

DHP Statute and Regulations

The PHA Plan process was established by section 7 of the United States Housing Act of 1937 (42 U.S.C. 1437e et seq.). Section 7 of the U.S. Housing Act of 1937 was amended by the 1996 Housing Opportunity Program Extension Act (HOPA). This amendment provides a public housing agency the authority to provide Designated Housing with an active plan under 42 U.S.C. 1437e – 7(d).

42 U.S. Code § 1437e - Designated housing for elderly and disabled families

(a) Authority to provide designated housing

(1) In general

Subject only to provisions of this section and notwithstanding any other provision of law, a [public housing agency](#) for which a plan under subsection (d) is in effect may provide public housing [projects](#) (or portions of [projects](#)) designated for occupancy by (A) only elderly [families](#), (B) only disabled [families](#), or (C) elderly and disabled [families](#).

(2) Priority for occupancy

In determining priority for admission to public housing [projects](#) (or portions of [projects](#)) that are designated for occupancy as provided in paragraph (1), the [public housing agency](#) may make units in such [projects](#) (or portions) available only to the types of [families](#) for whom the [project](#) is designated.

(3) Eligibility of near-elderly families

If a [public housing agency](#) determines that there are insufficient numbers of elderly [families](#) to fill all the units in a [project](#) (or portion of a [project](#)) designated under paragraph (1) for occupancy by only elderly [families](#), the agency may provide that near-elderly [families](#) may occupy dwelling units in the [project](#) (or portion).

(b) Standards regarding evictions

Except as provided in [section 1437n\(e\)\(1\)\(B\) \[1\]](#) of this title, any tenant who is lawfully residing in a dwelling unit in a public housing [project](#) may not be evicted or otherwise required to vacate such unit because of the designation of the [project](#) (or portion of a [project](#)) pursuant to this section or because of any action taken by the [Secretary](#) or any [public housing agency](#) pursuant to this section.

(c) Relocation assistance

A [public housing agency](#) that designates any existing [project](#) or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

- (1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the agency and the person or family;
- (2) access to comparable housing (including appropriate services and design features), which may include tenant-based rental assistance under [section 1437f of this title](#), at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and
- (3) payment of actual, reasonable moving expenses.

(d) Required plan

A plan under this subsection for designating a [project](#) (or portion of a [project](#)) for occupancy under subsection (a)(1) is a plan, prepared by the [public housing agency](#) for the [project](#) and submitted to the [Secretary](#), that—

- (1) establishes that the designation of the [project](#) is necessary—
 - (A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under [section 12705 of this title](#); and
 - (B) to meet the housing needs of the low-[income](#) population of the jurisdiction; and
- (2) includes a description of—
 - (A) the [project](#) (or portion of a [project](#)) to be designated;
 - (B) the types of tenants for which the [project](#) is to be designated;
 - (C) any [supportive services](#) to be provided to tenants of the designated [project](#) (or portion);
 - (D) how the design and related facilities (as such term is defined in section 1701q(d)(8) ¹ of title 12) of the [project](#) accommodate the special environmental needs of the intended occupants; and
 - (E) any plans to secure additional resources or housing assistance to provide assistance to [families](#) that may have been housed if occupancy in the [project](#) were not restricted pursuant to this section.

For purposes of this subsection, the term “[supportive services](#)” means services designed to meet the special needs of residents.

(e) Review of plans

(1) Review and notification

The [Secretary](#) shall conduct a limited review of each plan under subsection (d) that is submitted to the [Secretary](#) to ensure that the plan is complete and complies with the requirements of subsection (d). The [Secretary](#) shall notify each [public housing agency](#) submitting a plan whether the plan complies with such requirements not later than 60 days after receiving the plan. If the [Secretary](#) does not notify the [public housing agency](#), as required under this paragraph or paragraph (2), the plan shall be considered, for purposes of this section, to comply with the requirements under subsection (d) and the [Secretary](#) shall be considered to have notified the agency of such compliance upon the expiration of such 60-day period.

(2) Notice of reasons for determination of noncompliance

If the [Secretary](#) determines that a plan, as submitted, does not comply with the requirements under subsection (d), the [Secretary](#) shall specify in the notice under paragraph (1) the reasons for the noncompliance and any modifications necessary for the plan to meet such requirements.

(3) Standards for determination of noncompliance

The [Secretary](#) may determine that a plan does not comply with the requirements under subsection (d) only if—

(A) the plan is incomplete in significant matters required under such subsection; or

(B) there is evidence available to the [Secretary](#) that challenges, in a substantial manner, any information provided in the plan.

(4) Treatment of existing plans

Notwithstanding any other provision of this section, a [public housing agency](#) shall be considered to have submitted a plan under this subsection if the agency has submitted to the [Secretary](#) an application and allocation plan under this section (as in effect before March 28, 1996) that have not been approved or disapproved before March 28, 1996.

(f) Effectiveness

(1) 5-year effectiveness of original plan

A plan under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under subsection (e)(1) of the [public housing agency](#) that the plan complies with the requirements under subsection (d).

(2) Renewal of plan

Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an agency may extend the effectiveness of the designation and plan for an additional 2-year period (that begins upon such expiration) by submitting to the [Secretary](#) any information needed to update the plan. The [Secretary](#) may not limit the number of times a [public housing agency](#) extends the effectiveness of a designation and plan under this paragraph.

(3) Transition provision

Any application and allocation plan approved under this section (as in effect before March 28, 1996) before March 28, 1996, shall be considered to be a plan under subsection (d) that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(g) Inapplicability of Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970

No tenant of a public housing [project](#) shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 [[42 U.S.C. 4601](#) et seq.] because of the designation of any existing [project](#) or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

The Housing Opportunity Program Extension Act (HOPA) of 1996

<https://www.congress.gov/104/plaws/publ120/PLAW-104publ120.pdf>

Regulations (Outdated)

<https://www.gpo.gov/fdsys/granule/CFR-2001-title24-vol4/CFR-2001-title24-vol4-part945/content-detail.html>