

PHA Plans

**2019 AAHRA Annual Convention
Gulf Shores, Alabama**

What is a PHA Plan?

The PHA Plan is a comprehensive guide to public housing agency (PHA) policies, programs, operations, and strategies for meeting local housing needs and goals.

When should I start working on my PHA Plan?

Action	<u>Jan. 1</u> FY Start	<u>April 1</u> FY Start	<u>July 1</u> FY Start	<u>Oct. 1</u> FY Start
Begin preparations for developing PHA Plan, including compiling information and obtaining a copy of the jurisdiction's Consolidated Plan	May	Aug.	Nov.	Feb.
Draft Plan developed for discussion with partners	Mid-July	Mid-Oct.	Mid-Jan.	Mid-April
Notice of hearing and Plan on file for review	Mid-Aug.	Mid-Nov.	Mid-Feb.	Mid-May
Public Hearing	First week of Oct.	First week of Jan.	First week of April	First week of July

When is my PHA Plan due to HUD?

5 Year PHA Plan

- Once every 5 years, 75 days before FYE:
 - 12/31 PHAs submit by **10/18**
 - 3/30 PHAs submit by **1/16**
 - 6/30 PHAs submit by **4/17**
 - 9/30 PHAs submit by **7/18**
- All PHAs are required to submit a 5 Year PHA Plan.

Annual PHA Plan

- Annually using the same submit dates as the 5 Year PHA Plan.
- PHAs with 550-unit, **Qualified PHA**, (combined Public Housing and Section 8) are only required to submit the Civil Rights Certification.
- **EXCEPTION:** If you are a Troubled PHA, either Public Housing or Section 8 Troubled, you are required to submit the full plan.

Qualified or Non-Qualified

Qualified

The Housing and Economic Recovery Act (HERA), Title VII, Small Public Housing Authorities Paperwork Reduction Act **exempted qualified PHAs from the ANNUAL Plan** requirement.

A Qualified PHA is a PHA that has a combined unit total of 550 or less Public Housing units and Section 8 vouchers and is not designated troubled, both PHAS and SEMAP troubled during the PRIOR 12 months.

Non-Qualified

PHAs that do not meet the definition of a Qualified PHA are required to fully comply with all provisions of the PHA Plan including the submission of a 5 Year Plan and an Annual Plan.

5 Year PHA Plan Submission

All PHAs are required to submit the 5 Year PHA Plan once every 5 years.

- All PHAs are required to submit the HUD-50075-5Y beginning with the PHA Plans being submitted 10/18/19.

Annual PHA Plan Submissions

- **Standard PHA** - Must submit complete, Annual PHA Plans using the 50075-ST standard template.
 - Owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550.
 - Designated as a Standard Performer (see § 902.11(b)) in the most recent Public Housing Assessment System (PHAS) or Section Eight Management Assessment Program (SEMAP) assessments if administering both programs. Otherwise, PHAS if only administering public housing.

Annual PHA Plan Submissions

- **Troubled PHA** - Must submit complete, Annual PHA Plans using the 50075-ST standard template.
 - Any PHA that is designated Troubled (see § 902.75) on the most recent PHAS or SEMAP assessments if administering both programs. Otherwise, PHAS if only administering public housing or SEMAP if only administering Housing Choice Vouchers.

Annual PHA Plan Submissions

- **High-Performer PHA** - Must submit streamlined Annual PHA Plans using the 50075-HP template.
 - Owns or manages any number of public housing units and any number of vouchers where the total combined units exceed 550.
 - Designated as a high performer (see § 902.11(a)) on both of the most recent PHAS and SEMAP assessments if administering both programs. Otherwise, PHAS if only administering public housing or SEMAP if only administering Housing Choice Vouchers.

Annual PHA Plan Submissions

Small PHA - Must submit streamlined Annual PHA Plans using the 50075-SM template.

- Owns or manages between 1 and 249 public housing units and any number of vouchers where the total combined units exceed 550.
- Not designated as a troubled PHA in the most recent PHAS or SEMAP assessment, or at risk of being designated as troubled.
- Small PHAs may also be High Performer PHAs if they meet the definition of High Performer above. Small PHAs that choose to submit Annual PHA Plans as High Performers must submit streamlined Annual PHA Plans using the 50075-HP template.



Annual PHA Plan Submissions

Housing Choice Voucher (HCV) Only PHA - Must submit streamlined Annual PHA Plans using the 50075-HCV template.

- Administers more than 550 HCVs, and does not own or manage public housing.
- Not designated as troubled in its most recent SEMAP assessment.
- HCV-Only PHAs may also be High Performer PHAs if they meet the definition of High Performer under SEMAP above. HCV-Only PHAs that choose to submit Annual PHA Plans as High Performers must submit streamlined Annual PHA Plans using the 50075-HP template.

Annual PHA Plan Submissions

Qualified PHA - Not required to complete and submit Annual PHA Plans (see 903.3(c)).

- Owns or manages 550 or fewer public housing dwelling units and/or housing choice vouchers combined.
- Not designated as a Troubled PHA in the most recent PHAS assessment or does not have a failing score under SEMAP during the prior 12 months.
- **MUST submit the Civil Rights Certification by the PHA Plan due date.**

PHA Plan Submission Requirements by PHA Type

HUD Form	Frequency of Submission
All PHAs	
HUD 50075-5Y	Once every 5 PHA Fiscal Years
Standard PHAs and Troubled PHAs	
HUD 50075-ST	Annually
HUD 50077-ST-HCV-HP	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually
Small PHAs	
HUD 50075-SM	Annually
HUD 50077-CRT-SM	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually

High	Performer PHAs
HUD 50075-HP	Annually
HUD 50077-ST-HCV-HP	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually
HCV-Only PHAs	
HUD 50075-HCV	Annually
HUD 50077-ST-HCV-HP	Annually
HUD 50077-SL	Annually
RAB Comments	Annually
Challenged Elements	Annually

Certifications and Other Submission Requirements

Civil Rights Certification. In accordance with Section 5A of the U.S. Housing Act of 1937 (42 USC § 1437c-1) and departmental regulations at 24 CFR § 903.7(o)(1) and (2), PHAs must certify annually that they are in compliance with the Fair Housing Act, Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, as well as certifying that they will be affirmatively furthering fair housing choice. This civil rights certification is included as a separate civil rights certification form just for Qualified PHAs -- and these requirements are contained within the PHA Civil Rights Certification and Certifications of Compliance with the PHA Plan and Related Regulations forms for the other types of PHA types as identified on the next slide.

Certifications and Other Submission Requirements

- **Form HUD-50077-ST-HCV-HP** - PHA Certifications of Compliance with the PHA Plans and Related Regulations (*Standard, Troubled, HCV-Only, and High Performer PHAs*)
- **Form HUD-50077-SM** - PHA Certifications of Compliance with the PHA Plans and Related Regulations (*Small PHAs*),
- **Form HUD-50077-CR** - Civil Rights Certification (*Qualified PHAs*). Qualified PHAs submit this form annually.
- **HUD will not consider the PHA Plan submission complete and ready for review until these forms have been received at the appropriate local HUD Field Office.**

Certifications and Other Submission Requirements

Certification of Consistency with Consolidated Plan including the Analysis of Impediments to Fair Housing Choice (AI). In a change to Section 4 of PIH Notice 2008-41 and in compliance with 24 CFR § 903.15, all non-Qualified PHAs are required to obtain and submit to HUD with their Annual PHA Plans a certification by a State or local official of the Annual PHA Plan's consistency with the Consolidated Plan including the Analysis of Impediments to Fair Housing Choice. **Form HUD-50077-SL - Certification by State or Local Official of PHA Plans Consistency with the Consolidated Plan or State Consolidated Plan**

Certifications and Other Submission Requirements

Qualified agencies must submit the HUD-50077-SL with their 5-Year PHA Plans. The PHA plan regulations require that this certification be submitted to HUD - and not simply retained on file. In addition, HUD has modified the certification to comply with 24 CFR § 903.15(a)(1), which requires that the certification describe how the 5-Year PHA Plan is consistent with the Consolidated Plan.

Certifications and Other Submission Requirements

Rental Assistance Demonstration (RAD). Conversion of assistance under the Demonstration will be considered a significant amendment to the PHA's Five-Year PHA Plan for Qualified and non-Qualified PHAs, the Annual Plan for non-Qualified PHAs, and the Moving to Work (MTW) Plan for MTW PHAs. In addition to the information already required by 24 CFR Part 903 for PHA Plan amendments, refer to the revised RAD Notice PIH-2012-32, REV-2 issued June 15, 2015; and any successor guidance, including Appendix 1D of the aforementioned notices for guidance on what information must be submitted as Significant Amendment attachments to 5-Year and/or Annual PHA Plans for RAD conversion actions.

Certifications and Other Submission Requirements

Violence Against Women and Department of Justice Reauthorization Act of 2005 (VAWA) Requirements in PHA Plan Templates. As noted in Section 7 of PIH Notice 2008-41, VAWA requires 5-Year and Annual PHA Plans to contain information regarding a PHA's goals, objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking and HUD intended to include this item in future 5-Year and Annual PHA Plan templates. The specific information required by VAWA is now integrated into the revised templates issued with PIH Notice 2015-18.

NOTE: On 4/4/19 the U.S. House passed a 5-year reauthorization through 2024 of the VAWA Act. So there could be more changes coming.

Certifications and Other Submission Requirements

Resident Advisory Board (RAB) Comments. PHAs must submit as an attachment to the 5-Year and Annual PHA Plan any PHA Plan comments received from the RAB. PHAs must also include a narrative describing their analysis of the recommendations and the decisions made on these recommendations (see 903.13).

Challenged Elements. If any element of the Annual PHA Plan or 5-Year PHA Plan is challenged, a PHA must include such information as an attachment to the Annual PHA Plan or 5-Year PHA Plan with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response. HUD will consider incorporating this element into future versions of the PHA Plan templates.

Forms Removed from PHA Plan Submissions:

The following forms **ARE NO LONGER SUBMITTED** as a part of the PHA Plan, but may be required for other HUD Programs.

1. Form HUD-50075.1, Capital Fund Program Annual Statement/ Performance and Evaluation Reports;
2. Form HUD-50075.2, Capital Fund Program 5-Year Action Plan;
3. Form HUD-50070, Certification for a Drug-Free Workplace;
4. Form HUD-50071, Certification of Payments to Influence Federal Transactions;
5. Form SF-LLL, Disclosure of Lobbying Activities; and
6. Form SF-LLL-A, Disclosure of Lobbying Activities Continuation Sheet.

STATEMENT OF CAPITAL IMPROVEMENTS NEEDED

In order to comply with the requirements of 24 CFR § 903.7(g), PHAs are required to include a statement of capital improvements needed in the Annual PHA Plan. In the past, a PHA satisfied this requirement by including copies of its Capital Fund Annual Statement or Performance and Evaluation Report (HUD 50075.1) and the Capital Fund Program 5 Year-Action Plan (HUD 50075.2) forms with the Annual PHA Plan. In 2013, HUD published the Capital Fund Final Rule which decoupled the Capital Fund submission from the Annual PHA Plan and 5-Year PHA Plan. However, PHAs are still required to incorporate some information on capital improvement.

See HUD Form 50075.2 (5 Year Action Plan) approved by HUD in EPIC on XX/XX/XX.

Submitting your PHA Plan

Once complete, you will send your PHA Plan along with all the required attachments to the Birmingham Office of Public Housing using our birpihmailbox@hud.gov email address.

Consequences for Failure to Submit Approvable PHA Plans. If a PHA fails to submit complete PHA Plans in a timely manner, HUD may impose sanctions including but not limited to the withholding of or future reductions in funding for the Capital Fund program, Operating Fund, or Section 8 administrative fees.

Will other Divisions of HUD review my PHA Plan?

Yes. When we receive your PHA Plan, it is routed to Community Planning and Development Division, Office of General Counsel, and Fair Housing and Equal Opportunity Division.

Community Planning and Development (CPD) will review your plan in conjunction with the Consolidated Annual Performance and Evaluation Report for their city/county.

Office of General Counsel (OGC) will verify if you have any outstanding litigation actions pending.

Fair Housing and Equal Opportunity (FHEO) will verify if you have any open Fair Housing cases against you and to see if you are on their Risk List. If you are on their Risk List, your PHA Plan will be reviewed.

Fair Housing and Equal Opportunity Review of PHA Plans

Fair Housing and Equal Opportunity
Birmingham Field Office
Equal Opportunity Specialist
Shirlyn Garner

205.745.4354

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Fair Housing and Equal Opportunity Review of PHA Plans

FHEO reviews the PHA Plans under the authority of 24 CFR

- 24 CFR 1.4,
- 24 CFR 8.4,
- 24 CFR 903.2 (d)(2),
- 24 CFR 903.7,
- 24 CFR 903.15 and
- 24 CFR 960.206.
- FHEO's completion of the Checklist is based on information in the PHAP, any current data concerning the PHA in FHEO's records, and other data available to FHEO [e.g., Public Information Center System (PICS)] at the time of the review.

Fair Housing and Equal Opportunity

Review of PHA Plans

- Five Year and Annual Plan Reviews: 24 CFR 903.7 (o) Civil Rights and Affirmative Furthering Fair Housing Certification.
- Annual Plan Review: 24 CFR 903.7 (a).
 - Statement of Housing Need:
 - For low-and very-low income families in the jurisdiction in which the PHA is located.
 - Demographic Groups/Bases
 - Need Based on Housing
 - Need Based on Accessibility
 - Need Based on Unit Size
 - Need Based on Location
 - Ways the PHA Plans to Address Needs

Fair Housing and Equal Opportunity

Review of PHA Plans

- Demographic Groups/Bases
 - Income Below 30% of Area Median
 - Other Economic Levels
 - Elderly Families
 - Families with Disabilities
 - Race
 - Ethnic Group
 - Family Size and Composition

Fair Housing and Equal Opportunity

Review of PHA Plans

– For families on the PHA's LIPIH waiting list.

- Demographic Groups/Bases
- Need Based on Housing
- Need Based on Accessibility
- Need Based on Unit Size
- Need Based on Location
- Ways the PHA Plans to Address Needs

Fair Housing and Equal Opportunity

Review of PHA Plans

- Demographic Groups/Bases
 - Income Below 30% of Area Median
 - Other Economic Levels
 - Elderly Families
 - Families with Disabilities
 - Race
 - Ethnic Group
 - Family Size and Composition

Fair Housing and Equal Opportunity

Review of PHA Plans

- For families on the PHA's Housing Choice Voucher waiting list.
 - Demographic Groups/Bases
 - Need Based on Housing
 - Need Based on Accessibility
 - Need Based on Unit Size
 - Need Based on Location
 - Ways the PHA Plans to Address Needs

Fair Housing and Equal Opportunity

Review of PHA Plans

- Demographic Groups/Bases
 - Income Below 30% of Area Median
 - Other Economic Levels
 - Elderly Families
 - Families with Disabilities
 - Race
 - Ethnic Group
 - Family Size and Composition

Fair Housing and Equal Opportunity

Review of PHA Plans

- Local residency preference [960.206]
- Site-based waiting lists (SBWL) being used or will they be used [903.7(b)]
 - Does the PHA have a policy to provide information to every current PHA applicant and all future applicants about all housing options available to them, along with data on location, occupancy, number and size of accessible units, amenities (e.g., day care, security, transportation, training programs), and an estimate of time on waiting list?
 - Are affirmative fair housing marketing activities for each site specifically directed to those least likely to apply to that site?
 - Has the data concerning occupancy by site and racial, ethnic, and disability designations been confirmed to be accurate by an independent auditor?

Fair Housing and Equal Opportunity

Review of PHA Plans

- Designated Housing [903.7(i)]
 - Statement in the PHAP about developments designated as housing for the elderly families or families with disabilities?
 - Statement in the PHAP about the PHA's intention to apply for any designation as housing for elderly families or families with disabilities?
 - YES
 - PHA submit a separate application for designated housing?

Fair Housing and Equal Opportunity Review of PHA Plans

Fair Housing and Equal Opportunity

Equal Opportunity Specialist

Shirlyn Garner

205.745.4354

shirlyn.d.garner@hud.gov

Public Availability

Pursuant to 42 USC § 1437c-1(i)(5) a PHA shall make the approved plan of the agency available to the general public. 24 CFR § 903.23(e) provides that a PHA must make the approved plans and required attachments and documents related to the plans available for review and inspection at the principal office of the PHA during normal business hours. PHAs may also provide copies of the approved plans to each resident council and Resident Advisory Board, as well as make a copy available at each asset management project office. Additionally, PHAs are strongly encouraged to post the template submission and all plan elements on their website if applicable.

PHA Plan Guidance

PIH Notice 2008-41

PIH Notice 2015-18

PHA Plans Website:

https://www.hud.gov/program_offices/public_indian_housing/pha

Questions

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