

## Public Housing Agency Plan

Housing Justice Network Training  
Washington, D.C.  
December 6, 2008

Presenters:  
Mac McCreight,  
Greater Boston Legal Services  
Catherine Bishop,  
National Housing Law Project  
614 Grand Ave., Ste. 320  
Oakland, CA 94610  
(510) 251-9400  
www.nhlp.org



1

---

---

---

---

---

---

---

---

## Public Housing Agency Plan

Added by QHWRA, 1998  
See 42 USC 1437c-1;  
24 CFR Part 903.  
Recent amendment: Pub. L. 110-289,  
Div. B., Title VII, § 2702,  
122 Stat. 2863 (July 30, 2008).

2

---

---

---

---

---

---

---

---

## Who's Covered (recent changes)

- All public housing agencies (PHAs) administering either federal public housing or Section 8 Housing Choice Vouchers, *unless the PHA is a "qualified PHA"*.
- "Qualified PHA" has less than 550 public housing & voucher units total AND is not designated as a troubled PHA nor has a failing SEMAP score during prior 12 months. See 42 USC 1437c-1(b)(3)(C).

3

---

---

---

---

---

---

---

---

**“Qualified PHAs” Must Still Follow Certain PHA Plan Requirements**

- Must provide civil rights certifications on an annual basis. See 42 USC 1437c-1(b)(3)(B).
- Must still have an annual public hearing to discuss changes to the goals, objectives and policies of the agency and to invite public comment, with information made available for 45 days for review. See 42 USC 1437c-1(f)(5).
- Must still consult with and consider recommendations of a Resident Advisory Board or Boards. See 42 USC 1437c-1(e)(4).

---

---

---

---

---

---

---

---

**Revised Template and Requirements**

- See PIH Notice 2008-41 (issued 11/13/08)
- Revised form, reduces substantially what must be reported to HUD.
- Incorporates the exemption for “qualified PHAs”.
- Effective for PHAs with FFY of 4/1/09 and after.
- Approved Plan to be provided to all RCs &RAB.
- VAWA revisions?.
- HUD review limited to capital, demo/dispo, deconcentration, civil rights, & challenged items.

---

---

---

---

---

---

---

---

**When Are Plans Due?  
42 USC 1437c-1(h); 24 CFR 903.5**

- Plan must be submitted to HUD at least 75 days in advance of PHA’s fiscal year. Fiscal years start 12/1, 4/1, 7/1, and 10/1.
- To view the PHA plans from your area (and to find out various PHAs’ fiscal years), look at [www.hud.gov/offices/pih/pha/received](http://www.hud.gov/offices/pih/pha/received), and enter your HUD Field Office and the fiscal year that you want.

---

---

---

---

---

---

---

---

**Streamlined Plans—42 USC 1437c-1(k);  
24 CFR 903.11 and 903.12**

Who can submit a streamlined plan?

- PHAs determined by HUD to be a high performing PHA; or
- PHAs with less than 250 public housing units that haven't been designated as troubled; or
- PHAs that only administer Section 8 tenant-based assistance.

7

---

---

---

---

---

---

---

---

**How does the Streamlined Plan  
Differ?**

- Certain information only needs to be reported in the same year that the 5-Year Plan is given, and in other years less information is required.
- Used to be that there was a different template. However, now changed by PIH Notice 2008-41. All PHAs are to use the new Form HUD-50075.

8

---

---

---

---

---

---

---

---

**Five-Year Plan—42 USC 1437c-1(a)**

Includes:

- Mission of the PHA to serve the needs of low-income and very-low income families in the jurisdiction during 5 fiscal years.
- Statement of goals and objectives of the PHA that will enable it to serve the needs identified. This must include needs of child and adult victims of domestic violence, dating violence, sexual assault or stalking.

9

---

---

---

---

---

---

---

---

### 5-Year Plan Progress Report 24 CFR 903.6(b)(2)

- In years other than when the 5-Year Plan is submitted, the PHA is to report on progress in meeting goals/objectives of the 5-year Plan.
- HUD strongly encourages quantifiable measures of success in 5-Year Plans (for example, better PHAS scores, number of families served).
- HUD's proposed streamlining regulation would eliminate this (as well as certain information required for annual plan and details to insure fair RAB representation). See 73 FR 45368 (8/5/08) and HJN comments opposing changes.

---

---

---

---

---

---

---

---

### Elements of Annual Plan 42 USC 1437c-1(d); 24 CFR 903.7

19 required elements (addressing both public housing and Section 8 vouchers):

- Statement of Housing Needs;
- Statement of Financial Resources;
- Eligibility, Selection and Admissions Policies;
- Rent Determination Policies;
- Operation & Management;
- Grievance Procedures;
- Capital Improvements;
- Demolition & Disposition;
- Designation of Housing for Elderly and Disabled;

---

---

---

---

---

---

---

---

### Annual Plan Elements (cc'd)

- Conversion of Public Housing;
- Homeownership;
- Community Service & Self-Sufficiency;
- Domestic /Dating Violence, Sexual Assault or Stalking Programs;
- Safety & Crime Prevention;
- Pet Policies;
- Civil Rights Certifications;
- Annual Audit;
- Asset Management;
- Other Information (Board Composition; RAB Comments and PHA Responses; Consistency with Consolidated Plan; What's Considered a Significant Amendment)

---

---

---

---

---

---

---

---

## Capital Plan

- Each year, PHA submits both an Annual Statement of planned Capital Fund spending and a 5-Year Plan which is updated.
- PHAs also submit Performance and Evaluation Reports for prior 5 years' worth of spending, any updates to Physical Needs Assessments (PNAs), reports on Replacement Housing Factor (RHF) spending, and Capital Fund Financing Program (CFFP) spending (where PHAs have utilized bond financing to undertake major modernization, to be repaid from Capital Funds).

13

---

---

---

---

---

---

---

---

## Resident Advisory Boards (RABs) 42 USC 1437c-1(e); 24 CFR. 903.13

- PHAs must establish RABs, consult with them, consider their recommendations and describe how they were addressed and submit such information to HUD
- One or more RAB can be established, and membership must adequately reflect and represent residents assisted by the PHA.
- If PHA has a jurisdiction-wide resident council, it or its representatives should be selected as the RAB, with a separate RAB established, or additional representatives appointed, to represent Section 8 participants' interests.

14

---

---

---

---

---

---

---

---

## Resident Advisory Boards (cc'd)

- If there is no jurisdiction-wide residents council but there are local development resident councils, PHAs should appoint them or representatives (may limit number). To extent they don't exist at one or more developments, PHA shall appoint additional members as needed to insure adequate representation.
- Where Section 8 voucher program is 20% or more of federal portfolio, PHA shall assure reasonable representation of Section 8 participants on RAB and there is a reasonable process to select representatives.
- RABs must be provided reasonable resources to access information (including internet access), communicate with residents, and to hold meetings with residents.

15

---

---

---

---

---

---

---

---

**Public Process for PHA Plan**  
42 USC 1437c-1(f); 24 CFR 903.17

- PHA Board must hold a public hearing to discuss PHA Plan and invite public comment; location must be convenient to residents.
- Public notice must be given 45 days in advance, and draft PHA Plan and supporting information available for review.
- After the hearing, PHA shall consider comments received make any appropriate changes in consultation with the RAB.
- If PHA has not adequately consulted with RAB, HUD may require further consultation before a PHA Plan will be approved.

---

---

---

---

---

---

---

---

**HUD Approval Process & Effect**  
42 USC 1437c-1(i); 24 CFR 903.23

HUD is to review the Plan to see if it:

- Sets forth the information required by the statute;
- Is consistent with information and data available to HUD, including the Consolidated Plan;
- Is not prohibited by or inconsistent with other law.

However, see PIH 2008-41 about what HUD really does.

HUD response is to be provided in the 75-day period, and should set forth why a plan wasn't approved. If there is no notice of HUD disapproval, it is deemed approved.

Approval does not affect any challenges that may be available through the Administrative Procedures Act or through 42 USC 1983.

---

---

---

---

---

---

---

---

**Revision/Amendment to PHA Plan**  
42 USC 1437c-1(g); 24 CFR 903.21

- PHA may amend any policy, rule, regulation, plan, but if it is a significant amendment or modification, normal public and RAB process is required.
- PHA is free to adopt own definition, in PHA Plan, as to what is a significant amendment or modification. HUD suggested, in the interim, changes in rent or admissions policies, demolition/disposition, designation, homeownership, or conversion activities. See PIH Notice 99-51.
- When HUD rejects a PHA Plan, it will usually say if it is for technical or substantive deficiencies. Substantive deficiencies require RAB and public process before resubmission. See PHA Plan Desk Guide.

---

---

---

---

---

---

---

---

## PHA Plan Resources

- PHA Plan Desk Guide  
([www.hud.gov/offices/pih/pha/policy/pha-plan-guide.pdf](http://www.hud.gov/offices/pih/pha/policy/pha-plan-guide.pdf))
- PHA template, certification, and technical instructions for use  
([www.hud.gov/offices/pih/pha/templates/index.cfm](http://www.hud.gov/offices/pih/pha/templates/index.cfm))
- Approved PHA plans  
([www.hud.gov/offices/pih/pha/approved](http://www.hud.gov/offices/pih/pha/approved))

---

---

---

---

---

---

---

---