

# 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.

The community service requirement has been controversial since its inception. 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, unfairly applied, and administratively burdensome.

In February 2015, the Department of Housing and Urban Development (HUD) Inspector General released an audit critical of HUD’s implementation and enforcement of the community service requirement. In response to the report, HUD issued further guidance in August 2015 related to the statutory/regulatory requirements for administering the community service requirement; data collection and reporting requirements; action to take against noncompliant tenants; and penalties against PHAs that do not comply.

Recent HUD data indicate that approximately 14% of public housing residents are subject to the community service requirement and not otherwise exempt. Of those nonexempt residents, approximately 19% were reported as noncompliant (or about 3% of all public housing residents).

## **Contents**

Overview of the Community Service Requirement .....	1
History of the Community Service Requirement and Current Status.....	2
Legislative and Regulatory History.....	2
Debate .....	3
Implementation .....	5
Data on Applicability and Compliance .....	6

## **Contacts**

Author Contact Information .....	6
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## Overview of the Community Service Requirement

Non-elderly, non-disabled, non-working residents of public housing are subject to a community service and self-sufficiency requirement (referred to as the CSSR or community service requirement). Specifically, all adult residents of a household who are not otherwise exempted are required to participate in eight hours per month<sup>1</sup> of either community service or economic self-sufficiency activities in order to maintain their eligibility for public housing.

Exempted residents include those who are

- 62 years or older;
- blind or disabled and can certify that they cannot comply with the community service requirement;
- caretakers of a person with a disability;
- engaged in work activities;
- exempt from work activities under the Temporary Assistance for Needy Families program (TANF)<sup>2</sup> or a state welfare program; and/or
- members of a family in compliance with TANF or a state welfare program's requirements.<sup>3</sup>

According to data released by HUD,<sup>4</sup> of the 1.86 million individuals living in public housing, approximately 812,000, or (44%) are potentially subject to the community service requirement.

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<sup>1</sup> The hours may be completed at 8 hours each month or may be aggregated across a year. See HUD Notice PIH-2015-12 (HA), *Administering the Community Service and Self-Sufficiency Requirement (CSSR)*, August 13, 2015.

<sup>2</sup> That statute refers to the Social Security Act definition of work activities used for the TANF program (42 USC 607(d)), which includes

- (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.

<sup>3</sup> HUD has interpreted this provision to include the Supplemental Nutrition Assistance Program (SNAP), "Therefore, if a tenant is a member of family receiving assistance under SNAP, and has been found by the administering State to be in compliance with the program requirements, that tenant is exempt from the CSSR." HUD Notice PIH-2015-12 (HA), *Administering the Community Service and Self-Sufficiency Requirement (CSSR)*, August 13, 2015.

<sup>4</sup> HUD Community Service and Self Sufficiency Summary Report, dated August 1, 2016, and downloaded from [http://portal.hud.gov/hudportal/documents/huddoc?id=CSSR\\_Report\\_20160801.xlsx](http://portal.hud.gov/hudportal/documents/huddoc?id=CSSR_Report_20160801.xlsx). Additional data are presented at the end of this report.

It requires that residents of public housing, unless exempted, participate in eight hours of community service and/or economic self-sufficiency activities per month.

PHAs have broad discretion in defining what counts as community service or economic self-sufficiency activities. Allowable activities may include, among others, volunteer work at a local public or nonprofit institution; caring for the children of other residents fulfilling the community service requirements; participation in a job readiness or training program; or attending a two- or four-year college. However, public housing tenants required to fulfill the community service requirements cannot supplant otherwise paid employees of the PHA or other community service organizations.<sup>5</sup>

PHAs must review and verify each member of a household's compliance 30 days prior to the end of the household's annual lease. Each nonexempt family member is required to present a signed certification on a form provided by the PHA of CSSR activities performed over the previous 12 months. This form is developed and standardized by the PHA and the submitted form is verified by a third party. In 2016, as a part of a broader set of administrative streamlining actions, HUD began to permit PHAs to adopt policies to allow families to self-certify their compliance with the CSSR, subject to validity testing.<sup>6</sup>

If any member of the household fails to comply with the community service 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 through a signed "work-out agreement" with the PHA. If the tenant does not come into compliance, the PHA may not renew the household's lease. However, PHAs may not terminate a household's lease for noncompliance before the lease has expired. Noncompliant tenants may file a grievance to dispute the PHA's decision to terminate tenancy.<sup>7</sup>

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.<sup>8</sup>

## History of the Community Service Requirement and Current Status

### Legislative and Regulatory History

The community service and economic self-sufficiency requirement applicable to public housing residents originated with the housing reform debates of the 1990s and parallel debates at the time about the role of work and welfare reform. Following several years of legislative effort, 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. They sought to reform HUD's low-income housing programs by consolidating the public housing program into a two-part block

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<sup>5</sup> Ibid.

<sup>6</sup> See HUD Notice PIH-2016-06 (HA), *Administering the Self-Certification Flexibility when Verifying Community Service and Self-Sufficiency Requirement (CSSR) Compliance*, April 7, 2016.

<sup>7</sup> See footnote 1.

<sup>8</sup> Ibid.

grant program; denying occupancy to applicants with a history of drug-related activity; and requiring residents of public housing to meet a community service requirement. The community service and economic self-sufficiency requirement was among the most controversial elements of the sweeping bills.<sup>9</sup>

While neither H.R. 2 nor S. 462 became law, a compromise version was enacted as the Quality Housing and Work Responsibility Act of 1998 (QHWRA), Title V of the FY1999 Departments of Veterans Affairs and Housing and Urban Development (VA-HUD) appropriations bill (H.R. 4194), signed into law by then-President Bill Clinton (P.L. 105-276). QHWRA contained many provisions from H.R. 2 and S. 462, including a version of the community service and economic self-sufficiency requirement.<sup>10</sup>

HUD did not issue regulations to implement the community service provisions of QHWRA until March 29, 2000.<sup>11</sup> The regulations took effect beginning on October 1, 2000, and were in effect for just over one year. Language added to the FY2002 VA-HUD appropriations bill (P.L. 107-73),<sup>12</sup> which was enacted in November 2001, prohibited HUD from using any FY2002 funds to enforce the community service and self-sufficiency requirements.<sup>13</sup> 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) that administer public housing on June 20, 2003, instructing them to reinstate the community service requirement for public housing residents beginning on August 1, 2003.<sup>14</sup>

Following full implementation of the community service requirement, legislation was introduced in several Congresses to repeal the community service requirement, although it was not enacted.<sup>15</sup>

## Debate

As is evident in its legislative and regulatory history, the community service and economic self-sufficiency requirement for residents of public housing has been controversial since its inception. It is consistent with the movement toward required work and self-sufficiency activities that characterized the welfare reform debates of the same era, which culminated in the creation of the Temporary Assistance for Needy Families (TANF) program. Supporters of mandatory work policies have argued that low-income families should earn the benefits or subsidies they are

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<sup>9</sup>For example, see floor debate on H.R. 2 contained in the Congressional Record on April 30, 1997, May 1, 1997, May 6, 1997 and May 13, 1997.

<sup>10</sup> See §512(a)(2) of P.L. 105-276.

<sup>11</sup> 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.

<sup>12</sup> See §432 of P.L. 107-73.

<sup>13</sup> An exception was made for residents of properties undergoing HOPE VI redevelopment. The HOPE VI program provided competitive grants to public housing authorities that they can use to revitalize distressed public housing.

<sup>14</sup> Specifically, PHAs were required to notify tenants of the community service requirement by July 31, 2003, and assure that all residents were in compliance by October 31, 2003. The implementation of the community service 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. See HUD Notice PIH 2003-17 (HA).

<sup>15</sup> In the 107<sup>th</sup> Congress (H.R. 2493), the 108<sup>th</sup> Congress (H.R. 1431), the 109<sup>th</sup> Congress (H.R. 1018), the 110<sup>th</sup> Congress (H.R. 458), the 111<sup>th</sup> Congress (H.R. 5914), and the 112<sup>th</sup> Congress (H.R. 3564) Representative Charles Rangel introduced versions of the Public Housing Tenants Respect Act to repeal the community service requirement for public housing residents.

receiving. They have also argued 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.<sup>16</sup>

All of these disagreements manifested during debate over the provision, and additional arguments were made specifically for and against the public housing requirement. Proponents of the community service requirement cited concerns about a perceived negative culture at public housing developments and the possibility for the community service requirement to help change that culture. Opponents of the provision argued specifically against the idea of a community service “requirement” for public housing residents, arguing it is akin to the forced community work mandated of criminals.<sup>17</sup> Additionally, critics raised questions about the fairness of applying this requirement only to residents of public housing and not to recipients of Section 8 Housing Choice Vouchers or Section 8 project-based rental assistance, since the programs serve similar populations.<sup>18</sup>

During debate over the provision, concerns were repeatedly raised that the community service requirement would be administratively burdensome or an unfunded mandate.<sup>19</sup> Although only a small number of tenants may actually be subject to the community service requirement at a given PHA, the PHA 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 community service requirement may be costly. Industry groups contended that this requirement is an unreasonable burden for PHAs, that, they argue, are chronically underfunded.<sup>20</sup> Some of the opponents of the policy speculated that PHAs would not aggressively implement the provision; rather, they would 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.<sup>21</sup>

Differences of opinion were also expressed regarding whether the community service requirement would be complementary to, or duplicative of, the work requirements that had recently been adopted for cash assistance recipients under the Temporary Assistance for Needy Families program.<sup>22</sup>

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<sup>16</sup> For examples of these arguments, see floor debate on H.R. 2 contained in the Congressional Record on April 30, 1997, May 1, 1997, May 6, 1997 and May 13, 1997.

<sup>17</sup> Ibid.

<sup>18</sup> For example, see testimony of Ricardo Diaz, President of the Council of Large Public Housing Authorities, before the Subcommittee on Housing Opportunity and Community development of the Senate Committee on Banking, Housing and Urban Affairs, Hearing on S. 462, the “Public Housing Reform and Responsibility Act 1997,” March 6, 1997.

<sup>19</sup> Ibid; and see discussion in minority views published in H.Rept. 105-76.

<sup>20</sup> For example, see testimony of John Hiscox, Executive Director of the Macon Housing Authority on behalf of the Public Housing Authorities Directors Association, before the Housing Subcommittee of the House Committee on Banking and Financial Services, Hearing on H.R. 2, the “Housing Opportunity and Responsibility Act of 1997,” March 6, 1997, available at <http://archives.financialservices.house.gov/banking/3697phad.shtml>.

<sup>21</sup> Ibid.

<sup>22</sup> For example, see testimony of Sunia Zatterman, Executive Director of the Council of Large Public Housing Authorities, before the Housing Subcommittee of the House Committee on Banking and Financial Services, Hearing on H.R. 2, the “Housing Opportunity and Responsibility Act of 1997,” March 6, 1997, available at <http://archives.financialservices.house.gov/banking/3697clph.shtml>; and floor debate during H.R. 2, cited at footnote 16.

## Implementation

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 community service 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 are not required to set such a standard.

In March 2008, HUD's Inspector General released an audit of HUD's implementation and enforcement of the community service requirement.<sup>23</sup> The audit was performed in response to media reports that the community service requirement was rarely enforced. The audit found that HUD did not have adequate controls to ensure that PHAs properly administered the community service requirement, and the audit estimated that at least 85,000 households living in public housing were ineligible as a result of noncompliance with the community service requirement. In response to these findings, in November 2009, HUD published additional guidance to PHAs regarding the administration of the community service requirements.<sup>24</sup> The guidance largely restated existing requirements, although it did provide enhanced guidance on reporting. It also reiterated steps PHAs may take to enforce the community service requirement, as well as steps HUD may take to sanction PHAs for failing to enforce the community service requirement.

In February 2015, HUD's Inspector General released a new audit of HUD's implementation and enforcement of the community service requirement.<sup>25</sup> The audit found that HUD subsidized housing for 106,000 units occupied by noncompliant tenants out of nearly 550,000 units potentially subject to the community service requirement nationwide. As a result, the OIG contended that the agency paid more than \$37 million in monthly subsidies for public housing units occupied by noncompliant tenants. The audit recommended that the agency develop and implement a written policy for the community service requirement to ensure adequate compliance and create training and further clarified reporting mechanisms.

In response to the audit, HUD issued a notice to PHAs on August 13, 2015, with further guidance related to the statutory/regulatory requirements for administering the community service requirement; data collection and reporting requirements; action to take against noncompliant tenants; and penalties against PHAs that do not comply.<sup>26</sup> The notice also provided clarification that HUD has interpreted the statutory exemptions for compliance with the community service requirement to include the Supplemental Nutrition Assistance Program (SNAP). Therefore, if a tenant is a member of a family that receives SNAP, and has been found to be in compliance with SNAP program requirements, then the tenant is exempt from the community service

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<sup>23</sup> HUD Audit Report 2008-KC-0002, *HUD Did Not Ensure That Housing Authorities Properly Administered the Community Service and Self-Sufficiency Requirements*, March 24, 2008.

<sup>24</sup> HUD Notice PIH 09-48 (HA), *Administering the Community Service and Self-Sufficiency Requirement (CSSR)*, November 25, 2009.

<sup>25</sup> HUD Audit Report 2015-KC-0001, *Monitoring of the Community Service and Self-Sufficiency Requirement*, February 13, 2015.

<sup>26</sup> HUD Notice PIH-2015-12 (HA), *Administering the Community Service and Self-Sufficiency Requirement (CSSR)*, August 13, 2015.



requirement.<sup>27</sup> This clarification is particularly notable because the 2015 OIG report contended that PHAs were *incorrectly* classifying families as exempt from the community service requirement because of their SNAP participation. Since HUD has now clarified that SNAP families *are* exempt, the OIG's estimate of the number of noncompliant families is likely overstated to some degree.

## Data on Applicability and Compliance

In August of 2016, HUD published on its website summary data reflecting compliance with the CSS requirement.<sup>28</sup> Those data report that of the 1.86 million people living in public housing, the community service requirement is applicable to 44%, or 812,000 residents.<sup>29</sup> Of those residents to whom the community service requirement applies, approximately 68% are exempt (i.e., are already working, have a disability, etc.). Of the remaining 32% who are not exempt (257,000 residents, or 13% of all people living in public housing), 48% were reported to be in compliance (124,000 individuals, or 7% of all public housing residents), 32% were reported as pending verification by the PHA (83,000 individuals or 4% of all public housing residents), and 19% were reported as being out of compliance (48,000 individuals, or 3% of all public housing residents).

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<sup>27</sup> Ibid, p. 4.

<sup>28</sup> HUD Community Service and Self Sufficiency Summary Report, dated August 1, 2016, and downloaded from [http://portal.hud.gov/hudportal/documents/huddoc?id=CSSR\\_Report\\_20160801.xlsx](http://portal.hud.gov/hudportal/documents/huddoc?id=CSSR_Report_20160801.xlsx).

<sup>29</sup> Excluding children and persons who are elderly, as well as live-in aids.

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