
CHAPTER 6. PHACA PROCESS FOR PHAs INTERESTED
IN AFFIRMATIVE ACTIONS BUT NOT
ENTERING INTO A PHACA VOLUNTARY
AGREEMENT AND COMPLETING A TITLE VI
SELF-ASSESSMENT

6-1 INTRODUCTION. Public Housing Agencies not interested in full participation in the PHACA Program may nevertheless be interested in implementing one or more of the actions described in the publication entitled, Affirmative Civil Rights Compliance Options for Public Housing Authorities. In the past the Department has provided minimal guidance to Public Housing Agencies (PHAs) that have identified segregated occupancy patterns, except in instances in which the Department has conducted a Title VI compliance review or complaint investigation under the Fair Housing Act of 1988 or Title VI of the Civil Rights Act of 1964.

Depending on the action selected, a PHA may need to request HUD approval, prior to implementation. The voluntary options were developed jointly by the Civil Rights Division of the Department of Justice and a HUD task force with full departmental representation. They consist of activities that a PHA may initiate independently to promote Title VI objectives, including more racially and ethnically inclusive occupancy patterns in their Low-Income Public Housing (LIPH) programs, using procedures that are entirely consistent with Title VI requirements and HUD regulations implementing Title VI which call for the selection and assignment of tenants on a first-come, first-served basis.

The voluntary options that HUD has prepared for consideration by PHAs fill a much needed gap. HUD hopes that they will be very helpful to PHAs interested in implementing affirmative actions to promote Title VI objectives. For each option, HUD has provided a description and an indication of whether the PHA can adopt and implement the action on its own initiative, or whether the PHA must receive HUD approval prior to implementation.

6-2 VOLUNTARY AFFIRMATIVE COMPLIANCE ACTIONS TO PROMOTE TITLE VI OBJECTIVES. In instances where PHAs initiate one or more options independently, HUD is requesting that the PHA keep records. These would include records on when each option is put in place, the steps taken to implement each option and the results which occur after each option has been implemented. These records will serve to protect the PHA in the event of a complaint or a Title VI compliance review;

when shared with the PHACA Resource Center, will provide information to disseminate to other PHAs and will also meet HUD's present occupancy audit and management review recordkeeping requirements.

The voluntary options cover procedures in:

- A. Tenant selection and assignment
- B. Tenant transfers
- C. Tenant support systems
- D. Outreach
- E. Counseling
- F. Modernization

6-3 AFFIRMATIVE ACTIONS REQUIRING HUD APPROVAL.

The following affirmative compliance options must have HUD approval prior to implementation:

- A. Providing Integrative Move-In
- B. Providing Voluntary Transfer to Other-Race Project

6-4 PROCESS FOR REQUESTING HUD APPROVAL.

- A. The PHA sends two copies of the request for HUD approval of an affirmative civil rights compliance option(s) to the PHA's local HUD Office.
- B. In a co-located office, the Regional Administrator will refer the request to the Regional FHEO Director, who will have lead responsibility for its review. A copy of the request will also be provided to the Director, Regional Office of Public Housing. The Regional FHEO Director, with the concurrence of the Regional Public Housing Director, will forward his or her recommendation to the Regional Administrator.
- C. In an office other than a co-located office, the Manager will refer the request to the Director, FHEO Division, who will have lead responsibility for its review. A copy shall also be provided to the Director, Housing Management Division. The Director, FHEO, with

the concurrence of the Director, PIH, will forward his or her recommendation to the Manager. The Manager will forward the recommendation to the Regional Administrator who will arrange for its review by the Regional FHEO Director and the Regional Public Housing Director.

- D. The Regional FHEO Director will prepare a letter to the PHA to be concurred in by the Public and Indian Housing Director. The letter will state HUD's position with respect to the proposed action and indicate any changes that may be necessary in current written PHA policies or procedures; e.g., the Admissions and Continued Occupancy Policies. The letter will be prepared for the Regional Administrator's signature. The Regional Administrator's Office will provide copies of the dispatched letter to the Regional Directors, FHEO and PIH and to the Assistant Secretaries for FHEO and PIH. The Regional FHEO Director will send a copy of the letter, and the incoming request, to the PHACA Program Resource Center.

6-5 AFFIRMATIVE ACTIONS NOT REQUIRING HUD APPROVAL. When an option is described as not requiring HUD approval this means that the option does not require prior review under HUD's public housing or civil rights regulations. However, implementation of any particular option in the context of a given PHA's operation could, under certain circumstances, conflict with these regulations. The appropriateness of a selected option will always depend on the specific situation at a specific Public Housing Agency (PHA). Therefore, PHAs are encouraged to seek guidance from HUD.