

Community Service Requirement for 2003

As you know, QHWRA added a Community Service requirement for many Public Housing residents in 1998. HUD published a Community Service rule in 2000 and we added a Community Service data fields to our housing programs so you could report your residents' Community Service status on the 50058 forms you send to PIC.

After the rule was implemented some Congressional members disagreed with the requirement, and Congress suspended the requirement in the Fiscal Year 2002 Appropriations Act, except for residents of HOPE VI developments. In February of this year, the Fiscal Year 2003 Appropriations Act reinstated the Community Service provision.

PIH Notice 2003-17, dated June 20, 2003, provides notice that you must re-implement the Community Service requirement in your Public Housing developments effective July 31, 2003. This article summarizes the PIH Notice and describes a recommended implementation procedure.

In short, the Community Service provision requires that every adult resident of public housing contribute eight hours of community service each month, or participate in an economic self-sufficiency program for eight hours each month, unless they are exempt under HUD's rule (24 CFR Subpart F, 960.600-609). Adult residents are exempt from the Community Service requirement if they are:

- Engaged in work activities as defined in section 407(d) of the Social Security Act (42 U.S.C. 607(d))
- Age 62 years or older
- Blind or disabled (as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. 416(i)(1); 1382c) and certify that because of this disability they are unable to comply with the service provisions
- Primary caretakers of blind or disabled individuals who are unable to comply
- Their family receives assistance under a state welfare program.

According to the PIH Notice 2003-17, PHA's must reinstate the Community Service requirement in the following manner:

- By July 31, 2003, provide all residents with a written notice about the reinstatement of the Community Service requirement as outlined in 24 CFR §960.605. This notification must alert residents of the requirement, whether or not they are exempt, and tell them what they need to do in order to comply.
- Starting with re-exams that are effective on or after October 1, 2003, assure that all affected residents are performing their community service or self-sufficiency requirement.

According to the PIH Notice, PHA's are encouraged to consider 30 hours per week as the minimum number of hours required to meet the work activity exemption from the Community Service requirement. Qualifying work activity is described in Section 407(d)

of the Social Security Act, and implementing regulations (45 CFR Section 261.31(a)(1)). (Qualifying work activities are also detailed in the PIH Notice.)

PIH Notice 2003-17 also contains some curious provisions regarding non-compliance with the rule. First if a resident was not in compliance prior to the suspension of the rule in 2002, and you notified them of the non-compliance at the time, the resident must complete the requirements for Fiscal Year 2001 in addition to the current compliance. The PIH Notice indicates that a copy of the notice of noncompliance should be included with the written notice about the reinstatement of the Community Service requirement.

Starting with the renewal of leases that were entered into on or after October 1, 2002, a Public Housing lease cannot be renewed unless the residents are in compliance with the Community Service requirement. In order to obtain a lease renewal on the expiration of the current lease, the PIH Notice says that residents must be in compliance with both any delinquent community service requirements from Fiscal Year 2001 as well as the 2003 requirements. It is recommended that you confirm this compliance 30 days before the annual re-exam and notify the resident of any non-compliance at that time.

But the PIH Notice also says the PHA must offer the non-compliant resident the opportunity to enter into a written agreement with the PHA to cure the noncompliance either in the current or past year. This agreement should include:

- The additional number of hours of community service or self-sufficiency work activities needed to make up the required number of hours under the current lease.
- Assurance that all members of the family who are subject to these requirements are in compliance with the requirements.
- Written assurances satisfactory to the PHA that any noncompliant resident no longer resides in the unit.