



Housing Law Bulletin

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HUD ISSUES FINAL RULE ON TENANT ORGANIZING¹

Implementing a federal statute passed late in 1998 to expand tenant organizing rights to Section 8 properties, the Department of Housing and Urban Development (HUD) issued a final rule in June, 2000, covering tenant participation and organizing in most of the privately-owned, HUD-insured and assisted

multifamily housing stock.² The federal law was sought by tenants after numerous instances of management intimidation and harassment; most dramatically, the arrest of organizers in Los Angeles and Dallas in 1998. The new rule, effective July 7, 2000, makes a number of important changes to the proposed rule that HUD issued approximately one year ago.³ This article summarizes the most important provisions of the final rule, which will improve the ability of tenants to educate and organize themselves and represent their members, free from the intimidation or harassment by management that has often impeded tenant activism.

¹NHLP expresses its appreciation to Nicholas Olmsted, a summer intern from New York University Law School's Public Interest Fellowship Program, for preparing this article.

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Scope of Application

The final rule applies to projects financed or assisted under project-based Section 8 (except for public housing authorities (PHAs) administering such assistance), Section 202, Section 221(d)(3), Section 236 or the Rent Supplement Program, Section 811, and projects receiving enhanced vouchers under the preservation or renewal and restructuring laws.⁴

Right to Organize

The final rule, like the proposed rule, indicates that tenants in covered properties "have the right to establish and operate a tenant organization,"⁵ but the final rule expands

²24 C.F.R. Part 245, 65 Fed. Reg. 36,272 (June 7, 2000). The statute was § 599 of the *Quality Housing and Work Responsibility Act*, Pub. L. 105-276 (approved Oct. 21, 1998), codified at 12 U.S.C.A. §1715z-1b (West Supp. 2000).

³64 Fed. Reg. 32,782 (June 17, 1999). For a discussion of the proposed rule and its problems, see *HUD Proposes Rule on Tenant Organizing*, 29 HOUS. L. BULL. 141 (July/Aug. 1999). The article also reviews the history of the regulation of tenant organizing in HUD-assisted housing.

⁴*The Low-Income Housing Preservation and Resident Homeownership Act of 1990*, Pub. L. No. 101-625, Title VI, 104 Stat. 4249 (1990); the *Emergency Low Income Housing Preservation Act of 1987*, Pub. L. No. 100-242, Title II, 101 Stat. 1877 (1987); and the *Multifamily Assisted Housing Reform and Affordability Act of 1997*, Pub. L. No. 105-65, Title V, 111 Stat. 1344 (1997).

⁵65 Fed. Reg. 36,272, 36,281 (June 7, 2000) to be codified at 24 C.F.R. § 245.100 (hereinafter, all citations are to the codified section of the new rules).

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the purpose for which tenants can form the organization. The organization may be aimed not merely at addressing the “terms and conditions of their tenancy” but more broadly at “issues related to their living environment,” including “activities related to housing and community development.”

Recognition of Tenant Groups

The final rule requires owners of covered projects to “recognize legitimate tenant organizations; and [to] . . . [g]ive reasonable considerations to concerns” that they raise.⁶

Requirements for Tenant Organizations

In comparison to the proposed rule, the final rule substantially modifies the requirements for legitimate tenant organizations. It eliminates proposed sections which had imposed many specific requirements for the structure, voting procedures, and governing boards of tenant organizations. Instead, the rule⁷ substitutes a revised and more general standard, stating that a legitimate tenant organization is one that “meets regularly, operates democratically, is representative of all residents in the development, and is completely independent of owners, management, and their representatives.”⁸

Protected Activities

The final rule sets forth a list of activities regarding tenants and tenant organizers that owners and their agents must allow.⁹ These activities include the following, which were also included in the proposed rule:

- distributing leaflets in lobbies and common areas and under tenants’ doors;
- posting information on bulletin boards;
- initiating contact with tenants;
- helping tenants participate in organization activities; and
- formulating responses to owner’s requests for rent increases, partial payment of claims, prepayment of loans and certain other changes in the operation or management of the development, and “other reasonable activities related to the establishment or operation of a tenant organization.”¹⁰

The final rule also modifies some of the proposed provisions concerning permissible activities.¹¹ First, like its proposed counterpart, the rule requires owners to allow tenants and organizers to convene regularly scheduled

organization meetings in an on-site, accessible space,¹² but the final version further requires owners to allow this to be done “in a manner that is fully independent of management representatives” and forbids such representatives to attend unless invited by the organization to specific meetings to discuss specific issues. Second, in contrast to the proposed rule, the final rule does not limit tenants and organizers to an initial door-to-door survey to ascertain interest in establishing an organization and to offer information. Third, the final rule adds a provision, stipulating that owners and their agents “shall not require tenants and tenant organizers to obtain prior permission” before engaging in the permitted activities described above.¹³

The final rule requires owners and their agents to allow tenant organizers to assist tenants in establishing and operating tenant organizations.

Access to Meeting Space

A common obstacle to tenant organizing is the lack of access to suitable meeting space. The final rule requires owners reasonably to make available space in the project appropriate for meetings, when tenants request it for organizing activities, to establish an organization or to address “the terms and conditions of their tenancy.”¹⁴ The final rule, like the proposed rule, requires that the meetings must be accessible to persons with disabilities, but grants an exception where it would be impractical for reasons beyond the organization’s control (the exception would not be applicable if any accessible common area is available in the project). With regard to fees, the final rule, similar to the proposed rule, allows owners to charge a fee, but adds the condition that the fee be “reasonable, customary, and usual.”¹⁵ The final rule, like the proposed rule, fails to follow long-standing congressional guidance that HUD should authorize use of project funds to cover owner-imposed fees.¹⁶

Assistance from Tenant Organizers

Similar to the proposed rule, the final rule requires owners and their agents to allow tenant organizers to assist tenants in establishing and operating tenant organizations.¹⁷

⁶§ 245.105.

⁷§ 245.110.

⁸See HUD’s *Management Agent Handbook* (4381.5 REV-2).

⁹§ 245.115.

¹⁰§§ 245.115(a), 245.115(b).

¹¹§ 245.115.

¹²§ 245.115(a)(8).

¹³§ 245.115(c).

¹⁴§ 245.120.

¹⁵§ 120(c).

¹⁶See from the original 1978 tenant participation statute, the *Statement of the Committee on Conference*, at p. 96, reprinted in 1978 U.S.C.C.A.N. at p. 4773.

¹⁷§ 245.125.

It defines a tenant organizer as a "tenant or non-tenant who assists tenants in establishing and operating a tenant organization," but adds a provision that an organizer cannot be "an employee or representative of current or prospective owners, managers, or any of their agents."¹⁸ However, owners are allowed to exclude nonresident organizers under certain narrow circumstances. Specifically, if the project has a consistently enforced written¹⁹ policy against canvassing, then the owner or agent may require that any non-tenant organizer who is on the property for any purpose be accompanied by a tenant. The final rule also adds an important exception for recipients of *HUD Outreach and Technical Assistance Grants* or other HUD grants designed to provide education and outreach to tenants concerning the mark-to-market renewal and restructuring program, who need not be accompanied by a tenant. The final rule largely replicates the proposed rule's provision that if a project has a written policy favoring canvassing, any non-tenant organizer must be afforded the same rights and privileges of access as other uninvited outside parties, and that if the project does not have a consistently enforced, written policy against canvassing, the project shall be treated as if it has a policy favoring canvassing.²⁰

Tenants' Rights Not to be Re-canvassed

The final rule, again similar to the proposed rule, states that a tenant "has the right not to be re-canvassed" with regard to participation in an organization, but adds the language "against his or her wishes."²¹

Enforcement

In contrast to the proposed rule, the final rule includes specific enforcement provisions. Where owners or agents violate any of the provisions, the rule provides for sanctions, including debarment, suspension or limited participation in federal programs, and these sanctions may apply to violators' affiliates.²²

Conclusion

These final rules represent an important milestone in recognizing fundamental tenant rights, and HUD is to be commended for significantly improving the proposed rule in response to tenant comments. We hope that HUD will continue to take management harassment seriously, and use the standards and sanctions provided by these new rules to address violations promptly and consistently throughout the country. ■

¹⁸*Id.*

¹⁹The proposed rule did not require the policy to be written. 64 Fed. Reg. 32,782.

²⁰A difference between the final and proposed versions is that the latter omits "written."

²¹§ 245.130.

²²§ 245.135.

WELCOME NEW NHLP STAFF

The National Housing Law Project is extremely pleased to announce that S. Lynn Martinez and Todd Espinosa have recently joined its Oakland staff. Lynn comes to NHLP from the Department of Housing and Urban Development (HUD) where, for the last two years, she worked as a Community Builder in the San Francisco office of HUD's Pacific/Hawaii Regional Office. As a member of the inaugural class of national Community Builder Fellows, Lynn provided counsel and technical assistance on local, state and national impact projects. She was responsible for assisting communities and nonprofit organizations in developing strategies and partnerships to support community development and preserve affordable housing. Before joining HUD, Lynn worked for Legal Services of Northern California (LSNC) where she specialized in handling housing and community development issues, including multi-client impact litigation. While at LSNC, Lynn was awarded the Earl Johnson Community Lawyer Fellowship, which is funded and awarded annually by the State Bar of California to a California attorney to work on emerging legal issues in his or her community. At NHLP, Lynn will be working primarily on our New Section 8 Homeownership Initiative. Lynn can be reached at NHLP's Oakland Office. Her email address is smartinez@nhlp.org.

Todd Espinosa joins NHLP as a two-year New Voices Fellow, a fellowship funded by the Academy for Education Development and underwritten by the Ford Foundation. The New Voices Fellowship program is a new program to help nonprofit organizations bring innovative young voices to their staff. Todd is a recent graduate of Harvard Law School. He was an intern with NHLP during the summer of 1999 and with the San Francisco Legal Assistance Foundation in the summer of 1998. While at law school, Todd worked with the Harvard Legal Aid Bureau, where he represented low-income residents in landlord-tenant and government benefit cases, and with the Tenant Advocacy Project, where he represented public and subsidized housing tenants in administrative grievance hearings at local Massachusetts public housing authorities. At NHLP, Todd will be working on our new National Fair Housing Initiative, which is focusing on the fair housing implications of the demolition and disposition of public and subsidized housing. Todd can also be reached at NHLP's Oakland office. His email address is tespinosa@nhlp.org.

We are delighted to have both Lynn and Todd join the NHLP staff and look forward to working with them. ■

HUD ADOPTS PUBLIC HOUSING PET RULES

In 1998, Congress amended the *Housing Act of 1937* to allow all residents of public housing to own one or more household pets, subject to the reasonable requirements of each public housing agency (PHA).¹ On June 23, 1999, the Department of Housing and Urban Development (HUD) published proposed pet ownership rules for public comment.² On July 10, 2000, after analyzing more than 6700 responses received both before and after the comment period expired, HUD published the final regulations permitting residents of public housing to own pets.³ While the regulations went into effect on August 9, 2000, PHAs only need to include their pet policies in Annual Plans that become effective on or after January 1, 2001.⁴

The pet regulations are relatively brief because they allow each housing authority to define practically all the critical elements of the statute, including what is a "common household pet" and what constitute "reasonable requirements" that PHAs may impose on pet ownership. The regulations simply state that public housing residents may own or have present in their residence one or more common household pets if they maintain each pet reasonably, in accordance with applicable state and local public health, animal control and animal anti-cruelty laws and regulations, and in accordance with the reasonable requirements of the PHA as set forth in the PHA's Annual Plan.⁵

The regulations go on to clarify that "reasonable requirements" permit, but do not require PHAs to:

- place a limit, related to unit size, on the number of animals in a unit;
- establish restrictions or prohibitions based on building size or type, or other relevant conditions;⁶

- prohibit animals that the PHA classifies as dangerous, provided that the classification is consistent with state and local laws;
- require registration of pets with the PHA;
- require owners to have their pets spayed or neutered; and
- charge a nominal nonrefundable fee to cover the reasonable operating costs to the development relating to the presence of pets and a refundable pet deposit to cover the additional costs attributable to the pet and not otherwise covered.

The pet deposit provision is one of the few substantive changes that HUD has made between the proposed and final regulations. In the proposed regulations, HUD required PHAs that assess a pet deposit to place the deposit in interest-bearing escrow accounts. Despite its admission that the proposed regulation was consistent with congressional intent as expressed in QHWARA's legislative history,⁷ HUD appears to have bowed to pressure from PHAs because it revised the final regulations to only require PHAs to comply with any state or local laws regarding pet deposits and, if no such state or local laws exist, to comply with state or local laws governing rental deposits.⁸

It is important to note that the new regulations are not applicable to public housing developments that are designated for the elderly or persons with disabilities. Those developments continue to be subject to rules codified in 24 C.F.R. § 5.300 *et. seq.*⁹ Moreover, the rules do not apply to animals that support or provide services to persons with disabilities and specifically prohibit PHAs from applying or enforcing any policies adopted pursuant to these regulations against such animals.¹⁰

To ensure that the interests and concerns of residents are incorporated into PHA pet ownership policies, residents and advocates will have to become involved in their local PHA Annual Plan process. ■

¹P.L. 105-276, § 526, 112 Stat 2461, 2568 (Oct. 21, 1998)(amending 42 U.S.C.A. 1437z-3).

²64 Fed. Reg. 33,640.

³65 Fed. Reg. 42,518.

⁴*Id.* at 42,523, to be codified in 24 C.F.R. § 960.707(e)(hereinafter, the citations will be limited to the new CFR sections).

⁵§ 960.707(a).

⁶In response to comments, HUD declined an invitation to clarify what prohibitions may be placed on pet ownership because the regulatory language is identical to the statute. At the same time, in its response to comments, it stated that the "overall intent of the statute is to permit pet ownership in public housing, [and] this language should not be used to negate the intent of the rule, and PHAs should apply this section consistent with that intent." However, in response to yet another comment, it stated that, consistent with QHWARA's legislative history, PHA's could institute some pet-free areas "to accommodate residents who are allergic to pets." 65 Fed. Reg. 42,521.

⁷65 Fed. Reg. 42,520.

⁸§ 960.707(d).

⁹§ 960.703.

¹⁰§ 960.705(a).

Make all your reservations now!

2000 LALSHAC MEETING, NOVEMBER 19-20 PRE-LALSHAC HOUSING TRAINING, NOVEMBER 18

The 2000 meeting of the Loose Association of Legal Services Housing Advocates and Clients (LALSHAC) is scheduled to take place on Sunday and Monday, November 19 and 20, in Washington, D.C. The LALSHAC meeting will be preceded by a one-day training event, set for Saturday, November 18, on the recent statutory and regulatory changes to the Public Housing, Certificate and Voucher, and project-based Section 8 programs.

The LALSHAC meeting and the pre-meeting training will be held at the Washington Plaza, located at 10 Thomas Circle, N.W. (at Massachusetts Avenue and 14th Street), Washington, D.C., 20005. Special room rates for the training event and the LALSHAC meeting are: \$110 for single or double occupancy, \$130 for triple occupancy, and \$150 for quadruple occupancy per night. Room reservations must be made directly with the hotel. To receive the special rates, **RESERVATIONS MUST BE MADE ON OR BEFORE OCTOBER 15, 2000.** The hotel phone number is 1-800-424-1140 (toll free) or 1-202-842-1300. **When making reservations, make sure to mention the following group number in order to obtain the special conference rates: 9490.**

The purpose of the 2000 LALSHAC meeting is to focus the activities of the various LALSHAC working groups on the recent changes to the federal housing programs, particularly those made to the Public Housing, Certificate and Voucher and Section 8 programs and to discuss how advocates can continue to represent low-income clients' interests in light of those changes and in light of the November elections, which will precede the meeting by less than two weeks.

The LALSHAC meeting is not designed as a training conference. Consequently, we prefer attendance by experienced housing advocates and clients who are willing to actively participate in LALSHAC's ongoing activities. These include exchanging information on effective representation of low-income tenants and community organiza-

tions in addressing local housing problems and pursuing permissible legislative and administrative advocacy at the federal, state and local levels.

Because major regulatory changes have recently been made to the Public Housing, Certificate and Voucher, and Section 8 programs, NHLP will be offering a separate one-day training event on these programs immediately preceding the LALSHAC meeting. We expect that the training will facilitate the LALSHAC meeting by providing advocates an opportunity to learn about the program changes in detail prior to the meeting and, as a result, to be better prepared to participate in the LALSHAC discussions.

The LALSHAC meeting registration fee is \$295 and includes two lunches, break refreshments, and conference materials. For legal service organizations who are paying for clients to come to the meeting a discount of \$100 is available for the client's registration.

The one-day training registration fee is \$135 for persons who do not attend the LALSHAC meeting. The registration fee includes a lunch and training materials. Persons who attend both the pre-LALSHAC training event and the LALSHAC meeting may register for both events for \$390. (For clients, whose costs are being paid by a legal services program, the combined registration fee is \$295.) The registration deadline for the meeting and the training is Friday, **October 13, 2000.** Registration checks should be made payable to the National Housing Law Project and sent to our Oakland Office at 614 Grand Avenue, Suite 320, Oakland, CA 94610.

A detailed announcement setting out the meeting and training agendas and registration materials will be sent shortly to the LALSHAC mailing list and housing specialists at legal services and other programs. In the meantime, if you need additional information, call NHLP at 1-510-251-9400, Ext. 111 or e-mail us at nhlp@nhlp.org. ■

PETITION FOR REHEARING *EN BANC* GRANTED IN 9TH CIRCUIT PUBLIC HOUSING “ONE-STRIKE” CASE

A majority of the nonrecused regular judges of the United States Court of Appeals for the Ninth Circuit recently granted Plaintiffs-Appellees' petition for rehearing *en banc* in *Rucker v. Davis*¹ and set oral argument for September 19, 2000.² The hearing comes in response to a petition for rehearing filed in April of this year by the Plaintiffs-Appellees which was supported by two *amici* briefs: one filed by the ACLU and another by a group of legal services programs including the National Housing Law Project. The Plaintiffs-Appellees filed the petition for rehearing because two of the three judges on the panel ruled that the Department of Housing and Urban Development's (HUD) "one-strike" policy, holding tenants strictly liable for the conduct of all household members and guests, was a permissible interpretation of the public housing statute and did not violate the Constitution.

The majority opinion was accompanied by a strong dissenting opinion that would have sustained the district court's decision to enjoin the threatened eviction of several Oakland, California public housing tenants. The dissenting judge disagreed with the majority's holding that the public housing statute authorizes an eviction of tenants and their families if any member of the household engages in any drug-related criminal activity (including possession of marijuana), on or near the project premises, whether or not the tenant had any knowledge of, or ability to control, that activity. The dissenting judge recognized the inherent unfairness of this position and reasoned that this interpretation meant that

a parent who disapproves of drugs and diligently tries to keep her children off drugs, but who has an adolescent child who experiments with marijuana, is subject to eviction. Needless to say, this law, as construed by appellants, is not the standard under which American families are permitted to remain in private homes. If families were permitted to remain in their private homes only on condition that no family member had ever used or possessed illegal drugs in or near the home, many American families would be made homeless.³

¹203 F.3d 627 (9th Cir. 2000). For background information see *Ninth Circuit Panel Upholds "One Strike" Evictions*, 30 HOUS. L. BULL. 24 (Feb. 2000) and *Housing Authority Enjoined From Evicting Innocent Residents for Violations of "One-Strike" Lease Provisions by Household Members*, 28 HOUS. L. BULL. 119 (July 1998). The latter article is posted on our website at nhlp.org.

²*Rucker v. Davis*, No 98-16542 (9th Cir. Aug. 18, 2000). The order can be accessed at ce9.uscourts.gov/web/newopinions.nsf/

³*Rucker v. Davis*, 203 F.3d at 650 (9th Cir. 2000).

The dissenting judge supported his conclusion with a thorough analysis of the public housing statute, its legislative history as well as related statutory provisions. His analysis was designed to avoid substantial constitutional questions posed by the plaintiffs.

The order granting the petition for rehearing *en banc* states that the panel's opinion "shall not be cited as precedent by or to this court or any district court of the Ninth Circuit, except to the extent adopted by the *en banc* court."⁴ Because the court set the date for rehearing so soon after granting the petition, an early ruling is anticipated from the *en banc* court.

PROPOSAL TO TRANSFORM FEDERAL HOUSING ASSISTANCE INTO BLOCK GRANTS IS INTRODUCED IN THE SENATE

In an attempt to continue the process of devolving federal programs to the states, Senator Wayne Allard (R-CO), the Chair of the Senate Housing Subcommittee, has recently introduced legislation that would consolidate the Department of Housing and Urban Development's (HUD) housing and homelessness assistance into a single block grant that states and localities could elect to use to address local priorities. The proposed block grant program is a major feature of S. 2968, the *Local Housing Opportunities Act*, a bill containing numerous other significant proposals that would dramatically change federal housing assistance. Included among these are:

- the reauthorization of the Community Development Block Grant (CDBG) program and the prohibition of CDBG set-asides;
- the expansion of the Moving to Work (MTW) program under which many federal protections for public housing and Section 8 tenants can be eliminated;
- the imposition of substantial new work requirements on public housing tenants;
- the prohibition of any federal Section 8 voucher lease addenda that conflict with state or local law, reducing Section 8 voucher unit inspection requirements; and many other proposals.

If enacted in its current form, this bill, which places extraordinary and often unwarranted trust in the wisdom and expertise of state and local governments, would spell chaos and disaster for many extremely low-income people.

⁴*Rucker v. Davis*, No 98-16542 (9th Cir. Aug. 18, 2000).

Housing Block Grants

New powers to states

S. 2968 would grant unprecedented powers to the states in implementing federally-assisted housing programs, allowing them, upon approval of a "performance agreement" with HUD, to assume control of federal housing assistance funds. The participating states would be exempt from otherwise applicable HUD programs, including project- and tenant-based Section 8, Section 202, Section 811 programs, and generally any low-income housing assistance program administered by HUD. The bill, as filed, excludes the public housing program from the list. The bill gives great latitude to states in using the funds, empowering them to combine any HUD program funds without regard to the specific program requirements, and further allowing them to employ the funds "for any housing purpose" not prohibited by the applicable state law.¹

Federal approval of performance agreements

State participation in the block grant program would be contingent on HUD approval of a five-year "performance agreement" between HUD and the state. HUD would approve performance agreements subject to certain conditions including, among others, the following. First, the agreement must contain a 5-year plan explaining how the state intends to use the grant "to advance the low-income priorities of the state, improve the quality of low-income housing, reduce homelessness, reduce crime, and encourage self-sufficiency."² Second, the agreement must also contain a list of "performance goals" that at a minimum:

. . . improves housing conditions for low-income individuals and families; . . . increases the number of assisted units that pass housing quality inspections; . . . encourages economic opportunity and self-sufficiency and increases the number of residents that obtain employment; . . . reduces crime and assists the victims of crime; . . . [and] reduces homelessness and the level of poverty; . . .³

The list must also include, with regard to these broader goals, specific numerical goals that the state aims to attain, but the bill establishes no minimum performance standards.

In addition to substantive affordable housing goals, performance agreements must also include assurances that the state will meet the requirements of applicable federal civil rights laws, and that the state will not significantly reduce its own level of spending for housing during the agreement term. The bill also allows states to identify in the agreement any other suitable indicators of performance, "such as reduced cost."

¹S. 2968, § 701 (establishing a new § 37(d)(3) of the *United States Housing Act*).

²*Id.* (adding new § 37(c)(3)(D)).

³*Id.* (adding new § 37(c)(3)(E)).

HUD PUBLISHES FINAL SECTION 8 HOMEOWNERSHIP REGULATIONS

On September 12, 2000, the Department of Housing and Urban Development (HUD) published final regulations for the Section 8 Homeownership program (65 Fed. Reg. 55,134), thus implementing Section 8(y) of the *Housing Act of 1937* as amended by QHWRA. The program authorizes the use of Section 8 tenant-based assistance to purchase single family homes, condominiums and interests in cooperative. The regulations are effective as of October 12, 2000.

The final regulations are significantly different from the regulations proposed by HUD on April 30, 1999. For example, the final regulations:

- establish a minimum downpayment requirement of 3 percent of the purchase price and a requirement that at least 1 percent come from the family's personal resources;
- establish a minimum income requirement for participation in the program equal to 2000 hours of annual work at the federal minimum wage;
- require that one or more adult members of the family who will own the home be employed for not less than 30 hours per week on average for at least a year prior to purchasing the home;
- permit purchase of a home that is under construction;
- extend the maximum term for which Section 8 homeownership assistance may be granted to 15 years if the initial mortgage term is 20 years or longer; and
- require the recapture of a percentage of the assistance provided to the household upon sale or refinancing of the home for the first 10 years of the mortgage.

The National Housing Law Project will publish a detailed analysis of the HUD regulations in the October issue of the *Bulletin*. Advocates that have questions about the new regulations or are working on having their local PHA implement a Section 8 homeownership assistance program should contact Lynn Martinez, NHLP's new staff attorney. Lynn may be reached by phone at (510) 251-9400, Ext. 110 or by e-mail at smartinez@nhlp.org. ■

To demonstrate its progress, each participating state must agree to submit to HUD a publically available report containing low-income housing performance data and a description of how federal funds were used to provide assistance as required by the performance agreement.

Level of funding

Each year for the first five years of participation, each state would get funding equivalent to “the highest level of funding for the three years prior to the first year of the performance agreement in each program included in the block grant,” adjusted for inflation. The bill also directs HUD to submit recommendations to Congress for a block grant formula reflecting the level of affordable housing need in each state.

Consequences of state failure to meet standards

S. 2968 stipulates that if a state recipient fails by the end of the five-year term of the performance agreement to meet at least 80 percent of the goals set forth in the agreement, HUD must terminate the agreement and the state must comply with the original federal requirements of each program included in the agreement.

Analysis

In many states, this kind of broad and vague block grant program would spell disaster for many low-income people who do and should benefit from federal housing assistance. Despite language seeking to improve affordable housing quality, S. 2968 would not assure that states would maintain or preserve the existing stock of low-income housing, nor does it assure that states would be required to assist those extremely low-income people currently receiving benefits under federal targeting requirements. By promoting “self-sufficiency,” “employment” and “reducing homelessness” as goals without more specificity, the bill encourages states to enact policies that deny housing to those who are unable to work or that drive homeless people from their jurisdiction. In addition, any permissible “cost reduction” goal⁴ could work to slant the distribution of assistance away from those with greatest housing needs, since it is cheaper to serve higher-income families.

Other vague language invites states to circumvent what should be their duties. For instance, the requirement that states show how their programs will advance the “low-income priorities of the state” does little to ensure that states will actually enact policies that benefit those with low incomes. Exacerbating the problem is the fact that once states have pledged to address the bill’s specifically enumerated goals, they enjoy almost unlimited discretion in dispensing the remaining funds; nothing would prevent states from using the funds to subsidize better-off homeowners, for example, instead of extremely low-income renters. Essentially, the bill gives states license to develop standards to assess

their own performance, creating clear incentives to set low or vague standards that fail to meet community needs. Even the bill’s maintenance-of-effort requirement, likely intended to head off “races to the bottom” in eliminating housing assistance, provides little protection.⁵

In many states, this kind of broad and vague block grant program would spell disaster for many low-income people who do and should benefit from federal housing assistance.

Homeless Assistance Block Grants

In addition to the proposed block grant for HUD housing assistance, Title III of S. 2968 also proposes to amend the *McKinney Act* to authorize combining HUD’s homeless assistance funds into block grants. Funds would be distributed through a formula identical to that used for CDBG, which is based on poverty rates, population, growth lags, age of the housing stock, and the extent of overcrowding in available facilities. Seventy percent of the funds would go to localities and 30 percent of the funds would go to states. Recipients of the block grants would be required to have a “continuum of care” system in place, described in their application to HUD for grant aid.

Eligible activities would for the most part encompass the same activities that are currently included in the continuum of care programs and the Emergency Shelter Grants program. These activities include prevention, outreach and assessment, emergency shelter, safe haven housing, and transitional housing. Another new provision, however, would allow funds also to be used for permanent housing for homeless people without disabilities. Although permanent housing is a permissible use, there is no specific set-aside for it.

⁵In failing to specify “affordable housing” or “assisted housing” as the spending objective to be maintained, states would retain the option of slashing their spending on affordable and assisted housing and making up the difference in housing programs that benefit wealthier households. By forbidding states only from “significantly reducing” spending on housing, the bill fails to recognize that incremental reductions or even holding spending constant in effect means addressing fewer housing needs from year-to-year. By requiring states only to omit significant reductions during the agreement’s term, the bill permits states to “low-ball” the spending figure for the initial agreement. States also might be able to cut spending significantly from agreement to agreement, since that might not qualify as a cut made during the term of any particular agreement.

⁴New proposed § 37(c)(3)(E)(ii).

With regard to the funding of the homeless assistance block grant, S. 2968 would appropriate \$1.05 billion for Fiscal Year (FY) 2001, with incremental increases through FY 2003. S. 2968 would modify the matching provisions of the existing program by requiring each recipient of grants to contribute at least \$1 for every \$3 of the federal grant to the recipient. The bill permits the recipient's share, for purposes of matching, to be derived from any source other than those made available under the block grant or prior state and local homeless assistance funds.

Other Provisions

Several other provisions in the bill would be very harmful to extremely low-income applicants and tenants currently receiving or eligible for federal housing assistance:

- Section 204 would enable any public housing authority (PHA) to combine its public housing and Section 8 funds and void all current statutory and regulatory protections;⁶
- Section 502 would eliminate all federal law protections for Section 8 voucher tenants in the landlord-tenant relationship;⁷
- Section 504 would permit owners of Section 8 voucher units to elect property-wide inspections of housing conditions rather than requiring each unit to be inspected prior to rental and annually thereafter;⁸
- Section 603 would require all adults in public housing to work 30 hours per week;⁹ and

⁶This would be accomplished by converting the current *MTW Demonstration* (covering about 30 PHAs nationwide) into a permanent program and expanding automatic eligibility to all PHAs except those in the lowest 20 percent of assessed performers. MTW eliminates nearly all of the statutory protections for poor applicants and tenants, and could result in the elimination or substantial modification of many long-standing features of the programs, or of public housing or tenant-based assistance in any particular jurisdiction.

⁷HUD would be prohibited from prescribing any legal requirements for leases between landlords and tenants in the program, and state and local law would supercede federal law in case of any conflict. The current HUD-prescribed tenancy addendum contains vital protections implementing other federal rights and ensuring basic fairness (e.g., prohibiting waivers of notice and nonjudicial eviction), and would become void.

⁸Some claim that this could increase owner participation by reducing administrative burdens, while reducing PHA administrative expenses and delays for voucher holders. But housing quality is sure to be unacceptably compromised as the provision is currently drafted.

⁹This would be accomplished through the repeal of the current requirement that non-exempt adults in public housing participate in economic self-sufficiency activities or perform community service for eight hours per month; instead imposing on each family in public housing, regardless of whether the family receives public income assistance, the same work requirements imposed by federal law on families receiving Temporary Assistance for Needy Families (TANF) benefits. The apparent goal is to impose on public housing tenants a requirement to engage in one or more of the specified activities for 30 hours per week (or 35 hours per week for two-parent families), a more than a 15-fold increase in the work requirement; from eight hours monthly to 30 hours weekly. In addition, the bill fails to clearly define what constitutes "work," and eliminates any exemptions.

- Section 607 would amend the Section 8 home-ownership statute¹⁰ to permit PHAs, at their option, to cash out one year's worth of Section 8 subsidy for down payment assistance rather than providing ongoing rent or homeownership subsidy to families.¹¹

Reportedly the bill has been introduced in order to provoke discussion of its radical proposals. We trust that the committee will actively seek out a full range of views from the affected constituencies everywhere before seriously considering such far-reaching changes that will only increase the affordable housing gap for extremely low-income families. ■

BOSTON REPORT OFFERS AFFORDABLE HOUSING PLAN ADDRESSING GROWING HOUSING CRISIS

In an era of federal confusion about and retreat from the nation's affordable housing crisis, local responses to the housing crisis facing low-income families are critical to raising awareness of the problem and developing adequate budget and policy responses at all levels of government. Over the past few years, housing advocates in several communities have taken a leadership role in initiating such local responses. One such effort in Boston has recently produced a report documenting the growing threat to affordable housing posed by the city's economic growth and rising rents, and offering a plan to create 10,000 affordable units in Boston by 2005. The report, titled *Turning New Growth into Affordable Housing* (April 2000) was created by the Boston Tenant Coalition, a coalition of tenant and neighborhood groups, community development corporations, and advocacy organizations.¹ This article reviews both the report's disturbing findings and the Coalition's proposed solutions.

¹⁰42 U.S.C.A. § 1437f(y)(West Supp. 2000).

¹¹This provision is identical to § 301 of H.R. 1776 which has passed the House, except that it would not take effect until FY 2001. A PHA's election of this option rather than providing ongoing Section 8 assistance for homeownership could present a significant barrier to use of the program by families with lower incomes.

¹For more information about the report and Coalition's *10,000 Affordable Homes Campaign*, contact Kathy Brown, Coordinator, Boston Tenant Coalition, c/o Massachusetts Coalition for the Homeless, 288 A Street, Boston, MA 02210; Ph: (617) 439-3887, Fax: (617) 737-3290.

The Shrinking Stock of Affordable Housing

The report identifies a number of factors contributing to a reduction in the supply of affordable housing in Boston. The first is the tremendous loss of nearly 80,000 rent-regulated units to the unregulated market from 1994-99, which occurred as a result of a repeal of rent regulations through a statewide referendum. The deregulated units comprise more than half of the city's total rental stock. A second factor is the loss of 1,300 privately owned, government-assisted units whose use restrictions or project-based subsidy contracts expired or were terminated. Approximately 21,000 other units are characterized as *at-risk* or *potentially at-risk* of being lost through expiration or termination of restrictions or subsidies. A third factor contributing to the loss of affordable housing is the reduction in quality public housing. The report indicates that nearly 800 units in Boston are off-line and awaiting repair, over 700 units have been lost as a result of The Department of Housing and Urban Development's (HUD) HOPE VI demolition and revitalization program, and a net of over 300 units have been lost as a result of HUD's Demonstration Disposition program covering defaulted formerly HUD-subsidized units in the state.² A fourth factor reducing the number of affordable units is a decreased level of funding from the state housing finance agency. Finally, the report highlights the continuing inadequacy of rental vouchers (from both federal and state sources) in enabling recipients to obtain affordable housing. In particular, the report notes that 50 percent of those receiving vouchers from the Boston Housing Authority (BHA) return them after the end of the 120-day search period, unable to find an apartment even with the subsidy.

The Effect of the Crisis on Housing Affordability

Not surprisingly, the shrinking stock of affordable housing has resulted in growing problems for those in need of affordable housing. The report observes that recently 37,560 households in Boston (or about 16 percent, of a total of about 230,000) paid over half of their incomes for housing, and 89 percent, or 26,300, of these were families with very low incomes (below 30 percent of the area median income (AMI)). The report also documents a widening gap between incomes and housing costs. In 1998 the median advertised rent in Boston was \$1,400, while the rent affordable with the Boston renter median income was only \$681. An especially startling finding of the report is that fully one-third of Boston's renters, or 50,000 households, had incomes below

²Under the Demonstration Disposition program, HUD provided substantial funds prior to 1995 to the Commonwealth of Massachusetts to rehabilitate and transfer ownership of distressed developments whose owners had defaulted on HUD mortgages; ostensibly to test the value of federal, state, and local partnerships to address this problem. Unfortunately, subsequent Congresses and HUD administrators preferred to ignore the need to solve the problem, and the funding and framework have not been replicated elsewhere.

\$15,000, meaning that they earned less than the median annual rent of an apartment. Finally, the report indicates that over 20,000 households are on the BHA's waiting lists for public housing or tenant-based assistance but the BHA's 2000 Plan estimates that only 1,674 apartments and vouchers will be made available, almost all upon turnover.

Responding to the Crisis

The report offers a plan for creating 10,000 affordable rental and cooperative homes in Boston by 2005. Five sources of funds are identified:

- new growth tax revenues and city bonds;
- commercial linkage fees;
- inclusionary zoning;
- the Community Preservation Act; and
- existing resources.

With regard to tax revenues and city bonds, the Coalition proposes apportioning funds from Boston's substantial property tax revenue growth to affordable housing. It suggests that the city's pledge of the revenue increase from just Fiscal Year (FY) 2000 (\$26 million) to pay principal and interest (at 6 percent) on a 20-year bond would generate proceeds of \$302 million, funding the creation of 4,157 units over five years.³ Second, the report proposes that the city upgrade its linkage ordinance. The linkage ordinance, which the city has had since 1983, is an amendment to the zoning code that requires large scale commercial developers to contribute financially to affordable housing according to the number of square feet in their development. Since 1983, it has generated \$47.5 million for housing development. Thus, raising the required developer contribution level could help alleviate the affordable housing shortage.

Third, the report suggests using the inclusionary zoning scheme to increase the funds devoted to low-income households. Inclusionary zoning regulations offset gentrification pressures by giving housing developers the option of either creating affordable housing units directly or making payments into a fund for affordable housing. The report proposes that the city adjust its current inclusionary development policy in two ways: first, by using the funds exclusively for housing for low-income families (the current policy allocates half of the inclusionary units to households with incomes above 80 percent of AMI), and second, by incorporating the policy as a permanent amendment to the zoning code, rather than negotiating separate agreements with individual developers.

³Alternatively, the city could dedicate \$26 million a year for 20 years and thereby fund 7,150 units over the long-term. The Coalition supports the bond strategy because it would enable the city to deal with the current crisis in a more timely manner. Both calculations assume a city capital grant funding at a weighted average cost of \$72,750 per unit.

Fourth, the report endorses the passage of pending state legislation, the Community Preservation Act, to establish a special tax to fund affordable housing. The tax would take the form of either a 3 percent surcharge on the existing property tax levy or a 1 percent transfer tax (based on the sales price), with exemptions for low-income or first-time homeowners or homebuyers. Finally, the report encourages the expansion and more effective use and targeting of existing local, state, and federal resources. These resources include the city's discretionary funding sources (such as its Urban Development Action Grant program) and Community Development Block Grant funds, the state's Low Income Housing Tax Credits and Housing Innovations Funds, and the federal government's Section 8 vouchers, project-based subsidy contracts, HOME program, Low Income Housing Tax Credit, and tax-exempt bond authorizations.

The Boston *10,000 Affordable Homes Campaign* is currently continuing its efforts to secure substantially increased commitments from the city government. Reportedly, the Mayor has already promised an additional \$25 million this year toward the goal. ■

CALIFORNIA'S 90-DAY NOTICE REQUIREMENT FOR TERMINATION OF SECTION 8 CONTRACTS PRECLUDES RENT INCREASES DURING 90-DAY TERM TO ALL CALIFORNIA JURISDICTIONS

For a variety of reasons, Section 8 certificate and voucher holders frequently have a difficult time finding landlords willing to enter into Section 8 Housing Assistance Payment (HAP) contracts. The problem has become particularly acute in tight housing markets where owners are able to improve their housing and command higher rents than they would have collected under the Section 8 program. Owners in these markets who are already participating in the program often terminate their Section 8 contracts with a 30-day notice, giving tenants insufficient time to find and move into another complex where the owner is willing to enter into a Section 8 contract.

In an effort to alleviate at least part of the problem, California enacted legislation in 1999 that requires landlords who terminate or fail to renew Section 8 contracts to give tenants a 90-day written notice of termination and precludes them from increasing the tenant's portion of the rent during that

90-day period.¹ Somewhat surprisingly, a number of California housing authorities are under the impression that the legislation does not apply within their jurisdiction and have shied away from informing participating landlords of the new statute's requirements. One authority which questioned the applicability of the statute is the Napa Housing Authority which apparently believed that the statute is only applicable in rent controlled jurisdictions. Nearly seven months after the statute went into effect, the authority sought an opinion from the Napa City Attorney as to whether the statute is applicable in Napa, which is not a rent controlled jurisdiction. In a brief two page opinion issued on August 8, 2000, the City Attorney responded that the "90-day written notice and moratorium on rent hikes . . . applies to landlords within the City of Napa."²

A number of California housing authorities are under the impression that the legislation does not apply within their jurisdiction.

The Napa City Attorney gave three reasons in support of his opinion. First, that the statute, on its face, does not limit its applicability to rent controlled jurisdictions while other portions of the same legislation did contain such limitations. Second, that the legislation has a parallel provision aimed specifically at rent controlled jurisdictions. Third, that the legislative history of the statute makes clear that the purpose of the 90-day notice and rent freeze is to allow Section 8 tenants a greater amount of time to locate new housing following termination or failure to renew the Section 8 Agreement. "This rationale is equally applicable in rent controlled and non-rent controlled jurisdictions." Because the legislature exhibited the ability to distinguish between landlords in rent controlled and non-rent controlled jurisdictions, the Napa City Attorney concluded that the statute is not limited to jurisdictions that control rents and thus applies to all jurisdictions including the city of Napa.³ ■

¹Cal. Civ. Code Section 1954.535. See, *California Leads the Way: First State to Provide Nonproject-Based Section 8 Tenants a 90-day Notice of Contract Termination*, 30 Hous. L. Bull. 28 (Feb. 2000).

²Memo to Don Sehorn, Housing Program Coordinator, from Thomas B. Brown, City Attorney, re: *Applicability of Senate Bill 1098 in Non-rent Controlled Jurisdiction* (Aug. 8, 2000). A copy of the opinion is on file with the National Housing Law Project.

³*Id.* at 2.

RECENT HOUSING-RELATED REGULATIONS AND NOTICES

The following are significant affordable housing-related regulations and notices that the Department of Housing and Urban Development (HUD), and the Department of Agriculture's (USDA) Rural Housing Service (RHS) issued in July of 2000. For the most part, the summaries are taken directly from the summary of the regulation in the *Federal Register* or each notice's introductory paragraphs.

Copies of the cited documents may be secured from various sources, including (1) the Government Printing Office's website on the World Wide Web,¹ (2) bound volumes of the Federal Register, (3) HUD Clips,² (4) HUD,³ and (5) USDA's/Rural Development web page.⁴ Citations are included with each document to help you secure copies.

HUD Regulations

Prohibited Purchasers in Foreclosure Sales of Multifamily Projects With HUD-Held Mortgages and Sales of Multifamily HUD-Owned Projects; Proposed rule

65 Fed. Reg. 41,538 (July 5, 2000)

Summary: This proposed rule would prohibit a defaulting mortgagor or related parties to the mortgagor from bidding on or acquiring the multifamily property that was the subject of the mortgagor's default. The purpose of this rule is to prevent a mortgagor from benefitting from its default and failure to meet its obligations.

Comment Due Date: September 5, 2000.

Section 8 Housing Choice Voucher Program; Expansion of Payment Standard Protection; Interim Rule

65 Fed. Reg. 42,508 (July 10, 2000)

Summary: This interim rule amends HUD's regulations, published on October 21, 1999, governing the merger of the tenant-based and certificate programs into the Housing Choice Voucher program to expand the regulatory payment standard protection against subsidy reduction. The October 21, 1999 final rule limited payment standard protection to the first 24 months of the lease term. The interim rule provides that a family is not subject to a subsidy reduction until the second regular reexamination of family income and composition following the payment standard reduction. This

¹At access.gpo.gov/su_docs.

²At hudclips.org/cgi/index.cgi.

³To order notices and handbooks from HUD, call (800) 767-7468 or fax (202) 708-2313.

⁴At rdinit.usda.gov/regs/.

protection extends for the duration of the lease term. This interim rule also corrects a typographical error contained in the October 21, 1999 final rule.

Effective Date: August 9, 2000.

Comment Due Date: September 8, 2000.

Pet Ownership in Public Housing; Final Rule 65 Fed. Reg. 42,518 (July 10, 2000)

Summary: The purpose of this rule is to permit public housing residents to own pets, subject to reasonable requirements that the public housing agency (PHA) may establish in consultation with the residents. This rule implements pet ownership policies and general requirements for residents of public housing other than public housing developments for the elderly or persons with disabilities.

Effective Date: August 9, 2000.

Direct Funding of Public Housing Resident Management Corporations; Final Rule 65 Fed. Reg. 42,512 (July 10, 2000)

Summary: On October 21, 1999, HUD published a proposed rule to revise its regulations regarding resident participation and resident opportunities in public housing. The rule proposed that a resident management corporation (RMC) may receive capital and operating funds from HUD if the RMC has primary management responsibility for the public housing project and HUD determines that the RMC has the capacity to effectively discharge such responsibility. This rule makes final the policies and procedures contained in the October 21, 1999 proposed rule without change.

Effective Date: August 9, 2000.

Revision of Freedom of Information Act Regulations; Proposed Rule 65 Fed. Reg. 42,578 (July 10, 2000)

Summary: This proposed rule would amend HUD's Freedom of Information Act (FOIA) regulations in their entirety. The rule would implement the amendments made by the Electronic Freedom of Information Act to FOIA. The proposed rule would also rewrite the FOIA regulations using plain language, make various streamlining and organizational changes and simplify and improve HUD's FOIA requirements.

Comment Due Date: On or before September 8, 2000.

Allocation of Operating Subsidies Under the Operating Fund Formula; Proposed Rule 65 Fed. Reg. 42,488 (July 10, 2000)

Summary: This proposed rule is the first stage in HUD's rulemaking process to implement an interim Operating Fund Formula for determining the payment of operating subsidies to PHAs. As required by statute, this proposed rule was developed through negotiated rule making procedures. The policies and procedures described in this proposed rule would govern the determination of funding distributions to PHAs under the Operating Fund until a final rule, reflecting the results of a congressionally requested public housing cost

study, is developed and published. Pending the completion of the cost study and the issuance of superseding rules based on the study, HUD will proceed to consider the public comments received on this proposed rule and to issue, in the next stage of this rulemaking process, an interim rule based on this proposed rule and the public comments received on the proposed rule.

Comment Due Date: August 9, 2000.

HUD Federal Register Notices

Announcement of Funding Awards for Fiscal Year 2000 Community Development Work Study Program; Notice 65 Fed. Reg. 45,097 (July 20, 2000)

Summary: This document notifies the public of funding awards for the Fiscal Year (FY) 2000 Community Development Work Study Program (CDWSP). It includes the names and addresses of the award winners and the amount of the awards to be used to attract economically disadvantaged and minority students to careers in community and economic development, community planning and community management, and to provide a cadre of well-qualified professionals to plan, implement, and administer local community development programs.

Notice of Funding Availability Family Unification Program, Fiscal Year 2000; Notice 65 Fed. Reg. 45,688 (July 24, 2000)

Summary: The Family Unification Program promotes family unification by providing housing assistance to families for whom the lack of adequate housing is a primary factor in the separation, or the threat of imminent separation, of children from their families. The approximately \$10 million in one-year budget authority that is available under this Notice of Funding Availability (NOFA) will support approximately 1,800 Section 8 Housing Choice vouchers. The possibility exists of additional funding being made available for this program; perhaps as much as an additional \$50 million. Applicants should bear this in mind when considering the number of vouchers to apply for under Section II(C)(1) of this NOFA. Eligible applicants are PHAs. Indian Housing Authorities (IHAs), Indian tribes and their tribally designated housing entities are not eligible because the *Native American Housing Assistance and Self-Determination Act of 1996* does not allow HUD to enter into new Section 8 annual contributions contracts (ACC) with IHAs after September 30, 1997.

Application Deadline: August 23, 2000.

Announcement of Funding Awards for the Welfare-to-Work Section 8 Tenant-Based Assistance Program for Fiscal Year 1999; Notice 65 Fed. Reg. 46,724 (July 31, 2000)

Summary: This announcement notifies the public of funding decisions made by the Department in a competition for funding under the FY 1999 NOFA for the Welfare-to-Work Section 8 Tenant-Based Assistance Program and contains the consolidated names and addresses of the award recipients.

HUD Notices

Section 8 Management Assessment Program (SEMAP) Implementation of Ratings and Update Notice PIH 00-24 (HA) (July 12, 2000)

Summary: This notice announces the Department's plans to begin rating under SEMAP in fall 2000, for PHAs with fiscal years ending June 30, 2000. The Department issued a Federal Register notice June 20, 2000, to officially establish the August 1, 2000 effective date of the ratings sections of the SEMAP rule. This notice also provides updated information on SEMAP including information on independent auditor guidance, the Multifamily Tenant Characteristics System (MTCS) SEMAP Indicators Report, and recent technical amendments to the rule.

Native American Housing Assistance and Self-Determination Act (NAHASDA) - Indian Housing Block Grant (IHBG) Program - Performance Measure for the Obligation of Funds. Notice PIH 2000-26 (July 26, 2000)

Summary: This notice provides tribes and tribally designated housing entities (TDHES) with guidance regarding what constitutes an obligation of grant funds.

Submission and Processing of Public Housing Agency (PHA) Applications in Fiscal Year (FY) 2000 for Housing Choice (Section 8) Vouchers for Relocation or Replacement Housing Related to Demolition or Disposition (Including HOPE VI), and Plans for Removal (Mandatory Conversion) of Public Housing Units Under Section 33 of the U.S. Housing Act of 1937, As Amended. Notice PIH 2000-27 (July 28, 2000)

Summary: The purpose of this notice is to advise PHAs of the availability of approximately \$ 37.8 million in one-year budget authority that will fund approximately 5,700 housing choice vouchers to assist PHAs with relocation or replacement housing needs resulting from the demolition, disposition or mandatory conversion of public housing units.

Housing Choice Voucher Program and Rental Certificate Program: PHA Administrative Fees
Notice PIH 2000-28 (Aug. 9, 2000)

Summary: This notice provides instructions to PHAs and HUD field staff about the special administrative fees authorized under the tenant-based assistance programs. The administrative fees identified in this notice are the only special fees approved by HUD field staff. Any other administrative fees must be submitted to Headquarters for approval.

PIH Notice Extended

Extension - Notice PIH 2000-15 (HA), which extended Notice PIH 99-17 (HA) Public Housing Development Total Development Cost (TDC) and Cost Control Policy
Notice PIH 00-25 (July 21, 2000)

Summary: Notice PIH 99-17, Public Housing Development Total Development Cost (TDC) and Cost Control Policy, was extended by Notice PIH 2000-15, which expired June 30, 2000. This notice extends the notice until September 30, 2000.


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