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# Admission and Occupancy Faq

## Frequently Asked Questions

### IV. COMMUNITY SERVICE AND SELF-SUFFICIENCY REQUIREMENT

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#### A. Implementation

Q1: Do PHAs have to implement the community service and self-sufficiency requirement immediately or wait until their next fiscal year begins?

A1. By July 31, 2003, PHAs must have provided all residents written notice about the reinstatement of the community service and self-sufficiency requirement as outlined in 24 CFR §960.605. This notification must alert residents of the requirement, whether or not they are exempt, and what they need to do in order to comply. By October 31, 2003, PHAs must assure that all affected residents are performing their community service or self-sufficiency requirement.

Q2: Do PHAs have to notify all families that the requirement is reinstated, or wait until the family's next recertification before the requirement takes effect at their PHA?

A2: Yes, PHAs must have notified all families by July 31, 2003, that the community service requirement is being reinstated and assure that by October 31, 2003, that all affected residents are performing community service or engaged in a self-sufficiency activity.

Q3: Does a PHA have to notify residents who have a disability of the community service and self-sufficiency requirement even though they may be exempt?

A3: PHAs are required to notify all public housing households of the community service and self-sufficiency requirement, including the process for claiming exemptions.

Q4: Are section 8 only agencies required to implement community service requirements?

A4: No, this statutory requirement only applies to residents of public housing.

Q5: What funds can PHAs use to notify families of the reinstatement of the community? service and self-sufficiency requirement?

A5: PHAs can implement the community service and self-sufficiency requirement with any funds available for expenditure during Federal FY 2003.

## **B. PHA Plan**

Q1: Do PHAs who already have an approved Plan have to submit an amendment to the Plan?

A1: No, PHAs do not have to amend already approved FY 2003 Annual Plans or already submitted FY 2003 Annual Plans. However, for such PHAs, the Resident Advisory Board must be informed if there are any significant policy changes to an agency's previous community service and self-sufficiency requirements and next year's Annual Plan submission must contain the required attachment, if applicable.

Q2. What should be covered in the description of community service and self- sufficiency requirement that is attached to an agency's PHA Plan?

A2. PHAs are not required to submit their full local policy on administration of community service and self-sufficiency

requirements (pursuant to 24 CFR Part 960, Subpart F) as part of the plan. Rather, the description in the plan may be approximately one page in length, or shorter. It must address the administrative steps taken to implement the requirement (scheduled changes in leases, written description of the service requirement, written notification to residents regarding requirement or exempt status of each adult family member, cooperative agreements with TANF (welfare) agencies to assist the PHA in verifying residents' status, whether the PHA or another entity will administer the program, etc.) and the programmatic aspects of the requirements (including the types of activities that residents who are subject to community service and self-sufficiency requirements may participate in to fulfill their obligations, which partner agencies may offer residents opportunities to fulfill requirements, process to cure noncompliance, etc.).

Q3: What agencies are exempt from completing the PHA Plan template question about community service and self-sufficiency?

A3: High performing agencies and small PHAs are exempt from completing component 12 D as part of the streamlined Annual Plan submission. However, these agencies are still required to implement the community service and self-sufficiency activity and have the policy locally available as a supporting document to the Annual Plan. Also, the community service requirement does not apply to section 8 only agencies.

### **C. General Questions**

Q1: Has the community service and self-sufficiency requirement changed?

A1: No, there have been no changes to the regulation or requirements

Q2: Is a resident who was delinquent in hours for FY 2001 required to make up these hours?

A2: Yes, a resident would still be obligated to make-up the hours he/she was delinquent in FY 2001 for fulfilling the community service and self-sufficiency requirement provided the resident was given notice of non-compliance prior to the expiration of the lease in effect at the time.

Q3: Are military family members exempt? For how long?

A3: No, military families are not exempt under section 12(c) of the United State Housing Act, or under 24 CFR 960 Subpart F.

Q4: Can individuals be exempt from the community service requirement and self- sufficiency requirement?

A4: There are numerous exemptions under the law for adult residents who are unable to participate or for whom the provision is infeasible. The exemptions are codified at §960.601, and are as follows:

- Age 62 years or older.
- Blind or disabled, as defined in Notice PIH 2003-17.
- Engaged in work activities (see Q&A 5)
- Meet the requirements for being exempt from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program
- Members of a family receiving assistance, benefits, or services under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program and has not been found by the State or other administering entity to be in noncompliance with such program.

Q5: If a person is engaged in a work activity, is he or she exempt from the community service and self-sufficiency requirement?

A5: In order for an individual to be exempt from the community service and self- sufficiency requirement because he/she is "engaged in work activities", the person must be participating in an activity that meets one of the following definitions of "work activity" in section 407(d) of the Social Security Act (42 U.S.C. 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 equivalency, in the case of a recipient who has not completed secondary school or received such a certificate
- 12. The provision of childcare services to an individual who is participating in a community service program

Public housing agencies (PHAs) are encouraged to consider 30 hours per week as the minimum number of hours for a work activity as described in Section 407(d) of the Social Security Act, and implementing regulations 45 CFR Section 261.31(1)(a)(1). PHA can use reasonable guidelines in clarifying this statutory list of work activities in coordination with the Temporary Assistance to Needy Families (TANF) agency, as appropriate.

Q6: Does a resident's community service/economic self-sufficiency activity have to total 96 hours for the year, or does the resident have to perform a mandatory 8 hours each month?

A6: The expectation, in accordance with the statute, is that each adult member of the family, unless otherwise exempt, is required to contribute 8 hours per month of community service, or participate in an economic self-sufficiency activity for 8 hours per month, or a combination of the two that total eight hours per month.

HUD believes that there can be flexibility for PHAs to allow individuals, based on circumstances that may prevent an individual from performing the 8 hours of community service/economic self-sufficiency each month, to remedy this requirement by performing the activity prior to renewal of the lease or within a reasonable period determined by the PHA.

Q7: If a person is a regular part-time employee working during the regular school session, or is a full-time student but attending summer session classes; would such persons be required to perform community service during the summer break?

A7: As stated in Q&A 5, HUD encourages PHAs to consider 30 hours

as the minimum number of hours for a work activity. If PHAs adopt this policy, a regular part-time employee would likely not be exempt unless the person's educational pursuit meets one of the definitions of work activities (e.g., vocational training) listed in Q&A #5.

Q8: A seasonal farm worker works six months a year and is off six months a year; does he/she have to perform community service during their off time?

A8: In order for an individual to be exempt from the community service requirements because he/she is "engaged in work activities," the person must be participating in an activity that meets one of the definitions of "work activity" as found in section 407(d) of the Social Security Act (see Q & A #5). Under these definitions, a seasonal worker who only work six months a year would likely be required to perform community service during their off period. However, final decision would be based on the specific PHA policy that defines work activity based on Section 407(d) of the Social Security Act.

Q9: Is a parent who teaches his/her children at home (home schooling), exempt from the community service requirement?

A9: See Q&A 5. However, home schooling may be an eligible community service activity if the PHA determines it as such.

Q10: Can a PHA exempt a pregnant female who has a doctor's excuse?

A10: Pregnant female are not included in the list of exempt individuals. A PHA could determine that a pregnant individual is temporarily unable to comply with the community service/economic self-sufficiency requirement. The PHA may require written documentation from a physician stating that the individual is unable to perform community service or participate in an economic self-sufficiency.

As stated earlier, there can be some flexibility for PHAs to allow individuals, based on circumstances that may prevent an individual from performing the 8 hours of community service/economic self-sufficiency each month, to remedy this requirement by performing the activity prior to renewal of the lease or within a reasonable period determined by the PHA.

Q11: Are stay-at-home parents exempt from the community

service and self-sufficiency requirement?

A11: Stay-at-home parents are not included in the definition of exempt individuals under the Section 12 of the US Housing Act or 24 CFR 960.601. PHAs may wish to consider how best to assist a stay-at-home parent meet his/her community service requirement by babysitting in their home for someone who is performing community service or providing childcare at a resident meeting.

Q12: Who is responsible for providing childcare for a parent that is required to perform community service?

A12: Like other training or employment activities, residents need to pursue their own options for childcare.

Q13: Does exemption under §960.601 exempt an individual who "(4) Meets the requirements for being exempted from having to engage in a work activity under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.) or under any other welfare program of the State in which the PHA is located, including a State-administered welfare-to-work program" apply only to recipients of TANF or other welfare benefits?

A13: This exemption applies to anyone whose characteristics or family situation meet the welfare agency exemption criteria and can be verified.

Q14: If an individual is receiving unemployment benefits and is obligated to look for work while receiving benefits, does this person has to comply with the 8 hours of community service each month?

A14: Job search is one of the items listed in the definition of work activities under section 407(d) of the Social Security Act. The PHA must determine if the family is "engaged" in an activity that meets the definition of "work activities" using reasonable guidelines and if it can be verified.

Q15: If an individual doesn't fulfill his/her community service requirements, will the entire household be subject to eviction?

A15: A household that includes an individual living in the unit, who did not meet the service requirement and who does not agree to do any additional community service hours, after the initial twelve-month period, is subject to nonrenewal of the lease.

There are alternatives or mitigating circumstances short of sanctions that a PHA can take if an individual family member does not comply.

- The PHA must provide notification to residents of noncompliance in the event the resident is not fulfilling his or her obligation.
- The PHA must describe the noncompliance; state that their lease may not be renewed at the end of the 12-month lease term unless tenant complies with written agreement to cure noncompliance;
- The PHA must offer the tenant an opportunity to enter into a written agreement with the PHA to cure the noncompliance in accordance with the agreement. This agreement should include:
  - The additional number of hours of service or activities needed to make up the total number of hours required over the 12-month lease term of the new lease, and
  - Written assurance that all members of the family who are subject to the service requirement are currently complying with the service requirement, or
  - Written assurances satisfactory to the PHA that the tenant or other noncompliant resident no longer resides in the unit.
- The PHA must inform the tenant that they may request a grievance hearing on the PHA's determination of noncompliance in accordance with part 966, subpart B and that the tenant may exercise any available judicial remedy to see timely redress for the PHA's nonrenewal of the lease because of such a determination.

Q16: In the case of very small PHAs (100 units or less) in geographical areas that are fairly rural and limited in their resources because of distance, how does the PHA go about creating community service opportunities for the residents required to perform community service?

A16: HUD suggests that PHAs might want to pattern the community service requirement after the community service requirement some high schools require for graduation in public schools. The school usually does not act as the site for performing the activity but instead may have a list of possible sites in the community or activities that are acceptable to meet the service requirement. Students are given general community guidelines on

types of activities, but have great flexibility in determining where and how they will meet the service requirement as long as the activity is unpaid and can be documented. Students are expected to obtain written verification of completion of the activities and the number of hours performed from the participation agency or organization. The student is also required to send this information to the school and to keep track of the total number of hours needed to meet the requirement.

Q17: What action can a PHA take against a resident who forges documents pertaining to community service participation?

A17: PHAs would handle this situation the same as they would handle any type of fraud and PHAs should be very clear about what information is required of the resident. PHAs should also make it very clear to residents that failure to comply with the community service requirement is grounds for nonrenewal of their lease.

Q18: Are PHAs responsible for providing transportation to community service sites?

A18: No, but some communities have resources for low-income families such as reduced bus or subway passes, etc. If residents are doing community service at locations with other residents, organizing car pools is a possibility for resident organizations. Also see information on funding through the Department of Transportation - Access to Jobs Welfare to Work at <http://www.fta.dot.gov/wtw>

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