

## Paperwork Reduction Act Submission

Please read the instruction before completing this form. For additional forms or assistance in completing this forms, contact your agency's Paperwork Reduction Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 Seventeenth St. NW, Washington, DC 20503.

1. Agency/Subagency Originating Request: <b>U.S. Department of Housing and Urban Development</b> <b>Office of Public and Indian Housing</b>		2. OMB Control Number: a. <b>2577-0220</b> b. <input type="checkbox"/> None	
3. Type of information collection: (check one) a. New Collection b. Revision of a currently approved collection c. <input checked="" type="checkbox"/> Extension of a currently approved collection d. Reinstatement, <b>without change</b> , of previously approved collection for which approval has expired e. Reinstatement, <b>with change</b> , of previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number  For b-f, note item A2 of Supporting Statement instructions.	4. Type of review requested: (check one) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by c. <input type="checkbox"/> Delegated  5. Small entities: Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No  6. Requested expiration date: a. <input checked="" type="checkbox"/> Three years from approval date      b. <input type="checkbox"/> Other (specify)		
7. Title:  <p style="margin-left: 40px;">Public Housing Admissions/Occupancy Policy</p>			
8. Agency form number(s): (if applicable) n/a			
9. Keywords: housing admissions policies, continued occupancy policies, annual contributions contracts (ACC) 10. Abstract: PHAs that have entered into an ACC with HUD must develop, update (as appropriate to do so), and keep on file an Admissions and Continued Occupancy Policy.			
11. Affected public: (mark primary with "P" and all others that apply with "X") a. Individuals or households      e. Farms b. Business or other for-profit      f. Federal Government c. Not-for-profit institutions      g. <input checked="" type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond: (mark primary with "P" and all others that apply with "X") a. Voluntary b. Required to obtain or retain benefits c. <input checked="" type="checkbox"/> Mandatory		
13. Annual reporting and recordkeeping hour burden: a. Number of respondents      3,278 b. Total annual response      3,278 c. Percentage of these responses collected electronically      0- d. Total annual hours requested      196,680 e. Current OMB inventory      196,680 f. Difference (+,-)      0 g. Explanation of difference: 1. Program 2. Adjustment:	14. Annual reporting and recordkeeping cost burden: (in thousands of dollars) a. Total annualized capital/startup costs      0 b. Total annual costs (O&M) c. Total annualized cost request d. Total annual cost requested e. Current OMB inventory f. Explanation of difference: 1. Program change: 2. Adjustment:		
15. Purpose of Information collection: (mark primary with "P" and all others that apply with "X") a. <input checked="" type="checkbox"/> Application for benefits      e. Program planning or management b. <input checked="" type="checkbox"/> Program evaluation      f. Research c. General purpose statistics      g. <input checked="" type="checkbox"/> Regulatory or compliance d. Audit	16. Frequency of recordkeeping or reporting: (check all that apply) a. Recordkeeping      b. Third party disclosure b. Reporting: 1. On occasion      2. <input type="checkbox"/> Weekly      3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly      5. Semi-annually      6. <input checked="" type="checkbox"/> Annually 7. <input type="checkbox"/> Biannually      8. <input checked="" type="checkbox"/> Other when requesting payments		
17. Statistical methods: Does this information collection employ statistical methods? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	18. Agency contact: (person who can best answer questions regarding the content of this submission) Name: Lisa Floyd Phone: (202) 402-6275		

## **Supporting Statement for Paperwork Reduction Act Submission Admission to and Occupancy of Public Housing**

### A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

This Paperwork Reduction Act submission describes the proposed extension of a currently approved information collection used to monitor Public Housing Agency's (PHAs) Admission and Continuing Occupancy Policies (ACOPs). Statutory and regulatory authority grants PHAs flexibility to structure admission and occupancy policies. This information collection pertains to the policies which the Department of Housing and Urban Development (HUD) utilizes to ensure that PHAs are compliant with statute and regulations, the consolidated ACC and all HUD-approved applications for program funding. The information particular to this collection is as follows:

- The organization of the waiting list and how families are selected and offered available units, including any PHA admission preferences, procedures for removing applicant names from the waiting list, and procedures for closing and reopening the PHA waiting list
- Transfer policies
- Standards for determining eligibility, suitability for tenancy, and the size and type of the unit needed
- Procedures for verifying the information the family has provided
- The method for achieving deconcentration of poverty and income-mixing of public housing developments
- Waiting list and local admission preferences
- Self-sufficiency incentives
- Policies concerning payment by a family to the PHA of amounts the family owes the PHA
- Annual and interim redeterminations of family income and composition
- Policies regarding community service requirements;
- Policies and rules about safety and ownership of pets in public housing.
- Occupancy of over-income families
- Occupancy of police officers to provide security services

The statutory/regulatory authorities that support this occupancy and admission information collection are as follows:

- Section 3- The United States Housing Act [ 42 U.S.C.1437] Declaration of Policy and Public Housing Agency Organizations
- Section 5- The United States Housing Act [42 U.S.C. 1437] Public Housing Agency Plan
- Section 6- The United States Housing Act [42 U.S.C. 1437] Availability of Records
- 24 CFR 960 Admission to and Occupancy of Public Housing

2. **Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information from the current collection.**

Admission and occupancy policies are established by the PHA in order to operate its public housing programs. HUD Field Office staff also use this information in conducting on Rental Integrity Monitoring Reviews (RIMS), these on site reviews test the accuracy of rental subsidies.

3. **Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

This information collection does not utilize technological collection techniques however some PHAs post their ACOPs on their Agency website.

4. **Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

Admission and Occupancy policy information is unique to each PHA and is specific to the management of its public housing programs.

5. **If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.**

This information collection has no impact on small businesses or other small entities.

6. **Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

If the information described is not provided to the Department upon request, the PHA will not be in compliance with statutory and regulatory requirements.

7. **Explain any special circumstances that would cause an information collection to be conducted in a manner:**

- **requiring respondents to report information to HUD more than quarterly;**

PHAs are not required to report this information more than quarterly.

- **requiring respondents to prepare a written response to a collection of information fewer than 30 days after receipt of it;**

Respondents are not required to prepare a written response related to the collection fewer than 30 days after receipt.

- **requiring respondents to submit more than an original and two copies of any documents;**

Respondents are not required to submit either original documents or copies of the originals.

- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three (3) years.**

Respondents are not required to maintain records related to admissions and occupancy for more than three years.

- **In connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study; Requiring the use of a statistical data classification that has not been reviewed and approved by OMB:**

This collection of information is not a statistical survey.

- **That includes a pledge of confidentiality that is not supported by authority established in statute or regulations, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing data with other agencies for compatible confidential use; or**

A pledge of confidentiality is supported by the statutory authority established at Section 6 of the United States Housing Act of 1937 [42 USC 1437d(q)(5)].

- **Requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

PHAs are not required to submit proprietary trade secrets or other confidential information.

- 8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden. Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection; the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported. Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years – even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.**

In accordance with 5 CFR 1320.8 (Paperwork Reduction Act of 1995), HUD published a Notice of Proposed Information Collection in the *Federal Register*, Volume 79; No. 115, Page 34341 on June 16, 2014. The public was given until August 15, 2014 to submit comments on the proposed information collection. "HUD received no comments on the proposed collection."

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

There are no payments or gifts provided to respondents.

- 10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation or agency policy.**

There are no assurances of confidentiality provided or needed for this collection.

- 11. Provide additional justification for any questions of a sensitive nature, such as behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.**

The collection does not involve any questions of a sensitive nature.

- 12. Provide estimates of the hour burden of the collection of information. The statement should: Indicate the number of respondents, frequency of response, annual hour burden, an explanation of how the burden was estimated.**

Number of Respondents (PHAs)	Responses Annually	**Hours per Response	Total Annual Burden Hours	Cost Per Hour	Total Annual Cost
3,278	3,278	60	196,680	\$18.30	\$3,599,244

**Calculations:**

\*Average PHA salary= \$38,064 per year;  $38,064 / 52 = \$732$  per week;

$\$38,064 / 261$  days (FTE days per year 2011<sup>1</sup>) = \$145.83 per day

$\$38,064 / 2,088$  hrs (FTE hours for year 2011) = \$18.30 per hour

\*Average PHA salary was based on an average of salaries for the employment position relevant to this collection. Salaries used in this average include small, medium and large PHAs from various geographical regions (less than 10 PHAs were surveyed for this information)

\*\* Hours per Response – Less than 10 PHAs were surveyed to estimate hours required to prepare this information.

- 13. Provide an estimate for the total annual cost burden to respondents or record keepers resulting from the collection. (Do not include the cost of any hour burden shown in items 12 and 14).**

There are no additional costs to respondents other than what is reported in item #12 above.

- 14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method use to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expenses that**

<sup>1</sup> **Full-time equivalent (FTE) employment** means the total number of regular straight-time hours (i.e., not including overtime or holiday hours) worked by employees divided by the number of compensable hours applicable to each fiscal year. Annual leave, sick leave, compensatory time off and other approved leave categories are considered "hours worked" for purposes of defining full-time equivalent employment that is reported in the personnel summary. This definition is consistent with guidance provided by the Office of Personnel Management (OPM) in connection with reporting FTE data as part of the SF 113G reporting system.

[http://www.whitehouse.gov/sites/default/files/omb/assets/a11\\_current\\_year/s85.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/a11_current_year/s85.pdf)

would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from items 12, 13, and 14 in a single table.

There are no additional costs to the federal government.

**15. Explain the reasons for any program changes or adjustments reported in items 13 or 14 of the OMB Form 83-I.**

Not applicable.

**16. For collection of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection information, completion of report, publication dates, and other actions.**

This item does not apply as the results of the information collection will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.**

The Department is seeking approval to display the expiration date for OMB approval of the information collection.

**18. Explain each exception to the certification statement identified in item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.**

There are no exceptions to the certification.

**B. Collection of Information Employing Statistical Methods**

Section B is not applicable since statistical methods are not used.

**Subpart B—Admission**

**§ 960.200 Purpose.**

**§ 960.201 Eligibility.**

(a) *Who is eligible?* (1) *Basic eligibility.* An applicant must meet all eligibility requirements in order to receive housing assistance. At a minimum, the applicant must be a family, as defined in §5.403 of this title, and must be income-eligible, as described in this section. Such eligible applicants include single persons.

(2) *Low income limit.* No family other than a low income family is eligible for admission to a PHA's public housing program.

(b) *Income used for eligibility and targeting.* Family annual income (see §5.609) is used both for determination of income eligibility under paragraph (a) and for PHA income targeting under §960.202

(c) *Reporting.* The PHA must comply with HUD-prescribed reporting requirements that will permit HUD to maintain the data, as determined by HUD, necessary to monitor compliance with income eligibility and targeting requirement.

**§ 960.202 Tenant selection policies.**

(a) *Selection policies, generally.* (1) The PHA shall establish and adopt written policies for admission of tenants.

(2) These policies shall provide for and include the following:

(i) Targeting admissions to extremely low income families as provided in paragraph (b) of this section.

(ii) Deconcentration of poverty and income-mixing in accordance with the PHA Plan regulations (see 24 CFR part 903).

(iii) Precluding admission of applicants whose habits and practices reasonably may be expected to have a detrimental effect on the residents or the project environment;

(iv) Objective and reasonable policies for selection by the PHA among otherwise eligible applicants, including requirements for applications and waiting lists (see 24 CFR 1.4), and for verification and documentation of information relevant to acceptance or rejection of an applicant, including documentation and verification of citizenship and eligible immigration status under 24 CFR part 5; and

(v) Policies of participant transfer between units, developments, and programs. For example, a PHA could adopt a criterion for voluntary transfer that the tenant had met all obligations under the current program, including payment of charges to the PHA.

(b) *Targeting admissions to extremely low income families —(1) Targeting requirement.* (i) Not less than 40 percent of the families admitted to a PHA's public housing program during the PHA fiscal year from the PHA waiting list shall be extremely low income families. This is called the "basic targeting requirement."

(ii) To the extent provided in paragraph (b)(2) of this section, admission of extremely low income families to the PHA's Section 8 voucher program during the same PHA fiscal year is credited against the basic targeting requirement.

(iii) A PHA must comply with both the targeting requirement found in this part and the deconcentration requirements found in part 903 of this chapter.

(2) *Credit for admissions to PHA voucher program.* (i) If admissions of extremely low income families to the PHA's voucher program during a PHA fiscal year exceeds the 75 percent minimum targeting requirement for the PHA's voucher program (see 24 CFR 982.201(b)(2)), such excess shall be credited (subject to the limitations in paragraph (b)(2)(ii) of this section) against the PHA's basic targeting requirement for the same fiscal year.

(ii) The fiscal year credit for voucher program admissions that exceed the minimum voucher program targeting requirement shall not exceed the lower of:

(A) Ten percent of public housing waiting list admissions during the PHA fiscal year;

(B) Ten percent of waiting list admission to the PHA's Section 8 tenant-based assistance program during the PHA fiscal year; or

(C) The number of qualifying low income families who commence occupancy during the fiscal year of PHA public housing units located in census tracts with a poverty rate of 30 percent or more. For this purpose, qualifying low income family means a low income family other than an extremely low income family.

(c) *Adoption and availability of tenant selection policies.* These selection policies shall:

(1) Be duly adopted and implemented;

(2) Be publicized by posting copies thereof in each office where applications are received and by furnishing copies to applicants or tenants upon request, free or at their expense, at the discretion of the PHA; and

(3) Be consistent with the fair housing and equal opportunity provisions of §5.105 of this title; and

(4) Be submitted to the HUD field office upon request from that office.

#### **§ 960.206 Waiting list: Local preferences in admission to public housing program.**

(a) *Establishment of PHA local preferences.* (1) The PHA may adopt a system of local preferences for selection of families admitted to the PHA's public housing program. The PHA system of selection preferences must be based on local housing needs and priorities as determined by the PHA. In determining such needs and priorities, the PHA shall use generally accepted data sources. Such sources include public comment on the PHA plan (as received pursuant to §903.17 of this chapter), and on the consolidated plan for the relevant jurisdiction (as received pursuant to part 91 of this title).

(2) The PHA may limit the number of applicants that qualify for any local preference.

(3) PHA adoption and implementation of local preferences is subject to HUD requirements concerning income-targeting (§960.202(b)), deconcentration and income-mixing (§903.7), and selection preferences for developments designated exclusively for elderly or disabled families or for mixed population developments (§960.407).

(4) The PHA must inform all applicants about available preferences and must give applicants an opportunity to show that they qualify for available preferences.

(b) *Particular local preferences —(1) Residency requirements or preferences.* (i) Residency requirements are prohibited. Although a PHA is not prohibited from adopting a residency preference, the PHA may only adopt or implement residency preferences in accordance with non-discrimination and equal opportunity requirements listed at §5.105(a) of this title.

(ii) A residency preference is a preference for admission of persons who reside in a specified geographic area ("residency preference area"). A county or municipality may be used as a residency preference area. An area smaller than a county or municipality may not be used as a residency preference area.



(iii) Any PHA residency preferences must be included in the statement of PHA policies that govern eligibility, selection and admission to the program, which is included in the PHA annual plan (or supporting documents) pursuant to part 903 of this chapter. Such policies must specify that use of a residency preference will not have the purpose or effect of delaying or otherwise denying admission to the program based on the race, color, ethnic origin, gender, religion, disability, or age of any member of an applicant family.

(iv) A residency preference must not be based on how long an applicant has resided or worked in a residency preference area.

(v) Applicants who are working or who have been notified that they are hired to work in a residency preference area must be treated as residents of the residency preference area. The PHA may treat graduates of, or active participants in, education and training programs in a residency preference area as residents of the residency preference area if the education or training program is designed to prepare individuals for the job market.

(2) *Preference for working families.* The PHA may adopt a preference for admission of working families (families where the head, spouse, or sole member, is employed). However, an applicant must be given the benefit of the working family preference if the head and spouse, or sole member is age 62 or older, or is a person with disabilities.

(3) *Preference for person with disabilities.* The PHA may adopt a preference for admission of families that include a person with disabilities. However, the PHA may not adopt a preference for persons with a specific disability.

(4) *Preference for victims of domestic violence.* The PHA should consider whether to adopt a local preference for admission of families that include victims of domestic violence.

(5) *Preference for single persons who are elderly, displaced, homeless or a person with disabilities.* The PHA may adopt a preference for admission of single persons who are age 62 or older, displaced, homeless, or persons with disabilities over other single persons.

(c) *Selection for particular unit.* In selecting a family to occupy a particular unit, the PHA may match characteristics of the family with the type of unit available, for example, number of bedrooms. In selection of families to occupy units with special accessibility features for persons with disabilities, the PHA must first offer such units to families which include persons with disabilities who require such accessibility features (see §§8.27 and 100.202 of this title).

(d) *Housing assistance limitation for single persons.* A single person who is not an elderly or displaced person, or a person with disabilities, or the remaining member of a resident family may not be provided a housing unit with two or more bedrooms.

(e) *Selection method.* (1) The PHA must use the following to select among applicants on the waiting list with the same priority for admission:

(i) Date and time of application; or

(ii) A drawing or other random choice technique.

(2) The method for selecting applicants must leave a clear audit trail that can be used to verify that each applicant has been selected in accordance with the method specified in the PHA plan.

#### **§ 960.208 Notification to applicants.**

(a) The PHA must promptly notify any applicant determined to be ineligible for admission to a project of the basis for such determination, and must provide the applicant upon request, within a reasonable time after the determination is made, with an opportunity for an informal hearing on such determination.

(b) When a determination has been made that an applicant is eligible and satisfies all requirements for admission, including the tenant selection criteria, the applicant must be notified of the approximate date of occupancy insofar as that date can be reasonably determined.

**§ 960.259 Family information and verification.**

(a) *Family obligation to supply information.* (1) The family must supply any information that the PHA or HUD determines is necessary in administration of the public housing program, including submission of required evidence of citizenship or eligible immigration status (as provided by part 5, subpart E of this title). "Information" includes any requested certification, release or other documentation.

(2) The family must supply any information requested by the PHA or HUD for use in a regularly scheduled reexamination or an interim reexamination of family income and composition in accordance with HUD requirements.

(3) For requirements concerning the following, see part 5, subpart B of this title:

(i) Family verification and disclosure of social security numbers;

(ii) Family execution and submission of consent forms for obtaining wage and claim information from State Wage Information Collection Agencies (SWICAs).

(4) Any information supplied by the family must be true and complete.

(b) *Family release and consent.* (1) As a condition of admission to or continued assistance under the program, the PHA shall require the family head, and such other family members as the PHA designates, to execute a consent form (including any release and consent as required under §5.230 of this title) authorizing any depository or private source of income, or any Federal, State or local agency, to furnish or release to the PHA or HUD such information as the PHA or HUD determines to be necessary.

(2) The use or disclosure of information obtained from a family or from another source pursuant to this release and consent shall be limited to purposes directly connected with administration of the program.

(c) *PHA responsibility for reexamination and verification.* (1) The PHA must obtain and document in the family file third party verification of the following factors, or must document in the file why third party verification was not available:

(i) Reported family annual income;

(ii) The value of assets;

(iii) Expenses related to deductions from annual income; and

(iv) Other factors that affect the determination of adjusted income or income-based rent.

**Subpart D—Preference for Elderly Families and Disabled Families in Mixed Population Projects**

### **§ 960.401 Purpose.**

This subpart establishes a preference for elderly families and disabled families for admission to mixed population public housing projects, as defined in §960.405.

### **§ 960.403 Applicability.**

(a) This subpart applies to all dwelling units in mixed population projects (as defined in §960.405), or portions of mixed population projects, assisted under the U.S. Housing Act of 1937. These projects formerly were known as elderly projects.

(b) This subpart does not apply to section 23 and section 10(c) leased housing projects or the section 23 Housing Assistance Payments Program where the owners enter into leases directly with the tenants, or to the Section 8 Housing Assistance Payments Program, the Low-Rent Housing Homeownership Opportunities Program (Turnkey III), the Mutual Help Homeownership Opportunities Program, or to Indian Housing Authorities. (For applicability to Indian Housing Authorities, see part 905 of this chapter.) Additionally, this subpart is not applicable to projects designated for elderly families or designated for disabled families in accordance with 24 CFR part 945.

### **§ 960.407 Selection preference for mixed population developments.**

(a) The PHA must give preference to elderly families and disabled families equally in determining priority for admission to mixed population developments. The PHA may not establish a limit on the number of elderly families or disabled families who may be accepted for occupancy in a mixed population development.

(b) In selecting elderly families and disabled families to occupy units in mixed population developments, the PHA must first offer units that have special accessibility features for persons with disabilities to families who include persons with disabilities who require the accessibility features of such units (see §§8.27 and 100.202 of this title).

[65 FR 16729, Mar. 29, 2000]

## **Subpart E—Occupancy by Over-Income Families or Police Officers**

### **§ 960.505 Occupancy by police officers to provide security for public housing residents**

(a) *Police officer.* For purpose of this subpart E, “police officer” means a person determined by the PHA to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State or local government or by any agency of these governments. An officer of an accredited police force of a housing agency may qualify.

(b) *Occupancy in public housing.* For the purpose of increasing security for residents of a public housing development, the PHA may allow police officers who would not otherwise be eligible for occupancy in public housing, to reside in a public housing dwelling unit. The PHA must include in the PHA annual plan or supporting documents the number and location of the units to be occupied by police officers, and the terms and conditions of their tenancies; and a statement that such occupancy is needed to increase security for public housing residents.

## **The United States Housing Act of 1937- Section 3**

### **§ 1437. Declaration of policy and public housing agency organization**

**(a) Declaration of policy**

It is the policy of the United States—

**(C)** consistent with the objectives of this subchapter, to vest in public housing agencies that perform well, the maximum amount of responsibility and flexibility in program administration, with appropriate accountability to public housing residents, localities, and the general public;

**(2)** that the Federal Government cannot through its direct action alone provide for the housing of every American citizen, or even a majority of its citizens, but it is the responsibility of the Government to promote and protect the independent and collective actions of private citizens to develop housing and strengthen their own neighborhoods;

**(2) Rental payments for public housing families.—**

**(A) Authority for family to select.—**

**(i) In general.—** A family residing in a public housing dwelling shall pay as monthly rent for the unit the amount determined under clause (i) or (ii) of subparagraph (B), subject to the requirement under paragraph (3) (relating to minimum rents). Each public housing agency shall provide for each family residing in a public housing dwelling unit owned, assisted, or operated by the agency to elect annually whether the rent paid by such family shall be determined under clause (i) or (ii) of subparagraph (B). A public housing agency may not at any time fail to provide both such rent options for any public housing dwelling unit owned, assisted, or operated by the agency.

**(ii) Income-based rents.—**

**(I) In general.—** The monthly rental amount determined under this clause for a family shall be an amount, determined by the public housing agency, that does not exceed the greatest of the amounts (rounded to the nearest dollar) determined under subparagraphs (A), (B), and (C) of paragraph (1). This clause may not be construed to require a public housing agency to charge a monthly rent in the maximum amount permitted under this clause.

**(4) Occupancy by police officers.—**

**(A) In general.—** Subject to subparagraph (B) and notwithstanding any other provision of law, a public housing agency may, in accordance with the public housing agency plan for the agency, allow a police officer who is not otherwise eligible for residence in public housing to reside in a public housing dwelling unit. The number and location of units occupied by police officers under this paragraph and the terms and conditions of their tenancies shall be determined by the public housing agency.

**(B) Increased security.—** A public housing agency may take the actions authorized in subparagraph (A) only for the purpose of increasing security for the residents of a public housing project.

**(C) Definition.—** In this paragraph, the term “police officer” means any person determined by a public housing agency to be, during the period of residence of that person in public housing, employed on a full-time basis as a duly licensed professional police officer by a Federal, State, or local government or by any agency thereof (including a public housing agency having an accredited police force).

## **§ 1437(q). Availability of records**

### **(1) In general**

#### **(A) Provision of information**

Notwithstanding any other provision of law, except as provided in subparagraph (C), the National Crime Information Center, police departments, and other law enforcement agencies shall, upon request, provide information to public housing agencies regarding the criminal conviction records of adult applicants for, or tenants of, covered housing assistance for purposes of applicant screening, lease enforcement, and eviction.

#### **(B) Requests by owners of project-based section 8 [42 U.S.C. 1437f] housing**

A public housing agency may make a request under subparagraph (A) for information regarding applicants for, or tenants of, housing that is provided project-based assistance under section 1437f of this title only if the housing is located within the jurisdiction of the agency and the owner of such housing has requested that the agency obtain such information on behalf of the owner. Upon such a request by the owner, the agency shall make a request under subparagraph (A) for the information. The agency may not make such information available to the owner but shall perform determinations for the owner regarding screening, lease enforcement, and eviction based on criteria supplied by the owner.

#### **(C) Exception**

A law enforcement agency described in subparagraph (A) shall provide information under this paragraph relating to any criminal conviction of a juvenile only to the extent that the release of such information is authorized under the law of the applicable State, tribe, or locality.

### **(2) Opportunity to dispute**

Before an adverse action is taken with regard to assistance under this subchapter on the basis of a criminal record, the public housing agency shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

### **(3) Fees**

A public housing agency may be charged a reasonable fee for information provided under paragraph (1). In the case of a public housing agency obtaining information pursuant to paragraph (1)(B) for another owner of housing, the agency may pass such fee on to the owner initiating the request and may charge additional reasonable fees for making the request on behalf of the owner and taking other actions for owners under this subsection.

### **(4) Records management**

Each public housing agency shall establish and implement a system of records management that ensures that any criminal record received by the public housing agency is—

**(A)** maintained confidentially;

**(B)** not misused or improperly disseminated; and

**(C)** destroyed, once the purpose for which the record was requested has been accomplished.

## **(5) Confidentiality**

A public housing agency receiving information under this subsection may use such information only for the purposes provided in this subsection and such information may not be disclosed to any person who is not an officer, employee, or authorized representative of the agency and who has a job-related need to have access to the information in connection with admission of applicants, eviction of tenants, or termination of assistance. For judicial eviction proceedings, disclosures may be made to the extent necessary. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this subsection to a public housing agency is used, and confidentiality of such information is maintained, as required under this subsection. The Secretary shall establish standards for confidentiality of information obtained under this subsection by public housing agencies on behalf of owners.

## § 1437c-1 Public Housing Agency Plans

(a) 5-year plan (1) In general Subject to paragraph (2), not less than once every 5 fiscal years, each public housing agency shall submit to the Secretary a plan that includes, with respect to the 5 fiscal years immediately following the date on which the plan is submitted - (A) a statement of the mission of the public housing agency for serving the needs of low-income and very low-income families in the jurisdiction of the public housing agency during such fiscal years; and (B) a statement of the goals and objectives of the public housing agency that will enable the public housing agency to serve the needs identified pursuant to subparagraph (A) during those fiscal years.

(2) Initial plan The initial 5-year plan submitted by a public housing agency under this subsection shall be submitted for the 5-year period beginning on October 1, 1999, or the first fiscal year thereafter for which the public housing agency initially receives assistance under this chapter. (b) Annual plan (1) In general Effective beginning upon October 1, 1999, each public housing agency shall submit to the Secretary an annual public housing agency plan under this subsection for each fiscal year for which the public housing agency receives assistance under section 1437f(o) or 1437g of this title. (2) Updates For each fiscal year after the initial submission of an annual plan under this subsection by a public housing agency, the public housing agency may comply with requirements for submission of a plan under this subsection by submitting an update of the plan for the fiscal year. (c) Procedures (1) In general The Secretary shall establish requirements and procedures for submission and review of plans, including requirements for timing and form of submission, and for the contents of such plans. (2) Contents The procedures established under paragraph (1) shall provide that a public housing agency shall - (A) in developing the plan consult with the resident advisory board established under subsection (e) of this section; and (B) ensure that the plan under this section is consistent with the applicable comprehensive housing affordability strategy (or any consolidated plan incorporating such strategy) for the jurisdiction in which the public housing agency is located, in accordance with title I of the Cranston-Gonzalez National Affordable Housing Act [[42 U.S.C. 12701](#) et seq.], and contains a certification by the appropriate State or local official that the plan meets the requirements of this paragraph and a description of the manner in which the applicable contents of the public housing agency plan are consistent with the comprehensive housing affordability strategy.

(d) Contents An annual public housing agency plan under subsection (b) of this section for a public housing agency shall contain the following information relating to the upcoming fiscal year for which the assistance under this chapter is to be made available: (1) Needs A statement of the housing needs of low-income and very low-income families residing in the jurisdiction served by the public housing agency, and of other low-income and very low-income families on the waiting list of the agency (including housing needs of elderly families and disabled families), and the means by which the public housing agency intends, to the maximum extent practicable, to address those needs. (2) Financial resources A statement of financial resources available to the agency and the planned uses of those resources. (3) Eligibility, selection, and admissions policies A statement of the policies governing eligibility, selection, admissions (including any preferences), assignment, and occupancy of families with respect to public housing dwelling units and housing assistance under section 1437f(o) of this title, including - (A) the procedures for maintaining waiting lists for admissions to public housing projects of the agency, which may include a system of site-based waiting lists under section 1437d(r) of this title; and (B) the admissions policy under section 1437n(a)(3)(B) of this title for deconcentration of lower-income families. (4) Rent determination A statement of the policies of the public housing agency governing rents charged for public housing dwelling units and rental contributions of families assisted under section 1437f(o) of this title. (5) Operation and management A statement of the rules, standards, and policies of the public housing agency governing maintenance and management of housing owned, assisted, or operated by the public housing agency (which shall include measures necessary for the prevention or eradication of pest infestation, including by cockroaches), and management of the public housing agency and programs of the public housing agency. (6) Grievance procedure A statement of the grievance procedures of the public housing agency. (7) Capital improvements With respect to public housing projects owned, assisted, or operated by the

public housing agency, a plan describing the capital improvements necessary to ensure long-term physical and social viability of the projects. (8) Demolition and disposition With respect to public housing projects owned by the public housing agency - (A) a description of any housing for which the PHA will apply for demolition or disposition under section 1437p of this title; and (B) a timetable for the demolition or disposition. (9) Designation of housing for elderly and disabled families With respect to public housing projects owned, assisted, or operated by the public housing agency, a description of any projects (or portions thereof) that the public housing agency has designated or will apply for designation for occupancy by elderly and disabled families in accordance with section 1437e of this title. (10) Conversion of public housing With respect to public housing owned by a public housing agency - (A) a description of any building or buildings that the public housing agency is required to convert to tenant-based assistance under section 1437z-5 of this title or that the public housing agency plans to voluntarily convert under section 1437t of this title; (B) an analysis of the projects or buildings required to be converted under section 1437z-5 of this title; and (C) a statement of the amount of assistance received under this chapter to be used for rental assistance or other housing assistance in connection with such conversion. (11) Homeownership A description of any homeownership programs of the agency under section 1437f(y) of this title or for which the public housing agency has applied or will apply for approval under section 1437z-4 of this title. (12) Community service and self-sufficiency A description of - (A) any programs relating to services and amenities provided or offered to assisted families; (B) any policies or programs of the public housing agency for the enhancement of the economic and social self-sufficiency of assisted families; (C) how the public housing agency will comply with the requirements of subsections (c) and (d) of section 1437j of this title (relating to community service and treatment of income changes resulting from welfare program requirements). (13) Safety and crime prevention A plan established by the public housing agency, which shall be subject to the following requirements: (A) Safety measures The plan shall provide, on a project-by-project or jurisdiction-wide basis, for measures to ensure the safety of public housing residents. (B) Establishment The plan shall be established in consultation with the police officer or officers in command for the appropriate precinct or police department. (C) Content The plan shall describe the need for measures to ensure the safety of public housing residents and for crime prevention measures, describe any such activities conducted or to be conducted by the agency, and provide for coordination between the agency and the appropriate police precincts for carrying out such measures and activities. (D) Secretarial action: If the Secretary determines, at any time, that the security needs of a project are not being adequately addressed by the plan, or that the local police precinct is not complying with the plan, the Secretary may mediate between the public housing agency and the local precinct to resolve any issues of conflict. (14) Pets: The requirements of the agency, pursuant to section 1437z-3 of this title, relating to pet ownership in public housing. (15) Civil rights certification A certification by the public housing agency that the public housing agency will carry out the public housing agency plan in conformity with title VI of the Civil Rights Act of 1964 [[42 U.S.C. 2000d](#) et seq.], the Fair Housing Act [[42 U.S.C. 3601](#) et seq.], section 504 of the Rehabilitation Act of 1973 [[29 U.S.C. 794](#)], and title II of the Americans with Disabilities Act of 1990 [[42 U.S.C. 12131](#) et seq.], and will affirmatively further fair housing. (16) Annual audit The results of the most recent fiscal year audit of the public housing agency under section 1437c(h)(2) of this title. (17) Asset management A statement of how the agency will carry out its asset management functions with respect to the public housing inventory of the agency, including how the agency will plan for the long-term operating, capital investment, rehabilitation, modernization, disposition, and other needs for such inventory. (18) Other any other information required by law to be included in a public housing agency plan. (e) Resident advisory board (1) In general Except as provided in paragraph (3), each public housing agency shall establish 1 or more resident advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent the residents assisted by the public housing agency. (2) Functions: Each resident advisory board established under this subsection by a public housing agency shall assist and make recommendations regarding the development of the public housing agency plan for the agency.

The agency shall consider the recommendations of the resident advisory boards in preparing the final public housing agency plan, and shall include, in the public housing agency plan submitted to the Secretary under this section, a copy of the recommendations and a description of the manner in which the recommendations were



addressed. (3) Waiver The Secretary may waive the requirements of this subsection with respect to the establishment of resident advisory boards for a public housing agency if the agency demonstrates to the satisfaction of the Secretary that there exist resident councils or other resident organizations of the public housing agency that - (A) adequately represent the interests of the residents of the public housing agency; and (B) have the ability to perform the functions described in paragraph (2). (f) (1) Notice and hearing (1) In general In developing a public housing agency plan under this section, the board of directors or similar governing body of a public housing agency shall conduct a public hearing to discuss the public housing agency plan and to invite public comment regarding that plan. The hearing shall be conducted at a location that is convenient to residents. (2) Availability of information and notice Not later than 45 days before the date of a hearing conducted under paragraph (1), the public housing agency shall - (A) make the proposed public housing agency plan and all information relevant to the hearing and proposed plan available for inspection by the public at the principal office of the public housing agency during normal business hours; and (B) publish a notice informing the public that - (i) that the information is available as required under subparagraph (A); and (ii) that a public hearing under paragraph (1) will be conducted. (3) Adoption of plan A public housing agency may adopt a public housing agency plan and submit the plan to the Secretary in accordance with this section only after - (A) conducting a public hearing under paragraph (1); (B) considering all public comments received; and (C) making any appropriate changes in the public housing agency plan, in consultation with the resident advisory board. (4) Advisory board consultation enforcement Pursuant to a written request made by the resident advisory board for a public housing agency that documents a failure on the part of the agency to provide adequate notice and opportunity for comment under this subsection and a finding by the Secretary of good cause within the time period provided for in subsection (i)(4) of this section, the Secretary may require the public housing agency to adequately remedy such failure before final approval of the public housing agency plan under this section. (g) Amendments and modifications to plans (1) In general Except as provided in paragraph (2), nothing in this section shall preclude a public housing agency, after submitting a plan to the Secretary in accordance with this section, from amending or modifying any policy, rule, regulation, or plan of the public housing agency, except that a significant amendment or modification may not - (A) be adopted, other than at a duly called meeting of board of directors (or similar governing body) of the public housing agency that is open to the public; and (B) be implemented, until notification of the amendment or modification is provided to the Secretary and approved in accordance with subsection (i) of this section. (2) Consistency and notice Each significant amendment or modification to a public housing agency plan submitted to the Secretary under this section shall - (A) meet the requirements under subsection (c)(2) of this section (relating to consultation with resident advisory board and consistency with comprehensive housing affordability strategies); and (B) be subject to the notice and public hearing requirements of subsection (f) of this section. (h) Submission of plans (1) Initial submission Each public housing agency shall submit the initial plan required by this section, and any amendment or modification to the initial plan, to the Secretary at such time and in such form as the Secretary shall require. (2) Annual submission Not later than 75 days before the start of the fiscal year of the public housing agency, after submission of the initial plan required by this section in accordance with subparagraph (A), each public housing agency shall annually submit to the Secretary a plan update, including any amendments or modifications to the public housing agency plan. (i) Review and determination of compliance (1) Review Subject to paragraph (2), after submission of the public housing agency plan or any amendment or modification to the plan to the Secretary, to the extent that the Secretary considers such action to be necessary to make determinations under this paragraph, the Secretary shall review the public housing agency plan (including any amendments or modifications thereto) and determine whether the contents of the plan - (A) set forth the information required by this section and this chapter to be contained in a public housing agency plan; (B) are consistent with information and data available to the Secretary, including the approved comprehensive housing affordability strategy under title I of the Cranston-Gonzalez National Affordable Housing Act [[42 U.S.C. 12701](#) et seq.] for the jurisdiction in which the public housing agency is located; and (C) are not prohibited by or inconsistent with any provision of this subchapter or other applicable law. (2) Elements exempted from review

The Secretary may, by regulation, provide that one or more elements of a public housing agency plan shall be reviewed only if the element is challenged, except that the Secretary shall review the information submitted in

each plan pursuant to paragraphs (3)(B), (8), and (15) of subsection (d) of this section. (3) Disapproval The Secretary may disapprove a public housing agency plan (or any amendment or modification thereto) only if the Secretary determines that the contents of the plan (or amendment or modification) do not comply with the requirements under subparagraph (A) through (C) of paragraph (1). (4) Determination of compliance (A) In general Except as provided in subsection (j)(2) of this section, not later than 75 days after the date on which a public housing agency plan is submitted in accordance with this section, the Secretary shall make the determination under paragraph (1) and provide written notice to the public housing agency if the plan has been disapproved.

If the Secretary disapproves the plan, the notice shall state with specificity the reasons for the disapproval. (B) Failure to provide notice of disapproval In the case of a plan disapproved, if the Secretary does not provide notice of disapproval under subparagraph (A) before the expiration of the period described in subparagraph (A), the Secretary shall be considered, for purposes of this chapter, to have made a determination that the plan complies with the requirements under this section and the agency shall be considered to have been notified of compliance upon the expiration of such period.

The preceding sentence shall not preclude judicial review regarding such compliance pursuant to chapter 7 of title 5 or an action regarding such compliance under section 1983 of this title. (5) Public availability A public housing agency shall make the approved plan of the agency available to the general public. (j) Troubled and at-risk PHAs (1) In general The Secretary may require, for each public housing agency that is at risk of being designated as troubled under section 1437d(j)(2) of this title or is designated as troubled under section 1437d(j)(2) of this title, that the public housing agency plan for such agency include such additional information as the Secretary determines to be appropriate, in accordance with such standards as the Secretary may establish or in accordance with such determinations as the Secretary may make on an agency-by-agency basis. (2) Troubled agencies The Secretary shall provide explicit written approval or disapproval, in a timely manner, for a public housing agency plan submitted by any public housing agency designated by the Secretary as a troubled public housing agency under section 1437d(j)(2) of this title. (k) Streamlined plan In carrying out this section, the Secretary may establish a streamlined public housing agency plan for - (A) public housing agencies that are determined by the Secretary to be high performing public housing agencies; (B) public housing agencies with less than 250 public housing units that have not been designated as troubled under section 1437d(j)(2) of this title; and (C) public housing agencies that only administer tenant-based assistance and that do not own or operate public housing. (l) Compliance with plan (1) In general In providing assistance under this subchapter, a public housing agency shall comply with the rules, standards, and policies established in the public housing agency plan of the public housing agency approved under this section. (2) Investigation and enforcement In carrying out this subchapter, the Secretary shall - (A) provide an appropriate response to any complaint concerning noncompliance by a public housing agency with the applicable public housing agency plan; and (B) if the Secretary determines, based on a finding of the Secretary or other information available to the Secretary, that a public housing agency is not complying with the applicable public housing agency plan, take such actions as the Secretary determines to be appropriate to ensure such compliance.