

---

## **Resident Participation in Public Housing Part 964 Regulations Outline of Key Features**

Ed Gramlich  
September 2011

### **Sources**

Statute: 42 USC 1437d(j)(H)(ii) and 1437g(e)  
Regulations: 24 CFR Part 964  
PIH Notice 2001-3, which is still in effect according to PIH Notice 2011-51

### **Statement of Purpose**

“The purpose of this part is to recognize the importance of resident involvement in creating a positive living environment and in actively participating in the overall mission of public housing.”

[§964.1]

### **HUD Policy**

“HUD promotes resident participation and the active involvement of residents in all aspects of a HA’s [housing authority’s] overall mission and operation.”

“Residents have a right to organize and elect a resident council to represent their interests.”

Public Housing Authorities (PHAs) “shall recognize the ‘duly elected’ resident council to participate fully through a working relationship with the PHA.” [see ‘duly elected’ on last page]

[§964.11]

### **HUD’s Role**

The form and extent of resident participation are local decisions.

HUD will promote tenant participation.

HUD will attempt to provide technical assistance.

[§964.16]

### **Resident Involvement in PHA Operations**

“Residents shall be involved and participate in the overall policy development and direction of Public Housing operations.”

[§964.135]

“Residents shall be actively involved in a PHA’s decision-making process and give advice on matters such as modernization, security, maintenance, resident screening and selection, and recreation.”

[§964.135(b)]

PHAs must ensure strong resident participation in all issues and aspects of its operations through the resident council(s).

[§964.135(c)]

## Resident Councils and PHA's Role

### For "large" PHAs (with more than 250 units):

- The PHA must officially recognize a "duly elected" resident council as the "sole representative" of residents. (The PHA can't recognize a competing resident council.)
- The PHA must support the resident council's tenant participation activities.
- Any funding of resident activities and resident input in decisions about public housing operations must be made only through the officially recognized resident council.
- The PHA must provide residents or any resident council with information about the PHA's policy on tenant participation in management.
- The PHA "should" provide a resident council office space and meeting facilities at no cost.
  - If a resident council requests, the PHA must negotiate with it to write an agreement regarding all uses of community space for meetings, recreation, social services, and other resident participation activities.
  - If a PHA refuses to negotiate or permit use of community space, the resident council can file an appeal with HUD.
- The PHA must have open communication and frequent meetings with resident councils.
- Resident councils must hold frequent meetings with residents so that they are aware of and can be actively involved in the PHA's activities and decisions.
- There must be a Memorandum of Understanding between the PHA and the resident council that describes their partnership agreement. This MOU must be updated every three years.

[§964.18(a)]

### For "small" PHAs (with less than 250 units)

- The PHA cannot deny residents the opportunity to organize.
- The PHA must officially recognize a "duly elected" resident council as the "sole representative" of residents. (The PHA can't recognize a competing resident council.)
- The PHA must provide residents or any resident council with information about the PHA's policy on tenant participation in management.

[§964.18(b)]

**More on PHA's Role With Resident Councils and PHA Operations, *next page***

## **More on PHA's Role With Resident Councils and PHA Operations**

All PHAs (small and large) must work in partnership with resident councils.

Through education and direct participation, PHAs must involve interested residents and officers of resident councils in all phases of the budget process.

When a resident council requests, the PHA must ensure that the officers of the resident council and other residents are fully trained and involved in developing and implementing various federal programs that affect public housing developments.

Resident council officers must be encouraged to become involved in the resident screening and selection process.

[§964.135]

## **Federal Funding for Resident Participation**

From the operating subsidy provided by HUD, PHA's must distribute \$25 per occupied unit for resident services at each development (called AMPs, "asset management projects").

- \$15 per unit is to fund resident participation activities by resident councils.
- \$10 per unit is to for the PHA to cover costs it has in carrying out its resident participation responsibilities.

If there are both project-specific resident councils and a jurisdiction-wide resident council the distribution of the funds have to be agreed upon by the project-specific councils, the jurisdiction-wide council, and the PHA. They must collaborate on how the funds will be distributed. (Individual resident councils may form a 'jurisdiction-wide resident council that represents all public housing residents in the jurisdiction of a PHA.)

[§964.150]

If a development does not have a resident council, resident councils from other developments must negotiate with the PHA on behalf of all residents.

If there are no resident councils, the Resident Advisory Board (RAB) shall provide resident input in the annual decision making process for resident participation funding and activities.

[PIH Notice 2001-3]

The PHA must provide and spend funding allocated for resident participation no matter how bad the PHA's financial status.

[§964.150(a)(2) and PIH Notice 2001-3]

However, when federal appropriations for operating subsidies are trimmed by Congress, then the \$25 per unit figure will also be trimmed in the same proportion as other parts of operating costs (referred to as the "proration"). For example, if PHAs only get 95% of the operating subsidy they should get according to the HUD formula, then the resident participation portion will also get only 95% of what it should, in this example 95% of \$25 equals \$23.75.

[PIH Notice 2001-3]

## **Eligible Uses of Resident Participation Funds**

Resident participation activities are intended to be in addition to PHA Plan activities and training (see separate handout regarding PHA Plan resident participation features).

Eligible uses of the \$25 per occupied unit funds include, but is not limited to:

- Outreach and consultation with public housing residents in support of active interaction between residents and the PHA.
- Informing residents about issues and operations of the PHA that affect residents and their living environment.
- Surveys and other forms of resident input.
- Annual membership events.
- Site-based community promotions that improve resident participation.
- Training for Resident Commissioners, resident councils, and RABs.
- Resident council organizing and elections.
- Leadership development.
- Household training.
- Communications with residents.
- Orientation and responsibilities for new residents.
- Planning for the PHA Plan, revitalization, property management and maintenance, capital improvements, and safety and security.
- Minimal refreshments directly related to resident meetings related to the above kinds of activities.

[PIH Notice 2001-3]

## **“Duly Elected Resident Council”**

A resident council is an organization made up of people living in a public housing development (or combination of developments) that has written procedures and by-laws that call for the election of residents to a governing board by residents living in the development(s) they will represent.

There must be at least five elected resident council board members, chosen democratically at least every three years. To be eligible to vote, a resident must be on the lease and be at least eighteen years old or the head of a household.

[§964.115, 125, and 130]