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Regulations Division,
Office of General Counsel
Department of Housing and Urban Development
451 7th Street, SW, Room 10276
Washington, DC 20410-0500

Re: Docket No. FR-5094-I-02,
“Public Housing Evaluation and Oversight: Changes to the Public
Housing Assessment System (PHAS) and Determining and Remediating
Substantial Default”

The National Low Income Housing Coalition (NLIHC) submits the following comments specifically addressing the resident satisfaction indicator of the Public Housing Assessment System. These comments are the product of discussions among public housing leaders and advocate members of four groups: NLIHC’s Resident Issues Policy Committee; the Resident Engagement Group convened by the National Housing Law Project; the Housing Justice Network, an informal network of legal services attorneys and advocates, and the National Housing Law Project.

The resident service and satisfaction indicator (also known as the resident assessment subindicator or RASS) as well as the resident satisfaction survey must be restored to the public housing assessment PHAS system.

The final rule should have an independent, stand alone measure of resident satisfaction and resident participation. These important elements should not be embedded as minor points in a “management operations” indicator.

The comments to follow are offered in response to HUD’s request for input on both specific items of resident satisfaction to be measured, as well as methods for measuring resident satisfaction.

A. ELEMENTS OF RESIDENT SATISFACTION TO BE MEASURED

The annual resident satisfaction survey must be restored to the public housing assessment PHAS system.

In the preamble to the interim rule (Federal Register, 10147) HUD states that it proposed removing the Resident Satisfaction Survey in the August 21, 2008 proposed rule because the survey did not have a sufficient completion rate overall to be useful. Part B of this comment letter contains recommendations offered by public housing resident leaders that should result in far greater response rates.

Assuming the reinstatement of an annual resident satisfaction survey, this comment letter offers suggestions for improving the survey instrument used in the past.

1. Question #1 should be moved to be the final, multiple-choice question.
2. Eliminate current Question #8.
3. Create a new Question #8.

“Management provides information about:”

Grievance process and hearing rights

Changes in rules, policies, and management

Your rent and how it is calculated

What to do and where to go if a problem is not resolved

Where to find program rules, regulations, and law

How money has been spent and will be spent for improvements at my development.

4. Create a new Question #9 (still within “Communications”).

The housing authority notifies residents and encourages them to comment whenever there is a change to leases, grievance procedures, or policies.

5. Create a new Question #10 (still within “Communications”).

The housing authority meets with residents to discuss issues when residents request such meetings.

6. Create a new Question #11 (still within “Communications”).

All notices to residents inform them in the appropriate languages that they can request translated documents and interpreters for meetings.

7. Create a new Question #12 (still within “Communications”).

All notices to residents inform them that they can request reasonable accommodations if they, or a member of their household, have a disability.

8. Create a new section entitled “***Resident Organizations***”.

9. Under “Resident Organizations” add a new Question #13:

Is there an active resident organization for your development or for the housing authority as a whole? If your answer is “no”, go to Question # 15.

10. Create a new set of Questions #14 (still within “Resident Organizations”)

“Management works well with resident organizations”

(Each of the following questions should be followed by strongly agree, agree, disagree, strongly agree.)

- a. My development has a very active resident/tenant organization.
- b. Our housing authority staff and development management works closely with our resident organization to make our community a good place for residents to live.
- c. Our housing authority and development management communicate important information effectively to our resident organization.
- d. I regularly participate with the resident organization at my development.
- e. The resident organization in my development is effective in advocating for the needs of residents.
- f. The resident organization and housing authority hold meetings in wheelchair accessible locations.

11. Create a new Question #15 (still within “Resident Organizations”).

If you answered “no” on Question #13 please answer Question #15; if you answered “yes” to Question #13, skip Question #15.

“There is not an active resident organization for my development or for the PHA as a whole, but”:

- a. There are adequate opportunities for resident participation.
- b. The housing authority has tried to help residents form a resident organization or to improve a resident organization that was ineffective.

12. Insert an entirely new section after “Resident Organizations” and title it “Resident Participation”.

The preamble to the interim regulations consistently uses in one phrase: resident satisfaction, economic self-sufficiency, and resident participation. Therefore, resident participation should be a key section of the survey.

Each of the following questions should be followed by (strongly agree, agree, disagree, strongly disagree).

Resident Participation

16. The housing authority provides adequate advance notice to residents about housing authority board/commission meetings, PHA Plan hearings, or other important housing authority meetings.
17. The housing authority provides adequate information so that residents can effectively participate in housing authority board/commission meetings, PHA Plan hearings, or other important housing authority meetings.
18. The housing authority provides information far enough in advance of the hearing or meeting so that residents can effectively participate.
19. The housing authority provides for a reasonable number of meetings for residents to interact with staff.
20. Development management provides for a reasonable number of meetings for residents to interact with development staff.
21. Development management informs residents about the development’s budget and holds meetings with residents to discuss its budget and other development-related concerns.
22. Housing authority staff is respectful of residents at meetings and hearings.
23. Development staff is respectful of residents at meetings and hearings.
24. Housing authority staff considers resident comments at public meetings and hearings.
25. Development staff considers resident comments at public meetings and hearings.
26. Housing authority staff provides reasonable responses to resident comments at public meetings and hearings.
27. Development staff provides reasonable responses to resident comments at public meetings and hearings.
28. The housing authority and development staff communicate effectively with and provide accessible materials to residents with hearing and visual disabilities.

13. Under the “Safety” section, add to current #10,

“The following contribute to crime in my property”

Loitering and trespassing

Gang activity on the property

Drug activity on the property

Insecure windows and doors

Lack of activities for youth

Lack of jobs

14. In the “Services” section of the survey, there should be questions asking about: insects and vermin; mold and mildew; and, adequate space and play structures for children.

15. In the “Conclusion” section (which is misnamed), existing Question #18 should be broken down in to two parts, one addressing “permanent” disability and another addressing “short-term” disability.

16. Also in the “Conclusion” section, create a new question.

“Management is:”

Knowledgeable and well-trained

Available for questions

Respectful and sensitive to residents with disabilities

Respectful and sensitive to residents with limited English skills

17. In the “General Information” section, add two questions:

What is your primary language?

Was the resident satisfaction survey originally provided to you in your primary language?

18. An open-ended question should be added at the very end of the survey, for example, *“Please write more about any of the items on this survey, or about any concerns or suggestions you have not raised by the survey.”*

There should be plenty of space for responses so that residents can elaborate on any problems, provide suggestions, and note particularly good features.

This narrative would not be scored, but all narrative responses should be summarized and included in the final report available to residents.

B. METHODS OF MEASURING RESIDENT SATISFACTION

1. Promoting the Resident Satisfaction Survey

Background

As previously mentioned, HUD states in the preamble to the interim rule (Federal Register, 10147) that the resident satisfaction survey did not have a sufficient completion rate overall to make it useful. Many resident leaders agree that few surveys are returned because: the PHA did not adequately promote the survey, leading to surveys being discarded; people were afraid of retaliation; or, people thought the PHA would ignore responses and not make any improvements. Others noted that while they observed good response rates, the outcome was questionable because the PHA warned residents that a poor response rate and/or a poor performance indicator would result in the PHA receiving less money from HUD.

Recommendations

Resident leaders from Resident Advisory Boards (RABs) and duly recognized resident organizations, as well as other organizations that work extensively with residents and that are trusted (herein referred to as “trusted entities”) should be given the responsibility of promoting the resident satisfaction survey, getting information about the survey out to residents, vouch for the validity of the survey, and ensure respondents’ confidentiality.

In order to better achieve success, HUD must provide technical assistance to the “trusted entities”, give an adequately trained person from a “trusted entity” a certification, and ensure that there will not be PHA retaliation on the “trusted entity” or a resident who completes the survey.

2. Conducting the Resident Satisfaction Survey

Background

Resident leaders think that the use of an impersonal third party contractor to conduct the survey has contributed to a low response rate. Many residents discard the survey sent in the mail by the third party contractor. Resident leaders observe that a greater survey response rate is likely when a resident from the development being surveyed, who will probably be known as a neighbor, follows up after a survey is mailed. Public housing advocates in New York City successfully obtained more than 3,000 responses to a survey about PHA services and management conducted door-to-door by resident leaders and representatives of trusted advocacy groups.

Recommendations

- a. A random sample of residents from each development must be surveyed, following Limited English Proficiency (LEP) guidance. The surveys should enable residents to indicate levels of satisfaction with the management and the physical conditions of their development, as well as satisfaction with the PHA central office (COCC) as appropriate.

- b. Trusted entities should, to the greatest extent feasible, be used to conduct the resident satisfaction survey. Whenever possible, surveys should be administered in person by a resident or someone else appointed by a trusted entity who is trained and certified by HUD and who is provided a modest stipend.

(How it might work: After receiving an annual address update from the PHA, an independent third party contractor would randomly sample residents of each development to survey using LEP guidance. The third party contractor would mail the survey to the household in the primary language of the head of household [see below]. The third party contractor would also notify the trusted entity with the name and address of residents sent a survey. Residents or staff from the trusted entity would contact surveyed households to encourage them to complete the survey and to assist with completing the survey if requested. If thought best by resident organizations, the survey could be directly administered by residents or staff of a trusted entity, dispensing with mailing surveys.)

3. Distributing Survey Results and the Follow-up Plan

- a. The overall results of the resident satisfaction survey for each development, and for the PHA in general, as well as the scores for each question on the survey for each development and for the PHA in general, must be available to residents.
- b. The survey results should show residents how many surveys were sent and how many were returned for their development and all other developments.
- c. The PHA's plan to address issues raised by the survey (e.g., the "Follow-up Plan" utilized in 2000) should be available to residents.
- d. The survey results and the PHA Follow-up Plan must be made available to residents by:
 - Distributing them to the RAB, resident organizations, and other entities requesting them;
 - Displays at multiple common areas and other areas frequented by residents at each development (such as laundry rooms, community rooms, recreation rooms, etc.), as well as at the PHA central office;
 - Presenting them as agenda items for PHA board/commission meetings, and for the annual PHA Plan hearing;
 - Attaching them as components of the annual PHA Plan for "unqualified" PHAs and the 5-Year Plan for small, "qualified" PHAs.

In addition, the final rule should encourage PHAs to also make the survey results and Follow-up Plan available to residents by other means such as articles in resident newsletters and posting to the PHA website and/or city or county website.

4. Scoring the Resident Satisfaction Survey

Background

Concerns Raised by the August 21, 2008 Proposed Rule

The August 21, 2008 proposed PHAS rule eliminated the RASS indicator, claiming that resident concerns would be reflected in a “management” subindicator that would give a PHA 1 point out of 40 for activities promoting economic self-sufficiency, and 1 point out of 40 for resident participation (which would only require one resident “opportunity” to get a grade of “A”.)

In 2008 HUD proposed counting toward “resident satisfaction” a couple of the factors in the “management operations” indicator such as “response to repair requests”.

Instead of having a standalone resident satisfaction indicator, the 2008 proposed rule would compensate by merely performing resident surveys at different frequencies (not annually). The outcome of such a survey would not have affected a PHA’s PHAS score.

Additional Concerns Raised By Resident Leaders

Resident satisfaction can be overshadowed by other indicators. For example, a PHA could be counted as a “high performer” but still not be responsive to residents (getting many points for, say, the “financial” indicator).

PHAs often have many residents whose primary language is not English; however, the resident satisfaction survey (and promotion of it) is often not provided in the necessary languages.

Recommendations

HUD must make it clear to PHAs that it is serious about measuring resident satisfaction and resident participation.

- a. Resident satisfaction and participation must remain a separate, independent indicator. Resident satisfaction and participation should not be a mere “subindicator” of the “management operations” indicator; rather, it should be a standalone indicator that forms part of a composite PHA PHAS score.
 - i. While resident self-sufficiency is important, it is not a genuine indicator of “resident satisfaction”. Any future design by HUD to award points for a PHA’s efforts to coordinate, promote, or provide programs and activities to promote economic self-sufficiency should apply to “management operations” as it did in the 2000 rule.
 - ii. Factors such as “response to repair requests” should only be viewed as pertaining to “management operations”; resident satisfaction must be an independent and significant PHAS indicator.

- b. The resident satisfaction survey must be conducted annually, and it must carry significant weight in a PHA's overall performance assessment.
- c. A full 20 points (out of a total of 100 for all of PHAS) must measure resident satisfaction and resident participation. Raising the resident satisfaction score will provide PHAs with the incentive needed to provide better customer service.
 - i. All 20 points should measure how satisfied residents are with their development and the extent to which resident participation is facilitated. A composite of all development scores would comprise a PHA's overall resident satisfaction and participation score. None of the 20 points should go for Survey Implementation or devising a Follow up Plan (as was done prior to the interim rule).
 - ii. As in 2000, in order for a PHA to be designated as a "standard" performer, it must receive 60% of the 20 points available for resident satisfaction and participation.
 - iii. In order for a PHA to be deemed a "high performer" it must receive 80% of the 20 points available for resident satisfaction and participation.
- d. When PHAs do their required unit address update, or at the annual rent recertification, they should ask what the head of household's primary language is and note that language. Then, when the survey's random sample is designed, it should be weighted to recognize the various languages. Surveys should be distributed to each development in accordance with Limited English Proficiency (LEP) guidance. Resident survey administrators should be provided with backup surveys in all necessary languages.
 - i. The resident satisfaction and participation scoring system should provide an extra point for going beyond minimum language requirements.
 - ii. The resident satisfaction and participation scoring system should cause a PHA to lose two points for failing to meet minimum language requirements.

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