



ASSISTANT SECRETARY FOR  
PUBLIC AND INDIAN HOUSING

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT  
WASHINGTON, DC 20410-5000

November 18, 2009

The Honorable Maxine Waters  
Chairwoman, Subcommittee on Housing  
and Community Opportunity  
U. S. House of Representatives  
Washington, DC 20515-0535

Dear Madam Chairwoman:

On behalf of U.S. Department of Housing and Urban Development (HUD) Secretary Shaun Donovan, thank you for your letter of October 7, 2009, in which you express concerns regarding one of the redeveloped public housing sites of the Housing Authority of New Orleans (HANO). The site, formerly called St. Bernard, upon redevelopment is now called Columbia Parc. Specifically, you noted that the developer, Columbia Residential, is imposing a work requirement for all adult household members.

Columbia Parc is a mixed income development that utilizes a site-based waiting list, which is permitted, as long as consistent with civil rights requirements (see Section 6(r) of the United States Housing Act (Act)). The site also utilizes an admission preference for working families, which is permitted by HUD regulations (see 24 CFR Sections 960.206(b) (2)). Additionally, the project has a requirement that its occupants must remain employed for 20 hours per week, unless elderly, disabled or in a job training program.

After careful review, the Department has determined that neither the Act nor HUD regulations specifically address the permissibility of work requirements. However, portions of the Act clearly contemplate occupancy of public housing by non-working residents. See, for example, Section 12(c) of the Act which requires community service of adult tenants but exempt working families from the requirement. Thus, a PHA-wide work requirement would clearly be impermissible.

It should be noted that the present Administration disfavors work requirements and, moving forward, outside of the context of previously executed Moving to Work (MTW) agreements, will closely review any future requests, in HANO or elsewhere.

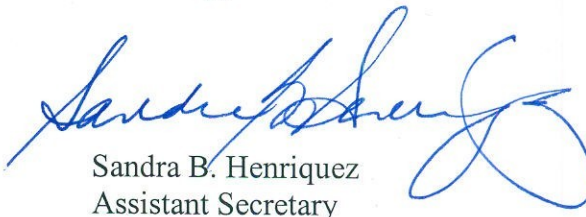
In response to your letter and that of The Advancement Project, HUD will review with HANO and Columbia Residential whether the current work requirement for Columbia Parc can be terminated, consistent with the legal documents underlying the development. A similar review will occur in connection with the work requirement that was approved for River Garden, the other development discussed in your letter.

HUD will also ensure that any resident affected by the work requirement at both Columbia Parc and River Garden is given the option to relocate to other HANO public housing, or to move to private housing with a rental voucher, at no expense to the resident.

The Department recognizes that a facially neutral policy, such as a work requirement, could have a disparate impact in its operation. Since the resident-selection process is just underway at Columbia Parc, there is insufficient information to make a determination as to whether such an impact exists. However, HUD remains committed to assuring the protection of certain vulnerable populations, as well as taking into consideration community and personal characteristics that extend beyond protected classes. We will monitor existing non-MTW work requirements to ensure that their implementation does not violate applicable civil rights requirements.

Thank you for your letter. I hope this information is helpful and if I can be of further assistance in this matter, please do not hesitate to contact me.

Sincerely,



Sandra B. Henriquez  
Assistant Secretary

cc: The Honorable Barney Frank