

Public Housing

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Public Housing

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- **How Program Works: Who Is Involved/Roles**
 - Congress authorizes the public housing program, sets standards and appropriates funds.
 - HUD oversees the program, issues rules and guidance. contracts with and monitors the PHAs and allocates the funds.
 - Generally, the PHA owns, manages and maintains the housing, selects and evicts the tenants and establishes local rules and creates the lease.
 - ✦ Some public housing units are privately owned and/or managed
 - Other parties: PHA Board of Commissioners, Resident Advisory Board (RAB) and resident organizations/councils.

What Rules Apply to Public Housing?

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- **Layers of legal authorities:**
 - Federal statutes and HUD regulations published in Code of Federal Regulations (CFR)
 - Other administrative guidance, such as HUD Notices; Federal Register Notices; Notices of Funding Availability and Public Housing Occupancy Guidebook, which is available at <http://www.hud.gov/offices/pih/programs/ph/rhiip/phguidebook.cfm>
 - Detailed rules regarding tenant leases and grievance procedures, 24 C.F.R. 966
 - PHA develops its own local policies in its Admission and Continued Occupancy Plan (ACOP)
 - PHA develops and submits a 5 Year and Annual Plans to HUD

How Can I Find Public Housing?

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- To obtain public housing, client generally must apply with the local PHA in the jurisdiction in which she works, lives or wants to live
- To find the PHA in your area, go to either
- www.hud.gov/offices/pih/systems/pic/haprofiles/
- http://portal.hud.gov/hudportal/HUD?src=/topics/rental_assistance

How to Tell If a Client Is in Public Housing

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- **Factors to consider:**
 - Property owned by PHA
 - Property managed by PHA
 - Language of the lease
 - Availability of “grievance hearing”/“grievance procedure”
 - Signage at the property
 - Tenant income recertified and verified annually by PHA
 - Ask PHA, HUD, local legal services program or National Housing Law Project

Eligibility & Admission: Basics

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- Family is eligible if income is 80% of area median income (AMI)
 - ✦ 40% of all new admissions must be extremely low income (30% of AMI)
- Family has one member who is a U.S. citizen or with qualifying immigration status
- Most PHAs have a waiting list, which may be a central list and/or site-based (maybe combined with voucher list?)

Eligibility & Admissions: Basics

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- PHA may establish preferences, such as for homeless individuals, residents of the jurisdiction, families with working adults, and/or survivors of domestic and sexual violence
- Advocates should determine
 - The bedroom sizes of the public housing units
 - Whether the public housing is for general occupancy or designated for families with an elderly and/or disabled head of household
 - Status of the wait list. Is it open or closed? What is the average wait time? How is wait time affected by preferences?

Eligibility & Admission: Basics

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- **Screening**
 - PHAs must screen and reject applicants for certain criminal activity
 - PHA may reject those who abuse alcohol and for other criminal activity
 - Most PHAs consider prior rent-paying and eviction history
- **PHA must**
 - Consider mitigating circumstances, and
 - Notify applicant of reason for rejection and the right to an informal hearing.

Public Housing: Rent

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- Most tenants pay 30% of adjusted income
- Adjusted income: Annual income from all sources minus exclusions/deductions (e.g. minor's income or lump sum additions due to delayed start of SSI or SS) with adjustments (e.g. \$480/year/dependent, child care expenses for work, etc.)
- PHA sets minimum rent between \$0 and \$50
- Utility Allowance: PHA sets “reasonable” amount for tenant paid utilities, credited to tenant share of rent
- Income Recertification: Annual and interim for changes in tenant income, status or circumstances

Public Housing: Eviction

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- Tenant may be evicted only for serious or repeated lease violation or other good cause
 - Lease provisions are critical for determining good cause
- Tenant entitled to notice of reasons
 - Length of notice mandated by federal law, may be different from state law (14-day notice for non payment), but also references state law
- Tenant entitled to grievance hearing before eviction
 - Exceptions for illegal drug activity, criminal activity that threatens health and safety and quiet enjoyment of other residents, and felony conviction

Public Housing Grievance Hearing

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- A grievance: any dispute re: PHA action or failure to act in accordance with the lease or PHA regulations, which adversely affects the tenant's rights
 - May include challenges to rent, damage charges, condition of the unit or income determination and evictions
- Process includes informal review and settlement before a grievance hearing (prompt and reas. place)
- Grievance hearing: review and copy documents pre hearing, may be represented, confront and cross examine, written decision based on facts presented, before impartial hearing officer (panel); appeal

Rental Assistance Demonstration

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- RAD allows up to 60,000 public housing units to convert to long-term Section 8 rental assistance contracts.
- Program started in response to a backlog of unmet capital needs in public housing.
- Housing advocates are currently working to preserve tenants rights in RAD buildings.

Eva

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- Eva received an eviction notice from the PHA because the police have been called multiple times to her public housing unit.
- How can you determine if Eva lives in public housing?
- What questions will you ask to try and help Eva?