
Outline of Resident Participation in the PHA Plan Process

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October 2011; Revised February 2012

Statement of Purpose of PHA Plans

“The purpose of PHA Plans is to provide a framework for:

- (1) Local accountability; and
- (2) An easily identifiable source by which public housing residents, participants in the tenant-based assistance program, and other members of the public may locate basic PHA policies, rules and requirements concerning the PHA’s operations, programs and services.”

[24 CFR 903.3(b)]

Know The Type of PHA Plan Template Your PHA Has To Submit

1. A Standard PHA owns or manages 250 or more public housing units and any number of housing choice vouchers, for a combined total of more than 550. Plus, the PHA was designated “standard” in its most recent assessments for both the Public Housing Assessment System (PHAS) and the Section Eight Management Assessment Program (SEMAP). Standard PHAs submit complete PHA Plan templates.
2. A Small PHA owns or manages 250 or fewer public housing units and any number of vouchers, for a combined total of more than 550. Plus, the PHA was not designated as PHAS troubled or at risk of being designated as PHAS troubled. Small PHAs submit streamlined PHA Plan templates.
3. A Troubled PHA has an overall PHAS or SEMAP score of less than 60%. They submit complete templates.
4. A High Performer PHA owns or manages 250 or more public housing units and any number of vouchers, for a combined total of more than 550. Plus, the PHA was designated “high performer” in its most recent assessments for PHAS and SEMAP. High Performer PHAs submit streamlined PHA Plan templates.
5. A Housing Choice Voucher-Only PHA does not own or operate any public housing units, but it does administer more than 550 vouchers. Plus, the PHA was not designated as troubled in its most recent SEMAP assessment. Housing Choice Voucher-Only PHAs submit streamlined PHA Plan templates.
6. A Qualified PHA has fewer than 550 public housing units and/or vouchers combined, plus it is not PHAS or SEMAP troubled. They do not submit an Annual Plan.

“Non-Qualified” PHAs include all of the types of PHAs above, except #6, “Qualified PHAs”.

Public Participation

- Non-Qualified PHAs must conduct “reasonable” outreach to encourage broad public participation.
- The PHA’s governing board must invite public comment regarding a proposed PHA Plan and conduct a public hearing to discuss it.
 - For Non-Qualified PHAs this applies to the 5-Year Plan and Annual Plan.
 - For Qualified PHAs this applies to the 5-Year Plan; plus, each year there must be a public hearing to discuss any changes to the PHA’s goals, objectives, or policies.

The hearing must be held at a location convenient to PHA residents.

- At least 45 days before a public hearing, the PHA must:
 - For Non-Qualified PHAs, make the proposed PHA Plan, required attachments, and other relevant information available for public inspection at the PHA’s main office during normal business hours. (The HUD “Desk Guide” encourages PHAs to also have this material available at other public locations such as community centers.)
 - For Qualified PHAs, make information relevant to any changes in goals, objectives, or policies available for public inspection at the PHA’s main office during normal business hours.
 - For Non-Qualified PHAs, publish a notice indicating the date, time, and location of the public hearing, as well as the availability of the proposed PHA Plan.
 - For Qualified PHAs, publish a notice that there will be a public hearing, and that information is available.

[24 CFR 903.17 for Non-Qualified PHAs. The regulations have not been updated to reflect Qualified PHAs.]

- For Non-Qualified PHAs, 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. (The “Desk Guide” encourages PHAs to also have this material available at other public locations such as community centers.)

[24 CFR 903.23(e)]

- Small PHAs submitting a “streamlined” Annual PHA Plan must certify that a shortened list of any revised policies and programs are available for review at the PHA’s main office during normal business hours.

[24 CFR 903.12(c)(3)(iii)]

- High Performing and Housing Choice Voucher-only PHAs must provide information on how the public can obtain additional information on the PHA’s policies contained in the Standard Annual Plan that are not included in the streamlined submission.

[24 CFR 903.11(b)]

- For Qualified PHAs, proposed HUD form would require them to have all of the information required by Standard PHAs available to the public.

[proposed form 50075-QA]

Mid-Year Changes to the PHA Plan

- “Significant” amendments are subject to all of the RAB [see next section] and public participation requirements discussed above.
- “Significant” amendments can only take place after formal adoption by the PHA board of directors at a meeting open to the public.
- The PHA Plan must identify the basic criteria for determining what is a “significant” amendment to either an Annual PHA Plan or a 5-year PHA Plan.

[24 CFR 903.21]

[24 CFR 903.7(r)(2)]

Resident Advisory Boards (RABs)

- Each PHA must establish at least one “Resident Advisory Board” (RAB).
- RAB membership must adequately reflect and represent residents served.
- If there is a jurisdiction-wide resident council, then the PHA must appoint it or its representatives as the RAB.
- If there is not a jurisdiction-wide resident council, but there are project-based resident councils, then they or their representatives must be appointed to serve on one or more RABs.
- Where Section 8 residents make up at least 20% of all assisted households, the PHA must make sure that they have reasonable representation on the RAB(s).

[24 CFR 903.13(a)]

[24 CFR 903.13(b)]

The Functions of the RAB, *next page*

The Functions of the RAB

- The basic role of the RAB is to make recommendations and assist in other ways in drafting the PHA Plan and any “significant” amendment or modification to it.
- To ensure that RABs can be as effective as possible, the PHA must allocate “reasonable” resources to provide “reasonable” means for the RAB to:
 - Become informed about programs covered by the PHA Plan;
 - Communicate with residents in writing and by telephone;
 - Hold meetings with residents; and,
 - Access information through the internet.

[24 CFR 903.13(a)]

- The PHA must “consider” RAB recommendations:
 - Non-Qualified PHAs must consider RAB recommendations when preparing a final PHA Plan or any significant amendment or modification to it.
 - Small PHAs submitting a “streamlined” Annual PHA Plan must certify that the RAB had an opportunity to review and comment on any policy or program changes over the course of the year, including those relating to Housing Needs, Financial Resources, or Demolition/Disposition.

[24 CFR 903.13(c)]

[24 CFR 903.12(c)(3)(i)]

- Qualified PHAs:
 - According to the statute must consult with and consider RAB recommendations made at the annual public hearing regarding any proposed changes to the PHA’s goals, objectives, and policies.
 - According to proposed HUD form 50075-QA, must indicate whether the public or RAB commented about any proposed changes to the PHA’s goals, objectives, and policies. If the public or RAB commented, then the PHA must attach the comments to form 50075-QA, and include a description of the PHA’s response to the comments and reasons for rejecting or accepting the comments.
- A copy of the RAB’s recommendations and a description of whether those recommendations were addressed must be included with the final PHA Plan.
- If a RAB claims in writing that the PHA failed to provide adequate notice and opportunity for comment, HUD may make a “finding” and hold up approval of a PHA Plan until this failure is remedied.

[24 CFR 903.13(c)(1)]

[24 CFR 903.13(c)(2)]

Sources

Statute: 42 USC 1437c-1 (e), (f), and (g)
Regulations: 24 CFR Part 903, Subpart B

PHA Plan Desk Guide
Housing and Economic Recovery Act of 2008 (HERA)
Proposed Form 50075-QA