

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Public and Indian Housing

Special Attention of:

State/Area Coordinators;

NOTICE PIH 2000-36 (HA)

Community Builders; Public

Housing Directors; Public Housing

Issued: August 21, 2000

Agencies; Resident Management

Corporations; Resident Councils;

Expires: August 31, 2001

Public Housing Residents; and

Tenant-based Assistance Recipients

Cross References:

Subject: Transmittal of Guidance on the Requirement for Appointment and Role of Resident Advisory Boards in the Development of Public Housing Agency Plans.

This Notice transmits a copy of questions and answers developed to provide guidance to HUD Field Offices; public housing agencies; resident councils; and public and assisted housing tenants on the requirement for appointment of and the role of Resident Advisory Boards in the development of Public Housing Agency Plans. It supplements information found in the Public Housing Agency Plan regulation at 24 CFR Part 903.

For further guidance, please contact Jeraldene White at (202) 619-8201.

_____/s/_____
Harold Lucas
Assistant Secretary for
Public and Indian Housing

Attachment

Where there are no resident councils that comply with the tenant participation regulations, then the PHA must appoint one or more RABs or board members as needed to adequately reflect and represent the residents assisted by the PHA (or portions of RABs where there are some resident councils that comply with the tenant participation regulations, but they do not represent all assisted residents). However, the PHA should give adequate notice of its intentions to residents and encourage the residents to form resident councils that comply with the tenant participation regulations. PHAs have discretion in determining the method of appointment of RABs (more specifically, the representatives to RABs not from resident councils that comply with the tenant participation regulations), so long as a PHA ensures that its RAB or RABs reflect and represent all the residents assisted by the PHA.

PHAs that administer only section 8 tenant-based assistance will not have resident councils that comply with the current tenant participation regulations to draw from in establishing RABs. However, Section 8 only PHAs must appoint one or more RABs that adequately reflect and represent the residents assisted by the PHA. The PHA should give adequate notice of its intentions to residents. These PHAs have discretion in determining the method of appointment of RABs, so long as a PHA ensures that its RAB or RABs reflect and represent all the residents assisted by the PHA.

5. Question: Must Section 8 tenant-based recipients be represented on a RAB?

Answer: Where a PHA has a Section 8 tenant-based assistance program of significant size, the PHA must ensure that families receiving tenant-based assistance are reasonably represented on a RAB and that a reasonable process is undertaken to ensure this representation. Significant size is defined as 20 percent of the total of the PHA's public housing and Section 8 tenant-based assistance units.

6. Question: How many RABs should each PHA have?

Answer: Except for public housing covered by a jurisdiction-wide resident council that complies with the tenant participation regulations, which must be appointed as explained more fully in the answer to question 4 above, the number of RABs is at the discretion of the PHA. The law requires at least one. In determining whether more than one RAB should be appointed, or the size of the RAB, the PHA should consider the number sufficient to provide adequate representation for all its residents.

7. Question: May a RAB include members who are not federally-assisted public housing residents or recipients of Section 8 tenant-based assistance?

Answer: No. Membership of RABs is limited to federally-assisted public housing residents and recipients of Section 8 tenant-based assistance.

when preparing the PHA Plan. The PHA is expected to give careful consideration to the recommendations, but is not required to agree to them. PHAs are required to include copies of the recommendations of the RABs and a description of the manner in which the PHA addressed the recommendations in the PHA Plan that is submitted to the Secretary for approval.

13. Question: What is the term of appointment of RABs?

Answer: PHAs have discretion in determining the term of appointment, provided the requirements already discussed for RABs continue to be met.

14. Question: If a resident council or resident council members are appointed as members of a RAB, do they continue to fulfill resident council duties?

Answer: Yes. Participation on a RAB does not diminish the responsibilities of resident council members. Resident councils should be providing input to RAB representatives in any event.

15. Question: Are there specific requirements for notifying RABs of meetings?

Answer: PHAs should provide RABs adequate notice of meetings specifically called to formulate or discuss the Plan (generally at least 48 hours, or more depending on the meeting agenda), make available copies of any proposed plan and ensure that all members are provided an opportunity to express their view and discuss the plan. The PHA must comply with the requirements of open meeting laws, where applicable.

16. Question: What if a PHA is unable to obtain tenant participation on a RAB?

Answer: The USHA requires a RAB. If a PHA has made every effort but still has been unsuccessful in finding residents to serve on a RAB, the PHA could appoint all its residents as the RAB. Should this occur, the PHA must provide adequate notice to the residents that all residents are appointed to the RAB and should follow the procedures for notification set forth above. The PHA must also ensure that a RAB consisting of all the residents is provided the same opportunities to comment on the Plan and to submit any additional comments in writing to the PHA. The PHA will consider these resident comments when drafting the final Plan in the same manner as for other RABs and include any comments provided by its residents when it submits its Plan to HUD for approval.