

Public Housing Agency Plan

By Ed Gramlich, Senior Advisor, NLIHC

Administering Agency: HUD’s Office of Public and Indian Housing (PIH)

Year Started: 1998

See Also: For related information, refer to the *Public Housing, Consolidated Plan*, and *Resident Participation in Federally Subsidized Housing* sections of this *Guide*.

The Public Housing Agency Plan (PHA Plan) is the collection of a public housing agency’s key policies (such as admissions policies) and program intentions (such as demolition). This includes a Five-Year Plan and Annual Plan updates. The PHA Plan was meant to ensure local accountability through resident and community participation. However, various administrative and legislative efforts have weakened PHA Plans.

ADMINISTRATION

PHA Plans are administered by local public housing agencies (PHAs), with oversight by HUD’s Office of Public and Indian Housing (PIH). There are approximately 3,700 PHAs. PHA Plan regulations are at [24 CFR Part 903, Subpart B](#).

HISTORY

The “Quality Housing and Work Responsibility Act of 1998” (QHWRA) established the PHA Plan because of the significant shift of authority to PHAs provided by that law. The PHA Plan was meant to ensure local accountability through resident and community participation opportunities. Resident Advisory Boards (RABs) were also created by QHWRA to ensure participation in the PHA Plan process by public housing residents and voucher-assisted households. One of provision of the “Housing and Economic Recovery Act of 2008” (HERA) eliminated the requirement to submit an Annual PHA Plan for PHAs administering fewer than 550 units of public housing and vouchers combined, known as “Qualified PHAs.” There are nearly

2,700 Qualified PHAs. Also in 2008, PIH took administrative action to dilute the information provided to residents and the general public through the PHA Plan template.

PLAN SUMMARY

All PHAs must develop Five-Year PHA Plans that describe the overall mission and goals of a PHA regarding the housing needs of low-income families in its jurisdiction. Larger PHAs, called “non-qualified PHAs,” must also develop an Annual Plan, which is a gathering of a PHA’s program intentions, such as demolition, as well as key policies, such as those relating to admissions, income targeting, rents, and pets. However, these larger PHAs must submit only a short PHA Plan template to HUD each year.

The 19 Required PHA Plan Components

- 1. Housing Needs** of extremely low-, very low-, and low-income families, elderly families, families with a member who has a disability, and those on public housing and Section 8 waiting lists.
- 2. Tenant Eligibility, Selection, and Admissions Policies** as well as waiting list procedures, admissions preferences, unit assignment policies, and race and income deconcentration policies.
- 3. Financial Resources** and planned uses of these resources for the upcoming year listed in categories such as operating funds, capital funds, other federal funds, and non-federal funds.
- 4. Rent Determination** including rent policies for tenants, and for landlords receiving vouchers.
- 5. Operations and Management** of facilities, including PHA programs, their organization, and policies governing maintenance (including policies regarding pest infestation).
- 6. Grievance Procedures** for residents and applicants.

- 7. Capital Improvement Needs** and planned actions for the long-term physical and social health of public housing developments. This should include plans and costs for the upcoming year and a Five-Year Plan.
- 8. Demolition and Disposition Plans** that the PHA has applied for, or will apply for, including timetables.
- 9. Designation of Public Housing for Elderly or Disabled** identified.
- 10. Conversion of Public Housing** to tenant-based vouchers through Section 33 (required conversion) or Section 22 (voluntary conversion) of the “United States Housing Act.”
- 11. Homeownership Programs** described, such as Section 8(y) or Section 5(h).
- 12. Community and Self-Sufficiency Programs** that aim to improve families’ economic or social self-sufficiency, including those that will fulfill community service requirements. This also refers to a PHA’s Section 3 jobs efforts.
- 13. Safety and Crime Prevention** including coordination with police.
- 14. Pet** policy.
- 15. Civil Rights** as reflected in a formal pledge that the PHA will comply with the “Civil Rights Act of 1964,” the “Fair Housing Act,” Section 504 of the “Rehabilitation Act,” and the “Americans with Disabilities Act.”
- 16. Financial Audit** from the most recent fiscal year.
- 17. Asset Management** for long-term operating, capital investment, rehabilitation, modernization, or sale of the PHA’s inventory.
- 18. Domestic Violence** activities, services, or programs that prevent or serve survivors of domestic violence, dating violence, sexual assault, or stalking as added by the “Violence Against Women Act of 2005” as amended in 2013.

19. Additional Information including progress in meeting or deviating from the PHA’s mission and goals as listed in the Five-Year Plan.

Resident Advisory Boards

As part of this planning process, PHAs are required to have at least one Resident Advisory Board (RAB) to assist in the development of the PHA Plan and any significant amendments to the plan. RAB membership must adequately reflect and represent residents served by the PHA, including voucher holders if they make up at least 20% of all those assisted.

To ensure that RABs can be as effective as possible, a PHA must provide reasonable means for RAB members to become informed about programs covered by the PHA Plan, communicate with residents in writing and by telephone, hold meetings with residents, and obtain information through the Internet.

A PHA must consider RAB recommendations when preparing a final PHA Plan or any significant amendment. A copy of the RAB’s recommendations and a description of whether those recommendations were addressed must be included with the final PHA Plan.

HUD’s Resident Advisory Board (RAB) webpage is at https://www.hud.gov/program_offices/public_indian_housing/pha/about/rab (Note that this page is no longer directly linked on the Office of Public and Indian Housing’s s PHA Plan webpages).

Resident and Community Participation

The law and regulations provide for a modest public participation process. A PHA must conduct reasonable outreach to encourage broad public participation. A PHA’s board of commissioners must invite public comment regarding a proposed PHA Plan and conduct a public hearing to discuss the plan. The hearing must be held at a location convenient to PHA residents. At least 45 days before the public hearing, the PHA must publish a notice indicating the date, time, and location of the public hearing. Non-Qualified PHAs must also inform the public that the

proposed PHA Plan, required attachments, and other relevant information is available for public inspection at the PHA's main office during normal business hours. Notice from Qualified PHAs must make information relevant to any changes in the PHA's goals, objectives, or policies available for public inspection at the PHA's main office during normal business hours.

The final, HUD-approved PHA Plan, along with required attachments and other related documents, must be available for review at the PHA's main office during normal business hours. Small PHAs, those with fewer than 250 public housing units and any number of Housing Choice Vouchers (HCVs) submitting so-called streamlined Annual PHA Plans must certify that any revised policies and programs are available for review at the PHA's main office during normal business hours.

There are four places in the regulations indicating that writing and calling PIH to complain about the PHA Plan might secure attention and relief from PIH:

1. If a RAB claims in writing that a PHA failed to provide adequate notice and opportunity for comment, PIH may make a finding and hold up approval of a PHA Plan until this failure is remedied.
2. Before approving a PHA Plan, PIH will review "any... element of the PHA's Annual Plan that is challenged" by residents or the public.
3. PIH can decide not to approve a PHA Plan if the Plan or one of its components:
 - Does not provide all the required information.
 - Is not consistent with information and data available to PIH.
 - Is not consistent with the jurisdiction's Consolidated Plan.
4. To ensure that a PHA complies with all of the policies adopted in its PIH-approved PHA Plan, "HUD shall, as it deems appropriate, respond to any complaint concerning PHA noncompliance with the plan...HUD will take whatever action it deems necessary and appropriate."

Significant Amendments

A PHA Plan must identify a PHA's basic criteria for determining what makes an amendment significant. "Significant Amendments" can only take place after formal adoption by a PHA's board of commissioners at a meeting open to the public and after subsequent approval by HUD. Significant Amendments are subject to all RAB and public participation requirements discussed above.

Advocates and residents should be alerted to changes to the PHA Plan at any time of the year because any policy or program in it can be modified. Advocates and residents should review the PHA Plan's criteria defining Significant Amendments and work to change them if they are written so that few modifications would be judged significant and therefore escape the RAB and public participation requirements.

Major Changes since 2008

Congress weakened the usefulness of the PHA Plan with changes made in the "Housing and Economic Recovery Act of 2008" (HERA). This law included a provision greatly diminishing PHA Annual Plan requirements for PHAs that administer fewer than 550 units of public housing and vouchers combined. In 2020 there were nearly 2,700 so-called "Qualified PHAs." This means that about 71% of the nation's PHAs were exempt from developing an Annual Plan. Qualified PHAs only need to certify that they are complying with civil rights law and that their Five-Year PHA Plan is consistent with the local or state government's Consolidated Plan. Qualified PHAs must still hold a public hearing annually regarding any proposed changes to a PHA's goals, objectives, or policies. They must also have RABs and respond to RAB recommendations at the public hearing.

PIH also took action in 2008 that weakened the usefulness of the PHA Plan for larger PHAs. Previously, PIH required PHAs to use a computer based PHA Plan template. This was a helpful outline of all PHA Plan components required by the law. But PIH drastically diminished the template in 2008, reducing it from a helpful 41-

page, easy-to-access electronic guide, to a mere page-and-a-half-long form, making it much more difficult for residents and the public to know what the law requires and what changed at the PHA during the previous year.

The 2008 PHA Plan template made it more difficult for residents and others to understand the PHA Plan process, engage in it, and have access to information associated with the 19 statutorily required PHA Plan components. The template merely asked PHAs to indicate which of the components were revised, not how the components were revised. Also, there was no longer a list of required plan components prompting residents and others to proactively recommend their own revisions to the Annual Plan.

After proposing changes to the 2008 template in 2011 and 2012, PIH issued [Notice PIH 2015-18](#) on October 23, 2015 announcing final revised PHA Plan templates. Instead of one single Annual PHA Plan template used by all PHAs, HUD now has four types of Annual PHA Plan templates to be used for different categories of PHAs. These templates included several modest improvements over the streamlined PHA Plan in use since November 2008; however, they were still far less helpful for residents and advocates than the pre-2008 template.

These templates had an expiration date that passed on February 20, 2016 but continued to be available for PHAs with fiscal years ending 3/31/2022 or before if they choose. PHAs with fiscal years beginning 4/1/2022 and later are required to use new PHA Plans templates and certification forms. The new versions of the forms can be found here on [HUD'S Client Information Policy Systems \(HUDCLIPS\) website](#).

The new versions of Annual PHA Plan templates, that now expire on March 31, 2024 are:

- **HUD-50075-ST for Standard PHAs and Troubled PHAs.** A Standard PHA owns or manages 250 or more public housing units and any number of vouchers for a combined total of more than 550. The PHA was designated “standard” in its most

recent assessments for the Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP). A Troubled PHA has an overall PHAS or SEMAP Score of less than 60%.

- **HUD-50075-HP for High Performer PHAs.** A High-Performer PHA owns or manages any number of public housing units and any number of vouchers, for a combined total of more than 550 and the PHA was designated a “high performer” in its most recent assessments for PHAS and SEMAP.
- **HUD-50075-SM for Small PHAs.** A Small PHA owns or manages fewer than 250 public housing units and any number of vouchers, for a combined total of more than 550 and the PHA was not designated as troubled in the most recent PHAS or SEMAP assessment, or at risk of being designated as troubled.
- **HUD-50075-HCV for HCV-Only PHAs.** A Housing Choice Voucher (HCV)-only PHA does not own or operate any public housing units but does administer more than 550 vouchers and the PHA was not designated as troubled in its most recent SEMAP assessment.

Qualified PHAs that were not designated as troubled in the most recent PHAS assessment or as having a failing SEMAP score during the prior 12 months are not required to complete and submit an Annual PHA Plan. However, Qualified PHAs must submit a Five-Year PHA Plan.

Previously, the PHA Plan template for the Five-Year PHA Plan and the Annual Plan were the same. Notice PIH-2015-18 introduced a separate template for the [Five-Year PHA Plan](#) to be used by all PHAs.

Improvements Made in the 2015 Templates

Several modifications made in 2015 were improvements over the 2008 template and are retained in the 2022 templates. Each of the templates clearly state that a proposed PHA Plan, each of the statutorily required PHA Plan elements, and all information relevant to the public hearing about a proposed PHA Plan and

the proposed PHA Plan itself must be available to the public. The templates also require PHAs to indicate where the public can access the information. At a minimum, PHAs are required to post PHA Plans at each Asset Management Project (public housing developments or a group of developments) and at the PHA's main office. PHAs are encouraged to post PHA Plans on their official websites and provide copies to resident councils. Notice PIH-2015-18 added that the approved PHA Plan and required attachments and documents related to the PHA Plan must be made available for review and inspection at the principal office of the PHA during normal business hours. The PIH website does not have links to individual PHA's PHA Plans.

In the section titled "Revision of PHA Plan Elements," the templates list key statutorily required PHA Plan elements (for example, rent determination policies or grievance procedures), with boxes to check if a change has been made. This modification offers residents a clue about what some of the required elements are; without listing them, the 2008 template merely directed PHAs to identify any elements that were revised during the year. The 2015 templates also direct PHAs to describe any revisions.

The PHA Plan templates were also improved in 2015 because three of the four templates had a "New Activities" section for a PHA to indicate whether it intended to undertake a new activity, such as project-basing vouchers, converting public housing units under the Rental Assistance Demonstration, demolishing or selling public housing developments, or undertaking a mixed finance project. Any new activities must be described. Unfortunately, the 2022 HCV Only template removed the New Activities section. Therefore, an intent to project-base any of its HCVs will not be registered in the Annual PHA Plan of an HCV Only PHA.

The 2015 templates required PHAs to include any comments received from the RAB, along with the PHA's analysis of the RAB's comments and a description of the PHA's decision regarding RAB comments.

One of the changes trumpeted in Notice PIH-2015-18 was that the templates would have descriptions of a PHA's policies or programs to enable a PHA to serve the needs of survivors of domestic violence, dating violence, sexual assault, or stalking in accord with requirements of the "Violence Against Women Act" (VAWA). However, the body of the templates do not mention VAWA-related information. Only by reading the instructions regarding any revision to a PHA Plan statutorily required element and then carefully examining the last half of the entry pertaining to "Safety and Crime Prevention" does one detect VAWA-related language. The 2022 templates do not fix this problem.

Three New Features in the 2022 Templates

The new PHA Plan templates for PHAs with fiscal years beginning April 1, 2022 and later all have a welcome new box called "Challenged Elements." The 2008 template required PHAs to submit as an attachment to the PHA Plan any challenge to one of the statutorily required PHA Plan elements. The regulations call for PIH to review any such challenge. Although Notice PIH-2015-18 acknowledged this aspect of the regulations, it removed the requirement to submit any challenge from the 2015 templates. The 2022 templates add this as a unique box and require a PHA to include information about any element of the PHA Plan that was challenged by residents or the public, a description of the challenge, the source of the challenge, and the PHA's response to the public.

A new certification, in addition to the "Civil Rights Certification," is the "Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan." The instructions state that this is a certification that any plan elements that have been revised were provided to the Resident Advisory Board (RAB) for comment before being implemented, approved by the PHA Board, and made available for review and inspection by the public (note: The template for High Performing PHAs already had this certification).

Each new template has a new chart, “Affirmatively Furthering Fair Housing” (AFFH). It requires a statement of a PHA’s strategies and actions to achieve fair housing goals outlined in an accepted “Assessment of Fair Housing” (AFH). The term “Assessment of Fair Housing” (AFH) is tied to the 2015 affirmatively furthering fair housing (AFFH) regulation that was eliminated by the Trump Administration. The Biden Administration will be issuing a proposed AFFH rule, probably sometime in 2023, but is likely to use a different term. The template indicates that PHAs are not required to submit the Affirmatively Furthering Fair Housing chart on the new PHA Plan templates until a PHA is required to submit an AFH. So, this new feature will not really be required until a new AFFH regulation is finalized, which could be another two years.

The instructions indicate that even if a PHA does not have to submit the AFFH chart, it must still follow the PHA Plan regulations regarding AFFH (24 CFR § 903.7(o)(3)). This means that a PHA: examines its own programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction’s initiatives to affirmatively further fair housing that require the PHA’s involvement; and maintain records reflecting these analyses and actions.

ONGOING CONCERNS

NLIHC remains concerned that resident involvement in the PHA Plan will continue to diminish due to the loss of guidance in the PHA Plan template. The template still has fewer reminders about the role of the RAB in developing the PHA Plan. The template no longer includes the list of RAB members or residents on the PHA Board, nor does it include a description of the process for electing residents to the PHA board.

NLIHC is also concerned that PIH no longer posts a directory of approved PHA Plans by state. PIH should resume posting PHA Plans on its website.

PHA Annual Plans should be enhanced to provide additional data on:

- The number of Annual Contributions Contract (ACC) units a PHA has, by development, the occupancy level at each development, and a plan to reduce any development’s vacancy rate that is above 3%.
- The number of ACC units planned for redevelopment that will no longer be available or affordable to extremely low-income households.
- The number of authorized housing vouchers that a PHA has under lease.
- A PHA’s SEMAP ratings, any audits of the PHA performed by HUD, and any corrective action the PHA took regarding SEMAP or audit findings.

In addition, NLIHC thinks that more PHAs must be required to comply with the PHA Plan so that residents and community members can have an opportunity to learn about and participate in the decisions affecting the nation’s investments in public housing and vouchers.

TIPS FOR LOCAL SUCCESS

Advocates should participate in the development of their local agency’s PHA Plan. Find out the dates PHA Plans are due to HUD; those dates are based on a PHA’s fiscal year start dates. Ask your PHA to provide notice well in advance of the required public hearing and ask specifically about proposed changes. Review all PHA Plan components thought to be important and prepare written comments as well as comment at the public hearing. Work with others, especially residents of public housing, voucher households, and other low-income people in the community to increase participation in the PHA Plan process. All year long advocates should be on the lookout for significant amendments and submit written comments as well as verbal comments at the public hearing required for significant amendments.

WHAT TO SAY TO LEGISLATORS

Advocates should let their Members of Congress know that:

- The PHA Annual and Five-Year Plans are important, local tools that should be expanded to more PHAs and enhanced to require more information about components important to residents and other community members.
- HUD’s diminished template for Annual PHA Plan submission should be returned to its original state.
- HUD should post all PHA Plans on its website as it had in the past.

FOR MORE INFORMATION

NLIHC, 202-662-1530, www.nlihc.org, in particular at NLIHC’s Public Housing webpage, <https://nlihc.org/explore-issues/housing-programs/public-housing>, including an outline of resident participation in the PHA Plan process, <https://bit.ly/3ogDnXN>.

HUD PHA Plan webpage, including the 2015 templates and a link to the 2022 templates, https://www.hud.gov/program_offices/public_indian_housing/pha.

The new templates for PHAs with program years stating after April 1, 2022, https://www.hud.gov/program_offices/administration/hudclips/forms/hud5 (scroll down to forms starting with “HUD-50075.”

Notice PIH-2015-18, <https://www.hud.gov/sites/documents/PIH-2015-18.pdf>.

HUD list of Qualified PHAs, https://www.hud.gov/program_offices/public_indian_housing/pha/lists.