



**National Association of Housing and Redevelopment Officials**

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July 19, 2010

Mr. Leroy McKinney, Jr.  
Departmental Reports Management Officer, QDAM  
Department of Housing and Urban  
Development, 451 7th Street, SW., Room 4178  
Washington, DC 20410-5000

Re: Docket No. FR-5383-N-10

To Whom It May Concern:

On behalf of the National Association of Housing and Redevelopment Officials' (NAHRO's) members, we would like to thank you for the opportunity to comment on the Department's planned revisions to the Public Housing Agency Plan. The provisions in the "Housing and Economic Recovery Act of 2008" (HERA) are not related to, and should not alter, the existing regulations benefitting PHAs with less than 250 public housing units and any number of vouchers that are all eligible to submit the new streamlined Annual and Five-Year PHA Plans. PHAs that meet the above definition and have enjoyed the real benefits of submitting a Streamlined PHA Plan should continue to enjoy this benefit.

HUD's website for Submit Plan Checklist - PHA Plans (<http://www.hud.gov/offices/pih/pha/submit/checklist.cfm>) includes a link to the [PHA Plan Checklist](#). For purposes of submitting a streamlined annual PHA Plan and 5-Year Plan, the categories listed by HUD in the above web pages contain all categories of PHAs except "small PHAs."

The existing regulations regarding PHAs that are eligible to submit a streamlined Annual Plan (§ 903.11) are located at: <http://edocket.access.gpo.gov/2003/pdf/03-15815.pdf>. The "Definition of Small PHA for Purposes of Submitting new Streamlined Annual and Five-Year/Annual PHA Plans," under HUD's "Deregulation for Small Public Housing Agencies; Final Rule" (June 24, 2003) states,

**"The definition of small PHAs that applies to submission of the new streamlined Annual and Five-Year/Annual PHA Plans is PHAs that are not designated as troubled or at risk of being designated as troubled under the Public Housing Assessment System (PHAS), and operate less than 250 public housing units. This definition applies irrespective of the number of housing choice vouchers that may also be administered by a PHA. PHAs with less than 250 public housing units, PHAs with less than 250 public housing units and any number of vouchers, and PHAs administering only vouchers are all eligible to**

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**submit the new streamlined Annual and Five-Year PHA Plans.”** (Bolded for emphasis)

The definition of “small” PHA in this context also assumes that the PHA has not been designated as troubled or is not at risk of being designated as troubled. To reiterate, the provisions in HERA are not related to, and should not alter, the existing regulations benefitting PHAs with less than 250 public housing units and any number of vouchers that are all eligible to submit the new streamlined Annual and Five-Year PHA Plans.

In addition to the Department making future changes to its website to make sure this information is prominently displayed so “small PHAs” know that they are still entitled to Streamlined PHA Plans, as well as including the definitions of small, High Performing, and Section 8 only PHAs, it would be beneficial if HUD included in its “PHA Plan Checklist” a category for “small PHA” (as defined in HUD’s final rule above) with a list of the items under a Streamlined PHA Plan that are 1) required, 2) optional, 3) if applicable and/or 4) 5-Yr. Plan only. Listed below are the streamlined Annual Plan requirements for “small PHAs” for fiscal years in which its 5-Year Plan is also due, as well as for all other fiscal years.

**HUD’s “Deregulation for Small Public Housing Agencies; Final Rule” (June 24, 2003)  
Existing regulations the PHAs eligible to submit a streamlined Annual Plan (§ 903.11)**

**§ 903.12 What are the streamlined Annual Plan requirements for small PHAs?**

**(b) Streamlined Annual Plan requirements for fiscal years in which its 5-Year Plan is also due.** For the fiscal year in which its 5-Year Plan is also due, the streamlined Annual Plan of the small PHA shall consist of the information required by § 903.7

(a) - *A statement of housing needs.* The information required by § 903.7(a) must be included only to the extent it pertains to the housing needs of families that are on the PHA’s public housing and Section 8 tenant-based assistance waiting lists.

(b) - *A statement of the PHA’s deconcentration and other policies that govern eligibility, selection, and admissions.*

(c) - *A statement of financial resources.*

(d) - *A statement of the PHA’s rent determination policies.*

(g) - *A statement of capital improvements needed.*

(h) - *A statement of any demolition and/or disposition — (1) Plan for Demolition / Disposition .*

(k) - *A statement of homeownership programs administered by the PHA.* The information required by § 903.7(k) must be included only to the extent that the PHA participates in homeownership programs under section 8(y) of the 1937 Act.

(o) - *Civil rights certification*, and

(r) - *Additional information to be provided*.

If the PHA wishes to use the project-based voucher program, the streamlined Annual Plan of the small PHA must also include a statement of the projected number of project-based units and general locations and how project-basing would be consistent with its PHA Plan.

**(c) Streamlined Annual Plan requirements for all other fiscal years.** For all other fiscal years, the streamlined Annual Plan must include: The information required by § 903.7

(g) - *A statement of capital improvements needed* - and

(o) - *Civil rights certification* (and, if applicable, § 903.7(b)(2) with respect to site-based waiting lists and § 903.7(k)(1)(i) with respect to homeownership programs under section 8(y) of the 1937 Act;

(2) If the PHA wishes to use the project-based voucher program, a statement of the projected number of project-based units and general locations and how project basing would be consistent with its PHA Plan; and

(3) A certification from the PHA that lists the policies and programs covered by § 903.7

(a) - *A statement of housing needs*.

(b) - *A statement of the PHA's deconcentration and other policies that govern eligibility, selection, and admissions*.

(c) - *A statement of financial resources*.

(d) - *A statement of the PHA's rent determination policies*.

(h) - *A statement of any demolition and/or disposition—(1) Plan for Demolition / Disposition*.

(k) - *A statement of homeownership programs administered by the PHA*, and

(r) - *Additional information to be provided*.

that the PHA has revised since submission of its last Annual Plan and provides assurance by the PHA that:

(i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;

(ii) The changes were duly approved by the PHA board of directors (or similar governing body); and

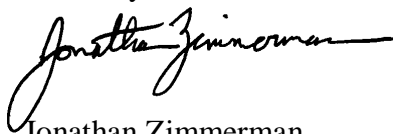
(iii) The revised policies and programs are available for review and inspection at the principal office of the PHA during normal business hours.

HUD's website providing PHA Plan templates (<http://www.hud.gov/offices/pih/pha/templates/index.cfm#doctable>) states, "To streamline the PHA Plan process, HUD redesigned the PHA Plan Template, form HUD-50075. As part of this redesigned template, PHAs no longer need to submit certain statutory plan requirements, e.g., Community Service Plan or Grievance Policy. However, PHAs are still required to make all required elements available locally. **Please refer to the directions contained with the form for specific guidance.** (*Bolded for emphasis*) There is only one PHA Plan Template. Previously, different templates were developed for different types of PHAs - small, Section 8 only, High Performer, etc. Now, all PHAs use the same, streamlined template. The template is found below in four different file formats, including Microsoft Word version 6.0, WordPerfect and the Rich Text Format. The PDF template is available for users to download and print the template plans only. PHAs should not make edits to the PDF files electronically. There is one template which all PHAs are required to use. Based on the type of PHA (small, Section 8 only, High Performer), all or some parts of the template will be completed. The template is found below in four different file formats, including Microsoft Word version 6.0, WordPerfect and the Rich Text Format. The PDF template is available for users to download and print the template plans only. PHAs should not make edits to the PDF files electronically."

We accessed the PHA Plan on HUD's website referring to directions contained with the form to see if there was specific guidance referring to existing regulations about various types of PHAs (and their corresponding definitions) that are eligible to submit a streamlined Annual Plan (§ 903.11). We did not find the "directions contained with the form for specific guidance" within HUD's PHA Plan 5-Year and Annual Template (HUD-50075). As such, the information currently posted on HUD's website for PHA Plan templates and the information currently listed in HUD's PHA Plan 5-Year and Annual Template (HUD-50075) does not include *specific definitions* of the three PHA types eligible for a streamlined PHA Plan or the *specific information required* of agencies eligible for a streamlined PHA Plan. We recommend that this specific information be prominently displayed on HUD's website at the sections where PHAs would access the PHA Plan and 5-Year Plan templates.

If you have any questions, please feel free to contact me at 202-289-3500 or via e-mail at: [jzimmerman@nahro.org](mailto:jzimmerman@nahro.org). Thank you for consideration of our comments.

Sincerely,



Jonathan Zimmerman  
Senior Policy Advisor – Housing Assistance Programs