



**NATIONAL LOW INCOME
HOUSING COALITION**

*Dedicated solely to ending America's
affordable housing crisis*

January 22, 2008

The Honorable Barney Frank, Chair,
Committee on Financial Services
The Honorable Maxine Waters, Chair,
Subcommittee on Housing and Community Opportunity
U.S. House of Representatives
Committee on Financial Services
Washington, D.C. 20515

Dear Representatives Frank and Waters:

In response to the request of the Committee in October 2007, the Housing Justice Network, National Training and Information Center, and the National Low Income Housing Coalition submit their concept proposals for amendments to Sections 18, 22, and 33 of the United States Housing Act. We have prepared draft language for these changes, and we are now ready to submit such language to the Committee if it so desires. Otherwise, we will continue to work to refine these proposals until such time as the Committee wishes us to submit them. In addition, we are submitting for the Committee's consideration a concept proposal to allow for conversion of public housing units to project-based voucher units.

The current problems with Section 18 are set forth below, along with a proposed manner of addressing and remedying the problems.

(1) Lack of one-for-one replacement. Currently under Section 18, there is no requirement to replace units demolished on a one-for-one basis. Since 1996, over 150,000 units of public housing have been demolished, resulting in the permanent loss of thousands of public housing units. We recommend that Section 18 be amended to specifically ensure that there will be no future net loss of public housing units as a result of demolition or disposition. Of these replacement units, we further recommend that sufficient units be built on the original public housing location or in the same neighborhood to accommodate those residents wanting to remain or return to the community. These recommendations are consistent with the policy goals the Committee has sought to achieve in its HOPE VI reauthorizing legislation.

(2) Lack of a guaranteed right of return to displaced residents. Currently thousands of residents displaced by demolition or disposition are being screened out from moving into the newly constructed replacement units due to artificial and onerous move-in requirements. The proposed amendment to Section 18 ensures that public housing agencies do not prevent occupancy by residents who are seeking to occupy the replacement housing units by use of any eligibility, screening, occupancy or other policy or practice—as long as the resident's tenancy or right of occupancy has not been validly terminated.

(3) Lack of a uniform standard for demolition or disposition. Currently there is no uniform standard governing demolition, disposition or demolition/disposition subsequent to conversion. One uniform standard would allow all public housing residents to be treated the same when their homes are demolished or disposed of. We therefore recommend that a new applicability section be added to Section 18 that specifically ensures that all demolition, disposition and demolition/disposition subsequent to conversion be governed by Section 18.

(4) Lack of non-discriminatory and adequate relocation process, lack of enforceability, and lack of tenant participation in the decision-making process.

(a) Currently housing authorities have utilized discriminatory practices in the demolition, relocation and reconstruction processes (see, e.g. *Wallace v. Chicago Housing Authority*, 298 F. Supp. 2d 710 (N.D. Ill. 2003); 321 F. Supp.2d 968 (N.D. Ill. 2004)). We recommend that Section 18 be amended to ensure that all demolition, disposition and relocation activities comport with fair housing requirements, and that the Secretary analyzes the potential impact of any demolition or disposition.

(b) Currently many residents are denied access to the courts to enforce the requirements of Section 18. Without a private right of action, residents may be forced to rely solely on administrative enforcement of Section 18 by HUD, which has proved in the past to be an unreliable remedy for tenants.


(c) Currently tenants displaced due to demolition or disposition are not protected by the Uniform Relocation Act. We recommend that Section 18 be amended to require that Section 18 relocation activities be governed by the Uniform Relocation and Real Property Acquisition Act

(d) The loss of public housing has a deep impact on families, social networks, and communities. It is essential that residents and community members have a substantive role in the decision-making process around demolitions, dispositions, and conversions. We strongly recommend that there be a meaningful arena for residents and community members to have an impact on the decisions around the local implementation of Sections 18, 22, & 33.

We also recommend that similar principles set forth above ought to apply regarding Sections 22 and 33. In addition, we recommend a new provision be added to the United States Housing Act to allow for conversion of public housing units to project-based voucher units.

We look forward to working with the Committee on these matters, and we again thank the Committee for soliciting our views.

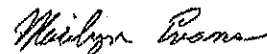
Respectfully submitted,



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