

public housing fact sheet #16: **Tearing Down Public Housing: What Can Residents Do?**

questions answered in this fact sheet:

- When can a housing authority tear down (or “demolish”) a public housing project?
- What happens to residents and what are their rights?

important terms:

- **demolish:** destroy; tear down. When a housing authority wants to demolish a building, it wants to get rid of it.
- **HUD:** The U.S. Department of Housing & Urban Development. HUD is the government agency that oversees all housing authorities. It gives housing authorities permission to tear down public housing developments.
- **PHA Plan:** The annual Plan, written by your housing authority, that talks about what will happen in the coming year. If the housing authority wants to tear down a public housing development, it has to put it into the Plan.

1. WHEN CAN A HOUSING AUTHORITY DEMOLISH PUBLIC HOUSING?

A housing authority can demolish a public housing development if the development is “obsolete”. “Obsolete” means that the development is in extremely bad shape—so bad that it would be way too expensive to fix. Sometimes a housing authority will just tear down part of a development.

A housing authority has to get permission from the government before it can demolish anything. It has to fill out an application and send it into HUD. HUD then reviews the application and says yes or no.

Also, a housing authority has to follow certain rules along the way.

2. DOES A HOUSING AUTHORITY HAVE TO REBUILD THE PUBLIC HOUSING IT TEARS DOWN?

Usually, no. The law does not say that a housing authority has to replace the old public housing. But the housing authority may apply for vouchers for the same number of units that are being torn down. If you can not stop the demolition or decide not to try and stop it, make sure that the housing authority asks for from HUD, receives from HUD and uses replacement vouchers. The number of vouchers that you want is the number that is equal to every unit that is torn down and not replaced.

3. DOES A HOUSING AUTHORITY HAVE TO TELL RESIDENTS ABOUT PLANS TO TEAR DOWN PUBLIC HOUSING?

Yes. Residents have the right to “consult” with the housing authority before the housing authority can request permission from HUD to demolish the units. Before a housing authority can tear down a development, it has to “consult” with the residents, Resident Advisory Board (RAB), and resident council. It also has to “consult” with local government officials. The housing authority has to do this when it is preparing its demolition application. In this case, “consulting” means telling people what it plans to do and listening to what people have to say about it.

The housing authority also has to put the demolition information into its annual PHA Plan. Each year, residents and the RAB should be involved in the PHA Plan process. This way, residents will find out early if the housing authority wants to tear down the development. For more about the PHA plan process, see Fact Sheet # 1.

4. WHAT HAPPENS TO THE PEOPLE WHO LIVE THERE? WHAT ARE THEIR RIGHTS?

If the building is torn down, the residents who live there will have to find a new place to live. By law, the housing authority has to give them **90 days’ notice** before they have to move. The law also gives them:

- The right to “comparable housing”—that is housing that is the *same* or *better* than where they live now
- The right to receive relocation assistance

The Right to Comparable Housing

The housing authority has to make sure that the residents will move to an apartment that is the *same* or *better* than where they live now. Also, the housing authority has to make sure that the new neighborhood will be the *same* or *better* than the neighborhood they live in now.

The housing authority may offer residents one of three choices:

- A Section 8 voucher (Residents then take the voucher and go find an apartment on their own. If they don’t succeed in finding an apartment, then the housing authority has to offer the resident another choice or assist the resident to find a unit where the voucher may be used. Giving the resident a voucher is not good enough if the resident can’t use it.)
- Another apartment owned by the housing authority
- A subsidized unit

The Right to Receive Relocation Assistance

Relocation benefits include:

- **Counseling.** Housing authorities are supposed to give residents counseling if they need help finding a new place to live.
- **Compensation for Moving Expenses.** It costs money to move. The housing authority is supposed to pay for your moving costs, as long as they are reasonable. Costs include things like renting a moving van, and transfer fees from the phone company and utility company.

5. WHAT CAN RESIDENTS DO TO STOP A HOUSING AUTHORITY FROM TEARING DOWN PUBLIC HOUSING?

Here are some guidelines if you find out that your housing authority wants to tear down your development:

1. **Get involved.** The most important thing to do is get involved early. Each year, residents have the opportunity to participate in their housing authority's annual PHA Plan process. You have a right to get a copy of your housing authority's annual PHA Plan—ask at your housing authority's office. The Plan has to say if your housing authority is planning to tear down your development.

To learn more about the annual PHA Plan process and how to get involved, see “Public Housing Fact Sheet #1: Annual and 5-Year PHA Plans”.

2. **Read the demolition application.** If your housing authority wants to tear down a public housing development, it has to fill out an application and send it to HUD. The application itself is one of the best sources of information about what your housing authority plans to do and when. You can get a copy of the application—ask at your housing authority's office.
3. **Go to the demolition meetings.** Usually, the housing authority will hold resident meetings about the demolition application. Attend these meetings. It is a good time to learn about what your housing authority plans to do and when. It is also a good time to ask questions about the plans.
4. **Get organized and decide what you want to do.** Get together with your neighbors and review the application carefully. Do you agree with what's in it? Do you disagree? Do you want to stop the demolition and stay in your building?
5. **Send a letter to HUD.** One of the most important things to do is communicate directly with HUD. HUD is in charge of your housing authority and HUD has to approve the demolition application. If you disagree with what the housing authority says in the application, then you have to tell HUD the real story. It is your right.

Here are some tips on writing your letter to HUD:

- a. **Be as specific as possible.** Spell out exactly why you disagree with the housing authority.
- b. **If the housing authority says things in the application that are wrong, tell HUD about them.** HUD will pay more attention to your letter if it finds out that the application might be wrong. For example: Housing authorities usually say they want to demolish public housing because it is too expensive to fix up. If you think this isn't true, get proof. You could invite a contractor or architect in to give you a new estimate. If your estimate is less than the housing authority's estimate, say so in the letter. And don't forget to send a copy of the estimate with the letter.
- c. **If the housing authority has not consulted with residents and local government officials, tell HUD.** If HUD finds out the housing authority has not done this, it will say “no” to the demolition. But just know that your housing authority could try again and consult with residents the next time.

- d. **If the demolition plan was not approved in the housing authority's current PHA Plan, tell HUD.** If HUD finds out about this, it will say "no" to the demolition. But your housing authority could try again and follow the rules the next time.
- e. **Contact your mayor's office and the office of your local council members.** Tell them what is going on. Tell them that you and your neighbors are in danger of losing your homes. Share your letter with them. Ask them to sign their names to your letter or write their own letters to HUD in support of the residents.

Send your letter to:

**Director of Demolitions
HUD Special Application Center
77 West Jackson Boulevard
Room 2401
Chicago, IL 60604-3507**

6. HOW CAN RESIDENTS PROTECT THEMSELVES BEFORE THE HOUSING AUTHORITY WANTS TO TEAR DOWN A BUILDING?

Get involved in your housing authority's annual PHA Plan process. It is the best thing residents can do. Some residents have used the annual PHA Plan process to protect themselves before the housing authority wants to tear down anything.

For example, a good policy says: If a housing authority tears down a public housing development, it has to replace every single unit. The new units have to be affordable for people with extremely low incomes. This is often called "one-to-one" replacement, and it is a very good local policy. But keep in mind that policies can change. Because of this, residents should participate in the PHA Plan process every year.

FOR MORE INFORMATION

- 42 U.S.C. § 1437p (Section 18 of the United States Housing Act)
- 24 C.F.R. Part 970 (demolition/disposition regulations)
- HUD Notice PIH 2003-9 (update to regulations)
- Form HUD-52860 (demolition/ disposition application form)
- HUD Special Applications Center Web page, www.hud.gov/offices/pih/centers/sac.
- HUD Housing Programs: Tenants' Rights (National Housing Law Project, March 2004), Chapter 15

For additional information on the PHA Plan process:

- Public Housing Fact Sheet #1: Annual and 5-Year PHA Plans
- Residents' Guide to the New Public Housing Authority Plans (Center for Community Change, June 1999) available at <http://www.communitychange.org/publications/housingcommdev.htm> (also available in Spanish)

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