

January 19, 2016

Helen R. Kanovsky, General Counsel  
Regulations Division, Office of General Counsel  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street, SW, Room 10276  
Washington, DC 20410-0500

Lourdes Castro Ramirez  
Principal Deputy Assistant Secretary for Public and Indian Housing  
Department of Housing and Urban Development  
451 7<sup>th</sup> Street, SW, Room 10276  
Washington, DC 20410-0500

Re: Comments on 60-Day Notice of Proposed Information Collection: Public Housing Agency (PHA) 5-Year and Annual Plan, 80 Fed. Reg. 72097 (November 18, 2015)

Dear Ms. Kanovsky and Ms. Ramirez,

In response to the above referenced request for public comments, we are writing to raise two issues relating to the revision of the forms for PHA five-year and annual plans, in light of the final Affirmatively Furthering Fair Housing Rule, and the related need for enhanced community engagement in the fair housing planning process.

First, the 5-year and annual plan templates<sup>1</sup> do not currently include any specific sections devoted to fair housing issues, or referencing the AFH process. Noting that the PHA is required to “work with local jurisdictions to implement any of the jurisdiction’s initiatives to affirmatively further fair housing that require the PHA’s involvement,” 24 CFR §903.7(o), we recommend including at least three new sections (or a single section with three prompts) in the revised PHA 5-year Plan template:

- List all fair housing goals identified in the local entitlement jurisdiction’s most recent AI or AFH;
- List all fair housing goals identified in the PHA’s AFH (if such assessment has been completed);
- List specific strategies, actions, that the PHA plans to take to achieve the identified fair housing goals, along with appropriate metrics and timetables.

Consistent with this approach, the PHA annual plan template should include a section requesting:

- Description of progress toward the fair housing goals identified in the PHA and/or jurisdiction’s most recent AFHs;

---

<sup>1</sup> The current PHA Plan templates are set out as attachments to HUD Notice PIH-2015-18 (October 23, 2015), at [http://portal.hud.gov/hudportal/HUD?src=/program\\_offices/administration/hudclips/notices/pih](http://portal.hud.gov/hudportal/HUD?src=/program_offices/administration/hudclips/notices/pih).

- List progress in implementing specific strategies and actions with respect to identified metrics and timetables in the AFH;
- List additional steps that may be needed to reach the identified fair housing goals over the next year.

Second, to enhance transparency of PHA activities, especially in light of the strong community engagement requirements of the final AFFH rule, we strongly recommend that the revised 5-year and annual plan templates include, as they once did, the full list of PHA policy documents that are available upon request. These back-up materials include crucial fair housing documents like the Section 8 Administrative Plan,<sup>2</sup> the public housing Tenant Selection and Assignment Plan, demolition/disposition plans, RAD proposals, HOPE VI applications, etc.<sup>3</sup> The de-listing of these documents from the PHA plan templates several years ago have made many of these policies invisible to most people affected by PHA policies and practices. To ensure that community engagement becomes more robust, both in the AFFH process and in the PHA Plan process, PHAs should be required to list all the policy documents supporting the PHA Plan, along with other relevant public data in their possession, and make these documents available either online or upon request.

Thank you for the opportunity to submit these comments.

Sincerely,



Philip Tegeler  
Executive Director

---

<sup>2</sup> Note that federal regulations designate the Section 8 Administrative Plan as a required supporting document to the PHA Annual Plan, pursuant to 24 CFR §982.54(b), but it is not listed in the PHA Plan instructions as a required document.

<sup>3</sup> Other required “attachments” to the PHA plan may include, but are not limited to, the Housing Needs Statement of the Consolidated Plan, the most recent board-approved operating budget for the PHA, the Public Housing Admissions and (Continued) Occupancy Policy (A&O), the PHA’s Deconcentration Income Analysis, Section 3 documentation, and any consortium agreements or portability agreements with other PHAs. Some of the required supplemental documents are referenced in PHA annual plan template (in the context of identifying any recent changes), but there is no listing of documents that PHAs must make available to the public. See generally 24 CFR §903.7 and 24 CFR §903.4.