NATIONAL LOW INCOME HOUSING COALITION

Dedicated solely to ending America's affordable housing crisis

THE PUBLIC HOUSING AGENCY PLAN (PHA PLAN)

A Potential Tool in the Affordable Housing Preservation Toolbox

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The Public Housing Agency Plan (PHA Plan):
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The PHA Plan is a tool advocates can use to influence how federal housing and community development dollars are spent in their communities. It is an opportunity to highlight the need to preserve and improve previous years' federal investment in the public housing stock, especially in the face of the long trend in cuts to the public housing Capital Fund for rehabilitation.

It is worthwhile for advocates to consider getting language about preservation of public housing added to the PHA Plan:

- Language in the 5-Year PHA Plan that makes preservation a goal and that lists objectives which will lead to preservation of the public housing stock.
- Language in the Annual PHA Plan that accurately and fully demonstrates the need for public housing affordable to extremely low income people.

The PHA Plan is also a defensive tool because it gives residents and advocates a warning about PHA intentions to demolish or sell public housing.

This guide presents a sketch of the PHA Plan document and the process for creating it. It also suggests where affordable housing preservation language can be inserted in the PHA Plan document, as well as when such language can be inserted and the PHA's actions monitored during the PHA Plan process.

Winning the inclusion of preservation language in the PHA Plan does not guarantee that federal dollars will be allocated toward public housing preservation. However, it does strengthen opportunities to preserve public housing by establishing PHA policy stepping stones which lend legitimacy and leverage for ongoing advocacy efforts.

The PHA Plan regulations are cited periodically in this guide; they are at [24 CFR 903].

What Is the PHA Plan?

The PHA Plan is the gathering together of a public housing agency's (PHA's) key program intentions (such as demolition) and policies (such as the Admission and Continued Occupancy Plan). Each year, all PHAs must submit an Annual Action Plan 75 days before the beginning of the PHA's fiscal year. This guide focuses on the Annual Action Plan.

You will also hear about the "5-Year Plan" which all PHAs must send to HUD every five years. The 5-Year Plan merely states a PHA's mission, goals, and objectives. (A brief section at the end of this guide offers advocates a few suggestions regarding the 5-Year Plan.)

What's In the Annual PHA Plan?

The law and regulations require a full PHA Plan to have 19 elements. For the purpose of this guide about the preservation of public housing the focus is on 5 elements:

1. Housing Needs
2. Financial Resources
3. Capital Improvements Needed
4. Demolition or Disposition (sale of units)
5. Conversion of Public Housing to Vouchers

Each of these elements is described in this guide, as are suggestions for using them to further the preservation of public housing for low income people.

(For people who are curious about the other elements, they are: rent policy; waiting list, admissions, and deconcentration policies; grievance procedures; community service and self-sufficiency programs; safety and crime prevention; pet policy; operation and management standards; setting aside projects for elderly or disabled people; homeownership programs; civil rights certification; audit results; asset management; domestic violence prevention and services; and, "additional" information such as the definition of a "significant" amendment to a PHA Plan.)

Does Your PHA Send in a Full or a Streamlined PHA Plan?

Some PHAs do not have to submit a full Annual PHA Plan. "Streamlined" PHA Plans can be submitted by PHAs that: are "high performing," have less than 250 public housing units ("small PHA") and are not "troubled," or only administer Section 8.

Of the five PHA Plan elements that are the focus of this guide:

- "High performing" PHAs still have to submit four (Housing Needs, Financial Resources, Capital Improvements Needed, and Demolition/Disposition).
- Section 8-only PHAs must include Housing Needs and Financial Resources.
- "Small PHAs" that are not "troubled" only have to include Capital Improvements Needed. However, they must also have a statement of the projected number and general location of project-based Section 8 voucher units. When small PHAs that are not troubled have to send in a new 5-Year PHA Plan, they must also submit a streamlined Annual PHA Plan that includes statements of: Housing Needs, Financial Resources, Capital Improvements Needed, and Demolition/Disposition. [24 CFR 903.12 & 13]

To find out whether your PHA is a "high performer" or "troubled" go to, www.hud.gov/offices/pih/systems/pic/haprofiles/, "Public Housing Agency (HA) Profiles." Select "Browse or Search HA Profiles" to get to your PHA. Once on the page for your PHA, scroll down to the last line, "HA Performance," and "Designation" four boxes over.

The PHA Plan Template

HUD has created and requires PHAs to submit information using a computer-based "template" which is primarily a series of questions with boxes to check as a means of answering "yes" or "no" to the questions.

To see the HUD-required template go to www.hud.gov/offices/pih/pha/templates/.
To view your PHA's latest, approved Annual Plan template, go to
www.hud.gov/offices/pih/pha/approved/.

As this guide went to press, HUD issued a notice proposing to eliminate the template. Check NLIHC's RegWatch web page (www.nlihc.org/regwatch/.) to learn whether or to what extend any changes were made. Even if HUD ends up no longer requiring the template, advocates can urge their PHA to continue using it. And, if the template is lost, the descriptions of it in this guide can serve as a set of suggestions for advocates to include in their analysis of a PHA Plan.

That template does not contain everything important to residents. If other regulations require additional policies or plans (for example, the Section 8 "Administrative Plan," which has all of the PHA's policies relating to the Housing Choice Voucher program, or the Public Housing Admission and Continued Occupancy Plan – the ACOP – which has the PHA's policies regarding the waiting list, screening applicants, tenant selection, etc.) then copies of such "supporting" documents must be available for residents and the public to review at the PHA's main office.

Potential Public Housing Preservation Elements in the PHA Plan

The rest of this section of the guide discusses the 5 PHA Plan required elements that offer opportunities for advocates intending to preserve the public housing stock.

Statement of Housing Needs

[24 CFR 903.7(a)]

This element of the PHA Plan must estimate the housing needs of extremely low, very low, and low income families in the jurisdiction served by the PHA. The estimate must also include the needs of elderly families and families with a member who is disabled, as well as the needs of various races and ethnic groups. The PHA Plan template (at component 1.A) provides a table including a box for each of these categories of households and asks that an estimate of the number of renter households be placed in each box.

The PHA Plan must address housing affordability, supply, quality, size of units, location, and accessibility to people with disabilities. The template has a column for each of these characteristics for the PHA to assign a number from 1 to 5 for each household type (e.g. extremely low income, or race, or elderly), with 1 meaning that the characteristic has "no impact" on a household type's need, while 5 means that the characteristic has "severe impact."

Most PHA Plans merely fill in the table and do not write out a more descriptive and thoughtful analysis of renter needs.

⇒ Advocates might consider urging their PHA to write a true analysis of needs, focusing on the needs of extremely low income households.
⇒ Also, advocates should judge whether they agree with the PHA's analysis.

In addition to this estimate of "overall" renter needs, the PHA must indicate the needs of those on the public housing and Section 8 waiting lists. The template (at component 1.B) provides a table asking for the number of families on the waiting list for each of the income (e.g. extremely low income), household type (e.g. elderly), and race/ethnicity categories. The template also has space to show the number of families on the waiting list by the number of bedrooms needed. If there are separate waiting lists for public housing and Section 8, then the PHA must include both. Whether the waiting list(s) are open or closed must be shown.

⇒ The waiting list is a good indicator of the minimum needs for public housing, so be sure to highlight it in your advocacy.
⇒ If the waiting list is "closed" that is a sign that the need for public housing is far greater.

The regulations also require the PHA to describe its strategy for addressing housing needs and the reasons for choosing its strategy. However, few PHAs do this in a descriptive text; instead, they just check boxes among those offered in the template (at component 1.C). The template presents different categories of need, such as "Shortage of affordable housing for all eligible populations," " Families at or below 30% of median," "Races or ethnicities with disproportionate housing needs." For each it offers one or two "strategies" with a menu of boxes to check reflecting activities that could be used as part of the strategy. [24 CFR 903.7(a)(2)(ii)]

"Strategy 1" under "Shortage of affordable housing" is to "Maximize the number of affordable units available to the PHA within its current resources by:" There are eleven boxes a PHA could check. One box involves using mixed-finance development to replace lost public housing units.

⇒ Advocates should be wary of proposals to use "mixed-finance;" be sure that there are enough replacement units affordable to the full range of current residents, especially extremely low income residents.
⇒ Advocates might attempt to take advantage of the eleventh box, "Other" and have the PHA write in, "use of capital funds to adequately maintain public housing in order to prevent deterioration leading to demolition."
⇒ "Strategy 1" under "Families at or below 30% of median" also has an "Other" box which advocates might aim to get checked and described as "Preserve the existing public housing stock."
⇒ Finally, this section of the template has "Other Housing Needs & Strategies," which advocates can attempt to have include "Preserve the existing public housing stock."

The PHA must make reasonable efforts to identify the needs of each of the above groups based on information in the jurisdiction's ConPlan (see companion guide, *The Consolidated Plan: One Tool in the Affordable Housing Preservation Toolbox*), information provided by HUD (the "CHAS data set"), and other generally available data.

⇒ Advocates will want to be sure that all generally available data has been fairly considered, including information generated by residents or their allies, other advocacy organizations, universities, and local planning bodies.
⇒ Advocates will want to challenge data that is not up to date (The "CHAS data set" information used in the ConPlan is based on the ten-year census) or that is not accurate.
⇒ Advocates will want to work with resident leaders and use the formal resident participation process (see page 12) to ensure that residents' priority needs are recognized and included in the Statement of Housing Needs.

Statement of Financial Resources

[24 CFR 903.7(c)]

The PHA Plan must list resources it expects to get in the upcoming year by general categories such as operating funds, capital funds, other federal funds, and any non-federal resources. The planned uses of these resources should be stated. The template (at component 2) has a list of potential federal sources, including non-public housing sources such as CDBG and HOME funds (HOME dollars can only be used with public housing in very limited HOPE VI contexts).

⇒ Urge the PHA to better spend Capital Funds in order to preserve the existing stock.
⇒ Urge the PHA to use CDBG to rehab public housing and provide facilities (e.g., recreation center) and services (e.g., day care) supporting public housing residents.

Statement of Capital Improvement Needs

[24 CFR 903.7(g)]

The PHA Plan must describe the capital improvements (major improvements) necessary to ensure the long-term physical and social health of public housing developments. Capital improvements planned for the upcoming year must be in the Annual PHA Plan. The template (at component 7) requires PHAs to include a separate set of tables called the "Annual Statement for the Capital Fund Program" which is at the back of the PHA Plan. (Some PHAs might submit a similar table called "form HUD-52837.")

⇒ Advocates will want to look over the tables to assess how well capital needs are being addressed.

- → On Part I of the tables, three lines might be the most revealing: Line 9, "Site Improvements," Line 10, "Dwelling Structures," and line 14, "Demolition."
- → Part II should provide a general description of major work categories for each public housing development. The only instruction for completing Part II is with form HUD-52837, which says that "work categories" should be described in broad terms, such as kitchens, bathrooms, electrical, site, etc., and notes that a work category might entail various components (e.g., or kitchens it might include stoves, refrigerators, cabinets, floors, etc.)

Although the regulations require PHAs to also include a 5-year plan for large capital items, the template (at component 7.A.(2)) lists this as "optional" and merely "encourages" PHAs to attach it (or form HUD-52834) to the PHA Plan. Instructions for the optional table suggest that one table be completed for each development in which work is planned over the next five PHA fiscal years. The table asks for a description of the needed physical improvements for the development, the estimated cost, and planned start date for the work.

- ⇒ Advocates will want to ensure that the PHA does include a 5-year plan for large capital items.
- ⇒ Advocates should attempt to shape and prioritize the 5-year capital improvements plan.

HOPE VI is a (currently) small program that primarily demolishes public housing units and replaces them with newly built units, generally in a "mixed-income" environment. The experience to date is that only a small percentage of public housing residents get to return to the "revitalized" communities. HOPE VI is the template subject at component 7.B.

- Question (c) asks whether the PHA intends to apply for a HOPE VI grant in the upcoming year, and if so to name which developments would be the target of HOPE VI.
- Question (d) asks whether the PHA is thinking of carrying out any mixed-finance development in the upcoming year, and if so which developments.
- Question (e) asks whether the PHA will conduct any other public housing replacement or development activities not already mentioned on the Capital Fund Annual Statement, and if so which developments would be subject to the activities.

- ⇒ Advocates should study these questions carefully and ask more questions of their own in order to:
  - → Detect whether existing public housing units will be replaced on a one-for-one basis with new units having Annual Contributions Contracts (ACC) so that they will be affordable to current residents.
  - → Determine what tenant screening policies will be used, and then work to ensure that current residents are able to return to new or redeveloped units.

Statement of Demolition and Disposition Plans

[24 CFR 903.7(h)]

The PHA must indicate whether it has applied for or will apply for approval to demolish or dispose of (sell) any public housing development or part of a development. A timetable must be included. The template (at component 8) calls for the PHA to complete a "Demolition/Disposition Activity Description" chart which should state: the name of the development, number of units affected, projected start and end dates, and whether an application to HUD will be sent in, has been sent in, or has already been approved by HUD.

Separate demolition/disposition regulations (and law) require that the description of demolition or disposition in a PHA's application to HUD be identical to the description in the PHA Plan. [24 CFR 970.7(a)(1)]

⇒ Advocates should challenge an application that is significantly different.

The demolition/disposition law and regulations require the PHA to develop the application "in consultation" with tenants, any tenant organization, and the Resident Advisory Board (RAB) at the project to be demolished or sold, as well as with any PHA-wide tenant organization. [24 CFR 970.9(a)]

⇒ HUD can deny the application if tenants were not consulted, so be sure to challenge a demolition or disposition application if residents were not consulted or if the "consultation" was grossly inadequate. [24 CFR 970.29(b)]

⇒ Did the PHA also submit any written comments from residents and provide the PHA's evaluation of those comments?

⇒ Advocates who might not be residents of the public housing to be demolished or sold should still attend any meetings about the proposed application; or, if an application has already been submitted, get a copy of it (form HUD-52860).

⇒ If an application has already been sent to HUD, write to HUD expressing your concerns, especially if there are errors or misstatements in the application.

For demolition applications, PHAs must certify that a development is "obsolete," either physically or in terms of location, and therefore no longer suitable as housing. [24 CFR 970.15(a)]

- Physically obsolete means that there are structural deficiencies that can't be corrected at a reasonable cost. Structural deficiencies include faulty structural design, settlement of floors, settlement of earth below the building, and severe erosion. "Reasonable" cost is defined as less than 62.5% of total development costs for buildings with elevators and 57.14% for other buildings. [24 CFR 970.15(b)(1)(i)&(2)]

⇒ Is a project really "structurally" obsolete?

- An obsolete location means that the surrounding neighborhood is too deteriorated, or has shifted from residential uses to commercial or industrial uses. [24 CFR 970.15(b)(1)(ii)]

- "Other factors" that "seriously affect the marketability or usefulness" of the development can also mean that a project is obsolete. [24 CFR 970.15(b)(1)(iii)]

⇒ Be ready to challenge the "location" factors and "other" factors because they are so vague and open to subjective abuse by PHAs.

For disposition applications the PHA must certify that keeping the development is not in the best interests of residents for any one of three reasons:

- Conditions in the area surrounding the development (such as commercial or industrial activity) have a negative impact on the health and safety of residents.
- Sale of the property will allow the PHA to buy, develop, or rehab other properties that can be more efficiently operated as low income housing.
- Sale of the property is "appropriate" for reasons consistent with the PHA's goals, the PHA Plan, and the purpose of the public housing act.

[24 CFR 970.17]

⇒ Challenge the accuracy of any of claims that commercial or industrial activities cause significant harm to residents.
⇒ If the property is sold, how much of the "new" low income housing will be available to and affordable to residents of the existing project that will go up for sale?
⇒ The third option seems to be wide open to subjective abuse.

If the PHA intends to sell, it must first give residents 30 days to make a request to buy their development. [24 CFR 970.9(b)]

Statement of Conversion of Public Housing

[24 CFR 903.7(j)]

Every year, a PHA has to assess its inventory and identify developments or parts of developments containing over 250 units which must be removed from its inventory, "converted." Conversion can mean sale of the property and/or demolition. Public housing residents in converted buildings are compensated with Section 8 vouchers, either tenant-based or project-based. Conversion is required if buildings are "distressed" and can't be modernized at a reasonable cost, or if the cost of maintaining the buildings for their remaining useful life is greater than the cost of providing Section 8 vouchers. (This is known as "Section 33" mandatory conversion. Regulations are at 24 CFR 972 Subpart A.) A conversion plan, which is a 5-year plan for removing the affected public housing from the inventory, must be submitted with a PHA Plan.

In addition, a "voluntary conversion" is possible. (This is known as "Section 22" voluntary conversion. Regulations are at 24 CFR 972 Subpart B.) A PHA must assess each of its developments once to determine whether a "voluntary" conversion is appropriate. These "initial" assessments must be submitted as part of the PHA Plan after an initial assessment is complete. In short, a public housing development can be considered appropriate for voluntary conversion if three conditions are met:

- Conversion, and providing the affected tenants with Section 8 vouchers, will not be more expensive than continued operation of the development as public housing.
- Conversion will principally benefit the residents of the development, the PHA, and the community.
- Conversion will not have a negative impact on the stock of affordable housing in the community.

⇒ As soon as an initial assessment attached to a PHA Plan indicates that a development is appropriate for conversion, advocates will want to assess whether the results of all three of the above conditions are met and accurate.

⇒ Because the PHA must maintain documentation showing the reasons why it thinks it appropriate to make the conversion, advocates will want to obtain this documentation.

⇒ Advocates will want to monitor each year's PHA Plan to identify projects that the PHA thinks would be appropriate to convert.

Just because a PHA has indicated a voluntary conversion would be appropriate, that doesn't mean conversion will automatically happen. However, if a PHA wants to make a voluntary conversion it must submit a conversion "assessment" to HUD with its next PHA Plan. There are four analyses in a conversion "assessment": cost comparison, market value, rental market conditions, and neighborhood impact. Within a year of submitting a conversion "assessment," a PHA wishing to make a voluntary conversion must submit a conversion "plan" with its PHA Plan. Among other elements, the conversion "plan" must describe the future use of the property (including sale and/or demolition), how money gained from the sale of the property will be used, and relocation plans for residents. The "assessment" and "plan" can be sent with the same PHA Plan.

⇒ Once a conversion assessment (for voluntary conversion) or a conversion plan (for either a mandatory or a voluntary conversion) is submitted with a PHA Plan, advocates will want to study the assessment or plan, identify inaccuracies, and provide alternative information or data.

The conversion regulations call for a modest level of resident involvement.

- The PHA must "consult" with public housing residents in developing a mandatory conversion plan and must provide "significant participation" by residents in developing a voluntary conversion plan.
- In addition to the regular public participation requirements for the PHA Plan (see page 12), there must be at least one meeting with the affected residents (including the Resident Council) to explain the requirements of the conversion process, and to provide copies of the draft conversion plan.
- There must be a reasonable opportunity for residents to comment on the conversion plan, and the PHA must consider these comments in developing the final conversion plan.
- The conversion plan sent to HUD for approval must summarize resident comments and the PHA's responses.

⇒ Advocates will want to make sure that all four of the above resident involvement requirements were adequately met.

HUD can disapprove a voluntary conversion plan if:

- It is "plainly inconsistent" with the conversion assessment.
- There is reliable information that contradicts the conversion assessment.
- The conversion plan is incomplete.

⇒ For voluntary conversions advocates should convey to HUD any information that contradicts the assessment or demonstrate how the conversion plan is inconsistent with the assessment.

⇒ Although mandatory conversions do not provide a HUD approval process similar to that for voluntary conversions (above), advocates will want to assess a mandatory conversion plan and suggest to HUD ways in which a development facing conversion does not meet the standards for required conversion set out in the regulations at 24 CFR 972.124 and 127.

The PHA Plan template deals with conversions at component 10. However, as of this writing there is no template guidance regarding "Section 33" mandatory conversions or "Section 22" voluntary conversions because regulations were finalized only recently.

⇒ Advocates should check if the template has been updated to include guidance regarding Section 33 and Section 22 conversions.

⇒ Until the template is updated, advocates should make sure that the PHA is complying with the mandatory conversion regulations at 24 CFR 972 Subpart A, and the voluntary conversion regulations at 24 CFR 972 Subpart B.

The current template does have a box for "Section 202" conversions, which relates to public housing developments identified for conversion before October 21, 1998. (This Section 202 is different than the Section 202 Elderly housing program.) For "Section 202" conversions the template merely asks for general information such as the development's name, the number of units affected, and whether the conversion application is planned, submitted, or approved.

⇒ If there is a "Section 202" conversion indicated as a "planned application" at component 10 of the PHA Plan, advocates will want to review the regulations at 24 CFR 971 for advocacy handles.

Resident Advisory Boards (RABs) and Drafting the PHA Plan

Each PHA must establish at least one "Resident Advisory Board" (RAB) to make recommendations and assist in other ways in the drafting of the PHA Plan and any "significant" amendment or modification to it (see page 13 regarding "significant.") The RAB membership must adequately reflect and represent residents served by the PHA. [24 CFR 903.13(a)]

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 comprise 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(b)]

In order 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)(2)]

- ⇒ Does the RAB truly reflect and represent the residents?
- ⇒ Does any resident council that comprises the RAB comply with the tenant participation regulations for public housing under 24 CFR 964?
- ⇒ Was the RAB(s) truly involved in drafting the PHA Plan?
- ⇒ Did the PHA provide the RAB with adequate resources to participate effectively?
- ⇒ Advocates will want to work with the RAB(s) in the drafting stage of the PHA Plan process to ensure that public housing will be preserved.

The PHA must "consider" RAB recommendations when preparing a final PHA Plan or any significant amendment or modification to it. A copy of the RAB's recommendations and a description of whether those recommendations were addressed must be included with the final PHA Plan (at component 18.A of the template). [24 CFR 903.13(c)]

"Small" PHAs submitting "streamlined" Annual PHA Plans 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 903.12(c)(3)]

Resident and Public Participation: More Opportunities to Be Involved

The law and regulations provide a modest public participation process. [24 CFR 903.17]

- The PHA 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. The hearing must be held at a location convenient to PHA residents.
- At least 45 days before the public hearing, the PHA must:
  - 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 [p. 18].)
  - Publish a notice indicating the date, time, and location of the public hearing, as well as the availability of the proposed PHA Plan.
- 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 [p. 18].) [24 CFR 903.23(e)]
- "Small" PHAs submitting "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. [24 CFR 903.12(c)(3)(iii)]

  ⇒ If any of these public participation requirements were not truly met, file a complaint with HUD, specifying the shortcomings.

  ⇒ Use the public hearing to reinforce the importance of preserving the existing stock of public housing.

Send Complaints to HUD

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

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)(2)]

The regulations declare that before approving a PHA Plan, HUD will review "any…element of the PHA's Annual Plan that is challenged." [24 CFR 903.23(b)]

HUD can decide not to approve a PHA Plan if it or one of its components:

- Does not provide all of the required information.
- Is not consistent with information and data available to HUD.
- Is not consistent with the jurisdiction's Consolidated Plan.

[24 CFR 903.23(c)]

⇒ Try to get language in your jurisdiction's ConPlan giving priority to preserving public housing for extremely low income people. The Consolidated Plan (ConPlan) is a five-year strategic plan for the use of other HUD funds, primarily CDBG and HOME. In the ConPlan is a statement of the housing needs of low income people and the jurisdiction's priorities for allocating all of its resources to meet those priority housing needs. (See companion guide, *The Consolidated Plan One Tool in the Affordable Housing Preservation Toolbox.*)

To ensure that a PHA complies with all of the policies adopted in its HUD-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."
[24 CFR 903.25]

Mid-Year Changes to the PHA Plan

"Significant" amendments can only take place after formal adoption by the PHA board of directors at a meeting open to the public, and after subsequent approval by HUD. "Significant" amendments are subject to all of the RAB and public participation requirements discussed above.
[24 CFR 903.21]

The PHA Plan must identify the basic criteria for determining what constitutes a "significant" amendment to either an Annual PHA Plan or a 5-year PHA Plan. [24 CFR 903.7(r)(2)]

⇒ Advocates and residents should be alert 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.

Back to the 5-Year Plan

As mentioned at the very beginning of this guide, the PHA 5-Year Plan is a presentation of the PHA's goals and objectives enabling it to meet the needs of families identified in the Annual PHA Plan. These goals and objectives must be quantifiable when appropriate; for example, a goal of making major repairs to x number of apartments over the next five years.
[24 CFR 903.6]

There are several provisions which provide advocacy opportunities:

- The Annual PHA Plan must be consistent with the goals and objectives of the 5-Year Plan.
[24 CFR 903.7]

- The Annual PHA Plan must explain any "substantial deviation" from it.

[24 CFR 903.5]

- A "substantial deviation" must be defined in the Annual Plan. [24 CFR 903.7(r)(2)(i)]

- The Annual Plan must include a brief statement of the PHA's progress in meeting the goals set in its 5-Year Plan. [24 CFR 903.7(r)(1)]

  ⇒ It is worthwhile for advocates to be familiar with an existing PHA 5-Year Plan and be on the lookout for any "substantial deviations" from it.
  ⇒ Work to gain goals and objectives in the next PHA 5-Year Plan that are explicitly designed to:
    → Preserve public housing.
    → Preserve public housing for extremely low income people.

For More Information

- For a resident-oriented guide that is dated but very readable and still useful, see *Residents' Guide to the New Public Housing Authority Plans*, June 1999 at www.communitychange.org/shared/publications/downloads/PlanBooklast.pdf.

- HUD's PHA Plan web page is www.hud.gov/offices/pih/pha/index.cfm.

- HUD's web page for locating your PHA Plan (usually without attachments) is www.hud.gov/offices/pih/pha/approved/.

- HUD's PHA Plan template is at www.hud.gov/offices/pih/pha/approved/.

- The latest version of the regulations are at www.access.gpo.gov/nara/cfr/waisidx_06/24cfr903_06.html.

- The PHA Plan Desk Guide (slightly out of date, but instructive) is at www.hud.gov/offices/pih/pha/policy/pha-plan-guide.pdf.

- The PHA statute is at http://frwebgate1.access.gpo.gov/cgi-bin/waisgate.cgi?WAISdocID=700082366391+0+0+0&WAISaction=retrieve.