

**U. S. Department of Housing and Urban Development**

**Office of Public and Indian Housing**

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<b>Special Attention of:</b>	<b>NOTICE PIH 2003-17 (HA)</b>
<b>Regional and Field Office Directors;</b>	
<b>Public Housing Program Directors;</b>	<b>Issued: June 20, 2003</b>
<b>Public Housing Agencies;</b>	
<b>Resident Management Corporations (RMCs)</b>	<b>Expires: June 30, 2004</b>

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**SUBJECT: Reinstatement of the Community Service and Self-Sufficiency Requirement**

**A. Purpose:**

This Notice discusses the reinstatement of the public housing community service and self-sufficiency requirement authorized under Section 12 of the United States Housing Act of 1937, as amended, (the Act).

The community service and self-sufficiency requirement is intended to assist adult public housing residents in improving their own economic and social well-being and give these residents a greater stake in their communities. The community service and self-sufficiency requirement allows residents an opportunity to “give something back” to their communities and facilitates upward mobility.

**B. Background:**

Section 12(c) of the Act enacted on October 12, 1998, as section 512 of the Quality Housing and Work Responsibility Act of 1998, contained a community service and self-sufficiency requirement that every adult resident of public housing contribute eight hours of community service each month, or participate in an economic self-sufficiency program for eight hours each month. Regulations for this provision are provided in 24 CFR Subpart F §960.600-609 (see Attachment A).

The Fiscal Year (FY) 2002 HUD/VA Appropriations Act temporarily suspended the community service and self-sufficiency requirement, except for residents of HOPE VI developments. The FY 2003 HUD/VA Appropriations Act signed on February 21, 2003, reinstated this provision by not extending section 432 of the Federal FY 2002 Act, which applied only to funds appropriated for Federal FY 2002.

**C. Applicability:**

The community service and self-sufficiency requirement applies to all adult residents in public housing except for those exempted under Section 12(c) of the Act. This requirement does not apply to Section 8 tenants.

The public housing tenants exempt from the community service and self-sufficiency requirement are those:

- Age 62 years or older.
- Blind or disabled (as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c) and who certify that because of this disability they are unable to comply with the service provisions; or primary caretakers of such individuals.
- Engaged in work activities as defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d)), specified below:
  1. Unsubsidized employment;
  2. Subsidized private-sector employment;
  3. Subsidized public-sector employment;
  4. Work experience (including work associated with the Refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
  5. On-the-job-training;
  6. Job-search and job-readiness assistance;
  7. Community service programs;
  8. Vocational educational training (not to exceed 12 months with respect to any individual);
  9. Job-skills training directly related to employment;
  10. Education directly related to employment in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
  11. Satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
  12. The provision of childcare services to an individual who is participating in a community service program.

Public housing agencies (PHAs) are encouraged to consider 30 hours per week as the minimum number of hours for a work activity exemption as described in Section 407(d) of the Social Security Act, and implementing regulations 45 CFR Section 261.31(a)(1)). See Attachment B. PHAs can use reasonable guidelines in clarifying this statutory list of work activities in coordination with the Temporary Assistance to Needy Families (TANF) agency, as appropriate.

- Meet the requirements for being exempt from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program.
- If a member of a family receiving TANF assistance, benefits, or service under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 *et seq.*); or under any other welfare program of the State in which the PHA is located, including a State administered welfare-to-work program and has not been found by the State or other administering entity to be in non-compliance with such program.

**D. Noncompliance Requirements (24 CFR §960.605 & §960.607)**

A resident who was delinquent in community service hours under the lease in effect at the time of the suspension will still be obligated to fulfill his/her community service and self-sufficiency requirements for FY 2001, provided that the resident was given notice of noncompliance prior to the expiration of the lease in effect at that time.

A copy of that notice of noncompliance should be included with the written notice to residents about the reinstatement of the community service and self-sufficiency requirement. In order to obtain a lease renewal on the expiration of the current lease, residents must be in compliance both with any delinquent community service requirements and current requirements.

PHAs must offer the resident the opportunity to enter into written agreement with the PHA to cure the noncompliance with the community service and self-sufficiency requirements either under the current or delinquent lease. This agreement should include:

- The additional number of hours of community service or self-sufficiency work activities needed to make up the required number of hours under the current lease.
- Assurance that all members of the family who are subject to these requirements are in compliance with the requirements.
- Written assurances satisfactory to the PHA that any noncompliant resident no longer resides in the unit.

A PHA must inform residents that they may request a grievance hearing on the PHA's determination of noncompliance in accordance with Part 966, subpart B and that tenant may exercise any available judicial remedy to seek redress from the PHA's nonrenewal of the lease because of such determination.

A PHA must retain reasonable documentation of service requirement performance or exemption in participant files. A PHA must comply with nondiscrimination listed in 24 CFR 5.105(a).

### **E. Implementation Deadline:**

In order to comply with Section 12, PHAs need to:

- By July 31, 2003, provide to all residents written notice about the reinstatement of the community service and self-sufficiency requirement as outlined in 24 CFR §960.605. This notification must alert residents of the requirement, whether or not they are exempt, and what they need to do in order to comply.
- By October 31, 2003, assure that all affected residents are performing their community service or self-sufficiency requirement.

PHAs can implement the community service and self-sufficiency requirement with any funds available for expenditure during FY 2003.

### **F. Relationship to PHA Plan:**

PHAs do not have to amend already approved FY 2003 Annual Plans or already submitted FY 2003 Annual Plans. However, for such PHAs, the Resident Advisory Board must be informed if there are any significant policy changes to an agency's previous community service and self-sufficiency requirements and next year's Annual Plan submission must contain the required attachment, if applicable.

For the FY 2003 PHA Annual Plan cycle, not yet submitted, PHAs are required to complete Component 12D as part of the PHA Plan submission. Component 12 D requires the PHA to include a description of its community service and self-sufficiency requirement as an attachment to the Annual Plan template. High performing agencies and small PHAs are exempt from completing Component 12 D as part of the streamlined Annual Plan submission, but are still required to implement the community service and self-sufficiency requirement and to have the policy locally available as a supporting document to the Annual Plan.

### **G. Reference Documents:**

- 24 CFR Subpart F §960.601-609 (Attachment A)
- 45 CFR 261.31(a)(i) (Attachment B)
- Community Service and Self-Sufficiency training materials from the "Reforms for the 21<sup>st</sup> Century Conference" can be obtained by calling the Public and Indian Housing Resource Center at 1-800-955-2232.

## **H. Contact Information:**

If you have any further questions, please contact your local public housing field office or the Public and Indian Housing Information and Resource Center at 1-800-955-2232.

## **I. Paperwork Reduction**

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3520) and assigned OMB control numbers 2577-0226. In accordance with the Paperwork Reduction Act, HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number.

/s/  
Michael Liu, Assistant Secretary  
for Public and Indian Housing

Attachment A, Subpart F, Part 960.600  
Attachment B, Page 17886 Federal Register  
Vol. 64, No. 69, 4/12/99  
(Attachments not included in electronic file)