic level:
 - District Councils fail to act as effective communication links, and
 - NYCHA is negligent in assisting resident leaders in the establishment of an up-to-date and effective communication system.

FINDING #3: The resident participation system leaves thousands of residents unrepresented and it contains undemocratic and non-participatory elements within its structure that prevent the adequate representation of hundreds of thousands of residents.

- ***1 out of 3 developments are not represented by an active Resident Association.*** Out of the 336 public housing developments in NYC, there are 239 active RAs. Nearly 100 public housing developments have no active official representation.
- ***Adequate representation is impeded by various structural limitations:***
 - The current structure limits the number of different elected positions, preventing the existence of between 130 and 161 resident leader positions.
 - Many resident association by-laws restrict which residents are eligible to vote in elections.
 - There is no limit to the number of terms that elected officers can hold their positions.
 - The general resident population is not allowed to vote or run for elected office beyond the local level — only RA Presidents can participate at district and city Levels.
- ***Only 40% of those who knew that their development had an RA felt that it represented them as a resident.*** Of those who had heard of the CCOP, only 23% felt that it represented their interests as a resident, while only 22% of those who heard of the RAB felt it adequately represented their views.

FINDING #4: Residents and resident leaders do not currently have the capacity — or the appropriate access to the capacity building resources — necessary to meaningfully impact policy decisions.

- ***Only 14 percent of survey respondents knew that the government gives NYCHA money to support resident participation.*** NYCHA refuses to publicize the existence of the Tenant Participation Activities (TPA) funds beyond resident leaders.
- ***The complicated process NYCHA has established for residents to access funds has contributed to residents' limited access to much-needed resources.***

- ***NYCHA has a history of mismanaging Tenant Participation Activities (TPA) funds.*** A dispute between the CCOP and NYCHA over the administration of TPA funds that began in 2002 and dragged on for several years, resulted in NYCHA spending approximately \$7.6 million in TPA funds for non-resident participation activities and programs.
- ***HUD has consistently failed to oversee disputes or enforce federal policy regarding resident participation resources.***

FINDING #5: Residents and resident leaders do not have the power to make policy decisions and NYCHA unilaterally makes policy changes without being sanctioned by HUD.

- ***Only 39 percent of respondents to our survey felt that their RA had the power to make changes in their development.***
- ***NYCHA holds ultimate power to make policy decisions:*** Current policy leaves the ultimate power to make policy decisions in the hands of HAs. As a result, NYCHA does not seriously take into consideration the needs of residents when obtaining feedback from them on policy. For example, NYCHA maintained a policy of charging residents for repairs despite feedback from 10,000 resident surveys and several RAB members that indicated the economic hardship caused by this policy.
- ***NYCHA Violates Federal Regulations on Resident Participation:***
 - **FY 2006:** NYCHA did not include three of the RAB's recommendations in the Annual Plan.
 - **FY 2007:** NYCHA made changes to Remaining Family Members' Policy without submitting an appropriate amendment to HUD.
 - **FY 2009:** NYCHA did not respond to four public comments in the Annual Plan.
 - **FY 2010:** NYCHA made changes to its Pet Policy without consulting the RAB or residents.
 - **FY 2010:** NYCHA made a decision to demolish a development without allowing residents to make public comment, and the RAB enough time to provide feedback.
- ***HUD does not sanction NYCHA for violating federal regulations and does not play an active role in fulfilling its resident participation duties.***

CONCLUSION

In NYC, the application of federal regulations has led to the development of an elaborate public housing resident participation structure. However, our research revealed that major limitations to this official structure coupled with poor compliance with federal policy have impeded the development of meaningful and democratic resident participation. The overwhelming majority of residents are structurally excluded from policymaking altogether and have little, if any, influence over policy decisions. Moreover, even residents active in the official resident participation system have no actual decision-making power over the policies that affect them. And so, as our title suggests, the current resident participation system exposes the *inaction of a democracy* instead of *democracy in action*.

This research illuminated that the development of meaningful resident participation — i.e. residents organized with the power to shape the policy that affects them — has been impeded by federal policy, HUD and NYCHA:

- 1) **Federal policy** provides a limited form of resident participation that offers residents:
 - no formal powers to make policy decisions, and
 - no effective enforcement mechanisms to hold HAs and HUD accountable.
- 2) **HUD** undermines meaningful resident participation by:
 - not actively engaging in its responsibilities in the Annual Plan process,
 - not intervening in disputes between resident bodies and NYCHA over the administration of TPA funds, and
 - not sanctioning NYCHA for violations of federal regulations.
- 3) **NYCHA** undermines meaningful participation by:
 - At best, doing the bare minimum federally required and allowing bureaucratic process to prevent easy access to capacity-building and other resources. This debilitates residents' ability to gain the training and technical assistance necessary to meaningfully participate.
 - At worst, violating the 964 regulations and often implementing policies without even consulting residents and resident leaders. This points to a system that prevents residents from even engaging in the limited form of resident participation that federal policy encourages.

RECOMMENDATIONS

In light of the report's findings, we recommend the following in order to bring about a truly democratic and meaningful resident participation system:

RESIDENTS MUST HAVE REAL DECISION-MAKING POWER THROUGH STRENGTHENED POLICIES, IMPLEMENTATION, AND ENFORCEMENT

RECOMMENDATION #1: Congress should convert the 964 Regulations into federal law including adjustments that provide residents with more tangible influence over policies.

RECOMMENDATION #2: The U.S. Department of Housing and Urban Development (HUD) should enforce existing federal regulations and play an active role in resident participation.

RECOMMENDATION #3: The NYC Housing Authority (NYCHA) should consider the 964 regulations a starting point, and not the end goal, for building meaningful resident participation.

RESIDENTS MUST HAVE CONTROL OVER ADEQUATE RESOURCES TO BUILD CAPACITY AND DEVELOP MEANINGFUL AND DEMOCRATIC PARTICIPATION

RECOMMENDATION #4: The President, Office of Management and Budget (OMB), and U.S. Congress should adequately fund public housing and resident participation.

RECOMMENDATION #5: HUD should enforce the proper administration of Tenant Participation Activities (TPA) funds.

RECOMMENDATION #6: NYCHA should establish a participatory budgeting process and allow residents to decide how a portion of the capital budget will be spent.

RECOMMENDATION #7: NYCHA should set up a more autonomous and streamlined system through which resident leaders can access TPA funds.

RESIDENTS MUST HAVE THE ABILITY TO MEANINGFULLY AND DEMOCRATICALLY PARTICIPATE IN OFFICIAL RESIDENT LEADERSHIP STRUCTURES

RECOMMENDATION #8: The RAB, CCOP, District Councils, and the RAs should reform the NYC resident participation structure.

RECOMMENDATION #9: The RAB, CCOP, District Councils, and RAs, with NYCHA's assistance, should make readily available and widely distribute all documents pertaining to their roles, meetings and decisions.

RECOMMENDATION #10: Official resident leaders should collaborate with community-based and resource organizations to enhance their success in building the capacity and power of public housing residents.

LIST OF ACRONYMS

CCC	Center for Community Change
CCOP	Citywide Council of Presidents
CIAP	Comprehensive Improvement and Assistance Program
CLPHA	Council of Large Public Housing Authorities
CSS	Community Service Society
CVH	Community Voices Heard
ENPHRONT	Everywhere & Now Public Housing Residents Organizing Nationally Together
HA	Housing Authority
HUD	U.S. Department of Housing and Urban Development
LAS	Legal Aid Society
NAHRO	National Association of Housing and Redevelopment Officials
NCNE	National Center for Neighborhood Enterprise
NPA	National People's Action
NTIC	National Training and Information Center
NTMDP	National Tenant Management Demonstration Program
NYCHA	New York City Housing Authority
NYCPHRA	New York City Public Housing Resident Alliance
PHADA	Public Housing Agencies Directors Association
PHARI	Public Housing Administrative Reform Initiative
PIH	Office of Public and Indian Housing
PHROLES	Public Housing Residents of the Lower East Side
QHWRA	Quality Housing and Work Responsibility Act
RA	Resident Association
RAB	Resident Advisory Board
RMC	Resident Management Corporation
ROSS	Resident Opportunities and Self Sufficiency Program
TCHC	Toronto Community Housing Corporation
TOP	Tenant Opportunities Program
TPA	Tenant Participation Activities



INTRODUCTION

New York City public housing is the oldest and largest program of its kind in North America with close to 180,000 apartments in 336 developments officially housing over 400,000 residents. Unofficially, the public housing system makes it possible for over a half million low-income New Yorkers to remain in an increasingly unaffordable city. With so much at stake, those who consider themselves stewards of public housing welcome the existence of federal regulations (known as the 964 regs) that enable residents to participate in the betterment of their developments as well as in the policymaking process that affects public housing throughout the city.

Broadly speaking, resident participation has been shown to lead to a number of key benefits, including: better building conditions and quality of life, more satisfaction with living conditions overall, the feeling of empowerment gained through enhanced control over one's living situation, and the building of community. Within federally subsidized housing specifically, stakeholders "recognize resident participation as a way to:

- improve the overall management of the property,
- protect residents' interest,
- create community and a support system on site,
- empower residents as a group and individually,
- give residents the opportunity to build skills based on their participation."¹

This, in turn, has a positive impact beyond these immediate benefits to residents. It makes it easier for landlords to maintain their properties and contributes to the overall well-being of American cities by building vibrant, sustainable communities.

This research set out to explore whether or not the current regulations and structures around which public housing resident participation in NYC is currently organized, result in the meaningful and democratic processes that bring about these benefits.

In NYC, the application of federal regulations has led to the development of an elaborate resident participation structure. However, our research revealed that major limitations to this official structure coupled with poor compliance with federal policy have impeded the development of meaningful and democratic resident participation. The overwhelming majority of residents

are structurally excluded from policymaking altogether and have little, if any, influence over policy decisions. Moreover, even residents active in the official resident participation system have no actual decision-making power over the policies that affect them. And so, as our title suggests, the current resident participation system produces the *inaction of a democracy* instead of *democracy in action*.

We can summarize the reality of NYC resident participation as follows: The vast majority of residents do not participate in the official system. At best, a handful of resident leaders consult the New York City Housing Authority (NYCHA) on policy decisions and then the agency implements the policies they deem important even against the expressed needs and wants of the overwhelming majority of residents. At worst, NYCHA violates federal regulations by making policy changes without resident input and then the U.S. Department of Housing and Urban Development (HUD) does nothing to sanction the agency. Either way residents are alienated from shaping the policy that affects them.

Without a meaningful and democratic way to participate in policy decisions, NYC public housing residents are — much like their counterparts throughout the country — vulnerable to the interests of their landlord and the private sector. Reforms to the current resident participation structure and alternatives to its current undemocratic processes can provide public housing residents with a direct way to preserve and protect public housing from disinvestment, deterioration, and demolition.

This report comes at a crucial moment for public housing residents. President Obama's appointment of new HUD Secretary Shaun Donovan — the former Commissioner of NYC's Housing Preservation and Development (HPD) — and the recent NYCHA appointments of Board Chairman John Rhea and General Manager Michael Kelly, mean that there is hope to move public housing in a new visionary direction — one that not only improves public housing, but also allows residents to have a meaningful role in shaping the future of its policy.

This report is structured as follows: First, we explain the research methodology used for this project and describe our survey sample. Second, we contextualize public housing resident participation from the 1930s to the present by providing a revisionist history of public housing. Third, we present how federal policy structures public housing resident participation and specifically how it is structured in New York City. Fourth, we reveal the absence of meaningful and democratic resident participation in this system by presenting our research findings. We analyze the limitations of federal resident participation policy and provide answers to the research questions on resident participation, communication, representation, capacity, and power. Fifth, we summarize the report in our conclusion as well as list and briefly explain our policy recommendations.

METHODOLOGY

RESEARCH IMPETUS AND QUESTIONS

The impetus for this research began when members of our public housing campaign identified the following problems with regard to the state of resident participation in NYC public housing:

- Most decisions, policies, and resource allocations are made without the input of those who are most affected by them — the residents.
- Some residents feel that they cannot genuinely participate in making decisions about how to improve public housing.
- Information about public housing policies is not communicated to residents at large.

The questions used to measure whether the official resident participation system allows residents to meaningfully and democratically participate in the betterment of their living conditions fall into five categories:

Participation: Are residents participating in the improvement of their quality of life at the local level? Are residents participating in the policy making at the city-level?

Communication: Are residents receiving important information? Are they able to effectively communicate their concerns?

Representation: Are residents being well represented?

Capacity: Do residents have the resources and technical assistance needed to effectively participate in making policy decisions?

Power: Do residents have the power to shape the policy that affects them?

DATA SOURCES

Resident Surveys

With the assistance of CVH organizers, members, and some key allies, 1,153 surveys of public housing residents across the five boroughs were conducted. The survey asked questions on a variety of issues including: building and maintenance, NYCHA services, resident participation and governance, public housing policies and policing, NYCHA's budget deficit, and personal background information. The MRT, interns, volunteers and staff conducted the surveys across 38 developments that were known to have active resident associations and that were chosen for a spread of size, demographics, and borough. Surveyors knocked on doors and conducted surveys until they obtained 5% of a development's units before moving to another site within the sample.

The Sample

We took this sample from the group of developments that we knew had resident associations (RAs). Survey collection matched the spread of developments across the five boroughs.

BOROUGH	SAMPLE		NYCHA POPULATION	
	# of Surveys	Percentage of Surveys	# of Apartments	Percentage of Apartments
Bronx	365	31.7%	44,089	24.7%
Brooklyn	262	22.7%	58,452	32.7%
Manhattan	358	31%	53,865	30.2%
Staten Is.	28	2.4%	4,392	2.5%
Queens	138	12%	17,503	9.8%
Miscellaneous	2	0.2%	188	.1%
Total	1153	100%	178, 489	100%

Survey sample compared to data at following link: <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>

The sample was also representative of the breakdown of race and age in the NYC public housing resident population.

RACE	Percentage of SAMPLE	Percentage of NYCHA POPULATION
African-Am./ Black	50%	51%
Latino (Hispanic for pop)	43%	40%
Asian/ Pacific Islander	1%	2%
Native American	0.9%	0%

Survey data was compared to data compiled by HUD in 2000. For more information go to: <http://www.huduser.org/picture2000/index.html>

AGE	Percentage of SAMPLE	Percentage of NYCHA POPULATION
25 to 50 years old	44%	44%
51 to 61 years old	16%	21%
62 to 84 years old	23%	33%
85 years or older	2%	3%

Survey data was compared to data compiled by HUD in 2000. For more information go to: <http://www.huduser.org/picture2000/index.html>

Survey data was entered into computer software — Statistical Package for the Social Sciences (SPSS) — for analysis.

Five percent of respondents to our surveys (n=280) were elected officers participating in the official resident participation system. Our sample included a much higher percentage of elected officers than the actual population, which only amounts to 0.3% of all NYC public housing residents (239RAs x 5 officers = 1195 officers / 400,000 residents). Still an attempt was made to lift up the resident leader perspective, by constructing a survey specifically for RA presidents. Efforts to survey RA presidents by the MRT proved to be difficult and only 12 RA president surveys were collected. More research needs to be completed in this area before any serious conclusions can be made about the resident leader perspective. However, some of the data did support a developing picture of how resident leaders may be doing outreach to the general resident population.

Focus Groups

A total of five focus groups with the residents who had completed our surveys were organized — one of which was for monolingual Spanish speakers. Residents were provided with \$25 and roundtrip Metro Cards for their participation in a three-hour focus group session. There was an average of six participants in each focus group and a total of 31 who participated.²

Policy and Theoretical Literature Review

Information related to the management of Tenant Participation Activities (TPA) funds, Annual Plans, as well as the minutes to meetings between NYCHA and the resident advisory board (RAB) were obtained by submitting Freedom of Information Act (FOIA) requests to the New York City Housing Authority (NYCHA). Major policy documents related to public housing resident participation were reviewed, particularly Part 964 of Title 24 of the Code of Federal Regulations (CFR) of 1994 (964 regs), the Quality Housing and Work Responsibility Act (QHWRA) of 1998, several Interim Rules issued by the Department of Housing and Urban Development (HUD) and

several policy documents published by housing advocate groups. Numerous secondary sources proved helpful in providing information on the history of public housing and resident participation as well as the theoretical foundations of its benefits (See References on pg.79).

Observations

Data gathered for this report includes recorded observations at specific moments within the Fiscal Year (FY) 2010 Draft Annual Plan process as well as at key policy events. For the former, the Bronx Town Hall and the Citywide Public Hearing were observed. The other key events observed were a NY City Council Hearing on Tenant Participation Activities (TPA) Funds, a Community Hearing with a HUD official and a panel on resident participation at a community forum on public housing.

Interviews

Official interviews were completed with several public housing advocates, organizers, one local-level elected resident leader, the President of a consulting firm that has worked with NYCHA and a former employee of NYCHA's Community Operations Department. This research team's attempts to interview NYCHA officials, namely Deputy General Manager of the Community Operations Department Hugh Spence and NYCHA Board Member Margarita Lopez, were unsuccessful. Attempts to interview two key resident leaders from the Citywide Council of Presidents (CCOP) — the body responsible for representing residents to NYCHA — were also unsuccessful.

HISTORICAL CONTEXT

THE HISTORICAL USES OF PUBLIC HOUSING

The mainstream historical narrative of public housing asserts that the main purpose driving the creation of public housing was a genuine effort to house the poor and often overlooks other factors — like, for instance, the fact that the private sector did not want new, quality and low-priced public housing to compete with their existing properties.³

Columbia University professor Peter Marcuse argues that public housing has never really been a solid, continuous housing program where serving the poor is the top priority, but rather it has always been the “tail of some other dog...”

- First, of the effort to create jobs, in the original United States Housing Act of 1937;
- Second, of the needs of war production, during the Second World War;
- Third, of the demands of returning veterans, for decent housing after the war ended;
- Fourth, of the relocation and slum clearance requirements of the urban redevelopment and urban renewal programs;
- Fifth, of the anti-poverty program and attempts to still the racial unrest in the ghettos;
- Sixth, of the ideologically-driven effort to extricate the government from housing for the poor, in production, management, and ownership; and today,
- Seventh, of the pressure to reduce social expenditures by decentralization and the passing of responsibilities so far as feasible to non-profits and residents.
- Eighth, of the general drive to privatization of governmental functions and the reinvention at reduced levels of the operation of ‘big government.’⁴

These historical uses of public housing reveal that the needs and wants of poor and low-income residents have never been central to policy. For example, even during the boldest era of public housing construction — marked by the fifth incarnation of public housing as the tail of an anti-poverty program created in response to the racial and class-based unrest of the 1960s — we find that our government still failed to meet the demand for public housing.

The Housing Act of 1968 had a stated goal of producing 26 million units of housing in 10 years with 6 million units targeted for low-income people.⁵ In the end, only 375,000 public housing units were created between 1968 and 1973.⁶ In NYC alone there are currently 130,058 on the waiting list for public housing with an additional 127,764 on the Section 8 waiting list — 32,163 are on both lists⁷ — and there are over 36,000 people in the shelter system with thousands more living on the street.⁸

If public housing has always been the “tail of some other dog”; if the federal government has never seriously attempted to meet housing demand then what does this tell us about the uses of resident participation within that context? At the very least, it suggests that the predominant view of public housing resident participation has not been one that prioritized residents’ rights to shape policy and therefore shape the living conditions of their community.

HISTORY OF PUBLIC HOUSING RESIDENT PARTICIPATION

The history of public housing resident participation can be categorized into four major periods: 1) Early Resident Organization, 1930s-1950s; 2) Grassroots Resident Control, 1960s-1975; 3) Top-down Resident Management, 1976-1993; and 4) Expanded Participation with Limitations, 1994-the present. It is the last period with which this research is most concerned.

The history of resident participation varies from city to city and from development to development. From social organizations to radical vehicles demanding resident control to resident management corporations, resident participation has taken many forms. The current period is one characterized by the evolving contradictions rooted in the three periods preceding it. Historically, advocates of resident participation came from many points on the political spectrum: conservative, liberal and progressive. Competing political views influenced and produced current resident participation policy — policy that largely limits the extent to which residents can participate meaningfully and democratically in the decisions that affect their living conditions.

Early Resident Organization, 1930s-1950s

The Housing Act of 1937 made public housing a permanent fixture in national housing policy and was used by Congress as a way to create construction jobs to reduce the vast unemployment of the Depression. It, however, remained silent on the issue of resident participation. The issue of resident participation was also non-existent in a notable 1933 national policy brief that “dismissed any notion of tenant control.”⁹ Nonetheless, as early as 1936, a resident association formed at First Houses in the Lower East Side — the first public housing development in the nation. This resident association primarily concerned itself with organizing social functions and a newsletter, but not with impacting NYCHA policies.¹⁰

In the 1940s, practically no new public housing units were created since housing materials were redirected in order to support wartime production during World War II. The fact that public housing was considered to be a “communist” enterprise in the Cold War politics that were to follow the war also contributed to an overall reluctance by the federal government to construct more public housing. Housing demand reached new heights as WWII veterans returned to American cities. These veterans formed organizations independent of the public housing system and pressured housing authorities for more housing and for resident control of this housing.¹¹ These veteran organizations continued to lobby as well as organize pickets, protests, and campouts. By 1949 a Housing Act was passed that — in addition to establishing a program of slum clearance and selling developments to private entities — called for the construction of 810,000 new public housing units.

This period of veteran organizing contrasts sharply with the slum clearance programs of the 1950s where whole communities were displaced by the decisions of policy makers and urban planners.¹² With the exception of the social and political pressures coming from veteran organizations of the mid-to-late 1940s, early resident participation organizations seem to have played less of a role in affecting housing policy, than serving as a space to build community in the developments through social activities like that of the resident association at First Houses.

Grassroots Resident Control, 1960s-1975

Housing policy throughout the 1950s largely contributed to the segregation of public housing by both race and class.¹³ Racial and class tensions exploded into much of the urban unrest of the 1960s.¹⁴ It was during the back-drop of this unrest that new legislation opened the doors for public housing resident participation policy. In 1967, it became a requirement of HAs to consult residents on modernization projects within the Comprehensive Improvement and Assistance

Program (CIAP).¹⁵ About one month before the 1968 Housing Act was passed, Assistant HUD Secretary Don Hummel published a circular entitled “Social Goals for Public Housing” where he encouraged HAs to “assume responsibility” for assisting residents “to get together to solve problems” and “give residents the opportunity to participate in the determination of management policies; rules and regulations; charges for breakage and damage; eviction policies...”¹⁶

In 1969, three St. Louis developments organized a public housing rent strike.¹⁷ Lasting for nine months, the rent strike led to negotiations with St. Louis Housing Authority (SLHA) where residents won representation on the HA’s Board of Commissioners and resident involvement in management at all developments.¹⁸ These local victories would impact early federal policymaking around resident participation. The 1970 Housing Act held that tenant programs and services included, “the development and maintenance of tenant organizations which participate in the management of low-income housing projects” and “the training of tenants to manage and operate such projects.”¹⁹

The Act also encouraged HAs to include residents on their governing boards.²⁰ In 1971, the first resident management corporation formed in the Bromley-Heath public housing development in Boston.²¹ The poor building conditions found at these developments led to the formation of bottom-up, grassroots organization by residents for the purposes of gaining control over their living situations. At the same time that residents gained this control, President Nixon announced a moratorium on all new public housing construction in 1973. Nonetheless, the resident management initiatives continued to evolve as the 1980s approached.

Top-down Resident Management, 1976-1993

The early resident management projects sparked the interest of the Ford Foundation

who partnered with HUD from 1976 to 1979 to co-sponsor the National Tenant Management Demonstration Program (NTMDP). NTMDP funded and monitored seven resident management projects in six cities.²² In 1978, the Carter administration commissioned a task force to report on the NTMDP and to develop recommendations for the “adoption of national regulatory standards for tenant participation in functioning housing authorities.”²³ HUD promised to create regulations based on the recommendations developed by the Task Force.²⁴ The Task Force report set out procedures for the formation of resident associations and elections. While the Task Force produced a progressive report building upon the bottom-up, radical roots of early resident management, a more top-down, approach of resident management began to take hold.²⁵ Meanwhile, the Reagan administration took the disinvestment of federal housing programs to new heights. In 1978, HUD had a budget of \$80 billion. By 1983, Reagan had brought it down to only \$18 billion — a 77.5% reduction.²⁶

Still, the expansion of resident participation policy continued. In 1985, the National Center for Neighborhood Enterprise (NCNE) received funding to run a training program for residents of twelve resident management corporations (RMCs).²⁷ In 1986, HUD finally published regulations on resident participation, which included many of the recommendations of the Task Force.²⁸ These regulations were later revised in 1988 with additional provisions on resident management.²⁹ Also, in 1986, resident leaders joined NCNE in lobbying for a federally funded program to provide the technical assistance necessary to expand on the development of resident management bodies.³⁰

This led to the Housing and Community Development Act of 1987, which “instituted resident management as a routine, formalized feature of public housing.”³¹ However, resident management soon began to take the form of “a conservative strategy for the empowerment of individuals.”³² The conservative concept of resident management was one that valued participation as the moral uplift of individuals who

could gain the skills needed to overcome poverty. Public housing was, of course, seen as a stop on the way to attaining the American Dream — homeownership. Still, the power residents stood to gain through these resident management initiatives did not compliment the trend toward removing all obstacles to maximum profit. In 1992, the National Commission on Severely Distressed Public Housing completed a report which found that 86,000 of the country's 1.4 million units of public housing were distressed.³³ This report was used to justify the creation of the HOPE VI program,³⁴ which is supposed to demolish and rehabilitate distressed public housing. Congress allocated billions for demolition, replacement and revitalization of public housing. By 1993, Congressional threats to cut HUD funding along with a push to revamp the welfare system encouraged legislators to reform resident management policy.

to the 1986 regulations in 1988 were removed³⁸ (For more on the limitations of current federal policy, see pg. 33). What immediately follows is an outline of the main components of current resident participation policy, the national political context, and how resident participation is structured in New York City.

Expanded Participation with Limitations, 1994-the Present

In response to threats of funding cuts, HUD released a document in 1994 called the “Reinvention Blueprint” and another in 1995 called “HUD Reinvention: From Blueprint to Action” which then HUD Secretary Henry G. Cisneros claimed would save “\$60 billion over the next five years, including \$800 million in administrative costs.”³⁵ In addition to calling for the consolidation of HUD's 60 programs into three performance-based funds, the “Blueprint” promoted the de-concentration of poverty through a process of “voucherization” arguing that programs like Section 8 offer low-income residents the opportunity to exercise individual free choice in deciding where to live.³⁶ At the same time, several policy changes resulted in the simultaneous expansion and limitation of resident participation. For example, the resident management program was renamed the Tenant Opportunities Program (TOP) and, among other things, was restructured with the intent to “assure meaningful participation in the management of [residents'] housing developments,”³⁷ but many of the detailed provisions that had been added

PUBLIC HOUSING RESIDENT PARTICIPATION STRUCTURE

GUIDELINES FOR PUBLIC HOUSING RESIDENT PARTICIPATION

The present period has seen three major milestones in public housing resident participation policy.

The 964 Regulations

The 1994 regulations (Part 964 of Title 24 in the CFR) guide current resident participation policy in public housing by defining the structure of resident organizations, the election procedures of resident leaders, and the role and responsibilities of HAs and HUD. Their stated purpose is to “...recognize the importance of resident involvement in creating a positive living environment and in actively participating in the *overall mission* of public housing.”³⁹ HUD’s objective is described as: “...promot[ing] resident participation and the active involvement of residents *in all aspects of a HA’s overall mission and operation*.”⁴⁰

Resident participation begins with the formation of a resident council. The purpose of a resident council is “...to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families...”⁴¹ Provision 964.100 also makes clear that resident councils “may actively participate...with [the] HA to advise and assist in all aspects of public housing operations.”⁴² A resident council needs to meet certain requirements in order to be officially recognized and to be eligible to receive funds for participation activities. They must: 1) represent residents living in public housing, 2) adopt written procedures, which allow for the triennial election of resident leaders as well as the recall of elections, 3) have a democratically-elected governing board of five officers, and 4) have a voting membership of public housing residents who are 18 years of age or older and whose names are on the lease.⁴³ HAs are required to recognize resident councils that meet these requirements. In fact, the 964 regulations also specifically state that HAs cannot, in any circumstance, recognize a “competing resident council once a duly elected resident council has been established.”⁴⁴

Resident councils also have the option to form jurisdiction-wide bodies which “may advise [the HA Board] and executive director in all areas of HA operations.”⁴⁵ If resident councils do form such an organization, then the HA has to recognize it as “the voice of authority-wide residents for input into housing authority policy making.”⁴⁶

HAs are required to support participation activities and meet regularly with resident councils as well as jurisdiction-wide resident councils “to discuss problems, plan activities and review progress.”⁴⁷ Additionally, HAs are responsible for providing: 1) guidance in forming/ maintaining resident councils, 2) current information on HA policy for participation in management, and 3) office space and meeting facilities.⁴⁸ The regulations also make clear that resident training is vital to the functioning of these resident bodies. Provision 964.18 states that “HAs, in collaboration with resident councils, shall assume the lead role for assuring maximum opportunities for skills training for public housing residents.”⁴⁹ HUD encourages HAs to use local resources and form partnerships with residents as well as non-profit organizations in order to provide these trainings.⁵⁰

In addition, the 964 regulations also leave room for external organizations to assist residents in the official resident participation system. Provision 964.117 states that: “A

resident council may form partnerships with outside organizations...” as long as “...such relationships are complementary to the resident council in its duty to represent the residents, and...that such outside organizations do not become the governing entity of the resident council.”⁵¹

The Quality Housing and Work Responsibility Act (QHWRA)

The contradictory nature of to resident participation policy — expansion and limitation — continued into the late 1990s. In 1998, the Quality Housing and Work Responsibility Act (QHWRA) shifted policy away from training for resident management and towards an emphasis on direct services.⁵² By 1999, TOP was eliminated and was replaced with the Resident Opportunities and Self Sufficiency Program (ROSS). ROSS funds a range of activities around resident management and the services associated with them, but “what [it] does not do explicitly is reserve funds for the ‘soft skills’ of community organizing, board development, or leadership training.”⁵³

QHWRA contributed to the decentralization of public housing administration by providing the HAs with more autonomy to manage their developments. It mandated the drafting of 1-year and 5-year plans and also required the HAs to develop these plans “in consultation with a resident advisory board.”⁵⁴ This meant that HAs had to establish resident advisory boards (RABs). The process for establishing a RAB depends on the degree to which a resident participation structure of a given HA locality is developed. If there is already a functioning jurisdiction-wide resident council then that resident body will act as the RAB. In cases where there are only functioning local resident councils then the HA is supposed to obtain names of resident leaders from these councils who are to act as representatives on the newly formed RAB. The HA is only allowed to appoint resident leaders to a RAB if there are neither resident councils nor a jurisdiction-wide resident council that are in compliance with the 964 regulations.⁵⁵

In 2002, bill HR 3995 came before Congress, which would have exempted small HAs from the Annual Plan process and from putting residents on their boards. A national public housing residents’ organization in existence at the time called ENPHRONT (Everywhere and Now Public Housing Residents Organizing Nationally Together) lobbied against this bill. As it currently stands, small HAs (defined as having less than 250 units) and “high-performing”⁵⁶ HAs still have to submit Annual Plans, but are allowed to submit “streamlined” plans⁵⁷ (For more information on Annual Plan process see pg. 21, and Diagram 1 on pg. 25).

Tenant Participation Activities (TPA) Funds

Another milestone in resident participation policy occurred in 2001 when HUD released Notice PIH 2001-3 which strengthened the 964 regulations provision on resident participation funding. The interim rule makes a distinction between “resident participation activities” and “resident services.”⁵⁸ The former is described generally as “consultation and outreach for public housing residents that support active interaction between the PHA and residents,”⁵⁹ while the latter includes activities like “day care programs, resident self-sufficiency programs, and resident safety and security programs.”⁶⁰ Most importantly, the rule states that HAs must distribute Tenant Participation Activities (TPA) funds at \$25 per unit with \$10 of this amount going to the HA for the administration for such activities.⁶¹ If a HA does not receive sufficient operating funds for any fiscal year, then the \$25 per unit funding is “subject to pro-ration.”⁶² In regards to the distribution of TPA funds, the 964 regulations hold that: 1) where both local and jurisdiction-wide resident councils exist, distribution must be agreed upon by the HA and these resident bodies, 2) funding can only be provided by a HA to a resident council through a written agreement, 3) when funds are available through appropriations, funding must be provided regardless of the HA’s financial status, and 4) where there is disagreement between the HA and the resident bodies on the distribution of funds then the dispute should be referred to the HUD Field Office for an intervention.⁶³

THE RAB AND THE NYCHA ANNUAL PLAN PROCESS

Federal Policy on Annual Plan Process

In 1998, the Quality Housing and Work Responsibility Act (QHWRA) required HAs to develop one- and five-year plans. Annual Plans are central to policymaking since they include all of the major policy changes and plans of a HA in any given year. The Annual Plan process is particularly notable because it is the only resident participation process where members of the general resident population can collectively and directly confront HA officials on jurisdiction-wide policy. That is, a resident need not be an elected resident officer in order to participate.

An Annual Plan contains 19 elements, listed in the table of contents in the PHA Desk Guide as:

- 1) Housing Needs
- 2) Financial Resources
- 3) Eligibility, Selection, and Admissions
- 4) Rent Determination
- 5) Operations and Management
- 6) Grievance Procedures
- 7) Capital Improvement Needs
- 8) Demolition and Disposition
- 9) Designation of Public Housing
- 10) Conversion of Public Housing
- 11) Homeownership
- 12) Community Service and Self-Sufficiency
- 13) Safety and Crime Prevention
- 14) Pets
- 15) Civil Rights Certifications
- 16) Fiscal Audit
- 17) Asset Management
- 18) Other Information
- 19) Capital Funds¹

Housing authorities are required to note any policy changes for each element from year to year, and can provide a written response as well to highlight how a policy may have been changed. HAs that HUD has classified as “high-performing” have been allowed to “streamline” their Annual Plans.² A streamlined plan template lists 12 of the 19 elements and asks only that the HA place a check mark next to any of the elements that have been revised³ within the last year.

There is no obligation to indicate how an element was revised. On November 13, 2008, HUD issued notice PIH 2008-41, which extended the streamlined annual plan option to all HAs with 550 units or more regardless of their performance status. The revised template allows HAs to submit to HUD only the elements that are subject to HUD review, namely: 1) Capital Improvements, 2) Demolition and/ or Disposition, 3) Deconcentration, and 4) Civil Rights Certification. This notice explicitly states that HAs are still required to make all of the elements known to the public and does not change the resident participation process described in more detail below.⁴

The QHWRA also makes it a requirement for HAs to create these plans “in consultation with” a Resident Advisory Board (RAB) that they must establish if there is not already a jurisdiction-wide resident body that is in compliance with the 964 regulations. The RAB becomes the resident body that represents the public housing resident population of a jurisdiction in its meetings with a HA to discuss the Annual Plan.

HUD and HAs have certain responsibilities in the Annual Plan process. HAs are required to: 1) provide residents and the public with “reasonable means” to obtain information about what Annual Plans include, 2) consider all recommendations to the plan submitted by the RAB, 3) submit to HUD all recommendations and explanations to how they have addressed or not addressed these recommendations, 4) provide adequate notice and opportunity for residents to participate in the Annual Plan process, 5) hold a public hearing so that residents can make public comments on the plan, and 6) submit a plan that is consistent with federal civil rights laws, the Consolidated Plans, HUD standards and any other information submitted by the RAB with recommendations.⁵ Also, HUD Interim Rule 903.13(a) states that HAs are required to allocate “reasonable resources” to ensure the “effective functioning” of the RAB.⁶ HUD must ensure: 1) that all the information for the plan required by law has been submitted, 2) that the plan is consistent with the Consolidated Plans which HAs submit in order to obtain funding for HUD programs, 3) that the plan is consistent with other information that is submitted (e.g. shadow report submitted by a RAB), and 4) that the plan is not inconsistent with any other law.⁷

Once a HA has submitted an Annual Plan, HUD has 75 days to review and approve or disapprove the plan. HUD is not required to review every section of a HA plan, nor is it required to take action to approve a plan. If HUD does not take any action during that 75-day period, then the plan is automatically approved.⁸ HUD lists all approved plans online at the following link: <http://www.hud.gov/offices/pih/pha/approved/>

New York City Implementation of Annual Plan Process

In 1999, NYCHA announced that the CCOP would act as the RAB. That same year, the New York City Public Housing Resident Alliance (NYCPHRA) - an external group of organized resident leaders working in coalition with CSS and the Legal Aid Society (LAS) to do both national policy advocacy and resident education — launched a “CCOP Is Not Enough” Campaign advocating for a more representative RAB (See Timeline on pg. 24). The campaign challenged the CCOP’s qualifications as a “jurisdiction-wide resident council that complie[d]” with the 964 regulations on two counts: 1) the last election for the CCOP representatives had occurred five years earlier making them in violation of the triennial election requirement set by the regulations, and 2) the CCOP and some of the District Councils did not have by-laws.⁹ The reforms that followed eventually led to the current RAB structure, which includes 45 District Council officers (five from each of the nine Districts) and their alternates as well as representatives from the NYCHA-administered Section 8 Voucher Program.¹⁰ NYCHA website reports that there are currently more than 80 RAB members — 45 RA Presidents who have been elected as officers of their district, 31 alternates (RA Presidents serving at the district level who are not necessarily district officers), and five Section 8 Voucher Holder representatives.¹¹ Based on a conversation with a NYCHA official from the Department of Community Operations on April 20, 2009, a RAB meeting can potentially have up to 90 public housing members present since each of the 45 elected RA Presidents can have an alternate.¹²

The RAB meets with NYCHA on average about six to eight times a year. Neither RAB members, nor any resident leader in the NYC system for that matter, earn stipends,¹³ but they do receive food and covered transportation costs for meetings with NYCHA.¹⁴ The resident input from these meetings are supposed to inform NYCHA when drafting a Plan and NYCHA should include any and all recommendations to the Plan submitted by the RAB. Once the Draft Annual Plan is completed it must be made available to the general resident population. In NYC, residents can access the Draft Annual Plan by going online¹⁵ or by visiting the Research and Management Analysis Department on the 11th Floor of the NYCHA office located at 250 Broadway. Also, NYCHA must provide adequate notice to residents about how to participate in the Annual Plan process (i.e. issue public comments on the Plan). NYCHA organizes “town halls” for each of the five boroughs along with one citywide public hearing. The town hall format allows residents to ask questions about the Draft Annual Plan to a panel of NYCHA officials who in turn respond to these inquiries. At the citywide hearing, residents can make public comments on the Draft Annual Plan in the presence of NYCHA officials.¹⁶

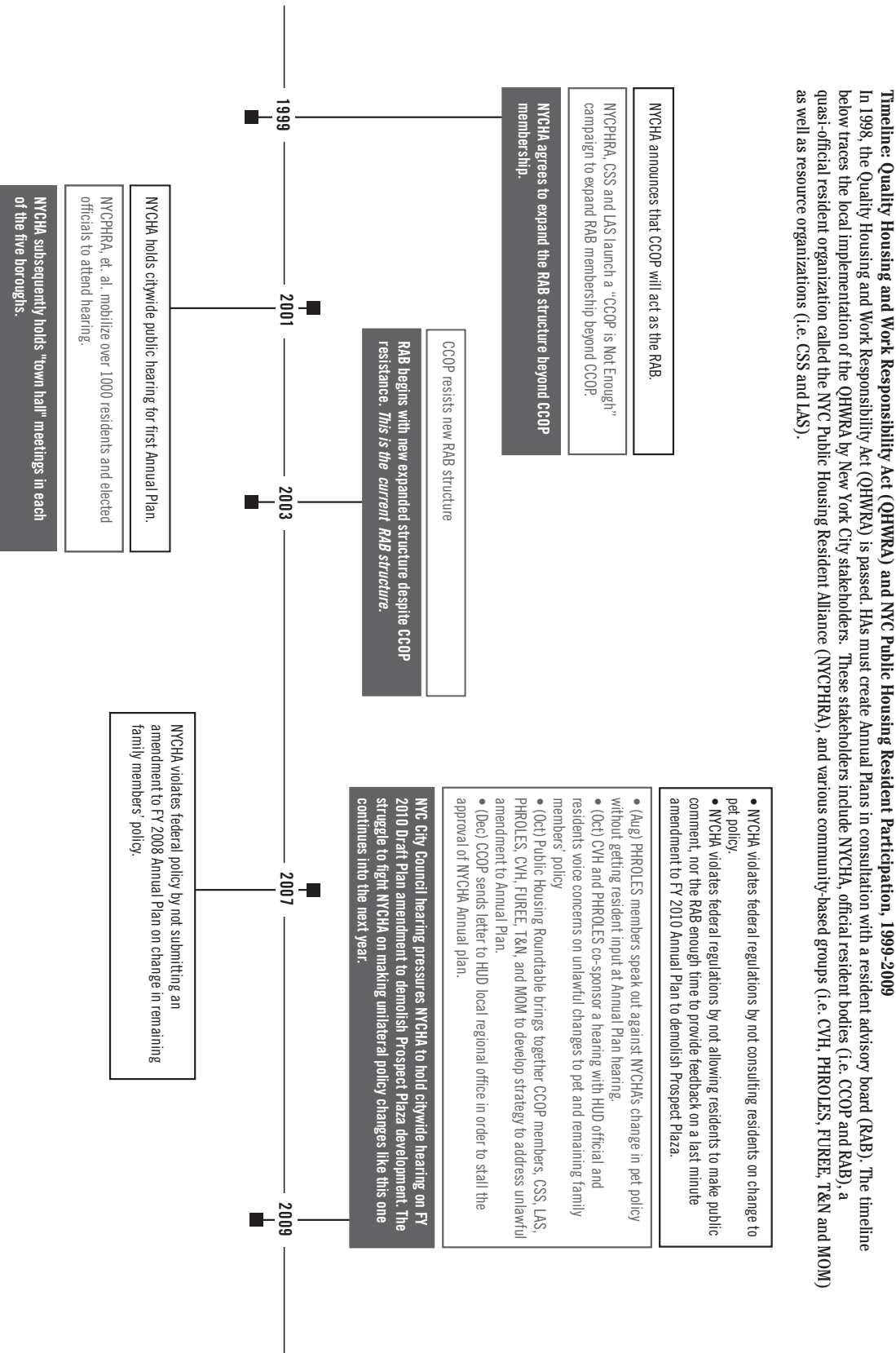
After the citywide hearing, NYCHA must compile all of the public comments for inclusion in the Annual Plan. NYCHA is not only required to include each of these public comments, but must also address each of these comments. This also applies to any and all recommendations submitted to NYCHA by the RAB. NYCHA submits the plan at which time the RAB can also submit additional information directly to HUD as a way to supplement their recommendations or to reveal any inconsistencies with the agency’s plan. As previously mentioned, if HUD takes no action in 75 days the Annual Plan is automatically approved¹⁷ (See Diagram 1 on pg. 25).

1 Department of Housing and Urban Development (HUD), “Public Housing Agency (PHA) Plan Desk Guide,” (20 Sep. 2001), available at: <http://www.orl-oha.org/documents/pha-plan-guide.pdf>.

2 For more information on HUD designation of “high-performing” HAs see Endnote 56 of report.

3 National Low-Income Housing Coalition, “Emergency PHA Plan Streamlining,” 7 May 2007, available at: http://www.nlihc.org/detail/article.cfm?article_id=4366&id=42.

- 4 "HUD Notice, Office of Public and Indian Affairs, 2008-41," (13 Nov 2008) available at: <http://www.hud.gov/offices/pih/publications/notices/08/pih2008-41.pdf>.
- 5 Center for Community Change (CCC). "Residents' Guide to the New Public Housing Authority Plans," (Washington, DC: June 2009), p.11 & 13.
- 6 CCC, "Residents' Guide to PHA Plans," (Washington, DC: June 2009), p.18. Also SEE 24 C.F.R. HUD Interim Rule 903.13(a).
- 7 Ibid. p.27.
- 8 Ibid.
- 9 Vic Bach, Nicole Branca, and Artis Wright, "Resident Participation in Public Housing: Making it Effective," CSS Policy Brief, (2002), p.3.
- 10 Policy allows for HAs to create separate RABs for their Section 8 Voucher Holders – who also have a right to participate in the Annual Plan process (CCC, "Residents' Guide to PHA Plans," p.17 and NHLP, *HUD Housing Programs: Tenants Rights*, Ch. 12 p.12/27). However, by 2002, there were nine Section 8 Voucher Holder representatives on the same RAB as the one for public housing residents (CSS, "The Structure of Resident Participation," p.12). To date, this research team has not been able to confirm the process for appointing or electing Section 8 Voucher Holder representatives to the RAB.
- 11 NYCHA website: *Residents' Corner*, 2009, at: http://www.nyc.gov/html/nycha/html/residents/res_assoc.shtml.
- 12 Hugh Spence, Notes from Meeting, 20 Apr. 2009.
- 13 Stipends of up to \$200 a month for each officer are permitted by the 964 regulations and HUD "encourages" HAs to do so. The stipends are to be funded via the resident portion of the TPA distribution formula – that is, from the \$15 per unit portion. (CFR, Title 24, Ch. IX., 964.150 b Funding Tenant Participation).
- 14 Hugh Spence, Notes from Meeting, 20 Apr. 2009.
- 15 Draft Annual Plans can be obtained online at: <http://www.nyc.gov/html/nycha/html/about/agencyplan.shtml>.
- 16 Whether residents use these spaces to actually address the contents of the Draft Annual Plan, however, is another matter altogether.
- 17 Data collected by this research team suggests that HUD more often than not, takes no action during the 75-day period (SEE Endnote 78 for more information).



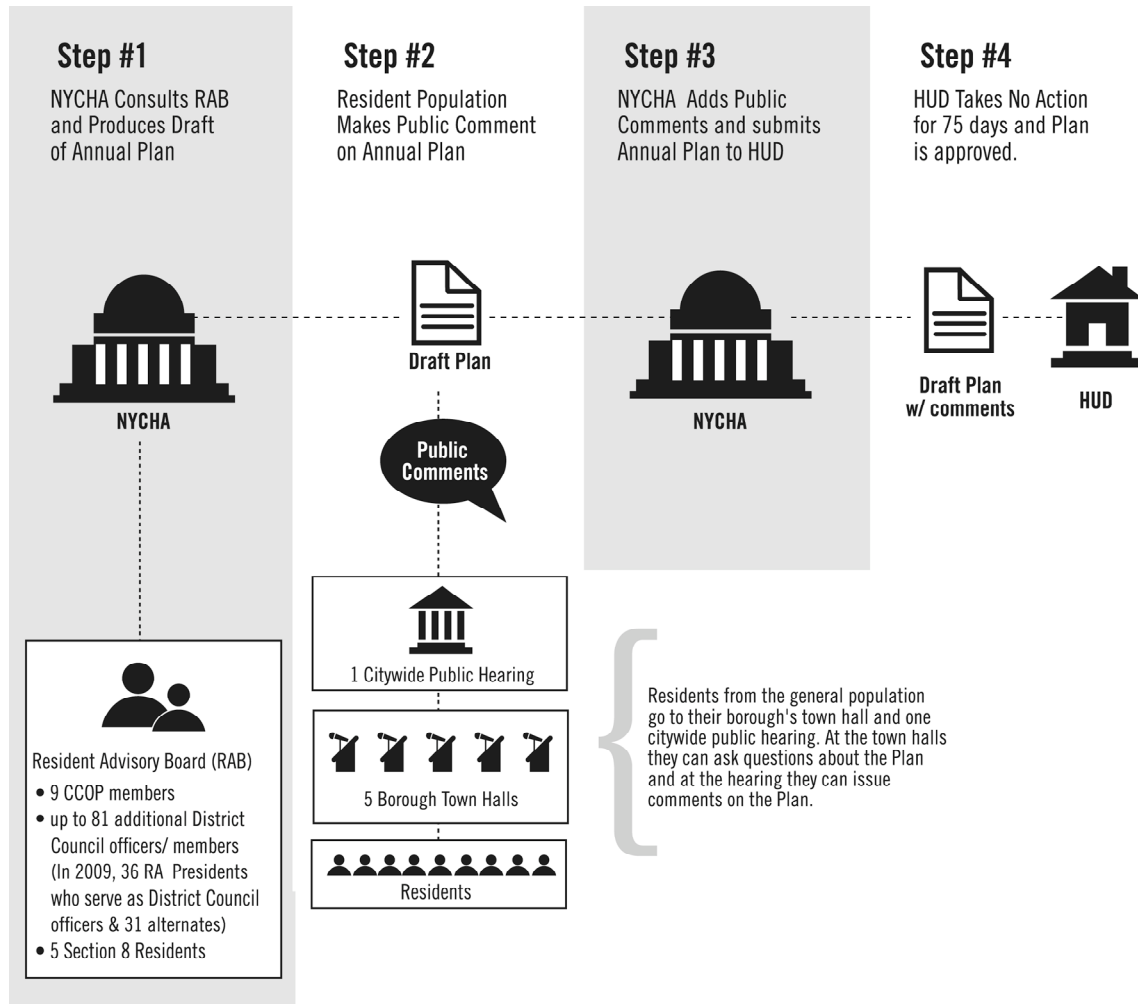


Diagram 1: The Annual Plan Process

The Quality Housing and Work Responsibility Act (QHWRA) of 1998 requires HAs to create 1-and 5-year plans in consultation with a resident advisory board (RAB). The Annual Plans are central to policymaking since they include all of the major policy changes and plans of a HA in any given year. The Annual Plan process is particularly notable because it is the only resident participation process where non-officer residents can collectively and directly confront HA officials on jurisdiction-wide policy. In this process, NYCHA is first supposed to meet with the RAB to develop a plan. NYCHA must include in the plan all of the RAB's recommendations as well as explanations to how they did or did not address them. Once a draft of the plan is complete, NYCHA must make it available to the residents. In NYC, there are 5 borough town halls held so that residents can inquire about the plan before making public comment on that plan at a citywide public hearing. NYCHA must then include all of the residents' public comments and submit the plan to HUD for approval. HUD has 75 days to approve the plan. However, if HUD takes no action in 75 days the Plan is automatically approved. Our research revealed that HUD often does not take action and therefore allows the automatic approval of NYCHA Annual Plans without serious consideration of RAB recommendations or residents' public comments.

NYC PUBLIC HOUSING RESIDENT PARTICIPATION STRUCTURE

In NYC, the public housing resident participation system has three levels: 1) Local 2) District, and 3) City (See Diagram 2).

Local Level: Resident Associations (RAs)

At the local level, there are resident or tenant associations — referred to as resident associations (RAs) in this report and “resident councils” by the 964 regulations. In NYC, over 400,000 residents live in 336 public housing developments. Out of the 336 developments there are 239 active RAs. Each RA has its own by-laws, a governing board of at least five officers⁶⁴ and belongs to a geographic district (See Diagram 3a on pg. 27).

District Level: District Councils (DCs)

The entire NYC public housing development system is divided up into nine Districts — Bronx North, Bronx South, Manhattan North, Manhattan South, Brooklyn East, Brooklyn West, Brooklyn South, Queens, and Staten Island. Each of the nine Districts has resident councils — called District Councils — made up of all of the RA presidents of their particular District (see Diagram 3b on pg. 27). For example, in Manhattan North there are 37 developments that have RAs. All 36 RA Presidents from this District are members of the Manhattan North District Council and will elect a five-member board[†] (according to its by-laws), like the one described above, to represent all of their developments at the District level.⁶⁵ As pointed out by Community Service Society (CSS) in their published document “The Structure of Resident Participation: How It’s Supposed to Work,” although the 964 regulations call for only two levels of participation this “intermediate district level was formed by

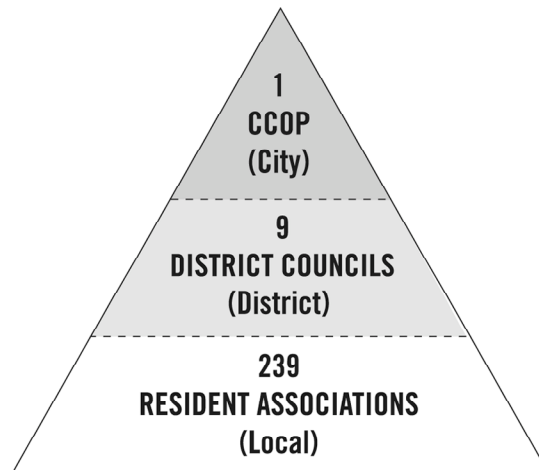


Diagram 2: The Three Levels of Resident Participation

The official public housing resident participation system has three levels. Currently, 239 of New York City’s 336 developments have resident associations (RAs). These RAs are organized into 9 geographic districts. Each district has a Council of resident leaders. Each Council has one representative on the Citywide Council of Presidents (CCOP).

NYCHA as a way to facilitate communication in a large public housing community.”⁶⁶

Communication at the District Council level is supposed to happen in three directions at the District Council meetings: 1) information is shared horizontally, across developments between the different RA presidents within the district, 2) information from the RA Presidents of a district is to be passed up to the city-level, and 3) information from the city-level is to be passed back down to the RA presidents of the District Councils.⁶⁷

[†] Elected offices from each District Council vary from district to district. For example, there are seven positions in Bronx South — Chair, Vice-Chair, Recording Secretary, Corresponding Secretary, Treasurer, Financial Secretary, and Sergeant At Arms. Manhattan North, however, does not have a Corresponding Secretary or Sergeant At Arms position. Other districts have positions that are currently vacant. Elected offices of all districts are listed at the following link: http://www.nyc.gov/html/nycha/html/residents/res_assoc.shtml

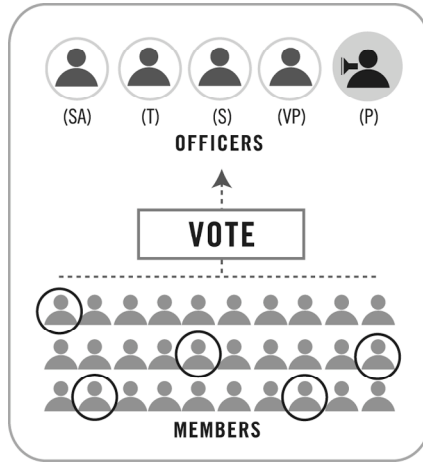


Diagram 3a: Resident Association (RA) Structure

Residents who participate in their resident association vote for a governing board of at least 5 officers, usually made up of a President (P), Vice-President (VP), Secretary (S), Treasurer (T), and Sergeant of Arms (SA). With a total of 239 RAs this means that there are at least 1195 RA officers in the entire NYC system.

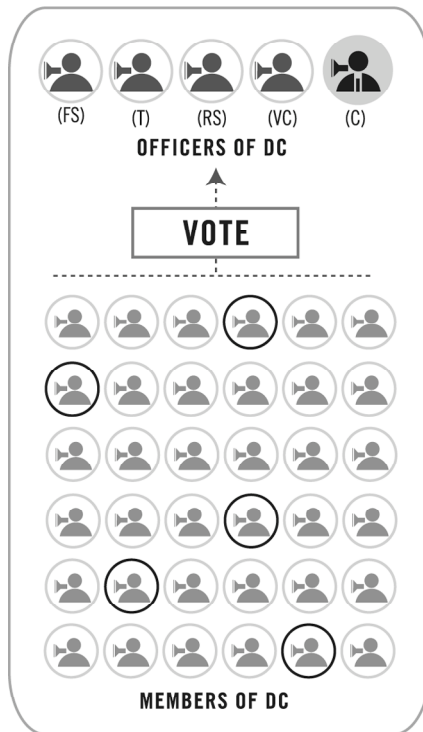


Diagram 3b: District Council (DC) Structure

The membership of a District Council is made up of the Presidents of RAs belonging to a geographic district. In the case of the Manhattan North District, there are 36 RAs - each of which have a President who is a member on the Manhattan North District Council. In their last DC election, these 36 RA Presidents voted for a governing board with a Chair (C), Vice-chair (VC), Recording Secretary (RS), Treasurer (T), and Financial Secretary (FS). The Chair automatically represents their district on the CCOP (See Diagram 4 on pg. 28).

City Level: CCOP and RAB

The city level is made up of two resident bodies — 1) the CCOP, which represents residents on a day-to-day basis and 2) the RAB, which represents residents in a specific policymaking process (i.e. the Annual Plan). There is overlap in membership between the CCOP and the RAB since both bodies derive their membership from elected District Council officers (See Diagram 5 on pg. 29).

Citywide Council of Presidents (CCOP)

Each District Council Chair is automatically a member of the city-level resident organization – the Citywide Council of Presidents (CCOP) (See Diagram 4). The CCOP is responsible for representing the interests of all public housing residents in its meetings with NYCHA on city-wide plans and policies. It is also responsible for “maintaining informed, self-reliant and effective RAs and District Councils.”⁶⁸ As members of the CCOP, each District Council Chair is responsible for communicating the concerns of the RAs in their district to the other CCOP members and to NYCHA. Information from the CCOP and their meetings with NYCHA are supposed to be disseminated to the RA Presidents at the District Council meetings. The nine-member CCOP, like the RAs and District Councils below it, has its own by-laws and a governing board.

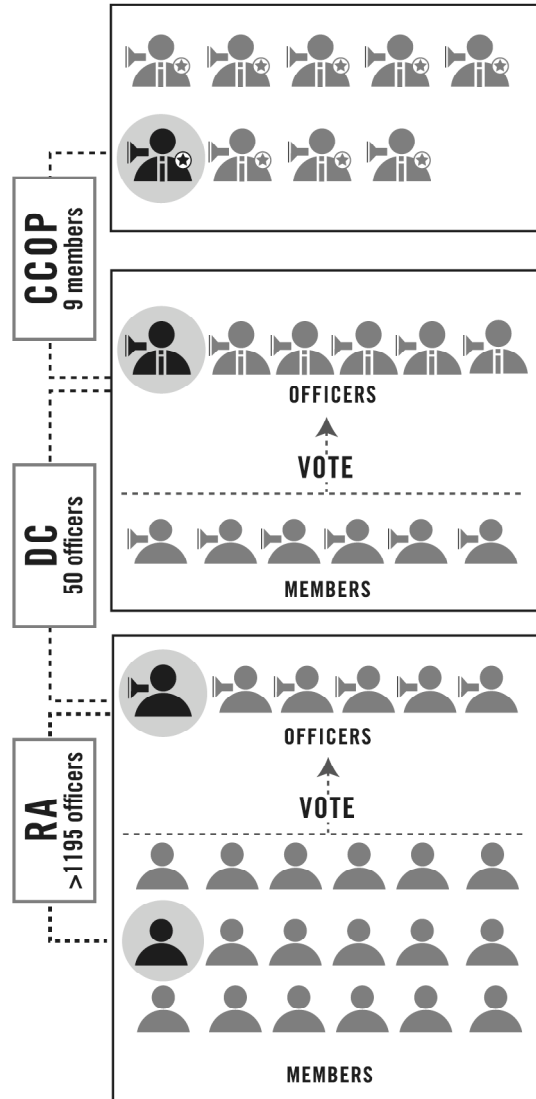


Diagram 4: Multiple Positions of Resident Leaders

A RA President who is elected the District Chair automatically represents their district on the CCOP. This means that each CCOP member is responsible for running their RA at the local level and their District Council at the district level as well as representing their district at the city level. In addition, CCOP members participate in the Annual Plan process as members of the Resident Advisory Board (RAB) (See Diagram 5 on pg.29). CCOP members then must serve in 4 positions. The 50 officers of the district level must serve in 3 positions — their RA, their DC and the RAB — and some RA Presidents must serve in 2 positions — their RA and the RAB. All together, by having the same people serve in multiple positions, this structure prevents anywhere from 130 to 161 additional residents from participating as elected representatives (For more information see pg. 43).

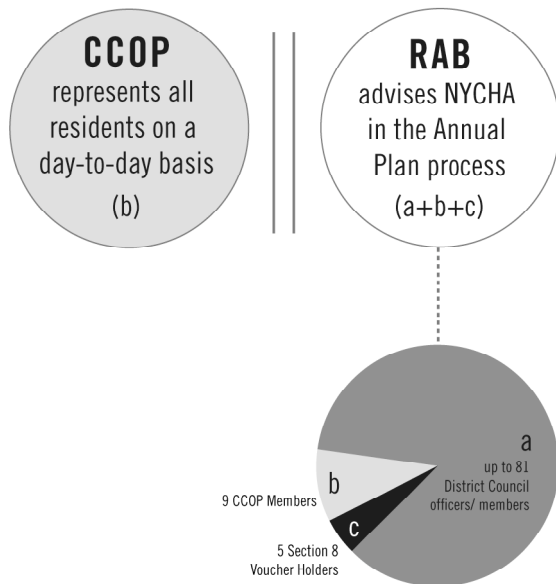


Diagram 5: Structure of City Level Resident Bodies

The Citywide Council of Presidents (CCOP) and the Resident Advisory Board (RAB) are both official resident bodies that operate at the city level of the resident participation system. The CCOP officially represents the entire resident population to NYCHA in the day-to-day operation of the system. The RAB consults NYCHA on the development of its 1- and 5-year plans. There is overlap in the membership of these two bodies since all CCOP members serve on the RAB. The RAB can have up to 90 public housing resident leaders in a given year — 45 officers from the district level (which includes the 9 CCOP members) and their alternates. In 2009, the RAB had 31 alternates. Although policy allows for Section 8 Voucher Holders to have their own resident advisory board, NYCHA includes resident representatives from this subsidy program on the same RAB with public housing residents. In 2009, there were 5 representatives from the Section 8 Voucher program. NYCHA has not disclosed the process for electing or selecting these representatives.

Resident Advisory Board (RAB)

The sole purpose of the RAB is to represent residents when consulting NYCHA on the drafting of its Annual Plans. Currently there are more than 80 RAB members — 45 RA Presidents who have been elected as officers of their District Council, 31 alternates (RA Presidents serving at the district level who are not necessarily district officers), and five Section 8 Voucher Holder representatives.^{††} A RAB meeting can potentially have up to 90 public housing members present since each of the 45 elected RA Presidents can have an alternate^{†††} (See Diagram 5).

NYCHA's Community Operations Department

NYCHA's Department of Community Operations oversees the resident participation system. It is responsible for providing technical assistance to resident bodies including, but not limited to: structuring their resident associations and organizing Family Day events at their developments. It assembles, maintains, and monitors the resident election process. It provides administrative support to the CCOP as well as the RAB and the Annual Plan process. There is also a fiscal unit that is responsible for administering the TPA budgets of each of the nine Districts.⁶⁹ Mr. Hugh Spence is the current Deputy General Manager of the Community Operations Department in charge of managing all of these duties.

^{††} NYCHA website: Residents' Corner, 2009, at: http://www.nyc.gov/html/nycha/html/residents/res_assoc.shtml.

^{†††} Hugh Spence, Notes from Meeting, 20 Apr. 2009.

Unofficial and Quasi-official Spaces of Resident Participation

Outside of the official resident participation structure, NYC public housing residents and resident leaders also choose to shape policy by participating in unofficial and quasi-official spaces. In NYC there are a variety of community-based and resource organizations that work with public housing residents in different capacities both inside and outside the official resident participation system. These groups often use organizing and advocacy models not present within the official resident participation system. Additionally, the NYC Public Housing Resident Alliance (NYCPHRA) — an unofficial group made up of official resident leaders — has played a vital role in policymaking at moments when official resident bodies remained silent (See Timeline on pg. 24).

CURRENT NATIONAL POLITICAL CONTEXT: RESIDENT PARTICIPATION UNDER THREAT

In 2003, Harvard University completed a HUD-commissioned report on the public housing operating budget. This report recommended ways to further restructure public housing administration in order to fully transition to an asset management model. Sam Finkelstein — former housing organizer of the National Training and Information Center (NTIC) based in Chicago — described the asset management model in a phone interview for this research project:

“Ultimately, each development would have its own management and assessment at the local level. This would eventually happen at the building level. Each building would be managed and evaluated and those that can’t sustain themselves would be phased out — meaning, they would be demolished. Implementing this model means decentralizing the administration of the budget. HUD would eventually distribute funds directly to the buildings/developments and the HAs would have to bill these developments to obtain funding. All of this contributes to a path toward the privatization of public housing.”⁷⁰

HAs opposed the idea of having less control over their funds and viewed aspects of the asset management model as micromanagement. The HAs used their lobby groups — namely, Public Housing Agencies Directors Association (PHADA), Council of Large Public Housing Authorities (CLPHA), and National Association of Housing and Redevelopment Officials (NAHRO) — to pressure Congress to block any legislation that would advance the asset management model. Attempting to gain HA support for this model, HUD told the HAs that they would loosen requirements around resident participation in policymaking by waiving certain provisions of the 964 regulations.

In an effort to identify administrative processes that could be streamlined in the direction of the asset management model, HUD began the Public Housing Administrative Reform Initiative (PHARI). As part of this initiative, HUD sought to obtain input from residents, housing advocates, and HA officials via focus group sessions. The Focus Group around resident participation submitted a final report on September 14, 2007 that agreed on the following three principles:

1) Promote Effective Resident Participation, 2) Preserve and Strengthen Resident Rights Provided Under the 964 Regulations, and 3) Freeze Any Further HUD Waivers of 964 Regulations.⁷¹

Despite these recommendations, in 2008, HUD worked with Congress to develop a bill (HR 3521) that moved forward with implementing the asset management model and streamlining provisions of the 964 regulations that would further limit resident participation. Housing advocates sent letters to HUD officials expressing their concerns about this streamlining and reminded them of the work residents and others had done to provide constructive feedback on the 964 regulations during the PHARI focus groups. Each letter was met with an official response that affirmed HUD’s intention to streamline the 964 regulations.⁷² Two more amended versions of the asset management bill were drafted, but the bill became mired in a political process that never came to fruition. For now it does not seem that the Obama administration is planning to revive it.

Nonetheless, this scenario exemplifies the current state of resident participation in public housing in NYC and beyond. Space is provided for residents to participate in the policymaking process. Residents give feedback. The authority (in this case, HUD, but in others the HAs) receive the feedback, but are not required to act on it. Instead, HUD moves forward with what they decide is important, no matter how unpopular it may be to those who are most affected by the policy.

Note: The references for this section - Endnotes 70, 71, and 72 - are located at the end of the document.

PUBLIC HOUSING RESIDENT PARTICIPATION: THE CURRENT STATE OF AFFAIRS

Is NYC public housing resident participation meaningful and democratic? To answer this question, it serves us well to first ask: to what extent does current federal policy promote or impede the development of meaningful and democratic public housing resident participation? That is, to what extent does current federal policy contribute to residents' power to democratically make decisions about the policies that affect them?

CURRENT FEDERAL POLICY IMPEDES MEANINGFUL RESIDENT PARTICIPATION

It might seem a contradiction to have policy that allows residents to participate in policymaking at a time when the disinvestment in and demolition of public housing appears to be a national priority.⁷³ Will not residents simply decide not to demolish their own homes? A closer look at the matter, however, reveals that the current form of resident participation encouraged by this policy is subject to the desired actions of HUD and the HAs they fund.⁷⁴ Our research shows that current policy actually impedes the development of meaningful resident participation in two main ways:

- **Power:** It places major limitations on the power resident bodies have to shape policy.
- **Enforcement:** It lacks the appropriate oversight measures needed to hold HAs accountable to ensure that meaningful resident participation occurs.

First, both the 964 regulations and the QHWRA grant resident bodies advisory power.⁷⁵ HAs must consult resident bodies before implementing policy or developing plans. However, nothing in resident participation policy gives residents the power to stop HAs from instituting a policy or plan that they do not want. In other words, residents have no actual decision-making power. Resident bodies simply provide feedback that a HA can then choose to incorporate into their policy decisions or not.

Second, the lack of a strong enforcement mechanism renders much of what residents could gain from such a policy useless. Public housing advocates often describe the 964 regulations as a "Resident Bill of Rights." However, the **7th Circuit of the United States Court of Appeals ruled that enforcement of the 964 regulations lies with the HUD Secretary, rather than the courts and that "perhaps HUD would conclude that the entire structure of...Part 964 is aspirational rather than right-creating."**⁷⁶ This means that residents are dependent upon HUD to sanction a HA for violating the 964 regulations with no guarantee that it will actually do so. In NYC, HUD's lack of active focus on enforcing resident participation policy is apparent. HUD has undermined the development of meaningful and democratic resident participation by:

- supporting legislation that either explicitly does not cite the 964 regulations as the guideline for participation or exempts the use of it for certain HAs or programs;⁷⁷
- approving NYCHA's Annual Plans without seriously considering the recommendations and public comments of residents;⁷⁸
- failing to intervene in disputes over the distribution of TPA funds; and⁷⁹
- failing to sanction NYCHA for violations of the 964 regulations.⁸⁰

The first example represents HUD's attempts to block the effective use of a resident participation system by residents, particularly when it might serve as a barrier to their desired policy decisions. The second example shows that HUD does not prioritize the meaningful incorporation of resident feedback in the policy-making process, specifically in its role within the Annual Plan process. The third and fourth examples highlight HUD's poor enforcement of current policy, particularly in its role to intervene in disputes between resident leaders and HAs as well as to sanction HAs for violating the 964 regulations. Overall, policy does place some responsibilities upon HUD to oversee resident participation,⁸¹ but nothing that would keep the agency from implementing policies that residents would never support (e.g. HOPE VI demolition of their development) or that undermines resident participation (e.g. the asset management legislation described in Current National Political Context section on pg. 31). HUD remains the ultimate enforcer of a policy that is not in its best interest to enforce...despite it definitely being in the residents' interest.

LOW RESIDENT PARTICIPATION LEVEL

FINDING #1: The vast majority of public housing residents do not participate in the official resident participation system at the local or city levels.

The entry point for residents to participate in the official resident participation system is at the local level — the resident associations. Each RA has its own by-laws and membership requirements that vary from development to development. Voting membership, however, is defined by the 964 regulations as “heads of households (any age), and other residents, at least 18 years or older...whose names appear on a lease for the unit” in the development a resident council represents.⁸² Our survey data revealed that 47% of respondents (n=1119) did not even know that their development had a RA and only 17% of respondents (n=877) participate in their RA. Subtracting the 5% of survey respondents (n=280) who participate as elected officers, this means that even fewer residents from the general population — only 12% of our sample — participate in their RA. This suggests that not only is there an overall lack of knowledge about RAs, but that those who do know about its presence choose not to participate. The low level of participation is the first indication that the official system may not be providing residents with a space to meaningfully and democratically participate in policymaking.

Youth, Men, and Latinos: Least Likely to Participate in Their Resident Associations

Surveys indicated that the majority of participants were African-American women between the ages of 50-69 who have lived in their development for 16 or more years. Seventy-five percent of those who participated in their RA (n=150) identified as African-American/ Black as opposed to only 22% of those who identified as Latino. Eighty-five percent of these respondents (n=151) identified as women as opposed to 15% as men. Sixty-three percent of these respondents (n=127) were between the ages of 40 and 69 as compared to 19% of those who were 70 years and older and 18% for those who were between the ages of 10 and 39. Eighty percent of these respondents (n=152) have lived in their development for 16 years or more compared to .7% living in their development for 0 to 2 years, 6% for 3 to 5 years, 11% for 6 to 10 years, and 3% for 11-15 years.

Focus group data and observations pointed to the lack of attention to the basic participation needs of Latinos and young people in their RAs, citing language and age as barriers to participation. Several focus group participants identified language barriers as the main reason that there were more Black/ African-American residents than Latinos participating in their RA (See quotes to right).

If Latino residents are unable to participate in even the most basic way due to language barrier, they certainly are not participating meaningfully in policymaking.

In regards to young people, official resident leadership from the CCOP publicly recognized the need to recruit younger residents to the RAs at a March 2009 forum event on public housing sponsored by CSS, Legal Aid Society (LAS), the CCOP, and Public Housing Residents of the Lower East Side (PHROLES).⁸⁶ However, it was public housing resident and Executive Director of GOLES, Damaris Reyes, who made it a point to highlight that to be successful in attracting younger people to the resident participation system requires recreating RAs as a space where young people feel

“Well I think one [reason] is...because of language barriers.”⁸³

— Amelia, a Bronx public housing resident

“There is a huge, huge language barrier in my development. It’s mostly Asians and Latinos and I think that is the problem involved.”⁸⁴

— Amanda, a Manhattan public housing resident

“And I tell the President, ‘You know, have people who can speak the language, who speak Spanish...so they can understand it.’...That also causes a lot of conflict, when there’s no one there who can speak Spanish...Just talking about it sometimes upsets me.”⁸⁵

— Ashford, a Staten Island public housing resident

safe and confident they can make a meaningful contribution:

“I think the important thing to remember is that young people need to be in a safe space in order to want to participate... You know, sometimes in a space like this with older people, people may think, ‘Sit down – you don’t know what you’re talking about.’ We have to be really mindful and cognizant of that.”⁸⁷

— Damaris Reyes, a Manhattan public housing resident and Executive Director of GOLES

“I think the important thing to remember is that young people need to be in a safe space in order to want to participate. A lot of times we have these meetings, talking all of this jargon — it’s not exciting for them, it’s boring. And so, we have to think about a few things. We need to think intentionally — what is it we’re going to provide that’s going to be different, that’s going to meet these young people where they’re at so they’ll want to participate and work with us? How are we going to make these spaces safe for them where they feel like they can stand up and have their voices be heard and they’re not going to be shunned? You know, sometimes in a space like this with older people, people may think, ‘Sit down – you don’t know what you’re talking about.’ We have to be really mindful and cognizant of that.”⁸⁷

Only 14% Voted in the Last RA election

Only 14% of respondents to our survey voted in the last RA election (n=889). Of those who knew that there was an RA in their development (n=580), this percentage only slightly increased to 21%. For those who participate in their RA (n=152), the percentage more than doubled to 52%. Previous studies have discovered that participation at the local level often means more participation at other levels of governance.⁸⁸ In fact, survey data analysis revealed an association between voter engagement and resident participation. Seventy-nine percent of those who voted in the last mayoral election (n=145) and 90% of those who stated that they planned to vote in the next mayoral election (n=138) participated in their RA.⁸⁹ Nonetheless, voter turnout and overall participation in the RA remain very low. Our findings in the following sections provide even more insight into the reasons for low voter turnout at RA elections.

ABSENCE OF EFFECTIVE RESIDENT COMMUNICATION SYSTEM

FINDING #2: The absence of an effective communication system leaves the vast majority of residents without critical information on NYCHA policies or the resident participation system and its processes.

For residents using the official resident participation system, communication with their resident leaders or NYCHA officials begins with the RAs. The low percentage of resident participation may be indicative that residents do not feel that RAs can act as a space to communicate their concerns about their development and public housing policy. This would mean that communication is not flowing up from the general resident population. Alarming, our data also suggests that communication on NYCHA policies and other critical information is *not flowing down* to the residents from resident leaders or NYCHA officials. The inaction of NYCHA to assist resident leaders in developing an effective communication system leaves residents without the information they need to meaningfully and democratically participate in policymaking.

Residents Lack Awareness of Policy – e.g. 75% Did Not Know About NYCHA's Deficit

Recall that 47% of respondents (n=1119) did not know that their development had a RA. Of those who did know of RA presence at their development, only 40% (n=578) felt that it provided information on NYCHA policies. This feeling was supported by the fact that the vast majority of residents surveyed were not aware of key public housing policies and policy-related information. For example, 92% of respondents (n=1122) did not know that NYCHA pays the New York Police Department (NYPD) \$73 million for policing services — services that residents already pay for with their taxes. Seventy-five percent of the residents surveyed did not know that NYCHA had a \$195 million deficit (now approximately \$137.1 million for fiscal year 2010)⁹⁰ — critical information that

has serious implications for policies that affect residents' rights to housing affordability, security of tenure, and habitable living conditions.

A major prerequisite to meaningful resident participation is that residents are aware of existing policy and other important policy-related information. The lack of resident awareness in this area suggests that policy is largely created and implemented without the participation of the general resident population.

Residents Unaware of Official System – e.g. 83% Had Not Heard of CCOP or RAB

Perhaps even more startling is that the vast majority of residents are not aware of key existing components of the official resident participation system. Sixty-seven percent of those who knew of RA presence at their development (n=583) did not know the RA officers representing them. Approximately, 83% of respondents (n=1130) to our survey had not heard of the Citywide Council of Presidents (CCOP) and 83% had not heard of the Resident Advisory Board (RAB) (n=1124). For those who had heard of the CCOP (n=156) and the RAB (n=147), only 18% and 16% respectively knew what powers these bodies had. Eighty-two percent of respondents (n=650) did not know that the federal government gives NYCHA money — known as Tenant Participation Activities (TPA) funds - to support resident participation.

Awareness of the actual system and the processes in which residents themselves can participate is the most basic of prerequisites to meaningful resident participation. How can residents even participate — let alone in a meaningful way — in policymaking if they are not familiar with the basics of the very system specifically created for their participation?

80% Had Not Heard of the Annual Plan Process

One central process that offers residents an opportunity to have a tangible experience with the official resident participation system is that of the NYCHA Annual Plan. The Annual Plan outlines all of the policies that NYCHA plans to change or implement for the coming year and must be made in consultation with the RAB. Residents from the general resident population can ask questions about the Annual Plan at their borough's town hall and can make public comments on it at the Citywide hearing (See Diagram 1 on pg. 25). However, only 20% of respondents to our survey (n=1117) have heard of the Annual Plan. Of those who had heard of the Annual Plan (n=210) less than half - only 45% — stated that they knew how to give input into the plan.

“Why do you want to wait a whole to a half of a year to come in here and talk about the issues that concern you?...What I’m trying to tell you is that the 5-year plan is what the government wants to do for you - not about the issues that you are talking about...we have to make sure that the government, Community Operations, Property Management, Community Services and the police do their job.”⁹¹

—a Bronx South District Council officer at a Town Hall for the FY 2010 Annual Plan process

Observations by this research team at the 2009 Bronx Town Hall and the Citywide public hearing confirmed evidence that most residents are not aware that these spaces are specifically for them to participate in the Annual Plan process. Most residents seem to use these town halls and the Citywide hearing as a forum to air their overall grievances,* which may or may not have to do with the Annual Plan and are often not mentioned in terms of the plan. Of the 15 inquiries and comments made at the 2009 Bronx Town Hall only two people made reference to the Annual Plan. A closing comment by one District Council officer at the 2009 Bronx Town Hall indicates that resident leaders also recognize the lack of resident awareness around the Annual Plan process:

“Why do you want to wait a whole to a half of a year to come in here and talk about the issues that concern you? This is about the 5-year plan. Rents, noise, the cleaning of your building, the community centers...these issues are supposed to go to your manager...they are supposed to listen to you...The 5-year plan does not tell you about the dogs, rats, water, heat... What I’m

* The Annual Plan process is the only time of year when residents can collectively and directly confront NYCHA officials about their concerns. This begs the question as to whether this type of process should be extended to other types of processes. For example, should there be an annual citywide public hearing for resident grievances? (See Recommendation #3)

trying to tell you is that the 5-year plan is what the government wants to do for you - not about the issues that you are talking about...They have a responsibility just like we as residents have a responsibility...we have to make sure that the government, Community Operations, Property Management, Community Services and the police do their job.”⁹¹

At the citywide public hearing for the FY 2010 Draft Annual Plan held in Manhattan on June 23, 2009, there were 12 references to the Annual Plan and/or major policy changes in the plan out of a total 34 comments made. However, eight of these 12 comments were made by an elected official (3), an official resident leader (3) or an advocate (2). The four remaining comments were made by resident leaders from the community-based organization PHROLES who were concerned about a policy change NYCHA made without sufficient resident input (For more on this policy change see section on Finding 5). The fact that residents do not raise their issues in reference to the Annual Plan demonstrates a lack of understanding of the process and their role within it.

Of course, residents should be engaged in the Annual Plan process well before the town halls and public hearing. It is the responsibility of resident leaders — particularly those who are representing residents’ views to NYCHA for the Annual Plan as members of the RAB — to make serious efforts to educate and communicate to the residents about their role in this process. However, without an effective communication system in place, this proves quite difficult for resident leaders to do.

Over 60% Did Not Know When Their RA Election Was Taking Place

The lack of communication flow from resident leaders to the general resident population has negatively affected voter turnout at RA officer elections. Of the residents who responded that they did not vote in the last RA election (n=478), 62% said they did not vote because they did not know when the election was taking place.⁹² Focus group participants agreed with the link between not voting and not

“I think that that is an accurate number because a lot of people that I know say the same thing. ‘I didn’t know when that election was.’”⁹³

—Derek a Brooklyn public housing resident

“In my development I would say from my own observation maybe even more than 60% did not know that there was an election.”⁹⁴

—Tyree a Manhattan public housing resident

“‘I didn’t know about [the RA elections]. I didn’t get an email, a phone call, a card under the door, nothing. The most you get is maybe a note that is taped on the elevator and that is usually the day of.’”⁹⁶

—Amelia, a Bronx public housing resident

“The first thing is that nobody is reaching out. I mean you could put up a poster that Queen Mary is going to be elected for something. But if I don’t know who Queen Mary is then I cannot vote for you. I mean...you know where I live at...I think it is [the RA officers’] job to knock on my door and introduce themselves and say ‘I’m going to run for this.’”⁹⁸

—Raquel, a Manhattan public housing resident

knowing when an RA election was taking place (See quotes by Derek and Tyree on pg. 39).

The RA election process in NYC public housing includes three major meetings: 1) a kick-off/ organizing meeting, 2) a nominations meeting, and 3) an election day. Posters with the dates of all three major meetings are supposed to be posted three or four times in common areas throughout the development.⁹⁵ Conversations with 12 RA Presidents found that, indeed, most did their outreach by posting flyers with only two stating that door-knocking was done as a way to disseminate information. Of course, much more research needs to be done before concluding which mode of outreach is the most utilized by RA Presidents. Nonetheless, this data is interesting given the experiences of focus group participants with RA outreach activities.

“I didn’t know about [the RA elections]. I didn’t get an email, a phone call, a card under the door, nothing. The most you get is maybe a note that is taped on the elevator and that is usually the day of.”⁹⁶ —Amelia, a Bronx public housing resident

“I don’t even know when the elections are and everything. You might ...hear about it but to actually see a notice about it... By the time [the RA] put[s] them up...they are on the floors already”⁹⁷ —Casey, a Bronx public housing resident

One focus group participant shared her dissatisfaction with the lack of information on the RA officer candidates and felt that the RA should do more to communicate to residents:

“The first thing is that nobody is reaching out. I mean you could put up a poster that Queen Mary is going to be elected for something. But if I don’t know who Queen Mary is then I cannot vote for you. I mean...you know where I live at...I think it is [the RA officers’] job to knock on my door and introduce themselves and say ‘I’m going to run for this.’”⁹⁸ —Raquel, a Manhattan public housing resident

Barriers to Effective Resident Communication

There are two main barriers to effective communication at the systemic level. One barrier is found within the structure of the NYC resident participation system at the district level. The other relates to the inaction of the agency that has the most immediate capacity to resolve the issue of poor communication at the systemic level — NYCHA.

The District Councils and Communication

As mentioned above, the District Councils were created to serve at an intermediary level to link communication between the local and city levels. The communication is supposed to travel in three directions: *up*, *down*, and *horizontal*. The low resident participation suggests that RA Presidents are not receiving information from an adequate amount of their resident constituency to pass up to the district level. The lack of resident awareness around major policy issues and key aspects of the resident participation system suggests that RA Presidents are not effectively communicating *down* to the residents information gathered at the district level. Whether information is shared *horizontally* between the different RA Presidents of a district at this level depends on the attendance of RA Presidents at District Council meetings and how these meetings function.

Data collected by this research team indicates that horizontal communication is also not occurring at its optimum level. In a September 2003 revised document called “The Structure of Resident Participation” — a document informed by the Community Service Society’s years of experience working with public housing residents and resident leaders via the NYC Public Housing Resident Alliance (NYCPHRA) and the community-based organization PHROLES — makes note that not all of RA Presidents attend these District Council meetings, not all District Chairs use their meetings as a communication link and not all District

“My [RA President] didn’t attend too many district meetings because it was always too much arguing. And...what they were arguing about wasn’t beneficial to us.”

—Penelope, a Manhattan public housing resident

Councils meet regularly.⁹⁹ One focus group participant — a RA Treasurer for her Manhattan development — explained why her RA stopped attending District Council meetings:

“My [RA President] didn’t attend too many district meetings because it was always too much arguing. And...what they were arguing about wasn’t beneficial to us.” —Penelope, a Manhattan public housing resident

A structural barrier exacerbates the apparent breakdown of communication happening at the district level. Only RA Presidents can participate in District Councils. At best, some Districts may allow residents to attend meetings as “guests,”¹⁰⁰ but this research team has obtained no information to support such practice. Excluded from attending meetings where they might communicate directly to their resident leaders at the district and city-levels, residents must depend on giving and getting information from their RA President who learns “what little” they know by depending “on what the [District] Chair chooses to tell them, or finds important.”¹⁰¹

No Assistance from NYCHA to Establish Effective Communication System

The most significant barrier to effective communication is the inaction of NYCHA to rectify the problem. Recall that in addition to a resident council’s responsibility to ensure that residents “are actively involved” in policy decisions by holding “frequent meetings,” HAs are also responsible for providing “current information” on policy.¹⁰² The poor communication experienced by residents with their resident leaders is known, but not necessarily validated, by NYCHA officials. At one RAB meeting, Mr. Hugh Spence — Deputy Manager of the Community Operations Department (the department responsible for overseeing the resident participation system) stated that “often times [he] hear[s] residents say they don’t get the information they need from their resident leadership.” He went on to say that he knows “for a fact” that both residents and resident leaders are “well-informed” and then recognized NYCHA’s contribution to the poor

communication by saying that “We don’t always send out [letters] in a timely manner, but we get information out.”¹⁰³

NYCHA does not take a pro-active role in working with resident leadership to use resources to establish an effective communication system — perhaps one that includes a website, e-mail, fax machine, phone, office space, and a public list of all resident leaders with their contact information. Instead, NYCHA misuses and withholds necessary resources, while resident leaders continue to struggle with an ineffective and out-of-date system of oral communication. In sum, the poor communication within the resident participation system leaves residents without information on important policy decisions and how they might meaningfully impact them. NYCHA can create and implement policies faster than resident leaders can communicate to residents what is happening. Hence, residents lose their chance to shape policy before the process even begins.

INADEQUATE REPRESENTATION OF RESIDENT POPULATION

FINDING #3: The resident participation system leaves thousands of residents unrepresented and it contains undemocratic and non-participatory elements within its structure that prevent the adequate representation of hundreds of thousands of residents.

The NYC resident participation system fails to adequately represent residents. First, as has been mentioned, approximately one-third of NYCHA’s 336 developments do not have a RA. This means that thousands of residents are simply not represented at the local level and have no link to the district or city levels. Second, there are a number of structural barriers to adequate representation that lead to undemocratic and non-participatory practices. These structural barriers are: 1) the unnecessary limitation of the number of resident leader positions, 2) the absence of a universally mandated number of terms for elected resident offices, 3) the restriction of eligible

resident voters, and 4) the exclusion of the general resident population from voting or running for elected office positions at the district and city levels. Ultimately, these barriers either discourage or prohibit residents from participating in the official system. This contributes to resident sentiments that resident leaders do not represent their interests. According to our survey, only 40% of those who knew that their development had a RA (n=578) felt that it represented them as a resident. Of those who had heard of the CCOP (n=152) only 23% felt that it represented their interests as a resident, while only 22% of those who heard of the RAB (n=147) felt it adequately represented their views.

One Out of Three Developments Not Represented by an Active RA

Nearly one-third of NYCHA's 336 developments do not have a RA.¹⁰⁴ These unrepresented residents are left without a way to participate in the official system. It is the responsibility of staff from NYCHA's Community Operations Department to check in with developments where no RAs exist, but the department claims to have a limited capacity to give this issue the attention that it deserves.¹⁰⁵ The department uses its publication "The NYCHA Journal" as a way to communicate with all public housing residents.

However, without resident leaders to represent their development at the district level, unrepresented residents are left without a formal line of communication to the resident participation system. Unless a District Chair is reaching out to these unrepresented residents and working to incorporate them into the system — possibly, by inviting them to attend District Council meetings as "guests" — these residents are left to handle their development's issues on an individual basis by calling NYCHA directly. Depending on the issue that

the resident is attempting to address, s/he may or may not be referred to the Community Operations department. Theoretically, if residents know about the resident participation system structure — which our research indicates is unlikely — then there is a chance that they can request the contact information of their District Chair and develop a communication link in this way. Regardless, the point is that unrepresented residents have virtually no avenue to address issues collectively with their peers, nor are they being actively organized to form RAs. There remains no official plan to incorporate unrepresented residents into the system.¹⁰⁶

Adequate Representation Impeded by Structural Limitations

Structure Prevents the Existence of Between 130 and 161 Resident Leader Positions

The structure of the NYC resident participation system unnecessarily limits the number of representatives that can serve the resident population and overburdens some resident leaders by requiring them to serve in multiple positions. NYCHA reports an official number of 403,581 residents¹⁰⁷ living in 336 public housing developments. Out of the 336 developments there are 239 active RAs.¹⁰⁸ Each RA has a governing board of at least five officers, which means there is a total of at least 1195 elected *positions* citywide." Currently, fifty of the 239 RA presidents also serve as officers on their District Councils. Nine of these RA presidents serve as officers both on their District Councils as well as on the CCOP. All 50 of the current District Council officers along with what is currently 26 additional RA presidents (a total of 76 resident leaders that includes the nine CCOP members) serve in some capacity on the RAB for the NYCHA Annual Plan process."

** 5 officers x 239 RAs = 1195 officers. A RA's by-laws may create more than 5 positions and vacancies may exist.

*** There are currently 81 RAB members - 76 public housing residents (45 district officers, which include the 9 CCOP members, and 31 additional RA presidents who act as alternates) and five Section 8 Voucher holder residents. See the following link: http://www.nycha.gov/html/nycha/html/residents/res_assoc.shtml

To illustrate this situation further we will look at the case of a CCOP member (See Diagram 4 and 5 on pages 28 and 29). A RA President who is elected to the District Chair position automatically becomes the representative of their district on the CCOP. This RA President will be responsible for: 1) running RA meetings at their development, 2) chairing meetings for their District Council, 3) attending meetings with CCOP members as well as meetings with NYCHA officials, and 4) participating in the NYCHA Annual Plan process as a RAB member. This one CCOP member is expected to serve not one, but four positions. Thus, at least nine resident leaders are expected to serve in four positions and at least 36 are serving in three positions. Another 31 RA Presidents serve as alternate RAB members and therefore are serving in at least two, if not three positions, if they also happen to be an officer in a District Council that has more than five elected positions.[‡]

In sum, there are at least two major problems with this structural arrangement. First, this research team's analysis indicates that the structure unnecessarily prevents anywhere from 130 to 161 additional positions in which residents could participate as elected officers within the system.^{‡‡} The structure, therefore, limits the reach of resident representation for an already large resident population. Second,

it places an extreme burden on these resident leaders to simply do what is minimally required of them and drastically decreases their capacity to engage with the residents they represent. Furthermore, each resident leader position requires a different set of skills and knowledge. Resident leaders must be prepared to address everything from the most basic local development concerns (e.g. ensure that a housing manager is responding to repair requests) to the broadest of policy concerns (e.g. draft recommendation to oppose NYCHA policy that unfairly charges residents for repairs).

Restriction of Eligible Resident Voters

The eligible resident voter population is restricted since residents are not necessarily entitled to vote simply by virtue of public housing residency. By-laws of each RA determine who can vote as well as when and how a resident must join the RA in order to be eligible to vote. For example, by-laws may indicate that members must pay dues and/ or attend a minimum number of RA meetings before being eligible to vote. Furthermore, voting may not be defined by one person/one vote, but rather one unit/one vote. That is, under this rule, only one vote could be cast for eligible voters living in the same unit.

[‡] 45 RAB members= 9 are CCOP members, leaving 36 RA Presidents who serve on RA, District Council, and RAB – 3 positions. There are 31 more RA Presidents who are alternates and may also serve on District Council- 2 or 3 positions.

^{‡‡} Due to the multiple positions resident leaders must serve by virtue of being a RA President and particularly by being elected to serve as an officer at the district level, a number of positions that other residents could occupy do not exist. We calculate the additional positions that would exist without resident leaders having to serve multiple positions as follows: (9 CCOP Presidents x 3 additional positions = 27) + (36 RA Presidents x 2 additional positions = 72) + (31 RA Presidents/ RAB alternates x 2 additional positions if they also serve on their District Council = 62) = 161 additional positions. If we assume that all 31 RAB alternates do not serve on their District Council – which is not the case – then we would add 31 additional positions instead of 62 to the final total. This would be a minimum total of 130 additional resident leader positions.

Some may say that these rules are intended to encourage a consistent and fair system around RA membership and voting. However, others see these rules as restrictions that discourage voter participation in RA elections and result in the maintenance of an undemocratic culture where the same exclusive group votes in RA elections year after year and fails to provide an opportunity for a shift in leadership.

Focus group participants recounted their experiences of observing RA officers being repeatedly voted in by the same small clique of residents (See quotes by Amelia and Jubilee to right).

Another resident talked about how the clique within her RA affected her participation in general:

“When I first went in and introduced myself as a new tenant and everything, you know, I just moved here and they never paid any attention to me. It’s like...they were just amongst themselves. Like they had their own little group or something. And they can’t talk to anybody else if you were new or something. That turned me off.”¹¹¹

—Celia, a Manhattan public housing resident

Thus, the restrictions on RA voter membership contribute to the inadequate representation of residents in two ways: 1) they limit the number of residents who can vote in RA elections overall and 2) they can maintain an undemocratic culture whereby the same small exclusive group of residents — rather than a more representative spread of the general resident population — vote for RA officers as a bloc. Resident leaders are then accountable to their “clique” base and are much less informed, if at all, by their larger constituency. Recall that survey data indicated that the relationship between resident leaders and the general resident population was rather weak with 67% of residents who knew of RA presence at their development (n=583) not knowing the RA officers representing them.

“RA presidents have their own crew, their own clique that puts them in office so you will always [have] the same people in a RA meeting...you always get the same group of people around that-table.”¹⁰⁹

—Amelia, a Bronx public housing resident

“When I went to the last voting session I noticed that the people that voted hung out with these people...just their posse. It didn’t look right to me.”¹¹⁰

—Jubilee, a Bronx public housing resident

“When I first went in and introduced myself as a new tenant and...they never paid any attention to me. It’s like...they were just amongst themselves. Like they had their own little group...and they can’t talk to anybody else. That turned me off.”¹¹¹

—Celia, a Manhattan public housing resident

No Limitation on Number of Terms for Elected Resident Offices

*“In my project when the election was going on [there was] the lady that was there for many many thousands of years. After the election ... she wanted to contest that somebody else had won...A lot of negative stuff is going on. And that is what has made other people have bad attitudes and I-don’t-care attitudes [about RA elections and participation].”*¹¹³

—Jubilee, a Bronx public housing resident

*“Everyone should vote with their [resident] association for who they want. And it shouldn’t be the same people year after year. There should be change.”*¹¹⁴

—Amanda, a Manhattan public housing resident

As previously mentioned, federal policy on public housing resident participation requires resident councils (including jurisdiction-wide councils) to hold elections every three years. However, policy remains silent on the number of terms a resident leader can serve. The decision whether or not to limit the number of terms of resident leaders is left to the resident councils within each HA jurisdiction throughout the country. In the NYC system, there is also no universal rule mandating a maximum number of terms a resident leader can serve. The result has been that a significantly large number of resident leaders remain in their positions for decades. Some policymakers and resident leaders argue that universally limiting the number of terms would decrease the local autonomy of RAs. Moreover, they say that it is to the benefit of residents to have very experienced, long-term representatives who know the inner-workings and key players of the resident participation system.¹¹²

Our data, however, indicates that the long-term reign of resident leaders has had an overall negative effect on resident participation and contributes to inadequate resident representation. When asked to react to the finding that only 14% of RA participants voted in the last election, focus group participants spoke negatively about the lack of choice in RA elections where the same resident leaders are voted into office year after year:

*“In my project when the election was going on [there was] the lady that was there for many many thousands of years. After the election she wanted to contest. She wanted to contest that somebody else had won. It’s still going on...A lot of negative stuff is going on. And that is what has made other people have bad attitudes and I-don’t-care attitudes [about RA elections and participation]. They don’t want to be involved ‘cause they see what is going on with the deal.”*¹¹³

—Jubilee, a Bronx public housing resident

“Everyone should vote with their [resident]

*association for who they want. And it shouldn't be the same people year after year. There should be change.*¹¹⁴

—Amanda, a Manhattan public housing resident

Thus, the long-term control of elected office by resident leaders contributes to inadequate representation by discouraging would-be resident participants from running for office themselves. The democratic process that should be present within representation becomes stagnant when resident leaders remain in office for too long. The politics of remaining in office takes priority over the representation of residents' issues and the cultivation of new resident leadership — who might provide new perspectives, passion, and community connections — falls by the wayside.

Excluding Residents — Only RA Presidents Can Participate at District and City Levels

Of the survey respondents who had heard of the CCOP (n=157) and RAB (n=157), only 24% and 18% respectively knew how the representatives were chosen (n=157) for these resident bodies. This statistic is not surprising given the exclusive nature of the process by which resident leaders come to serve on the CCOP or RAB. As it currently stands, residents from the general population cannot run or vote for any office beyond the RA level. In fact, if residents are anything less than RA Presidents, they cannot participate (e.g. attend meetings) at the district or city levels. District Chairs are elected by the RA Presidents of the developments in their district. Once elected to the District Chair positions these resident leaders automatically become CCOP members. These members then hold an internal process to elect the officers of the CCOP. It is in this way that nine resident leaders are chosen to serve on a resident body that is officially recognized by NYCHA as the “voice” of over 400,000 residents.¹¹⁵ We can liken this process to the 52 NYC Council Members voting one of themselves to be Mayor instead of the entire NYC population having the opportunity to vote for their city's chief executive officer.

The exclusion of the general resident population from voting and running for elected positions at the district and city levels has two main negative effects on representation. First, elected resident leaders at the district and city-levels represent a small exclusive base of resident leader voters instead of the general resident populations of the district and the city respectively. Second, a small number of resident leaders must carry the entire burden of representing over 400,000 residents to NYCHA in policy matters.

In sum, residents cannot participate meaningfully and democratically in policymaking when: 1) thousands of them remain unrepresented and 2) hundreds of thousands of residents are inadequately represented by a small group of resident leaders who hold exclusive rights to participating at the levels where policy decisions are made.

INSUFFICIENT CAPACITY FOR MEANINGFUL RESIDENT PARTICIPATION

FINDING #4: Residents and resident leaders do not currently have the capacity — or the appropriate access to capacity building resources — necessary to meaningfully impact policy decisions.

NYC public housing residents and resident leaders are not receiving the training, technical assistance and other resources they need in order to meaningfully and democratically participate in policy decisions. Resident leaders do not have easy access to the federal funds specifically allocated for resident participation activities and the vast majority of the general resident population is not even aware that such funds exist. NYCHA has served as a barrier to resident capacity building by: 1) mismanaging the funds, 2) complicating the process that resident leaders must follow in order to use the funds, and 3) refusing to publicize the existence of these funds to the general resident population. HUD, for its part, has not intervened to enforce federal regulations and policy around the appropriate distribution of TPA funds.

Necessary Training and Technical Assistance for Meaningful Resident Participation

Meaningfully participating in public housing policymaking is no easy task. Residents and resident leaders need to effectively decipher NYCHA policies and budgets and work collectively to revise them or offer alternatives to them. They need to prepare themselves to have equal knowledge to those that work with the policies and budgets as their full-time jobs. An extensive knowledge and skill set is required to successfully complete this process. Thus, residents and resident leaders need access to the training and/ or technical assistance that will provide them with it. A general outline of this knowledge and skill set can be found in a residents' guide on the HA Annual Plan process published by the Center for Community Change (CCC). The suggested trainings and technical assistance for a RAB to function effectively include, but are not limited to:

- legal assistance on various rent, grievance, demolition and civil rights policies,
- knowledge of resident participation rules and how to hold resident council elections,
- organizing and leadership development training,
- urban planning,
- 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,
- trusted independent third parties to oversee resident elections,
- translators so that residents who speak different languages can participate,
- mediators to intervene in conflicts arising during the election process and any other problems within a resident council,
- advice on housing development, asset management, and housing preservation,
- advocates for elders, people with disabilities and people looking for housing who may be able to help document housing needs, and
- welfare rights groups working on employment, child care and income assistance issues.¹¹⁶

There are also specific skills that resident leaders need in order to successfully engage and organize residents around policy issues. These skills derive from an organizing model that includes:

- conducting door-to-door outreach (i.e. as opposed to posting flyers in lobbies),
- mobilizing residents around a specific issue to build a campaign with concrete demands (in order to be proactive as well as reactionary, and focused on a win as opposed to just being heard), and
- allowing residents most affected by a particular policy to possess decision-making power over how the campaign to shape that policy moves forward.

Without adequate training in some of these skills resident leaders find organizing residents quite challenging. In fact, many resident leaders resort to representation without broader engagement. One public housing resident shared the struggle of the RA President at her development who is:

“...is actually trying really hard, but she needs some help real bad because when she came to play that part, [NYCHA] just took someone in the community that wanted to do something and they just put her there and that was it. They didn’t train her or nothing—they just threw her up in there. Because what they are doing is they are using her to put paper on the walls. That is all they are using her for... What happens is she comes back crying, ‘What happened is they made me feel like this...’ That’s what she is going through.”¹¹⁷
—Jubilee, a Bronx public housing resident

Jubilee brings to our attention both that her RA President would benefit from training and rightly implies that NYCHA is partially responsible for training her.¹¹⁸

Resident leaders themselves also spoke with this research team about the need to train resident leaders. Remembering a time when the RA Presidents in her district were required to attend trainings on the 964 regulations, Penelope, the RA Treasurer at her development, said that there was a need to “educate each and every one of these presidents” and then simply asked: “How can you represent me without knowing what’s going on?”¹¹⁹

TPA funds are the most immediate resource that can be tapped to begin addressing the need of residents and resident leaders for training and technical assistance. As of September 1, 2009, there are 178,554 public housing units in NYC¹²⁰, which would mean that, based on the federal formula, residents should have around \$2.7 million in TPA funds for FY 2010.¹²¹ Currently, NYCHA’s operating

“[My RA president is] actually trying really hard, but she needs some help real bad because when she came to play that part, [NYCHA] just took someone in the community that wanted to do something and they just put her there and that was it. They didn’t train her or nothing—they just threw her up in there.”¹¹⁷

—Jubilee, a Bronx public housing resident

121 This figure is calculated as follows: 178,554 units x \$25 = \$4,463,850 - \$1,785,540 (40% for NYCHA administering the funds) and the residents have \$2,678,310.

budget is only funded at 88 cents on the dollar and so the federal formula for TPA distribution may be pro-rated at \$22 (rather than \$25) per unit. After NYCHA takes its 40% of the TPA funds, residents would have closer to \$2.3 million for resident participation activities.[§] The lack of full funding for resident participation, however, is only one piece to the puzzle. Barriers to obtaining and using the funds that should be available have drastically stunted the efforts of resident leaders to build their capacity, and have left the vast majority of residents unaware of the existence of this resource.

Barriers to Resident Capacity Building

NYCHA Mismanages Funds

In 2001, HUD mandated that HAs distribute funds for resident participation via written agreement with the citywide resident organization of their jurisdiction if such a body existed. One year later, the CCOP signed a Memorandum of Understanding (MOU) with NYCHA to detail how funds were to be spent in New York City. Then a board of five CCOP members and four NYCHA employees was formed in order to select an organization to administer the funds. A dispute ensued between resident leaders and NYCHA on which organization should administer the funds.¹²¹ As this dispute dragged on for several years, NYCHA, spent approximately \$7.6 million in TPA funds for non-resident participation activities and programs.¹²² Testimony given by Vic Bach of CSS and Judith Goldiner of LAS at the 2007 City Hearing on TPA funds highlighted that NYCHA admitted to spending this money on “art supplies, sports equipment, summer programs, and consultants” which are costs related to resident services, not resident participation activities.¹²³ Recall that costs associated with resident services

provided at public housing community centers and other initiatives such as resident safety and security programs¹²⁴ are not to be funded with TPA funds.¹²⁵

When pressed on the issue of the mismanaged TPA funds, NYCHA claimed that they had to spend these funds within a specific time frame in order to avoid HUD reclaiming them. City Limits journalist Cassi Feldman, however, reported in her 2005 article that HUD spokesperson Donna White said that there was no time limit placed on the funds. In fact, there is nothing in HUD policy that indicates that there would be a time limit associated with the distribution of TPA funds. Shortly after City Limits reported the mismanagement of these funds in early 2005, NYCHA agreed to replace \$3.6 million and said that they would “look into other monies” to make up another missing \$4.2 million.¹²⁶ NYCHA’s cavalier response to the gross mismanagement of millions in TPA funds - a violation of the 964 regulations and HUD directive — should be seen within the context of HUD’s absence in the oversight of resident participation matters.

HUD Does Not Oversee Disputes or Enforce Federal Policy

As mentioned above, the 964 regulations clearly establish that a dispute over the distribution of TPA funds should be referred to the HUD Field Office for an intervention. The Field Office is then supposed to require the resident bodies and the HA to “undertake further negotiations to resolve the dispute.” If a resolution cannot be reached within 90 days then the matter is referred to HUD headquarters.¹²⁷ Thus, in the case described above, the HUD Field Office in New York should have been involved in resolving the dispute. However, no HUD intervention occurred. Members of the RAB notified officials from HUD headquarters

§ This figure is calculated as follows: 178,554 units x \$22 = \$3,928,188 - \$1,571,275.20 (40% for NYCHA administering the funds) and the residents have \$2,356,912.80.

in D.C., both in person and in writing, but according to these resident leaders, both these officials placated them.¹²⁸

At a RAB meeting held on May 16, 2006, Mr. Reginald Bowman, the current CCOP President, summed up the situation like this:

“[NYCHA has] been misleading us into believing...that when there was a dispute, there was supposed to be HUD and the resident bodies at the table. They have refused consistently to bring those people from across the street because they have been in bed with them.”¹²⁹

Whether the HUD intervention did not occur due to NYCHA's reluctance to refer the dispute to the Field Office or a lack of initiative on the part of the Field Office, does not change the fact that policy indicates that, in this case, HUD should have: 1) immediately intervened in the dispute over the administration of TPA funds in 2002, and 2) sanctioned NYCHA for spending nearly \$8 million in these funds for non-resident-participation-related activities. This situation not only reveals an imbalanced relationship between residents and HUD as well as NYCHA officials, but also displays how the lack of accountability leaves residents and resident leaders without the means to develop their capacity to meaningfully participate in policymaking.

NYCHA Complicates Process to Access Funds

TPA funds are not very accessible to resident leaders and completely inaccessible to the vast majority of residents. In its announcement of the availability of TPA funds, the December 2002/ January 2003 issue of the NYCHA Journal made known the then recently signed MOU with the CCOP and described the application process as such:

“Individual Resident Associations will submit their proposals to the District Council for review and initial approval. Proposals prepared or initially approved by District Councils will be submitted to the CCOP for further review and approvals. All proposals prepared or approved

by the CCOP will be submitted to the Authority for concurrence, final review and approval.”¹³⁰

The hierarchical process detailed above required RAs to submit proposals for approval by not one, not two, but three different entities before being able to obtain the TPA funds. If the proposals were approved, the funds would not be issued to the RA, but rather “directly to the vendor or organization providing the services/program.”¹³¹

Residents can only “access” TPA funds via their RA. Federal policy requires that HAs distribute TPA funds via a written agreement with resident councils (whether local or jurisdiction-wide). However, the specific details of that distribution are to be defined by each HA and resident council. The process implemented by NYCHA has been so inefficient and bureaucratic that it has delayed tens of millions of TPA dollars from reaching RAs throughout the city for nearly a decade.

At a City Council Hearing on TPA funds held in April of 2009, Council Member Rosie Mendez tenaciously questioned a NYCHA panel that included Deputy General Manager of the Community Operations Department Hugh Spence, NYCHA Board Member Margarita Lopez and David Morris, Deputy General Counsel for Real Estate and Economic Development of the Law Department. It was established that between fiscal years 2001 to 2008 there was approximately a total of \$28 million in TPA funds received by NYCHA. Thirteen million of this total has been obligated or spent with about 88% of this amount (\$11.4 million) going to NYCHA for the administration of these funds.¹³² Recall that current policy holds that HAs are entitled to \$10 per unit or only 40% of TPA funds. The remaining \$2.2 million was spent for services at community centers – though it seems that \$1.5 million of it may have been spent via the initial MOU between NYCHA and the CCOP.

This leaves approximately \$15 million of the total \$28 million from 2001 to 2008 that has yet to be allocated to the residents. According to Mr. Spence, in general, funds that are not dis-

tributed go to a centralized pot at the district level where one of the following could happen: 1) District Chairs can make a proposal to use the funds for all residents in the district (including those who are unrepresented or who have an inactive RA)¹³³, 2) The money could sit and accumulate, or 3) The District could agree to give the money to NYCHA's Community Operations Department.¹³⁴

Mr. Spence's testimony at the April 2009 hearing indicated that once the MOU between NYCHA and the CCOP expired in 2006, the agency entered into a new MOU with the then Bronx South District Chair Joanne Smitherman. He went on to say that NYCHA provided Bronx South with approximately \$1.6 million in TPA funds that have gone to 72 resident participation programs.¹³⁵ He also said that the Bronx South MOU set a precedent that led to the signing of MOUs with seven other District Councils and that they expected to soon enter into an agreement with the last remaining District — Bronx North. Mr. Spence mentioned that several districts have received TPA funds for 2009 retreats and seminars; that Manhattan North used these funds for three computer training programs and that as of April 29, 2009 there were 99 TPA proposals "in the pipeline" with \$810,000 of these funds expected to be disbursed in the near future.¹³⁶ This means that with the exception of the Bronx South District, the majority of the districts have only really started to access and use TPA funds in 2009 — eight years after HUD first made them available.

Mr. Spence also proudly declared at the aforementioned hearing on TPA funds that "based on resident feedback" the Community Operations Department "streamlined the process for program approvals" so that now RA Presidents only need to submit proposals to NYCHA and their District Chair who has 10 days to approve or disapprove them.¹³⁷ Nonetheless, accessing TPA funds still proves to be rather difficult according to the accounts of several resident leaders.

When asked about accessing TPA funds in one of our focus groups, Penelope — the RA

Treasurer of her Manhattan North development — stated: "It's difficult. And when you get the money... you've got to have a receipt for everything you do."¹³⁸ She went on to say:

*"The money that we just recently got for family day was successful, but I'm the treasurer so I had to save every little bit of scrap paper, everything, and sometimes six months will go by before they call for it. But they've all got to be in order and you've got to sit down with Deidra, [the Assistant Deputy General Manager of Community Operations], and explain."*¹³⁹

The testimony of Manhattan North District Chair, Ethel Velez, alludes to the complexity of the proposal-writing process when she simply stated at the April 2009 City Council Hearing on TPA funds that:

*"It is nice [for NYCHA] to say funds are available, but where do [RA Presidents] begin with writing the proposals?"*¹⁴⁰

As long as resident leaders and residents cannot easily access TPA funds, efforts to build capacity for meaningful participation will continue to be thwarted.

NYCHA Refuses to Publicize Existence of Funds Beyond Resident Leaders

The vast majority of the general resident population does not know that TPA funds exist. Only 14% of respondents (n=650) to our survey knew that the government gives NYCHA money to support resident participation. For those who knew that there was an RA (n=352) in their development, the percentage increased slightly to 23%. The lack of awareness among the general resident population about the existence of TPA funds is first and foremost due to the inaction of NYCHA.

NYCHA has interpreted current federal policy to mean that it is not permitted to assist resident leaders in the mere dissemination of information about TPA funds. Council Member Melissa Mark-Viverito — representative of one of the densest areas of public housing in the city — asked the NYCHA panel at the

April 2009 City Hearing on TPA funds to what extent they were communicating “beyond resident leadership” about the availability of these funds. Board Member Margarita Lopez responded to this inquiry by stating that the agency was tied to the official resident participation structure and that the funds had to be distributed through the resident bodies.¹⁴¹ This statement is rather misleading. Federal policy does make it a requirement to distribute the funds via written agreements with official resident bodies, but it in no way forbids a HA from publicizing to residents that there are funds available for participation activities. To the contrary, as previously mentioned, the 964 regulations require that HAs provide “current information” on policy.¹⁴²

At the hearing, Ms. Lopez went on to encourage Council Members to hold forums for the public housing residents in their district and stated that NYCHA could attend such forums at the request of the residents. It is problematic for NYCHA to expect residents to request information on TPA funds when the vast majority of residents do not know that these funds even exist. The level of outreach required to reach a population of 400,000 residents is not something that resident leaders can do alone. The lack of initiative on the part of NYCHA to support resident leaders in this capacity has meant that the majority of residents do not know that the federal government funds resident participation activities. This is yet another factor that discourages resident participation overall and decreases the level of democracy in decision-making around how TPA funds will be spent. If residents genuinely want to be involved in this process, how can they? Residents cannot easily access information on the distribution of TPA funds in their district,¹⁴³ let alone access the actual funds. Therefore, without knowledge of and access to resources that would prepare them for processes associated with meaningful participation, residents are largely marginalized from effectively using the very system that should allow them to shape policy.

NO RESIDENT DECISION-MAKING POWER OVER POLICY

FINDING #5: Residents and resident leaders do not have the power to make policy decisions and NYCHA unilaterally makes policy changes without being sanctioned by HUD.

Recall that federal regulations already impede the development of meaningful and democratic resident participation by limiting the power of official resident bodies to consultation. Public housing residents do not formally possess any decision-making power over policy. HAs have ultimate control over policy decisions. Thus, HAs can fully comply with federal regulations and still legally exclude residents from meaningfully and democratically shaping policy. In New York City, NYCHA often creates and implements the policies that serve its interests no matter how unpopular these policies may be with residents and resident leaders. To make matters worse, NYCHA actually violates current federal resident participation policy without being sanctioned by HUD. The challenges to holding NYCHA accountable via the official resident participation system has led many residents — and even resident leaders — to seriously doubt the power of official resident bodies to shape their living conditions, and to seek out alternative structures through which to organize.

NYCHA Holds Ultimate Power to Make Policy Decisions

NYCHA's standard of resident participation coincides with the limited parameters of resident participation as defined by federal regulations. This standard holds that residents can participate by voicing their concerns on policy, but they cannot actually create and shape policy. Adherence to such a standard still means that residents are left without the opportunity to meaningfully participate in policymaking.

A comprehensive example of how this standard of resident participation manifests itself

in the everyday is presented in the minutes to a RAB meeting held on April 5, 2006. At the meeting, Deputy General Manager of Finance, Felix Lam, gave a presentation on public comments regarding the fees charged to residents for what NYCHA policy dubs “resident-caused damages.” Mr. Lam’s presentation indicates that resident feedback from approximately 10,000 residents overwhelmingly show that residents do not like, nor want, this policy in effect because these fees are a major economic hardship on seniors as well as those with fixed incomes. Mr. Lam goes on to say that residents are “misunderstanding” the policy because the policy is not for repairs associated with the “normal wear and tear” of the apartment, but only for “damaged items within the apartment” — repairs for items where residents caused the damage. Idalia Morales, RAB member from the Manhattan South District Council, comments that this is not true and that residents are being charged for “normal wear and tear” and “routine maintenance” repairs. Cynthia Hill, RAB member of the Queens District Council, indicates that the comment period on this policy was not posted at her development until the last day (March 13th).¹⁴⁴

General Manager Doug Apple then reiterates the resident comment period process and disregards Ms. Hill’s statement on when the policy was posted for comment by simply saying that it was posted in February. He also says that this meeting is the final time to make a comment on the policy. After finally realizing that she can comment on this policy,¹⁴⁵ Ms. Hill echoes much of what Ms. Morales said and suggests that housing managers get the correct information on how to implement the policy. Mr. Apple says that this is a “good point” and moves on with the meeting.¹⁴⁶

This situation reveals at least three important things. First, Mr. Lam explains away the feedback that they received from over 10,000 residents by saying that these residents “misunderstand” the policy. NYCHA disregards what resident comments are asking NYCHA to do, which is not to implement (or at least make adjustments to) the policy because it places

a considerable economic burden on seniors and fixed-income residents. Second, Mr. Apple does not offer any assurance that they will investigate Ms. Hill’s allegation that her development did not receive important policy information in a timely fashion.¹⁴⁷ This provides reason enough to be concerned that NYCHA does not take the issues raised by RAB members seriously. Third, NYCHA moves the meeting forward without providing any guarantee to the RAB members that they will act on Ms. Hill’s suggestion to educate and monitor the implementation of this policy by housing managers.¹⁴⁸

In sum, residents and resident leaders expressed their opposition to this particular policy in the following ways: 1) 10,000 residents submitted comments opposing this policy via a survey (with and potentially without the appropriate notice from NYCHA), and 2) RAB members voiced strong statements against this policy at meetings with NYCHA. Nonetheless, NYCHA made no adjustments and simply maintained its policy on charging residents for repairing damages “caused” by residents.¹⁴⁹ In this same year, NYCHA implemented at least two other policies that the RAB explicitly opposed in its recommendations to the Annual Plan, namely: 1) NYCHA’s payments to the NYPD as well as the Department for the Aging and 2) the rent increases associated with the Plan to Preserve Public Housing.¹⁵⁰ Thus, NYCHA — in “full compliance” with federal regulations — administered at least three policies for FY 2007 alone that were tremendously unpopular with and economically burdensome to residents and resident leaders.

NYCHA Violates Federal Regulations on Resident Participation

NYCHA officials often emphasize that not only do they comply with federal regulations on resident participation, but that they go above and beyond what is required of them. In a RAB meeting held in January 2008, Michelle Pinock, Deputy General Manager for Policy Planning and Management Analysis, pointed out that

NYCHA exceeds federal requirements for the HA Annual Plan process by holding town halls in all five boroughs before holding the one mandated citywide hearing.¹⁵¹ In another RAB meeting held the following month, in February 2008, Mr. Spence echoed this same point:

“Look, many of you need to understand a little bit about the RAB process...in terms of our requirement by the federal government, we could have had one meeting or two meetings with the citywide CCOP, one Town Hall meeting, and that would have satisfied the need for the federal government in terms of the RAB process. The New York City Housing Authority goes far beyond what it is required by the federal government in garnering input from the resident leadership in and around the city. And I think it’s not a perfect system, but it still provides a voice. And everything that is said, regardless, it’s not edited. Everything becomes part of the record. Everything is submitted to the federal government as it is uttered here by you and your resident leaders.”¹⁵²

Our report establishes that the resident participation system is not “perfect” and has revealed that providing a “voice” does not mean that residents participate in a meaningful way - that is, that residents shape the policy that affects them. However, the idea that NYCHA goes beyond what is required of them is not only misleading, it is inaccurate.

An analysis of minutes to RAB meetings occurring in years 2005-2008 suggests that not only does the agency impede the development of meaningful participation;^{§§} it also consistently violates the federal regulations defining the current resident participation system. The main ways NYCHA violates federal mandates around resident participation activity are by 1) not giving adequate information in a timely fashion, 2) not assuming a leadership role in

providing the technical assistance and training that resident leaders need to meaningfully participate (e.g. understand policy and offer alternatives), 3) not giving reasonable resources to RAB so that it can function effectively, and 4) making changes to policies without consulting residents and/ or including it in the Annual Plan.

In May 2009, NYCHA changed its pet policy¹⁵³ without ever having consulted the RAB or the general resident population. The policy change was, however, included in the Draft Annual Plan for FY 2010 and six people made public comments either in opposition to the pet policy itself or about how it had been changed without resident participation at the Citywide Public Hearing.¹⁵⁴ Public housing resident and PHROLES organizer, Marquis Jenkins had this to say about the pet policy change:

“...residents did not have adequate input into the creation of this policy...we only ask that we have the opportunity to help NYCHA create this policy...we are asking that the Housing Authority reconsider this policy, and create a policy that takes into account responsible dog ownership,...I would like to submit 2,600 signatures protesting against this policy.”¹⁵⁵

Furthermore, Mr. Spence’s claim that “everything” becomes part of the record is not accurate. For example, three RAB recommendations were not included in the finalized Annual Plan for FY 2006.¹⁵⁶ In other situations, NYCHA has ignored public comments to the Annual Plan, comments to which it is federally mandated to respond. For example, NYCHA did not respond to at least four public comments to the FY 2009 Annual Plan — three of which were recurring policy issues.¹⁵⁷ Also, NYCHA amended its policy on remaining family members¹⁵⁸ in its Annual Plan for FY 2007 without

§§ Some of the ways NYCHA impedes meaningful resident participation without violating federal regulations are: 1) it sets and controls the agenda for RAB meetings; 2) it monopolizes the time used in RAB meetings, 3) it ignores issues raised by RAB members by not responding or changing the subject, 4) it handles problems with specific resident leaders and/ or developments, rather than truly addressing system-wide problems raised by RAB members.

consulting the RAB or the general resident population. To make matters worse, NYCHA never filed an amended plan.¹⁵⁹ Knowing that this policy change has never been formally recorded, Council Member Rosie Mendez — a former public housing resident herself — made it a point to make note of this violation of federal regulations in her public comment at the Citywide Hearing for the Draft Annual Plan for FY 2010.¹⁶⁰

NYCHA also made last minute changes to the Draft Annual Plan for FY 2010 without allowing residents to make public comment, nor the RAB enough time to provide feedback. The Draft Annual Plan for FY 2010, on which residents could make public comment during the citywide hearing in June 2009, indicated that Prospect Plaza development in Brooklyn was part of a redevelopment project. The Plan stated that the first project phase¹⁶¹ was completed in the summer of 2005 and that the agency anticipated the revitalization of the remaining units would result in a mixed-financed, mixed income development owned and managed by private entities.¹⁶² However, on September 30, 2009 — only 16 days before the deadline to submit Annual Plans to HUD — NYCHA held a meeting with the RAB to review changes made to the Draft Plan. RAB members learned for the first time that a few weeks prior NYCHA had made a decision to demolish the remaining three towers of Prospect Plaza¹⁶³ instead of completing the redevelopment project.¹⁶⁴ RAB members agreed to obtain feedback from their respective districts and submit written comments on this change to send along to HUD. At a Public Housing Roundtable meeting of several community-based and resource organizations with key official resident leaders¹⁶⁵ held on October 21, 2009, it was decided that a letter would be sent to the local HUD regional office asking them to stop any and all review of the FY 2010 Draft Annual Plan due to NYCHA's inadequate disclosure of this important policy decision.

Challenges to Holding NYCHA Accountable

In its Residents' Guide to the New Public Housing Authority Plans, the Center for Community Change (CCC) summarizes the powers of RABs. First, RABs have the power to get their *recommendations into HUD's hands*. Second, RABs have the power to *hold HAs accountable* to addressing their recommendations to the final annual plan. This can happen in three main situations: a) if there is a pressing problem, a RAB *can ask* HUD to require the HA to fix it before the approval of a plan; b) if the HA has not abided by the required federal standards for developing the plan, a RAB *can notify* HUD; and c) if a HA is not complying with a plan after HUD has approved it, a RAB *can file* a complaint with HUD. Third, RABs have the power to *make additional information and data available to HUD* to expose inconsistencies with anything the HA is submitting in the plan. This is a built-in version of shadow reporting that can be used to pressure HUD to reject the plan.¹⁶⁶

All of these “powers,” however, assume that HUD is actively involved in enforcing resident participation policy and that HUD values residents' input on par with that of HAs. As this report has already revealed, HUD is rather non-existent when it comes to the enforcement of resident participation policy. At a community hearing — co-sponsored by CVH, PHROLES and the Housing Justice Movement of National People's Action (NPA) held in East Harlem on October 10, 2009 — NYC public housing residents had an opportunity to take their concerns directly to a HUD official. Deborah Hernandez — Deputy Assistant Secretary of Field Operations in the Office of Public and Indian Housing (PIH) — received multiple requests by residents for HUD support on policy and legislative changes that would decrease the discrimination they experience and improve their living situations. Ms. Hernandez consistently held to the line that HUD does not make law, it enforces it. However, when residents requested HUD assistance in holding NYCHA accountable to federal policy, Ms. Hernandez would then respond by emphasizing that residents need

to bring their concerns to the appropriate local channels and exhaust those efforts before bringing their concerns to HUD. This is something groups felt they had already done, thus inspiring the community forum.

PHROLES member Christy Yanis highlighted NYCHA's failure to comply with federal regulations surrounding the Annual Plan process and the aforementioned changes to the agency's policies on pets and remaining family members and then said to Ms. Hernandez:

"I understand what you are saying about the different roles and responsibilities of NYCHA, Congress and HUD, but what we're saying is: Who do we go to if NYCHA is not listening to us?"¹⁶⁷

After the huge applause Ms. Hernandez simply stated that if residents feel strongly that NYCHA is violating federal law, they should take these concerns to their local HUD regional office in NYC. Rather frustrated with this response, Keith Ramsey, a RAB member and RA President of Eastchester gardens in the Bronx, scolded: "We're coming to *you*. We can't deal with these people at the local HUD regional office. That's *why* we've come to *you*."¹⁶⁸

Resident Bodies' Lack of Power — Only 39% Felt RA Has Power to Make Changes

Given the lack of success resident leaders have had in affecting policy as well as holding NYCHA accountable to current federal regulations, it should be no surprise that most residents do not perceive the official resident bodies as spaces of resident power. Only 39% of respondents to our survey (n=798) felt that their RA had the power to make changes in their development. Focus group data supported this statistic:

"We have a tenants association but they can only do so much and they had fought hard but most of the time we wind up calling [the NYCHA office] or going to the office and nothing really gets done."¹⁶⁹

—Amanda, a Manhattan public housing resident

"We have a tenants association but they can only do so much and they had fought hard but most of the time we wind up calling [the NYCHA office] or going to the office and nothing really gets done."¹⁶⁹

—Amanda, a Manhattan public housing resident

"The resident association to me, it lacks power...they have limited power."¹⁷⁰

—Tyree, a Manhattan public housing resident

"People just don't want to vote because [the RA] ain't doing nothing for them."¹⁷²

—Raquel, a Manhattan public housing resident

“The resident association to me, it lacks power ...they have limited power.”¹⁷⁰

—Tyree, a Manhattan public housing resident

This resident who made the latter quote went on to describe how the perception of his RA’s ineffectiveness contributes to a lack of resident participation in RA elections at his development:

“It’s up to the residents and this Resident Advisory Board to have some type of authority. It is a paper title organization. It doesn’t really—it really cannot have any type of say so because y’all are running it... Y’all just can’t come here and tell us what to do every month...I need to have some type of input.”¹⁷⁴

—Keith Ramsey, RAB Member of Bronx North speaking to former Gen. Mgr. Doug Apple

“We’re puppet boards. You really don’t care what we have to say anymore because you go ahead and you do what you want to do, and then you come to us to say it’s a done deal.”¹⁷⁵

—Peggy Thomas, RAB Member of Queens speaking to NYCHA Gen. Mgr. Doug Apple

“Unfortunately, a lot of people take [RA elections] as a big joke...the long-time residents that have been attending they have an immunity towards it. They have been conditioned to words like, ‘Nothing is going to be done.’ And that is unfortunate because their attitudes, they don’t basically want to participate. . . You have people who really do advocate and they get things done, but what is done is very limited. Those are things that we should have anyway.”¹⁷¹

Another resident said plainly:

“People just don’t want to vote because [the RA] ain’t doing nothing for them.”¹⁷²
—Raquel, a Manhattan public housing resident

This overall perception that resident bodies lack power is also held by resident leaders and extends beyond the RAs to the city-level bodies — the CCOP and RAB — as well. Penelope, a public housing resident who serves as the RA Treasurer at her Manhattan development, spoke about the CCOP’s lack of power:

“[NYCHA] listens to [the CCOP] and then goes about their very business. [The CCOP] can’t veto...[NYCHA] sits up there and gives [resident leaders] the chop, chop, chop.”¹⁷³

At the first RAB meeting of 2008, resident leaders explicitly called out NYCHA officials for controlling the resident body and rendering their participation meaningless (See quotes to left). Both residents and resident leaders believe that resident bodies are ineffective and they lack the power to move NYCHA or operate autonomously from its influence. There is nearly no room, if any, to argue that the NYC official resident participation system offers the opportunity for residents to meaningfully participate in policymaking.

CONCLUSION

The report demonstrates that resident participation in NYC public housing policymaking is not meaningful, nor democratic. A look at the structure and functioning of the current system reveals the *inaction of a democracy* rather than *democracy in action*. In NYC, the vast majority of residents do not participate in the official resident participation system or the election of its resident leaders. The absence of an effective communication system leaves hundreds of thousands of residents without the means to obtain information about both NYCHA policy and the resident participation system itself. A significant portion of the resident population does not know about the existence of resident bodies, resources for resident participation activities, the Annual Plan process, or important public housing policies. Thousands of residents are unrepresented and hundreds of thousands more are inadequately represented by a handful of resident leaders who have been voted into office by slim numbers for decades. Residents and resident leaders do not have easy access to the resources that can assist them in building the capacity to address these issues and develop a culture of meaningful and democratic resident participation. Furthermore, residents and resident leaders have been unable to effectively use the official resident participation system to shape policy or hold NYCHA accountable to complying with the 964 regulation provisions around consulting residents on policy decisions (See Diagram 6 on pg. 60).

This report has revealed that the development of meaningful resident participation — i.e. residents organized with the power to shape the policy that affects them — is impeded by federal policy, HUD and NYCHA:

1) FEDERAL POLICY provides a limited form of resident participation that offers residents:

- no formal powers to make policy decisions, and
- no effective enforcement mechanisms to hold HAs and HUD accountable.

2) HUD undermines meaningful resident participation by:

- not actively engaging in its responsibilities in the Annual Plan process,
- not intervening in disputes between resident bodies and NYCHA over the administration of TPA funds, and
- not sanctioning NYCHA for violations of federal regulations.

3) NYCHA undermines meaningful participation by:

- At best, doing the bare minimum federally required and allowing bureaucratic process to prevent easy access to capacity-building and other resources. This debilitates residents' ability to gain the training and technical assistance necessary to meaningfully participate.
- At worst, violating the 964 regulations and often implementing policies without even consulting residents and resident leaders. This points to a system that prevents residents from even engaging in the limited form of resident participation that federal policy encourages.

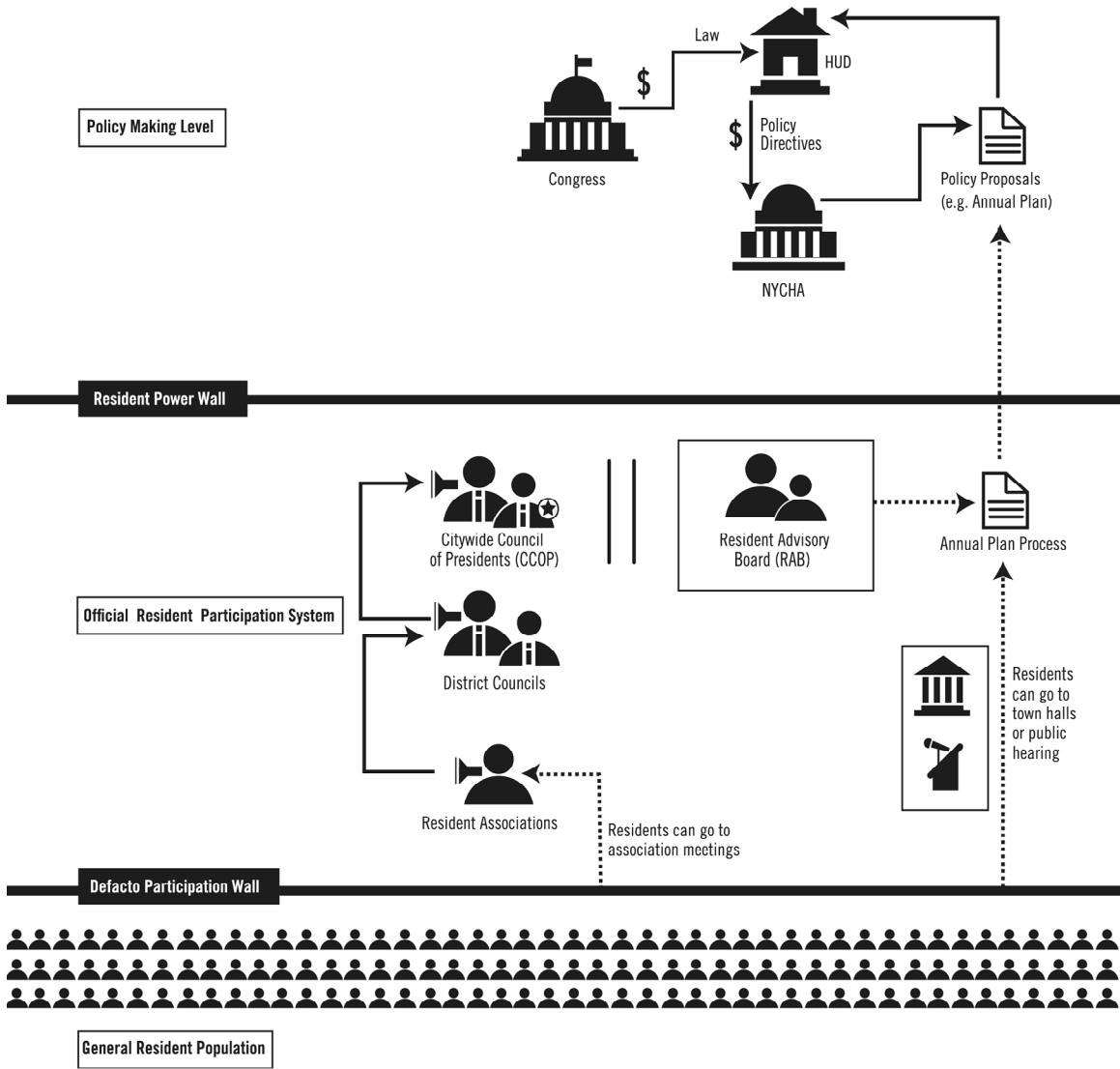


Diagram 6: Residents, the Official System, and Policymaking

The general public housing resident population is not participating in — nor receiving good communication from — an official resident participation system that has no formal powers to make policy decisions (Note the Participation & Power Walls). Policymaking is driven by the US Congress, HUD, and NYCHA.

RECOMMENDATIONS

Major reforms to the official resident participation structure as well as federal policy need to be made in order to create an environment conducive to and supportive of meaningful resident participation. Until steps are taken to realize the recommendations in this report, the NYC official resident participation system will remain an ineffective space for residents to utilize in their efforts to shape the policy that affects them and NYCHA will miss out on the benefits of having its residents fully engaged in the improvement of their community.

To be clear, there are two things at work here. First, the system is not running at the optimum level granted by current federal policy. Second, federal policy, HUD and NYCHA undermine the development of meaningful participation. These two things are interconnected and must be addressed simultaneously.

It is an ideal moment for reforming and strengthening the public housing resident participation system. There is new leadership in many of the governmental positions critical to facilitating the changes needed: President Barack Obama in the White House, U.S. Department of Housing and Urban Development Secretary Shaun Donovan, NYCHA Board Chair John Rhea, and NYCHA General Manager Michael Kelly. Additionally, there is new leadership in the official resident participation structure itself — Reggie Bowman, President of the Citywide Council of Presidents (CCOP). Now is a good time for these new leaders to address the challenges of the past and create a more positive path for the future.

The recommendations that follow attempt to comprehensively address the barriers to the development of an official system of meaningful resident participation.

RESIDENTS MUST HAVE REAL DECISION-MAKING POWER THROUGH STRENGTHENED POLICIES, IMPLEMENTATION, AND ENFORCEMENT

To address the gaps in federal policy that prevent the structural development of meaningful resident participation in NYC we recommend the following:

RECOMMENDATION #1: Congress should convert the 964 regulations into federal law including adjustments that provide residents with more tangible influence over policies.

- Congress should provide resident bodies with the power to veto Housing Authorities on particular policy decisions such as those that allow for the demolition of public housing or govern the allocation of funds in HA budgets.
- Congress should establish a clear grievance procedure to allow residents to hold HUD and Housing Authorities accountable, and residents should be able to uphold their influence in a court of law.

In the meantime, to strengthen residents' ability to hold NYCHA accountable to the 964 regulations and to maximize the benefits residents can currently receive from those regulations we recommend the following:

RECOMMENDATION #2: The U.S. Department of Housing and Urban Development (HUD) should enforce existing federal regulations and play an active role in resident participation.

- HUD should hold periodic public hearings to hear grievances that have yet to be addressed by NYCHA.
- HUD should meet annually with the RAB to consider their recommendations as well as residents' public comments to the Annual Plan.
- HUD should meet annually with the CCOP to monitor NYCHA's compliance to federal regulations.
- HUD should conduct triennial performance evaluations of the NYC resident participation system.

To create a democratic space for residents to meaningfully participate in policy decisions we recommend the following:

RECOMMENDATION #3: The NYC Housing Authority (NYCHA) should consider the 964 regulations a starting point, and not the end goal, for building meaningful resident participation.

- NYCHA should hold quarterly or semiannual public hearings, outside of the Annual Plan Process, wherein residents can express their general concerns about NYCHA operations and suggestions for enhanced NYCHA performance.
- NYCHA should experiment with additional participatory structures for input and oversight such as the establishment of a Stimulus Oversight Committee that would include representation from the official resident bodies, community-based organizations working or organizing in public housing, relevant labor unions, and elected officials.

RESIDENTS MUST HAVE CONTROL OVER ADEQUATE RESOURCES TO BUILD CAPACITY AND DEVELOP MEANINGFUL AND DEMOCRATIC PARTICIPATION

To address the gaps in federal funding that prevent the structural development of meaningful public housing resident participation in NYC, we recommend the following:

RECOMMENDATION #4: The President, Office of Management and Budget (OMB), and U.S. Congress should adequately fund public housing and resident participation.

- The federal government must provide for the full funding of public housing operating costs, capital improvements, and resident participation so that one under-funded component does not undermine the others.
- The federal government should ensure that sufficient resources are provided to support resident bodies in: (a) managing their day-to-day operations, (b) accessing necessary trainings and technical assistance, and (c) organizing activities needed to encourage development of meaningful and democratic resident participation.

PARTICIPATORY BUDGETING IN TORONTO PUBLIC HOUSING

The Toronto Community Housing Corporation (TCHC) is the largest public housing provider in Canada and the second largest in North America — right after NYC — with 164,000 low and moderate-income tenants in 58,000 households which includes 360 high-rise and low-rise apartment buildings and about 800 houses/duplexes throughout the city.¹ Since 2001, TCHC has been using a participatory budgeting model for part of its capital budget — a model that engages a broad pool of residents in determining capital priorities.

This model has had three phases of development. In the first phase from 2001 to 2004, residents allocated \$9 million per year, 13 percent of the capital budget, through a 3-year capital planning process. The process began with residents holding meetings in their buildings, to identify their building's top five capital project priorities and to select tenant budget delegates. The tenants vote for project priorities by placing sticker dots next to their preferred projects, using a process known as "dotmocracy." Then delegates from each of the buildings within a particular district met in a district council to narrow down the list of priorities down to five top district projects. Lastly, representatives from each district council met in a city-wide tenant council to vote for the top city-wide priorities.

In the second phase, from 2004 to 2008, \$9 million was set aside by TCHC for residents to allocate. Residents at the district level decided how to spend 80 percent of those funds, through Tenant Councils of elected representatives in each district. The other 20 percent of the funds were decided by a city-wide assembly of residents on what came to be called \$1.8 Million Dollar Day. At this assembly, each district sent delegates to present one capital project that they were not able to fund through the district-level process. These delegates presented their projects and then voted on which would receive funding. By the end of the day, roughly half of the districts would end up with funding for one more capital project in their district.

In the most recent phase, starting in 2009, the \$9 million is divided equally by unit to each of the districts. Each district then holds a version of the \$1.8 Million Dollar Day, with delegates from each building presenting and then voting on which projects to fund. This has allowed each district to decide how to use its share of the funds more autonomously and transparently. It has also engaged many more residents in the process, with 335 residents participating as budget delegates in 2009, 70 percent of whom participated for the first time.² For more information on participatory budgeting in Toronto, see http://www.torontohousing.ca/key_initiatives/community_planning.

1 Toronto Community Housing Corporation, "Frequently Asked Questions," Accessed on November 17, 2009. http://www.torontohousing.ca/media_centre/faq.

2 Josh Lerner, "Let the People Decide: Transformative Community Development through Participatory Budgeting in Canada," Shelterforce, 146, Summer 2006.

To facilitate residents' and resident leaders' ability to obtain the resources they need in order to meaningfully participate in policymaking we recommend the following:

RECOMMENDATION #5: HUD should enforce the proper administration of Tenant Participation Activities (TPA) funds.

- HUD should audit NYCHA's budget yearly to monitor its use of TPA funds.
- HUD should oversee the designation of a third party to administer the TPA funds in NYC.

To facilitate the enhancement of resident participation and increase the investment of public housing residents in their community we recommend the following:

RECOMMENDATION #6: NYCHA should establish a participatory budgeting process and allow residents to decide how a portion of the capital budget will be spent.

- NYCHA should set aside a percentage of capital funds for each of the nine district councils and the general population to decide how to allocate and spend.
- NYCHA should develop a system of Town Hall Meetings, Public Hearings, and more to allow residents to put forth capital project priorities and then determine selection of those to be completed through a participatory selection process.
- NYCHA should increase this percentage of capital funds over time as residents become more skilled at utilizing the participatory process.

To ensure that resident bodies have easy access to the resources that will allow them to operate to their maximum effectiveness we recommend the following:

RECOMMENDATION #7: NYCHA should set up a more autonomous and streamlined system through which resident leaders can access TPA funds.

- NYCHA should make TPA funds more accessible by: (a) streamlining the application process, (b) hosting monthly workshops on how to access resources, and (c) providing staff support for resident leaders to prepare proposals.
- NYCHA should work with the CCOP to designate a third-party administrator of TPA funds and support the distribution of resources for a variety of purposes including day-to-day management of operations of official resident bodies, training and technical assistance of residents in policy, budgeting and organizing, and organizing activities to encourage the development of meaningful and democratic participation.
- NYCHA should ensure that resident bodies have sufficient resources to: (a) organize active RAs at every development, (b) set up the necessary infrastructure for operations and communication, including computers, fax machines, phones, internet access, and staffing, and (c) provide necessary translation and interpretation for English Language Learning residents to participate.

THE ROLE OF OFFICIAL RESIDENT LEADERSHIP

Our research reveals that meaningful resident participation in NYC is (and has been) undermined by federal policy, HUD and NYCHA. Congress, HUD and NYCHA need to be held accountable to fixing the broken official NYC public housing resident participation system and to facilitating the development of a much-improved, meaningful one.

However, it would be remiss not to mention that resident leaders also have an important responsibility to address the issues of inadequate representation and build on current efforts to develop a more democratic culture that supports meaningful resident participation.

Focus group data revealed that residents want their resident representatives to be more accountable to them. One resident challenged the legitimacy of RAB members' authority to represent residents in the Annual Plan process and made a recommendation of her own:

*"Where do [the RAB members] get [their] views from? From residents that don't come to the meetings? 'Cause if there is only 17% of residents showing up citywide, where are they getting the views?...I would...say that in order for the RAB to represent at [meetings] with [NYCHA]...we should at least have a third of housing documented...before they could just go sit and say 'we represent the residents.'"*¹

— Stacey, a Queens public housing resident

This resident's questions and comments get at the heart of the inadequate representation issue and bring us back full circle to the issue of the lack of participation in the official system. Do resident leaders recognize the issues of inadequate representation? What have resident leaders done to improve their capacity to serve as representatives?

RESIDENT LEADERSHIP'S EFFORTS AND RECOMMENDATIONS

In the face of serious challenges to meaningful participation created by Congress, HUD and NYCHA, resident leadership has recognized the need to build their capacity to effectively serve as representatives and have taken steps to:

- increase their autonomy from NYCHA by transforming the CCOP into a 501(c)3 organization,²
- use TPA funds to hold leadership development retreats for District Councils,³
- demand that NYCHA ensure that resident bodies have the necessary infrastructure (e.g. computers, fax machines, office space, etc.) to effectively function and communicate,⁴
- develop a website for the CCOP to increase transparency and effective communication,⁵ and
- cooperate more with community-based and resource organizations.⁶

Resident leadership has also publicly recognized the need to better address the following issues:

- the lack of participation by younger residents in official resident bodies,⁷
- the drawbacks to not having term limits on resident leader positions,⁸ and
- the thousands of residents that remain unrepresented.⁹

This research team applauds resident leadership for initiating these efforts and contributing to the dialogue around inadequate representation. In addition, this research team would like to make two recommendations that we believe will both enhance these initiatives as well as address the specific structural barriers that resident leaders have the power to immediately change (See Recommendations #9 and #10).

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- 1 Transcribed Notes from Focus Group 3, 1 Apr. 2009.
 - 2 CCOP passed a resolution in 2008 that they were going to take steps to obtain 501(c)3 status and are currently incorporated. They expect to complete the process some time in 2010.
 - 3 Several District Councils and the CCOP held leadership development retreats in 2009.
 - 4 Manhattan North District Chair Ethel Velez has completed computer trainings for the RA Presidents in her district to bolster her efforts to demand that NYCHA provide residents with the basic infrastructure (e.g. computers, fax machines, phones, office space, etc.) so that resident bodies can effectively function and communicate.
 - 5 CCOP President Reginald Bowman has made efforts to develop a website so that, among other things, minutes to CCOP meetings might be made more accessible to residents.
 - 6 Recent manifestations of resident leadership's willingness to effectively collaborate with community-based and resource organizations include: 1) the Public Housing Forum held on March 28, 2009 which was co-sponsored by the CCOP, NYCPHRA, CSS, LAS and PHROLES; 2) membership in the Public Housing Roundtable made up of the CCOP, NYCPHRA, PHROLES, FUREE, MOM, CVH, T&N, CSS, and LAS; 3) participation in a community hearing with a HUD official co-sponsored by PHROLES and CVH and 4) consideration of making all of the aforementioned organizations official affiliates of the CCOP.
 - 7 See Endnote 86.
 - 8 See Endnote 112.
 - 9 CCOP passed a resolution in 2008 proposing that they directly control a percentage of TPA funds. At the Public Housing Forum held on March 28, 2009, CCOP President Reginald Bowman cited this resolution and how it might allow resident leaders to use TPA funds to organize unrepresented residents (See Endnote 106).

RESIDENTS MUST HAVE THE ABILITY TO MEANINGFULLY AND DEMOCRATICALLY PARTICIPATE IN OFFICIAL RESIDENT LEADERSHIP STRUCTURES

To reform the structural barriers to adequate representation of the general resident population we recommend the following:

RECOMMENDATION #8: The RAB, CCOP, District Councils, and the RAs should reform the NYC resident participation structure.

- The official structure should allow residents to attend and observe district and city level meetings even if they are not elected officers.
- The official structure should permit all residents above the age of 18 to run for office and vote for their elected representatives. Voting eligibility requirements should not be stricter than requirements for voting in city, state, and national elections.
- The official structure should allow all residents to vote not only for their local resident association officers, but also for their district and city level representatives. Residents running for elected office should only be able to hold one office at a time.
- The official structure should explore the potential of a city level mandate to limit the number of terms that resident leaders can serve in certain positions.

To ensure that all residents are knowledgeable about what their official resident leaders are doing and that leadership is fully transparent and accountable to its base constituents we recommend the following:

RECOMMENDATION #9: The RAB, CCOP, District Councils, and RAs, with NYCHA's assistance, should make readily available and widely distribute all documents pertaining to their roles, meetings and decisions.

- By-Laws of all resident bodies, Memorandums of Understanding (MOUs) for the administration of TPA funds in each of the nine districts, the minutes of RAB and CCOP meetings, contact information for all resident leaders, and other similar information should be considered public.
- All pertinent documents should be posted on the NYCHA website and the CCOP website (when established), and physically made available to residents at NYCHA's Department of Community Operations Office.
- The NYCHA Journal should include regular notification to residents of the availability of this information, as well as how and where to access it.

To strengthen ongoing efforts by official resident leadership to work effectively with external groups and unofficial spaces of resident participation we recommend the following:

RECOMMENDATION #10: Official resident leaders should collaborate with community-based and resource organizations to enhance their success in building the capacity and power of public housing residents.

- Community-based organizations have extensive experience in conducting outreach, mobilizing residents, developing workshops and trainings, creating participatory and inclusive processes, organizing meetings with people in power, and more. Official resident leaders should solicit assistance from organizing groups in learning these techniques and collaborating on joint efforts.
- Resource organizations — particularly advocacy and legal groups — have extensive knowledge of policies, laws, and budgets that can be extremely beneficial to official resident leaders as they seek to influence them. Official resident leaders should seek out background information and advice from resource organizations to help inform their own decision-making.
- Public housing residents influence and power will be enhanced by the effective collaboration of official structures, community-based and resource organizations.

ENDNOTES

- 1 Deb Goldberg Gray, *Resident Participation In HUD Affordable Housing Preservation Projects: What Works?*, The Regents of the University of California, September 2000, p. 28.
- 2 There was an average of 6 participants in each focus group and a total of 31 who participated. The vast majority of participants were female (68%), over 50 years old (76%), and have been living in public housing for over 16 years (67%). Excluding the monolingual Spanish-speaking focus group where all the participants were Latino/a, approximately 55% of the participants identified as African American/ Black (12 out of 22) compared to 41% who identified as Latino/a. Seventy-one percent of respondents receive public assistance, 63% live in Manhattan, 67% of respondents have lived in public housing for over 16 years and 73% have at least a high school diploma. Focus group participants were asked sets of open-ended questions organized into six major categories: participation, election of resident leaders, resources, representation, power, and external groups. Each three-hour session was recorded using a digital recorder and then transcribed for analysis. In order to maintain the confidentiality of focus group participants' identities their names have been changed for this report.
- 3 Peter Marcuse, "Interpreting 'Public Housing' History," *Journal of Architectural and Planning Research* 12, 3 (Autumn 1995), p.245.
- 4 Peter Marcuse, "Mainstreaming Public Housing: For a Comprehensive Approach to Housing Policy" in *New Directions for Urban Public Housing*, ed. David P. Varady, Wolfgang F.E. Preiser, and Francis P. Russell, Institute of Urban Studies, 2000 p.1.
- 5 Chester Hartman, "The Case for a Right to Housing," *Housing Policy Debate*, Volume 9, Issue 2, Fannie Mae Foundation 1998, p.232.
- 6 Yan Zhang, "Wills and Ways: Policy Dynamics of HOPE VI from 1992 to 2002," Doctor of Philosophy in Public Policy and Urban Planning, Massachusetts Institute of Technology, September 2004, p.56, 57.
- 7 *About NYCHA: Fact Sheet*, Revised on Sep. 22, 2009, <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>.
- 8 Coalition for the Homeless, "State of the Homeless 2009: A Proven Way to Reduce Family Homelessness During the Economic Recession," 04/23/09,p.3 <http://www.coalitionforthehomeless.org/FileLib/PDFs/StateoftheHomeless2009.pdf>
- 9 In 1933, the Public Works Administration (PWA) – a federal agency created by the New Deal to revive the American economy – sanctioned a brief written by nationally respected social workers and housing experts that according to Joel Schwartz, "...dismissed any notion of tenant control." (J. Schwartz, "Tenant Unions in New York City's Low-Rent Housing, 1933-1949," p.420-21).
- 10 Nicholas Dagen Bloom. *Public Housing That Worked: New York in the Twentieth Century*, University Of Pennsylvania Press, 2008, p.105.
- 11 One such example was when, in 1948, Henry Kraus, a public housing resident of Channel Heights development recorded the following exchange between Congressman Frederick C. Smith of Ohio and Wesley Pearce of the Veterans of Foreign Wars:

SMITH: You boys, after all, fought for freedom. You don't want any socialistic regime in this country. Is that not true, Mr. Pearce?

PEARCE: That is right. We want the houses.

SMITH: I beg your pardon?

PEARCE: In this case, we want the houses, and prior to the purchase of the houses...

SMITH: (interposing) But you would like to be free from socialistic control, would you not?

PEARCE: I think that's true. I think the veterans would like to take over." (Don Parsons, *Making a Better World: Public Housing, the Red Scare and the Direction of Modern Los Angeles*, University of Minnesota Press, 2005 p.87).
- 12 In asking whether public housing residents in the present day will have a place in the making of their homes, Susan Bennett describes the 1950s era of slum clearance as one where residents were completely ignored when it came to policy-making and even compares this period to the 1990s/ present-day era of HOPE VI demolitions of public housing:

"The question might seem as irrelevant now as it did to the mid-1950s generation of policy makers and urban planners who looked at communities, saw none, and bulldozed them over. Indeed, some commentators look at the urban renewal of the 1950s, with its significant loss of affordable housing units, displacement of thousands of poor tenants and alliances with private developers, and the 'new urbanism' of HOPE VI, with its significant loss of affordable units, displacement of thousands of poor tenants, and alliances with private developers, and see little difference."

(Susan Bennett, "'The Possibility of a Beloved Place': Residents and Placemaking in Public Housing Communities" in *Representing the Poor and Homeless: Innovations in Advocacy*, ed. Sidney D. Watson, Washington, DC: American Bar Association Commission on Homelessness & Poverty, 2001, p.57).
- 13 The incentive in the 1949 Housing Act for HAs to evict higher-income tenants (Bloom p.170) coupled with Federal Housing Administration (FHA) loans doled out primarily to the white middle class resulted in the growth of working and middle class white suburbs on one side and working class and poor black urban areas on the other. Bloom traces the racial make-up of NYCHA housing in the 1950s and reveals that by 1969 the white population stood at "only 27.9 percent" as compared to statistics from 1954 where the white population stood at 74.9% in the federal developments, 73.6% at city developments parts I and II, 87% at city developments part III and over 53.5% in the state developments (Bloom p.174, 169).

- 14 There were 15 urban rebellions in 1964; 9 in 1965; 38 in 1966; 128 in 1967; and 131 in 1968; Max Elbaum, *Revolution in the Air*, Verso, New York, 2002, p.21.
- 15 National Housing Law Project, *HUD Housing Programs: Tenants Rights* (3rd Ed. 2004), Ch. 12 p.12/2.
- 16 Ibid. p.12/2)
- 17 Katharine Bristol, "The Pruitt-Igoe Myth," in *American Architectural History: A Contemporary Reader*, ed. Kenneth L. Eggner (New York: Routledge. 2004), Ch. 19, p.356.
- 18 C. Theodore, Koebel and Marilyn S. Cavell, "Tenant Organizations in Public Housing Projects: A Report on Senate Resolution No. 347," prepared for the Virginia Housing Study Commission by the Virginia Center for Housing Research (October 1995) p.1.
- 19 NHLP, *HUD Housing Programs: Tenants Rights*, Ch.12, p.12/2.
- 20 Ibid. Ch. 12, p.12/2.
- 21 Koebel and Cavell, p.1.
- 22 Bennett p.68.
- 23 Ibid. p.69.
- 24 NHLP, *HUD Housing Programs: Tenants Rights*, Ch. 12 Footnote 40 p.12/4.
- 25 Drawing a distinction between the early resident management projects that the Task Force wanted to encourage and those projects sponsored by the NTMDP, Bennett comments on a shift to a more conservative conception and application of resident management:
"The Task Force report and the short-lived National Demonstration experiment illustrated well the conflicting perspectives about the value of intense participation of tenants in the management of their dwellings. Unlike their predecessors in Boston and St. Louis, the projects of the demonstration program were all generated from the top down, by program staff of Ford and HUD who saw the goal of tenant management as stabilization of the tenant body and cooperation with the housing authority, rather than as empowerment...these programs lacked the internal strength and external support to survive the expiration of the foundation's funding." (Bennett p.69)
- 26 Western Regional Advocacy Project (WRAP). "Without Housing: Decades of Federal Housing Cutbacks, Massive Homelessness, and Policy Failures," (San Francisco: November 2006), p.i, available at: <http://wraphome.org/index.php/campaigns/without-housing>.
- 27 Bennett p.70.
- 28 NHLP, *HUD Housing Programs: Tenants Rights*, Ch. 12 Footnote 40 p.12/4.
- 29 Ibid.
- 30 One NCNE grantee, Kimi Gray, chair of the Resident Management Corporation (RMC) at Kenilworth-Parkside development in Washington, DC , helped form her development's RMC in 1974 as a way to address poor conditions at her development (Bennett p.71). By 1982, she and the residents at Kenilworth-Parkside had assumed control of management responsibilities. In 1986, Kimi Gray was one of the resident leaders who helped NCNE lobby for the funding to expand resident management organization (Jerome Cramer, "Washington D.C. Turning Public Housing Over to Resident Owners," *Time Magazine* 12 Dec. 1988: 1, available: <http://www.time.com/time/magazine/article/0,9171,956516,00.html>).
- 31 Bennett p.67.
- 32 Ibid. - Indeed, Republican Congressman Jack Kemp who co-sponsored the 1987 legislation was quoted in a 1988 Time Magazine article as having described resident management as a "synthesis of New Deal programs and conservative thinking"(Cramer p.1). While the same article calls Kimi Gray "no conservative ideologue," there did not seem to be anything very progressive about her top-down management style, which according to Bennett held "scant regard for broadening tenant involvement in governance" (Bennett p.70).
- 33 For more information on HUD defines "distressed" see p.13 of the HOPE VI Glossary of Terms available at <http://www.hud.gov/offices/pih/programs/ph/hope6/pubs/glossary.pdf>.
- 34 The trend of the HOPE VI program - lasting to the present day - has been to replace demolished buildings with mixed-income housing. The result has been the displacement of many public housing residents and the loss of many low-income housing units. Interestingly enough, HUD mandates resident participation in the HOPE VI application process – a contradiction that marks the current era of public housing resident participation as one where opportunities for residents to participate are expanded while incentives to displace them leave them without a community within which to participate (Bennett p.75, 76).
- 35 Curhan, Jennifer J. "The HUD Reinvention: A Critical Analysis," in *Public Interest Law Journal*, Vol.5 (1995), p.245.
- 36 Curhan p. 239, 240.
- 37 Bennett p. 72.
- 38 NHLP, *HUD Housing Programs: Tenants Rights*, Ch.12 p.12/3.
- 39 Code of Federal Regulations (CFR). Title 24 - Housing and Urban Development, Chapter IX –Office of Assistant Secretary for Public and Indian Housing, Department of Housing and Urban Development, Part 964 – Tenant Participation and Tenant Opportunities in Public Housing, Provision 964.1 Purpose. (1994)

- 40 CFR, Title 24, Ch. IX., 964.11 Policy on Tenant Participation.
- 41 Ibid., 964.100 Role of Resident Council.
- 42 Ibid.
- 43 Ibid., 964.115 Resident Council (RC) Requirements.
- 44 Ibid., 964.18 HA Role.
- 45 Ibid., 964.105 Role of the Jurisdiction-Wide Resident Council.
- 46 Ibid.
- 47 Ibid., 964.18 and 964.105
- 48 Ibid., 964.18 HA Role
- 49 Ibid.
- 50 Ibid., 964.140 Resident Training.
- 51 Ibid., 964.117 Resident council partnerships.
- 52 Bennett p.73.
- 53 Ibid.
- 54 Hunt, Louise, Mary Schullof, Stephen Holmquist, and Rod Solomon. "Summary of the Quality Housing and Work Responsibility Act of 1998 (Title V of P.L. 105-276)," Program and Legislative Initiatives Office of Public and Indian Housing (December 1998), p.7.
- 55 NHLP, *HUD Housing Programs: Tenants Rights*, Ch. 12 p.12/11 & 12/12.
- 56 NYCHA has been designated a "high-performing" HA since FY 2003 (SEE PHA Plan – Final: Annual Plan for Fiscal Year 2006, p.116 <http://www.nyc.gov/html/nycha/downloads/pdf/annual-plan-2006-final.pdf>). The status of a HA as "troubled overall," "troubled in one area," "standard performing" or "high-performing" is determined by HUD's Public Housing Assessment System (PHAS). PHAS evaluate HAs according to 4 indicators: 1) physical condition of the property, 2) financial management of resources, 3) management operations, and 4) resident services and satisfaction with their living conditions (SEE GAO's Report "Public Housing: New Assessment System Holds Potential Evaluating Performance," March 2002 p.10-11 available at: <http://www.gao.gov/new.items/d02282.pdf> and also for more information on PHAS visit the HUD website at: <http://www.hud.gov/offices/reac/products/prodphas.cfm>).
- 57 NHLP, *HUD Housing Programs: Tenants Rights*, Ch.12 p.12/2.
- 58 Volume 66 Federal Register 17,275, 17282 (March 29, 2001).
- 59 Department of Housing and Urban Development (HUD). "HUD Notice, Office of Public and Indian Housing, 2001-3," (18 Jan. 2001) available at: <http://www.hud.gov/offices/pih/publications/notices/01/pih2001-3.pdf>, In NYC "tenant participation activities" are defined as: 1) Resident Council Training, 2) Leadership Development, 3) Outreach and promotional activities for resident participation, 4) Resident Advisory Board Training, 5) Consultation and Outreach to support active interaction between the Housing Authority and residents, 6) Household Training, 7) Orientation and responsibility training for new or existing residents, 8) Training in public housing policies, programs, rights and responsibilities, 9) Entrepreneurial planning and job skills training, 10) Activities to inform, advise, and update residents on issues and operations that impact on resident households, 11) Resident survey or other forms of input (04-30-09 E-mail from Ms. Deidra Gilliard Asst. Dep. Gen. Mgr. of Com. Op. Dept. - SEE ALSO p.1 of NYCHA TPA Program Guide 2008)
- 60 NHLP, *HUD Housing Programs: Tenants Rights*, Ch.12, p.12/7, 12/8.
- 61 Ibid., 964.105 Funding Tenant Participation and also see PIH 01-03.
- 62 HUD Notice PIH 01-03
- 63 CFR, Title 24, Ch. IX., 964.150 Funding Tenant Participation (a) 2, 3 & (b) 3)
- 64 The 964 regulations makes a 5 member board a requirement, but it could very well be that some RAs have more than 5 positions and there may also be vacant positions. We would need copies of the by-laws of a RA to know the responsibilities of those positions. The classic positions are: President, Vice-President, Treasurer, Secretary and Sergeant At Arms.
- 65 Community Service Society (CSS), "The Structure of Resident Participation: How It's Supposed to Work," created June 2002 and revised September 2003, p.17.
- 66 Ibid.,p.8.
- 67 Ibid.
- 68 Ibid., p.10.
- 69 New York City Housing Authority, "NYCHA Guide to Departments," (May 2007), p.33-44, available at: http://www.nyc.gov/html/nycha/downloads/pdf/nycha_guide_to_depts.pdf
- 70 Sam Finkelstein, Interview, 26 Mar 2009.
- 71 Resident Participation Focus Group of the Public Housing Administrative Reform Initiative (PHARI), "Recommendations," 17 Sep. 2007, p. 1.
- 72 Blunt, Paula, HUD General Deputy Assistant Secretary for Public and Indian Housing. Letter Addressed to Attorney David

- Rammler of National Housing Law Project, 11 Apr. 2008 and Studdert, Mark A., HUD General Deputy Assistant Secretary for Congressional and Intergovernmental Relations. Letter Addressed to The Honorable Albio Sires of the U.S. House of Representatives, 17, Apr. 2008.
- 73 For example, as mentioned on page 9 QHWRA contributed to the decentralization of public housing administration by providing the HAs with more autonomy to manage their developments. It mandated the drafting of 1-year and 5-year plans and also required that HAs develop these plans “in consultation with a resident advisory board.” (Summary of QHWRA p.7) Residents had a new process in which they could participate, but once again with some serious limitations. The QHWRA maintains the internal contradiction of the expand-and-limit model of resident participation by “simultaneously espous[ing] tenant empowerment and tenant dispersal.” (Bennett p.57).
- 74 Susan Bennett reveals how policy still leaves power in the hands of HAs in her description of resident participation in HOPE VI programs: “HUD’s informal program guidance to housing authorities sends a mixed message about the essentialness of the participation of public housing residents in the design of HOPE VI projects. While the Department calls upon local authorities to solicit the ‘advice counsel, recommendations and input of affected residents and the broader community,’ it also emphasizes that as the grantee, *the authority has ultimate power to decide* the disposition of funds, and that resident input is ‘integral’ to planning and implementation, *‘without controlling it.’*” (Bennett p.77) Here, Bennett cites HUD, General Guidance on Resident and Community Involvement 1 (Oct. 1999).
- 75 In defining the role of jurisdiction-wide resident councils, the 964 regulations assert that these resident bodies “*may advise* the Board of Commissioners and executive director in all areas of HA operations” (964.105 (b) Role of Jurisdiction-wide Resident Council). The QHWRA states that Annual plans must be developed “in collaboration” with a RAB (QHWRA Summary IVA, p.7).
- 76 See *Mungiovi v. Chicago Housing Authority (CHA)* - <http://openjurist.org/98/f3d/982/mungiovi-v-chicago-housing-authority> - This decision comes from the United States Court of Appeals – the intermediate courts of the United States federal court system. These courts hand down binding decisions on appeals to District Court cases. In this case, Chicago public housing resident – Francis Mungiovi - sued the Chicago Housing Authority (CHA) on the grounds that they refused to deal with him in his capacity as an official resident president as provided by the 964 regulations. The District Court dismissed this complaint. Mungiovi then filed an appeal, which upheld the District Court’s decision on October 23, 1996 and denied the request for a rehearing of this case on November 19, 1996.
- 77 See section on National Political Context. Also, in August 2009 Representative Maxine Waters introduced an amendment to the Section 8 Voucher Reform Act (SEVRA) H.R. 3045 which expanded the Moving to Work (MTW) and Housing Innovation Program (HIP) programs. This bill does not specify the 964 regulations as the foundation for resident participation in MTW/ HIP plans.
- 78 Current policy allows HA Annual Plans to be automatically approved if HUD takes no action for 75 days. NYCHA has submitted Annual Plans for the past three fiscal years either exactly 75 days before the end of the calendar year or more. In FY 2009 and 2007, NYCHA submitted their Annual Plans on October 17th (75 days to the start of the new calendar year). In FY 2008, NYCHA submitted their Annual Plan over 100 days before the start of the new calendar year. In all three cases, NYCHA’s website reports when the plans were submitted and that they went into effect. It does not state when HUD approved the plan, but rather only states that the plans went into effect on January 1st of the following calendar year. This suggests that: 1) NYCHA submits their Annual Plans either on time or well in advance of 75 days before the end of a calendar year, 2) HUD then takes no action on approving the plan before the 75 days and 3) the Annual Plan goes into effect at the start of the new calendar year – 75 days or more after it was submitted by NYCHA. There was only one instance where the NYCHA website reports that HUD approved a submission before the 75 day marker. It reports that: “NYCHA submitted an amendment to its FY 2006 Annual Plan on June 30, 2006. HUD approved the amendment on August 31, 2006.” This is about a 60-day turnaround from submission to approval. SEE <http://www.nyc.gov/html/nycha/html/about/agencyplan.shtml> Nonetheless, the inaction or action by HUD in the approval of these plans is inconsequential as it relates to the standard of meaningful participation since it is emphatically clear that not one public comment or recommendation submitted by residents and resident leaders led to a revision of these Annual Plans before being approved.
- 79 The 964 regulations clearly establish that a dispute over the distribution of TPA funds should be referred to the HUD Field Office for an intervention. The Field Office is then supposed to require the resident bodies and the HA to “undertake further negotiations to resolve the dispute.” If a resolution cannot be reached within 90 days then the matter is referred to HUD headquarters (964.150 Funding Tenant Participation (a) 2, 3 & (b) 3). A specific instance where HUD should have intervened but did not is described in section on Finding #5.
- 80 This is addressed more in section on Finding #5.
- 81 The 964 regulations hold that HUD’s role in resident participation is to “provide additional guidance,...endeavor to provide technical assistance...ensure the requirements are operating efficiently and effectively” (964.16 HUD Role) HUD must intervene in certain disputes (like over the distribution of TPA funds – 964.150 Funding Tenant Participation). In the Annual Plan process HUD must ensure: 1) that all the information for the plan required by law has been submitted, 2) that the plan is consistent with the Consolidated Plans which HAs submit in order to obtain funding for HUD programs, 3) that the plan is consistent with other information that is submitted (e.g. shadow report submitted by RAB), and 4) that the plan is not inconsistent with any other law.
- 82 CFR, Title 24, Ch. IX., 964.115 (d) Resident Council (RC) Requirements
- 83 Transcribed Notes from Focus Group 3, (1 Apr. 2009). Recall that all focus group participants quoted in this report have been assigned pseudonyms.

- 84 Ibid.
- 85 Transcribed Notes from Focus Group 2, (30 Mar 2009).
- 86 The recognition that there is a need to recruit youth and young adults to RAs is prevalent among housing advocates and resident leaders alike. In response to a question on increasing the involvement of younger residents posed by Vic Bach at the Public Housing Forum in March 2009, CCOP President Reginald Bowman replied: "There comes a point where as resident leaders we understand there must be mechanisms put into place, to put the leadership in the hands of new and more aggressive and energetic people. That's why [the CCOP] passed a resolution in December...that talks about putting these structures into place so that we can do more outreach and more resident leadership training...When you get older and your circulation breaks down, organizations start to die. This happens because the life-blood of organizing isn't able to bring new energy to people, and our organizations are dying because we've been keeping the younger leaders out." (Reginald Bowman, Transcribed Notes from Public Housing Forum – (28 Mar. 2009).
- 87 Damaris Reyes, Transcribed Notes from Public Housing Forum, (28 Mar. 2009).
- 88 Jim Meier, President of Arete Consulting – the firm hired by NYCHA to monitor contested RA elections – has done research on voter participation and shared his view with this research team that local election processes like that of NYC school boards and RAs of NYC public housing are "building blocks for voter participation at other levels of governance." (Jim Meier, Notes from Meeting, 24 Jun. 2009).
- 89 Conway and Hachen also found voter engagement to be common among those involved with resident participation: "Citizens who are registered to vote are over two and a half times more likely to attend tenant association meetings than citizens who are not registered." (Conway, Brian P. and David S. Hachen. "Attachments, Grievances, Resources, and Efficacy: The Determinants of Tenant Association Participation Among Public Housing Tenants," in *Journal of Urban Affairs*, Volume 27, Number 1, p. 44).
- 90 New York City Housing Authority, "PHA Plan – Final: Annual Plan for Fiscal Year 2010," (16 Oct. 2009), p.3, at: http://www.nyc.gov/html/nycha/downloads/pdf/FY2010_AnnualPlan_Final.pdf.
- 91 Joanne Smitherman, Transcribed Notes from Bronx Town Hall for FY 2010 Draft Annual Plan, 12 Jun. 2009.
- 92 Mr. Jim Meier, President of the Arete Corporation cautioned this research team on reading too much into this data. Mr. Meier stated that it is a rather convenient excuse for would-be voters to say that they did not know when the election was as they may be too embarrassed to admit that they just did not vote. (Jim Meier, Notes from Meeting, 24 Jun 2009). Nonetheless, there still was an overall lack of awareness around when RA elections took place. In measuring the extent to which residents were knowledgeable of the RA present at their development, respondents were also asked if they knew when the last RA elections took place to which an overwhelming 72% answered that they did not (n=580).
- 93 Transcribed Notes from Focus Group 4, 2 Apr 2009.
- 94 Ibid.
- 95 Jim Meier, Notes from Meeting, 24 Jun. 2009.
- 96 Transcribed Notes from Focus Group 3, 1 Apr. 2009.
- 97 Transcribed Notes from Focus Group 3, 1 Apr. 2009.
- 98 Transcribed Notes from Focus Group 4, 2 Apr 2009.
- 99 CSS, "The Structure of Resident Participation," p.9.
- 100 CSS, "The Structure of Resident Participation," p.8.
- 101 Vic Bach (CSS) and Judith Goldiner (LAS), "Testimony of the Legal Aid Society and the Community Service Society on NYCHA's Resident Participation Funding," New York City Council Hearing on TPA Funds, 30, Jan. 2007, p.3 available at: <http://www.legal-aid.org/en/las/mediaandpublicinformation/testimony.aspx>.
- 102 CFR, Title 24, Ch. IX., 964.18 HA Role.
- 103 Hugh Spence. Resident Advisory Board (RAB) Meeting Minutes, 12 Feb. 2008, p.12-14.
- 104 Out of the 336 developments there are 239 active RAs. This leaves about 30% of NYC developments without active RAs. Sixty-four developments do not have RAs and NYCHA's website reports another 33 developments that have "inactive" RAs. For more information see Endnote 108 below.
- 105 According to Mr. Spence, Deputy General Manager of Community Operations, while 6 years ago the department had a staff of 1400, it currently has 634, having lost 200 employees just in January and February of 2009 alone. (Hugh Spence, Notes from Meeting, 20 Apr. 2009).
- 106 At the Public Housing Forum held on March 28, 2009, CCOP President Reginald Bowman alluded to a resolution that may lead to the implementation of a potential plan to use TPA funds to build RA infrastructure in these developments. Nonetheless, no plan to address this issue is ready for implementation. For more info on TPA funds and unrepresented residents See Endnote 133.
- 107 403,581 authorized residents as of June 29, 2009 <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>

- 108 Manhattan North - 36 active RAs and 1 inactive RA <http://www.nyc.gov/html/nycha/html/residents/manhattanN.shtml>, Manhattan South - 43 active RAs and 7 inactive RAs http://www.nyc.gov/html/nycha/html/residents/manhattanS_ccop.shtml, Bronx North 28 active RAs and 9 inactive RAs http://www.nyc.gov/html/nycha/html/residents/bronxN_ccop.shtml, Bronx South 28 active RAs and 6 inactive RAs http://www.nyc.gov/html/nycha/html/residents/bronxS_ccop.shtml, Brooklyn East - 32 active RAs and 8 inactive RAs http://www.nyc.gov/html/nycha/html/residents/brooklynE_ccop.shtml, Brooklyn South - 16 active RAs, 2 inactive RAs and 1 vacant development (Surfside West) http://www.nyc.gov/html/nycha/html/residents/brooklynS_ccop.shtml, Brooklyn West - 27 active RAs http://www.nyc.gov/html/nycha/html/residents/brooklynW_ccop.shtml, Queens - 20 active RAs http://www.nyc.gov/html/nycha/html/residents/queens_ccop.shtml, Staten Island - 9 active RAs and 1 demolished development (Markham Gardens) http://www.nyc.gov/html/nycha/html/residents/si_ccop.shtml
- 109 Ibid.
- 110 Ibid.
- 111 Transcribed Notes from Focus Group 4, 2 Apr. 2009.
- 112 Other resident leaders have publicly identified the issue of resident leaders serving for decades as a problem. At a Public Housing Forum (co-sponsored by CSS, LAS, PHROLES and CCOP) held in late March 2009, CCOP President Reginald Bowman stated the need for RA Presidents to have term limits: "I've been the president of my [RA] for 20 years. [Audience Applauds] Thank you very much, but it's time to retire. Not that I don't enjoy the work of resident leadership and organizing, but there are term limits to the president of the United States, there's term limits on a lot of things but there's a time when you outweigh your welcome. So I think we need to take very seriously that part of the problem has been the ability to let go of power, and to move on with the council chairs to make sure that the structure is active. We're also trying to make sure that we consciously make this happen. We have to put this into reality...It's very important that this CCOP is reaching out, developing, revitalizing our organizations and bringing in residents as opposed to creating private clubs" (Reginald Bowman, Transcribed Notes from Public Housing Forum, 28 Mar. 2009).
- 113 Ibid.
- 114 Ibid.
- 115 The CCOP uses the following tagline in its official correspondence: "Representing over 178,000 families in New York City Public Housing"
- 116 Center for Community Change (CCC). "Residents' Guide to the New Public Housing Authority Plans," (Washington, DC: June 2009) p.20.
- 117 Transcribed Notes from Focus Group 3, 1 Apr. 2009.
- 118 CFR, Title 24, Ch. IX., 964.18 (11) on HA Role in activities under subparts B & C states "The HA, *in collaboration with the resident councils, shall assume the lead role* for assuring maximum opportunities for skills training for public housing residents. To the extent possible, the training resources should be local to ensure maximum benefit and on-going access." SEE section under Finding 5 and Endnote 145 for another example of NYCHA negligence with this provision.
- 119 Transcribed Notes from Focus Group 2, 30 Mar. 2009.
- 120 See NYCHA Fact Sheet for number of total units at: <http://www.nyc.gov/html/nycha/html/about/factsheet.shtml>
- 121 NYCHA wanted the Arete Corporation - a consulting firm that NYCHA also uses to monitor RA elections - while resident leaders wanted the National Association of African Americans in Housing to administer the funds (Cassi Feldman, "Public Housing's Private Club," *City Limits Magazine*, January/February 2005, available at: http://www.citylimits.org/content/articles/viewarticle.cfm?article_id=3148).
- 122 Feldman, *City Limits Magazine* 2005.
- 123 2007 New York City Council Hearing on TPA funds, p.2.
- 124 Attempting to investigate this issue further, this research team contacted NYCHA officials in order to find out how the resident-run Tenant Patrols found at many NYC public housing developments were funded. Unfortunately, NYCHA never responded to these inquiries. Hugh Spence, Deputy General Manager of Community Operations, recommended that this research team contact Deputy General Manager of Operations Gloria Finkelman who was then contacted by phone on May 18th. She indicated that she would get back to us with an answer the following morning. We have followed up with Ms. Finkelman via e-mail three times, via phone twice and have yet to receive a response.
- 125 Volume 66 Federal Register 17,275, 17282 (March 29, 2001).
- 126 Former CCOP President Gerri Lamb said at a RAB meeting in March 2005: "The Housing Authority has agreed to replace dollars that were spent by the Authority. We were offered \$3.6 million back out of the \$7.8 million spent. . . . Our question was to the chairman was what about the other 4.2? And that answer that was given to the city wide body is that he was going to try to look into other monies and come up with the additional monies as we move forward. . . . In this case we had to get some lawyers and they did what they had to do and are continuing to do what they have to do to ensure that we get our money." (Gerri Lamb, RAB, Meeting Minutes, 23 Mar. 2005, p.66-67).
- 127 CFR, Title 24, Ch. IX., 964.150 Funding Tenant Participation (a) 2, 3 & (b) 3.

- 128 Resident leaders went to D.C. and met with officials where they brought the mistreatment of residents and the misuse of TPA funds to their attention. According to minutes from a meeting held on May 16, 2006, RAB members were quite dissatisfied with the inaction of the HUD officials. RAB member and CCOP President Gerri Lamb stated: I need to let you know that the Housing Authority—and this is just my point of view—is seriously trying to undercut the residents of this city. They're trying to move because when Secretary Jackson was here last July, he and Paula Blunt spoke about giving the authorities more responsibility and taking less of the responsibility from HUD and allowing the authorities to do pretty much what they want to do. He said that in one breath. And then in another breath he said, "Oh, it came to my attention," as he met with us that morning, "that the residents have not been treated with dignity" and that there was a lot of problems with the Authority and how they were treating the residents . . . The bottom line is HUD did not come through on any of the things that the Secretary spoke about, nor did they come through on anything that Paula Blunt spoke about, and at that time she was Acting Assistant Secretary. And so it was just because we were at a conference and it was the right thing to say" (Gerri Lamb, RAB Minutes, 16 May 2006, p.10-12).
- 129 Reginald Bowman, RAB Minutes, 16 May 2006, p.127-128.
- 130 "Money Available for Resident Participation Programs!" in **NYCHA Journal**, Volume 33, Number 1, (Dec 2002/ Jan 2003), p.6.
- 131 Ibid.
- 132 Notes from New York City Council Hearing on TPA Funds, 29 Apr. 2009.
- 133 TPA funds earmarked for the units in unrepresented developments are spent at the discretion of the District Council to which those unrepresented developments belong. The District Council may or may not opt to use the money for trainings or other initiatives that are open to all developments in the district. Also, even if District Councils use the funds in this way it does not guarantee that these officers have the capacity to do the necessary outreach to these developments to ensure these residents are in attendance at these trainings and initiatives. At the Public Housing Forum held on March 28, 2009, CCOP President Reginald Bowman was asked what plan, if any, there was for distributing TPA funds to the approximately 100 developments that either do not currently have RAs or inactive RAs. Mr. Bowman replied that the CCOP resolution to control a percentage of TPA funds was their attempt at "utilizing...the TPA money to actually start the process of redeveloping and rebuilding the RAs" and "make sure that each district is in the process of reaching out to those developments that don't have RAs and starting the process of getting them developed."
- 134 Hugh Spence, Notes from Meeting, 20 Apr. 2009.
- 135 Hugh Spence, Deputy General Manager of the Community Operations Department, Margarita Lopez NYCHA Board Member, and David Morris, Deputy General Counsel for Real Estate and Economic Development of the Law Department, "Testimony to New York City Council Hearing on TPA Funds," 29 Apr. 2009.
- 136 Hugh Spence, "Testimony at Hearing on TPA Funds," 29 Apr. 2009.
- 137 Ibid.
- 138 Transcribed Notes from Focus Group 2, 30 Mar. 2009.
- 139 Ibid.
- 140 Ethel Velez, Notes from New York City Council Hearing TPA Funds, 29 Apr. 2009.
- 141 Ibid.
- 142 CFR, Title 24, Ch. IX., 964.18 (4) HA role in activities under subparts B & C
- 143 The experience of this research team has been that it is quite difficult to retrieve information on the administration of TPA funds. Efforts to obtain MOUs between NYCHA and District Councils have not been fruitful. An initial request was made to Mr. Spence in April 2009 just before the City Council Hearing on TPA funds. At the aforementioned hearing, NYCHA officials said that they would provide copies to the Council Members present. Since the hearing we have attempted to obtain these copies from our Council Member whose office appeared to be having difficulty obtaining them from NYCHA. Lastly, one public housing resident serving on the Member Research Team for this project requested a copy of the MOU directly from her District Chair in person. The District Chair replied that she was very busy and would have to get back to her.
- 144 In fact, for all 4 years of meeting minutes analyzed, RAB members consistently mentioned the lack of adequate and timely disclosure of information by NYCHA to resident leaders.
- 145 Note that Ms. Hill, herself a RAB member, did not know that she is serving on the very resident body that is responsible for providing comments and suggestions on this policy. Mr. Apple immediately discloses that she can provide comment at the meeting and that it will be submitted to HUD, but does he mark Ms. Hill's unawareness of her role as an issue that needs to be addressed in the long term? That is, does NYCHA work with resident leadership to ensure that the appropriate training and technical assistance is provided so that resident leaders are fully prepared to comment on policy and offer up alternatives to policy that they oppose? Our research suggests that this is not the case.
- 146 Felix Lam Dep. Gen. Mgr. of Finance, Idalia Morales, RAB member, Cynthia Hill, RAB Member, and Doug Apple, NYCHA Gen Mgr., RAB Meeting Minutes, 5 Apr. 2006, p.17-26.
- 147 If NYCHA, in fact, did not provide ample time for all residents at Ms. Hill's development to provide feedback then this is a violation of the 964 regulations (964.18 HA Role) and thus, serves as an example of how NYCHA can often times not even abide by what is federally required of them.

- 148 This research team tracked NYCHA responses to RAB comments to the Annual Plan that insufficiently addressed the issues raised by RAB members. "Insufficiently addressed" was defined as instances where NYCHA's responses: 1) are not directly speaking to the issue raised and/or is dismissive of the issue raised, 2) use vague language, 3) are simply restatements of current policy without addressing the underlying issue with the policy itself, or 4) do not address the systemic nature of the issue raised. Out of the 51 suggestions made by the RAB in the 2006 Annual Plan, 25 of them were insufficiently addressed by NYCHA. Amendment to Annual Plan for Fiscal Year 2006, RAB Recommendations - Attachment F, p.123-132, available at: <http://www.nyc.gov/html/nycha/downloads/pdf/annual-plan-2006-final.pdf> Also, in 2006, four of the seven amendments made to the Annual Plan by the RAB were also not addressed sufficiently. PHA Plan – Final, Annual Plan for Fiscal Year 2006, RAB Recommendations - Attachment A, p.33, available at: <http://www.nyc.gov/html/nycha/downloads/pdf/2006amendedplan.pdf> Of the 26 suggestions made in 2008, four of them were not sufficiently addressed. PHA Plan - Annual Plan for Fiscal Year 2008, RAB Recommendations - Attachment J, p.133-137, available at: <http://www.nyc.gov/html/nycha/downloads/pdf/FY2008AnnualPlanFinal.pdf>
- 149 A NYCHA response to a question posed by a resident during the 2006 Annual Plan process about this policy confirms that this policy was implemented and maintained – PHA Plan – Final, Annual Plan for Fiscal Year 2007, RAB Recommendations - Attachment M, p.142 <http://www.nyc.gov/html/nycha/downloads/pdf/FY2007AnnualPlanFinal.pdf>
- 150 Ibid. p.136.
- 151 Michelle Pinock, Dep. Gen. Mgr. for Policy Planning and Management Analysis, RAB Minutes, 30 Jan, 2008, p.12.
- 152 Hugh Spence, RAB Minutes, 12 Feb. 2008, p.12-14.
- 153 PHA Plan – Draft Annual Plan for Fiscal Year 2010, RAB Recommendations - Attachment A, p.70, available at: http://www.nyc.gov/html/nycha/downloads/pdf/FY2010_DraftAnnualPlan.pdf Also at NYCHA Pet Policy Changes: <http://www.nsalamerica.org/feature/2009/nycha-pet-policy-changes.html>
- 154 Transcribed Notes from Citywide Hearing on Annual Plan for FY 2010, p.1-7.
- 155 Marquis Jenkins, Transcribed Notes from Citywide Hearing on Annual Plan for FY 2010, p.3.
- 156 The three comments that were not included are: 1) "NYCHA should be required to make sure that all of the intercom systems throughout the city of New York are upgraded to 21st century standards in order to ensure that residents are not only safe but that the residents' guests have access to the buildings," 2) "The RAB should be informed, due to all of the meetings and all of the sudden changes where Con Edison is concerned checking the developments" and 3) "There should be more access to draw up readiness programs and education programs for Section 8 residents." (RAB Minutes, 12 May 2005).
- 157 The three public comments to the FY 2009 Annual Plan NYCHA ignored were: 1) NYCHA should not close any of its community and senior centers, 2) Due to NYCHA's financial deficits, the Authority should not have to continue to make payments to the City for PILOT (Payments in Lieu of Taxes), the NYPD and the Department of Sanitation, 3) NYCHA should not use Section 8 subsidies for the City and State developments, and 4) In many developments garbage take-out and collection is a major problem. NYCHA should do more to coordinate the garbage collection system. (PHA Plan – Final, Annual Plan for Fiscal Year 2009, Attachment Q, p.152-155 available at: http://www.nyc.gov/html/nycha/downloads/pdf/FY09_ApprovedAnnualPlan.pdf)
- 158 NYCHA amended its "standard of admission." The result of this amendment was that residents who are not on the lease and whose loved ones pass away are not only vulnerable to being evicted, but are also barred from applying to public housing for 5 years. See The New York City Housing Authority's Tenant Selection and Assignment Plan (approved by HUD January 12, 2007).
- 159 "Major Issues" One-pager for Draft Annual Plan FY 2010 Citywide Hearing, created by Community Service Society (June 2009).
- 160 Transcribed Notes from Citywide Hearing on Annual Plan for FY 2010, p.1.
- 161 In the first phase of redevelopment, one of the four high-rise buildings of Prospect Plaza – a total of 102 units - was demolished and 37 two-family homes were completed in the summer of 2005. Residents of all 4 buildings were either offered Section 8 vouchers or replacement apartments in other developments and were promised the right to return. (For more info SEE City Limits article "Tower Wreckers," July/August 2001, available at: http://www.citylimits.org/content/articles/viewarticle.cfm?article_id=2150)
- 162 PHA Plan – Final, Annual Plan for Fiscal Year 2010, Attachment O, p.138, available at: http://www.nyc.gov/html/nycha/downloads/pdf/FY2010_DraftAnnualPlan.pdf
- 163 RAB Minutes, Sep 30, 2009, p.64-66.
- 164 Together all four towers of Prospect Plaza had 368 units. The original plan was to transform all of four high-rises into a 578 unit mixed-income development in three redevelopment phases. (SEE Affordable Housing Finance article by Bendix Anderson, "NYC introduces high-rise, high density HOPVI," January 2004 available at: http://www.lmequity.com/downloads/affordable_housing_0104.pdf)
- 165 Present at the meeting were CSS, LAS, NYCPHRA, CVH, FUREE, T&N, CCOP President Reginald Bowman and Manhattan North District Chair Ethel Velez.
- 166 CCC, "Residents' Guide to PHA Plans," (Washington, DC: June 2009) p.21.
- 167 Christy Yanis, Notes from Community Hearing with HUD Official Deborah Hernandez, Deputy Assistant Secretary of Field Operations in the Office of Public and Indian Housing (PIH), October 10, 2009, p.3.
- 168 Ibid., p.5.
- 169 Transcribed Notes from Focus Group 3, 1 Apr. 2009.

- 170 Transcribed Notes from Focus Group 4, 2 Apr. 2009.
- 171 Ibid.
- 172 Ibid.
- 173 Transcribed Notes from Focus Group 2, 30 Mar. 2009.
- 174 Keith Ramsey, RAB Minutes, 30 Jan 2008.
- 175 Peggy Thomas, RAB Minutes, 30 Jan 2008.

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