

**TESTIMONY BY THE NEW YORK CITY HOUSING AUTHORITY
RESIDENT PARTICIPATION IN NYCHA DEVELOPMENTS
SUBCOMMITTEE ON PUBLIC HOUSING
MONDAY, JANUARY 23, 2012, 1PM
250 BROADWAY, 16TH FLOOR HEARING ROOM**

Testimony of Deputy General Manager for Community Programs and Development

Good afternoon Chairwoman Mendez and distinguished members of the Public Housing Committee. My name is Sharon Myrie, and I am the Deputy General Manager for Community Programs and Development at the New York City Housing Authority (NYCHA). Joining me this afternoon are Assistant Deputy General Manager Deidra Gilliard and Director for Federal Relations, Policy & Compliance Steven Love. We are pleased to have this opportunity to discuss NYCHA's comprehensive efforts to increase resident participation and promote community engagement in our work to support the residents of public housing in New York City.

Earlier this month, NYCHA released *Plan NYCHA: A Roadmap for Preservation*—a call to action for agency employees, NYCHA residents, community advocates, and all New Yorkers to work collaboratively to strengthen and preserve public housing and ensure that it remains a vital asset and source of support for low- and moderate income New Yorkers. *Plan NYCHA*, which has been endorsed by Mayor Michael R. Bloomberg, outlines ten core imperatives that will direct our work moving forward. They range from pursuing new public-private funding solutions, to improving safety and security in developments around the city, to connecting residents with vital resources and services. Together they reflect the wide range of challenges facing public

housing today, and each of their success will depend on the participation and partnership of the NYCHA resident community.

Throughout the development of *Plan NYCHA*, Chairman Rhea and members of the Board worked tirelessly to engage NYCHA residents and their leadership, especially the Citywide Council of Presidents (CCOP), as well as other key stakeholders to ensure that resident and community voices played a major role in designing this blueprint for action. We met with resident leaders, conducted focus groups and phone surveys, and held Community Conversations in multiple languages that gave thousands of NYCHA residents the opportunity to hear and discuss key elements of *Plan NYCHA* and our vision for the next five years and beyond. We made the process as inclusive and transparent as possible, helping us identify the needs and concerns of our diverse customers – our NYCHA residents – and to prioritize key initiatives moving forward.

The development of *Plan NYCHA* is just one example of this agency's continuing efforts to ensure that residents are informed, engaged, and participating in meaningful dialogue about the issues and challenges facing NYCHA. In many ways, the level of partnership we see today among resident leadership, residents and the NYCHA Board is unprecedented. It has been further enhanced by the presence of NYCHA's first-ever Resident Board Member, Victor Gonzalez. Member Gonzalez was appointed by Mayor Bloomberg in July 2011 following an extensive and transparent application and review process and has been dedicated to representing the resident body in all policy and administrative matters for Board review.

Through *Plan NYCHA* we have reaffirmed our unwavering commitment to providing decent and affordable housing in a safe and secure living environment for low-

and moderate-income New Yorkers. But NYCHA is more than bricks and mortar. Every NYCHA resident has access to an array of community, educational, employment, and social service programs. NYCHA goes far beyond housing to provide access to services that offer opportunity and enrich the lives of our residents. One way we are doing this is by engaging residents in green and environmental sustainability initiatives. By providing material and organizational support, we have assisted residents in creating over 20 Green Committees at NYCHA developments throughout the City. We have also provided assistance to a number of committees that have sought outside grants to do green events, and we are aggressively pursuing more youth involvement in our sustainability initiatives.

NYCHA has also administered a Garden and Greening Program for 49 years that not only beautifies our grounds across the City, but also provides environmental education to our residents; year-round technical assistance to gardeners; coordinating workshops; and access to nutritional organic produce. In 2011 we had 622 gardens registered in the Garden and Greening Competition and we provided gardening and greening education to roughly 1,700 adults and nearly 2,000 children and youth resident gardeners citywide.

These are just a couple of examples of the assortment of programs and activities offered at NYCHA. We have been working diligently to support residents' interest and participation in NYCHA and surrounding communities. To this end, fostering and maintaining collaborative working relationships with Resident Associations has been critical in our efforts to develop and gain support for NYCHA initiatives.

FORMATION AND RESPONSIBILITIES OF RESIDENT LEADERSHIP

A key role of the Resident Association is to serve as a link between the residents of the developments and the public housing authorities, providing information to residents and gathering feedback that can be used to strengthen our delivery of services to the residents. The Resident Associations participate in working partnerships with Public Housing Authorities (known as PHAs) to advise and assist in all aspects of public housing operations.

According to Part 964 of HUD regulations, Resident Associations must consist of persons residing in public housing. They must meet a number of requirements in order to receive official recognition from the PHA and HUD, and to be eligible to receive funding for their activities and stipends for their officers. They must adopt written procedures, such as by-laws or a constitution, providing for election of residents to the governing board by the voting membership of the residents. Written procedures must be drafted and adopted that provide for recall of the resident board by the voting membership; at least 10% of the voting membership must agree to recall the resident board. A Resident Council's board must be democratically elected, consisting of at least 5 elected board members; voting membership consists of heads of households at least 18 years old whose name is on the lease.

If the resident association fails to satisfy HUD's minimum requirements, HUD requires the PHA to withdraw its recognition of the Resident Association and to withhold its funding. PHAs must monitor the Resident Association election process. Resident Associations may form a larger, jurisdiction-wide organization which can represent the interest of all residents in the PHA's jurisdiction. In New York City we refer to this

group as the Citywide Council of Presidents (CCOP). Given the size and geographical diversity of NYCHA's developments, NYCHA's Resident Associations are organized into nine geographical districts. Each district is governed by a Council of Presidents comprised of the Resident Association presidents for the developments in that district. Nine districts elect members to represent them on the Citywide Council of Presidents (CCOP).

If a CCOP is formed, NYCHA shall recognize it as the authority-wide voice of residents for input into housing authority policy making. The jurisdiction-wide council or CCOP may advise the PHA's Board and Executive Director in all areas of PHA operations. There must be regularly scheduled meetings between the PHA and the local Resident Association and the jurisdiction-wide resident council to discuss problems, plan activities, and review progress.

NYCHA has partnered with each of the nine District Councils for the purposes of reviewing and approving tenant participation activities and allocating tenant participation funds. Those partnerships were formalized in a Memorandum of Agreement (MOA) with each District Council.

HUD, like NYCHA, has long recognized the importance of tenant involvement and community engagement to the success of public housing. HUD has provided guidelines on the distribution and the use of operating subsidy funds received for resident participation activities run by duly elected Resident Associations and District Councils. It is important to mention that federal funding of Tenant Participation Activities (TPA) is strictly regulated by HUD, which outlines the scope and definition of activities that are eligible or ineligible for TPA funding.

At this time I would like to turn it over to Steven Love, Director for Federal Relations, Policy and Compliance, who will provide you with some background on the federal regulations that establish the framework by which NYCHA implements HUD's policies regarding TPA funds and the regulations governing TPA that are codified in Title 24 of the Code of Federal Regulations at Part 964 and in a Notice issues by HUD.

PART 964

Thank you, Ms. Myrie. The purpose of Part 964 is to implement the federal government's policy of promoting public housing resident participation and the active involvement of residents in the Public Housing Authority's operations. The tenant participation program promotes partnerships between public housing residents and PHAs to build, strengthen and improve public housing, and foster changes that improve the quality of life for public housing residents and the surrounding community.

HUD has issued stringent policies, procedures, and requirements that NYCHA and duly elected resident representative organizations must follow in implementing tenant participation programs. These policies and procedures recognize the residents' right to organize and to elect a Resident Association to represent their interests. The applicable regulations also reinforce HUD's policies that housing authorities should work with and provide funding to duly elected representative resident bodies so that together they can foster constructive working partnerships in the management and operation of public housing and the provision of services to public housing residents.

Under the regulations governing tenant participation programs, HUD plays a relatively limited role in the day-to-day functioning of the working partnerships formed

by Resident Associations and public housing authorities. HUD's role in this program is threefold: (i) allocating the funding necessary for PHAs to carry out the activities contemplated by Part 964, (ii) overseeing regulatory compliance, and (iii) facilitating dispute resolution.

RESPONSIBILITIES OF PHAs UNDER PART 964

The role of the PHA in tenant participation programs is much broader. PHAs are responsible for recognizing a duly elected Resident Association as the sole representative of the residents, and for supporting permitted tenant participation activities.

PHAs may consult with residents or Resident Associations to determine the extent to which residents desire to participate in community activities. Levels of participation may vary from development to development, and may be reflected in written agreements between PHAs and resident representative organizations. Some of the ways in which a PHA can provide support for the Resident Association include providing office space at no cost, and meeting facilities in close proximity to the development or developments that are represented by such Resident Association.

FUNDING FOR TENANT PARTICIPATION ACTIVITIES

HUD has a specific formula for funding tenant participation activities. That funding is computed at the rate of \$25 per each occupied public housing unit per year for units represented by duly elected Resident Associations, subject to the level of appropriations. Of this amount, \$15 per unit per year may be allocated to fund tenant participation activities, including the expenses for conducting elections, recalls or

arbitrations required under Part 964, and \$10 per unit per year is used by NYCHA to pay the costs it incurs in overseeing tenant participation activities.

Disputes regarding funding decisions arising between the parties are referred to HUD for intervention. HUD will require the parties to negotiate further to resolve the dispute. If no resolution is achieved within 120 days from the start of the PHA's fiscal year, then resident participation funding must be used by the PHA for resident education activities related to HUD policies and procedures.

HUD regulations do not permit the PHA to fund tenant participation activities without a written agreement with the duly constituted Resident Council. Additionally, funds can only be released for approved or eligible programs. I will now turn it back to Ms. Myrie.

TENANT PARTICIPATION ACTIVITIES

Thank you. As an update to our last testimony regarding TPA funding delivered in 2009, I'm happy to report that NYCHA has worked in conjunction with approximately 237 Resident Associations providing assistance, guidance and review of an estimated 1,600 proposals for resident-initiated activities totaling approximately \$8 million in Tenant Participation funding. These activities include:

- 130 leadership development programs: conferences, retreats and community organization development
- 490 community outreach activities
- 50 skills training programs
- 170 Resident Association offices provided with equipment, furniture, supplies and services
- 20 Resident Association councils sought assistance with securing 501(c) (3) incorporation

Community Operations has streamlined the process for program approvals based on resident feedback. Resident Association presidents submit proposals to NYCHA and to the district chair, who then review the proposals. The district chair has ten days to notify NYCHA in writing of its approval or disapproval of the proposal. If the district chair fails to act in ten days, NYCHA may act on the proposal. If a district chair objects to a proposal, NYCHA may override that decision if it is determined that the proposal is a TPA allowable activity. Similarly, NYCHA has had to deny activities that did not meet the standards of HUD PIH Notice 2001-3 (HA).

In closing, I would like to share with this Committee that NYCHA anticipates working with the resident leadership to create a model by which residents can have even greater autonomy, within HUD guidelines, with regards to control of aspects of the TPA. Not only is this goal of resident empowerment consistent with 964 Regulations, but it will allow NYCHA to align its resources with the available funding. At the appropriate time, I look forward to coming back to this Committee to share information about this new initiative.

Thank you for giving us the opportunity to discuss NYCHA's tenant participation activities. At this time we will be happy to answer any questions you may have.

-###-