



Community Service Requirement for Residents of Public Housing

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Summary

The Quality Housing and Work Responsibility Act of 1998 (P.L. 105-276) included provisions designed to promote employment and self-sufficiency among residents of assisted housing, including a mandatory work or community service requirement for residents of public housing. Non-elderly, non-disabled, non-working residents of public housing are required to participate in eight hours per month of either community service or economic self-sufficiency activities in order to maintain their eligibility for public housing. This provision was briefly implemented in FY2001; however, an act of Congress suspended enforcement of the provision in FY2002. That suspension ended in 2003 and residents of public housing have since been required to comply with the community service requirement.

Supporters of the provision believe that it is consistent with the goals of welfare reform and that it will promote civic engagement and “giving back” among residents of public housing; detractors argue that it is punitive, unfair, and administratively burdensome. Legislation was introduced in the 107th, 108th, 109th, 110th, and 111th Congresses to repeal the requirement, although no bills were enacted. In the 111th Congress, a floor amendment was approved during House floor consideration of the FY2010 HUD appropriations bill (H.R. 3288) that would have prohibited PHAs from using the funding provided in the bill to implement the community service requirement. A contradictory provision supporting the existing requirement was adopted during floor consideration of the Senate version of the bill. The final FY2010 HUD funding law included no changes to the requirement. Similar legislation has been introduced in the 112th Congress (H.R. 3564).

This fact sheet describes the provision and its history. It will be updated to reflect relevant changes.

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Legislative History

In 1997, H.R. 2, the Housing Opportunity and Responsibility Act of 1997, and S. 462, the Public Housing Reform and Responsibility Act of 1997, were introduced in Congress. Both bills sought to reform the Department of Housing and Urban Development's (HUD) low-income housing programs. The two bills would have consolidated the public housing program into a two-part block grant program; denied occupancy to applicants with a history of drug-related activity; and required residents of public housing to meet a community service requirement. Although both measures passed in their respective houses, they never made it to conference.

On July 17, 1998, the Quality Housing and Work Responsibility Act of 1998 (QHWRA),¹ was offered as an amendment to the FY1999 Departments of Veterans Affairs and Housing and Urban Development (VA-HUD) appropriations bill (H.R. 4194). QHWRA contained several provisions from H.R. 2, including the community service and family self-sufficiency requirements.² On October 21, 1998, President Clinton signed QHWRA into law as a part of the FY1999 VA-HUD appropriations bill (P.L. 105-276).

HUD did not issue regulations to implement the community service provisions of QHWRA until March 29, 2000.³ The regulations took effect beginning on October 1, 2000,⁴ and were in effect for just over one year. Language added to the FY2002 VA-HUD appropriations bill (P.L. 107-73),⁵ which was enacted in November 2001, prohibited HUD from using any FY2002 funds to enforce the community service and self-sufficiency requirements, except for residents of HOPE VI developments.⁶ The suspension of the provision ended when the FY2003 appropriations bill (P.L. 108-7) was signed into law on February 21, 2003. HUD issued new guidance to the local public housing authorities (PHAs) who administer public housing on June 20, 2003, instructing them to reinstate the community service requirement for public housing residents beginning on August 1, 2003.⁷ Specifically, PHAs were required to notify tenants of the requirement by July 31, 2003, and assure that all residents were in compliance by October 31, 2003.⁸ The implementation of the requirement was retroactive, meaning that tenants who were not in compliance when the provision was implemented in 2000 were required to make up their previous missing hours in order to be considered in compliance.

¹ For more information on the QHWRA, see CRS Report 98-868, *Public Housing and Section 8 Reforms: The Quality Housing and Work Responsibility Act of 1998*, by Richard Bourdon.

² See §512(a)(2) of P.L. 105-276.

³ See Department of Housing and Urban Development, *Changes to Admission and Occupancy Requirements in the Public Housing and Section 8 Housing Assistance Programs; Final Rule*, 65 Federal Register 16729, March 29, 2000, which codified the rule at 24 C.F.R. §960.600 et. seq.

⁴ Earlier versions of this report mistakenly identified the implementation date as October 1, 2001.

⁵ See §432 of P.L. 107-73.

⁶ The HOPE VI program provides competitive grants to public housing authorities that they can use to revitalize distressed public housing.

⁷ See HUD Notice PIH 2003-17 (HA).

⁸ Earlier versions of this report mistakenly identified the compliance date as October 1, 2003.

Community Service and Economic Self-Sufficiency Requirement⁹

The community service and economic self-sufficiency requirement (community service requirements) applies to all adult residents of public housing who are not otherwise exempted. Exempted residents include residents who are 62 years or older; disabled and can certify that they cannot comply with the requirement; caretakers of a person with a disability; engaged in work activities or exempt from work activities under the Temporary Assistance for Needy Families program (TANF)¹⁰ or a state welfare program; and/or members of a family in compliance with TANF or a state welfare program's work requirements. Given the data that are currently collected, it is hard to gauge exactly how many families are impacted by this requirement. HUD has estimated that approximately 100,000-150,000 households (out of the approximately 1 million households that live in public housing) include members that are not exempted and therefore must comply with this requirement.

The community service provisions require that residents of public housing, unless exempted, participate in eight hours of community service and/or economic self-sufficiency activities per month. HUD requires that at least eight hours be conducted each month, unless special circumstances warrant an adjustment.¹¹ PHAs have broad discretion in defining what counts as community service or economic self-sufficiency. Allowable activities include volunteer work at a local public or non-profit institution, caring for the children of other residents fulfilling the community service requirements, participation in a job readiness or training program, and attending a two- or four-year college. The PHA must review and verify each member of a household's compliance 30 days prior to the end of the household's lease. If any member of the household fails to comply with the requirement, the entire household is considered out of compliance. The tenant must agree to make up the community-service deficit in the following year in order to renew the household's lease. If the tenant does not come into compliance, the

⁹ Section 12(c) of the United States Housing Act of 1937, as amended (P.L. 93-383)(42 U.S.C. §1437j).

¹⁰ That statute refers to the Social Security Act definition of work activities (42 USC 607(d)):

- (1) unsubsidized employment;
- (2) subsidized private sector employment;
- (3) subsidized public sector employment;
- (4) work experience (including work associated with the refurbishing of publicly assisted housing) if sufficient private sector employment is not available;
- (5) on-the-job training;
- (6) job search and job readiness assistance;
- (7) community service programs;
- (8) vocational educational training (not to exceed 12 months with respect to any individual);
- (9) job skills training directly related to employment;
- (10) education directly related to employment, in the case of a recipient who has not received a high school diploma or a certificate of high school equivalency;
- (11) satisfactory attendance at secondary school or in a course of study leading to a certificate of general equivalence, in the case of a recipient who has not completed secondary school or received such a certificate; and
- (12) the provision of child care services to an individual who is participating in a community service program.

¹¹ Department of Housing and Urban Development, *Public Housing Occupancy Guidebook*, 2003, p. 176, <http://www.disasterhousing.gov/offices/pih/programs/ph/rhiip/phguidebooknew.pdf>.

PHA can not renew the household's lease. However, PHAs may not terminate a household's lease for noncompliance before it has expired. Noncompliant tenants may file a grievance to dispute the PHA's decision.

Each PHA must develop a local policy for administering the community service and economic self-sufficiency requirements and include the policy in its agency plan. PHAs may administer community service activities directly, partner with an outside organization or institution, or provide referrals to tenants for volunteer work or self-sufficiency programs. If the PHA does not administer the activities directly, residents must provide PHAs with a signed certification from a third-party that they have completed the community service activities. Public housing tenants required to fulfill the community service requirements cannot supplant otherwise paid employees of the PHA or other community service organizations.

Issues

The community service and economic self-sufficiency requirement for residents of public housing is consistent with the movement towards required work and self-sufficiency activities in the TANF program. Supporters of mandatory work policies often argue that low income families should "earn" the benefits or subsidies they are receiving. They also argue that by compelling families into self-sufficiency activities, such policies can improve the lives of poor families and their children by potentially increasing their incomes. Those who have argued against mandatory work requirements contend that such requirements are paternalistic and do not promote real self-sufficiency, but rather, low-wage work that may not be sustainable.

There are additional arguments that are made specifically for and against the public housing community service requirement. When the provision was originally debated in 1998, those who supported the requirement specifically for public housing residents argued that, if the requirement resulted in increased earnings for residents of public housing, then the amount of rent paid by tenants would go up. If rents paid by tenants increase, then the cost to the federal government for the program could potentially decrease.

Some members of Congress, during floor debate on the provision, argued that it is unfair to apply this requirement only to residents of public housing and not to recipients of Section 8 vouchers or Section 8 project-based rental assistance, since the programs serve similar populations. Additionally, PHA advocacy groups (such as the National Association of Housing and Redevelopment Officials (NAHRO)) have argued that it is administratively burdensome. Although only a small number of tenants may actually be subject to the requirement, PHAs must certify either the participation or exemption status of every resident of public housing. Furthermore, the grievance and/or eviction process for tenants who are found to be noncompliant with the requirement could be costly. Industry groups contend that this requirement is an unreasonable burden for PHAs, who, they argue, are chronically under-funded. Some of these opponents speculate that PHAs will not aggressively implement the provision, rather, they will try to exempt as many families as possible and set a very broad definition of eligible activities in order to avoid costly grievances and evictions and keep administrative burdens low.

There has also been some controversy surrounding HUD's implementation of the community service requirement. The statute states that in order to meet one of the exemption criteria, tenants must be engaged in work activities, as defined in the Social Security Act. The Social Security Act definition of work activities does not include a minimum number of hours a person must perform

the listed activities in order to be considered engaged in work activities. HUD's 2003 Notice to PHAs encouraged them to consider a tenant engaged in work activities, and therefore exempt from the requirement, only if they were working at least 30 hours per week. This guidance initially prompted confusion as to whether PHAs were required to set a 30-hour standard. While the guidance states that PHAs are encouraged to set a 30-hour standard, they do not appear to be required to set such a standard.

In March 2008, HUD's Inspector General released an audit of HUD's implementation and enforcement of the requirement.¹² The audit was performed in response to media reports that the requirement was rarely enforced. The audit found that HUD did not have adequate controls to ensure that PHAs properly administered the requirement, and the audit estimated that at least 85,000 households living in public housing are ineligible as a result of non-compliance with the community service requirement. In response to these findings, in November 2009, HUD published additional guidance to PHAs regarding the administration of the requirements.¹³ The guidance largely restated existing requirements, although it did provide enhanced guidance on reporting. It also reiterated steps PHAs may take to enforce the requirement, as well as steps HUD may take to sanction PHAs for failing to enforce the requirement.

Legislation

In recent years, legislation has been introduced in Congress to repeal the community service requirement, although it has not been enacted. In the 107th Congress (H.R. 2493), the 108th Congress (H.R. 1431), the 109th Congress (H.R. 1018), the 110th Congress (H.R. 458), the 111th Congress (H.R. 5914), and the 112th Congress (H.R. 3564) Representative Rangel introduced versions of the Public Housing Tenants Respect Act to repeal the community service requirement for public housing residents.

The last time there was moving legislation involving this issue was in the 111th Congress. During House floor consideration of the FY2010 HUD appropriations bill (H.R. 3288), Representative Rangel introduced an amendment (H.Amdt. 376) to prevent the use of funds provided in the bill to enforce the community service requirement. It was approved by voice vote. During floor consideration of the Senate version of the bill, Senator Vitter offered a floor amendment in support of the existing community service requirement, which was approved by a vote of 73-25. The final version of the FY2010 HUD appropriations law (P.L. 111-117) did not contain any provisions related to the community service requirement.

¹² HUD Audit Report 2008-KC-0002, *HUD Did Not Ensure That Housing Authorities Property Administered the Community Service and Self-Sufficiency Requirements*, March 24, 2008.

¹³ HUD Notice PIH 09-48 (HA), *Administering the Community Service and Self-Sufficiency Requirement (CSSR)*, November 25, 2009.

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