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CHAPTER 1. OVERVIEW OF THE PUBLIC HOUSING AFFIRMATIVE  
COMPLIANCE ACTIONS (PHACA) PROGRAM

- 1-1 PURPOSE. This Handbook describes the alternatives for Public Housing Affirmative Compliance Actions (PHACA) Program participation that are available to Public Housing Agencies (PHAs). The Handbook describes the procedures PHAs are to follow, depending on the PHACA program alternative selected, as well as Headquarters, Field and Regional Office roles and responsibilities. Thus, this Handbook will be useful as a reference for answering questions such as, "What is PHACA?," "How Does PHACA Operate?" and "Which Public Housing Agencies are eligible to participate?."
- 1-2 APPLICABILITY. This Handbook provides specific guidance to all PHAs operating a local Low-Income Public Housing Program and interested in participating in the PHACA Program. The Handbook also provides guidance for Regional FHEO and Field Office FHEO and Housing Management staff who are responsible for processing PHACA program documents that are submitted to HUD by a PHA participating in the PHACA Program. It specifies:
- A. The steps a PHA should take if the PHA wishes to enter into a PHACA Voluntary Agreement and complete a Title VI Self-Assessment of its Low-Income Public Housing Program;
  - B. The procedures that Regional and Headquarters FHEO staff are to follow to review the completed self-assessment and to determine the PHA's Title VI compliance status; and
  - C. Procedures to be followed by Field Office FHEO, Housing Management staff, Regional Office FHEO and Public Housing staff in providing information and technical assistance to PHAs that desire to undertake one or more Public Housing Affirmative Compliance Actions, without first conducting a Title VI Self-Assessment.

The Handbook may also apply to Indian Housing Authorities (IHAs) established under State law. The applicability of Title VI to the Indian Civil Rights Act is determined by HUD on a case-by-case basis in accordance with 24 CFR 905.115.

1-3 AUTHORITY.

- A. Title VI of the Civil Rights Act of 1964 provides that no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity receiving Federal financial assistance.
- B. Department of Housing and Urban Development Regulations implementing Title VI of the Civil Rights Act of 1964, 24 CFR Part 1 and 2.

1-4 THE PHACA PROGRAM. Title VI of the Civil Rights Act of 1964 establishes the authority of the Department of Housing and Urban Development (HUD) to investigate and to seek to remedy the causes and effects of segregation and other forms of discrimination in Federally assisted programs funded by the Department, one of which is the Low-Income Public Housing Program. The PHACA Program is a Departmental initiative to promote Title VI objectives. Participation in the PHACA Program is entirely voluntary. PHACA seeks to promote affirmative action by PHAs and to expand the Department's Title VI compliance program beyond the HUD-initiated compliance review process.

NOTE: The Office of FHEO enthusiastically endorses efforts by PHAs to promote Title VI objectives through affirmative actions. FHEO encourages PHAs to become full participants in PHACA by undertaking the Title VI Self-Assessment, because the full participant PHA is much more likely to have a good understanding of those local programs, policies, procedures, practices and circumstances that have resulted in conditions the PHA wishes to address through affirmative actions. Working with HUD, the PHA can be assured that the steps it takes are consistent with Title VI law and Title VI regulatory requirements.

1-5 PHACA PROGRAM ALTERNATIVES. There are two basic alternatives in the PHACA Program:

- A. FULL PROGRAM PARTICIPATION. The first alternative should be selected by the PHA that wishes to become a full participant by entering into a PHACA Voluntary Agreement, performing a Title VI self-assessment and then deciding, with HUD assistance, what type of actions would be most appropriate to

promote Title VI objectives by, e.g:

1. Promoting applications from as broad a racial and ethnic spectrum of the lower-income population as possible.
2. Effecting changes in tenancy from segregated patterns to those demonstrating a more racially and ethnically inclusive tenant population.

The PHA that completes this process receives a formal determination from the Department as to the state of the PHA's compliance with Title VI and official Departmental approval for any affirmative actions the PHA may wish to undertake.

- B. SELECTION AND IMPLEMENTATION OF AFFIRMATIVE COMPLIANCE OPTIONS. A PHA reviews the voluntary compliance actions the Department has described in the publication entitled, Affirmative Civil Rights Compliance Options For Public Housing Authorities and decides which of these actions it would like to undertake to promote Title VI objectives. If HUD must approve one or more such actions, or if the PHA desires technical guidance, the PHA contacts the appropriate HUD Field Office staff.

1-6 ELIGIBILITY FOR FULL PARTICIPATION IN THE PHACA PROGRAM.

Most PHAs are eligible to become full participants in the PHACA program. However, there are certain situations, which if applicable to a particular PHA, would make that PHA ineligible to enter into a PHACA Voluntary Agreement. PHAs in the following categories are not eligible to participate:

- A. PHAs that have received written notification from the HUD Regional Office of Fair Housing and Equal Opportunity (FHEO) Director that the PHA has been scheduled for a HUD-initiated Title VI Compliance Review.
- B. PHAs that have received a preliminary finding from HUD that they are in non-compliance with Title VI or the Title VI regulations and are in the process of negotiating a Title VI compliance agreement specifically designed to address this finding.

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- C. PHAs that have received a finding from HUD that they

are in non-compliance with Title VI or the Title VI regulations that have failed to take steps voluntarily, to resolve this finding.

- D. Any PHA that is currently operating under a Voluntary Compliance Agreement (VCA).
- E. Any PHA currently involved in any judicial or administrative proceedings involving Title VI or other relevant fair housing litigation. This includes:
  - 1. PHAs that are the subject of litigation involving a violation of Title VI or Title VIII.
  - 2. PHAs that have been judicially determined liable and are awaiting remedial orders.
  - 3. PHAs that are under judicial order, settlement agreement or consent decree.
  - 4. PHAs that have been found in violation of Title VI or Title VIII by an Administrative body and are awaiting remedial order.
  - 5. PHAs that are under Administrative order or consent agreement.

1-7 STEPS IN THE PHACA PROGRAM, ALTERNATIVE ONE: FULL PARTICIPATION

- A. The PHA requests a copy of the "PHACA Program Package" from the PHACA Program Resource Center.

PHACA Resource Center  
c/o ICF, Inc.  
9300 Lee Highway  
Fairfax, Virginia 22031-1207  
(703) 934-3055

The PHACA Program Package consists of the following documents:

- 1. March 26, 1991, HUD Notice FHEO 91-1, explaining the program;

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- 2. HUD/FHEO "Concept" Paper that describes and provides background on PHACA;

3. Self-Assessment instrument;
  4. PHACA Voluntary Agreement;
  5. October 25, 1990, HUD Notice FHEO 90-3 Affirmative Civil Rights Compliance Options to assist in desegregation;
  6. Title VI of the Civil Rights Act of 1964; and
  7. The Department's Title VI Regulations.
- B. The PHA reviews the PHACA Program Package and decides if it is interested in signing the PHACA Voluntary Agreement. The PHACA Voluntary Agreement specifies the basic steps that a PHA will undertake, if the PHA elects to complete a Title VI Self-Assessment for submission to HUD. The Agreement also specifies the actions HUD will take to fulfill its responsibilities to work with the PHA in each phase of the program.
- C. The PHA Executive Director and the Chairman of the Board of Commissioners sign the PHACA Voluntary Agreement. The PHA sends it to the Regional Director, Fair Housing and Equal Opportunity (FHEO) in the appropriate HUD Regional Office of jurisdiction.
- D. The Regional FHEO Director verifies whether the PHA is eligible to participate in the PHACA Program. (See Paragraph 1-6).
- E. As soon as the PHA receives a copy of the executed Agreement, the PHA becomes a full participant in the PHACA Program.
- F. The PHA completes the Self-Assessment instrument, contacting the PHACA Program Resource Center for one-on-one assistance, as necessary.
- G. Within 180 days of the effective date of the Agreement (the date that the Agreement is signed by the Assistant Secretary for FHEO, the PHA sends the completed Self-Assessment materials to the HUD Regional Office of jurisdiction.

- H. The Regional FHEO Director provides the PHA with the Department's findings concerning the PHA's Title VI compliance status within 90 days of the date the PHA's completed Self-Assessment materials are submitted to

HUD.

- I. Following HUD's determination, the PHA will have an opportunity to address any findings of non-compliance, as appropriate, and, in addition, will undertake those affirmative actions the PHA has selected and HUD agrees are appropriate to promote Title VI objectives within the specific circumstances of that PHAs local public housing program.
- J. For further information regarding full PHACA program participation and procedures, See Chapters 4, 5, and 6.

1-8 STEPS IN THE PHACA PROGRAM, ALTERNATIVE TWO: SELECTING AND IMPLEMENTING AFFIRMATIVE COMPLIANCE OPTIONS.

- A. PHA requests a copy of the Title VI Self-Assessment instrument from the PHACA Program Resource Center.
- B. PHA reviews its copy of the Options mailed to all PHAs in October 1990 and distributed to many PHAs in attendance at the May 1991 PHACA Conference in Washington, D.C.
- C. HUD Regional Office, Field Office FHEO and Public Housing staff answer questions the PHA may have regarding the Options. To ensure the adoption of the most appropriate Option(s), a PHA that does not select full participation in the PHACA program can benefit greatly from discussions with HUD staff about the various Options and how they should be implemented.

HUD strongly urges all PHAs desiring to undertake one or more affirmative actions outside of a PHACA Agreement to contact HUD to discuss the options of interest and to obtain technical assistance. Regional FHEO and PIH staff have primary responsibility for assuring that this information and guidance to PHAs is appropriate to each PHA's situation.

- D. Regional Offices consult with Headquarters FHEO before approving an Option that requires HUD approval for any PHA involved in a civil rights related court order or Title VI voluntary compliance agreement pursuant to preliminary findings of non-compliance with Title VI.
- E. If a PHA that is not subject to a court order or VCA elects to initiate one or more Options independently, HUD requests that the PHA keep records to include

information on:

1. When each option is put in place;
  2. The steps taken to implement each option; and
  3. The results which occur after each option has been implemented.
- F. For further information about this alternative, see Chapter 7.