



**U.S. Department of Housing and Urban Development
Office of Public and Indian Housing**

Special Attention of:

Public Housing Agency Directors;
Public Housing Hub Office Directors;
Public Housing Field Office Directors;
Program Center Coordinators;
Resident Management Corporations;
Resident Councils

Notice PIH-2009-48 (HA)

Issued: November 25, 2009

Expires: November 30, 2010

Cross References: PIH Notice 2003-17

Subject: Administering the Community Service and Self-Sufficiency Requirement (CSSR)

1. Purpose: The Department is issuing this Notice to assist public housing authorities' (PHAs) understanding and administration of the mandated Community Service and Self-Sufficiency Requirement (CSSR) and in response to an audit report issued by the Office of Inspector General on March 24, 2008. This Notice addresses:

- Statutory/Regulatory Requirements for Administering CSSR;
- Data Collection and Reporting Requirements;
- Action to take against non-compliant tenants; and,
- Penalties/sanctions against PHAs housing ineligible households.

2. Applicability: This Notice applies to PHAs that administer the Public Housing Program and all HUD Field Offices with Public Housing Programs. This Notice supersedes all previous guidance and provides clarification guidance on administering the CSSR. Congress reserves the right to postpone enforcement of CSSR through annual appropriations acts.

3. Background: Section 12(c) [42 U.S.C. Section 1437j] of the United States Housing Act of 1937, as amended on October 12, 1998 by Section 512 (Pub. L. 105-276) of the Quality Housing and Work Responsibility Act of 1998, contained a CSSR 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. Regulations for the CSSR requirement can be found at 24 CFR Subpart F, 960.600 through 960.609.

Section 432 of the Fiscal Year (FY) 2002 HUD/VA Appropriations Act temporarily suspended the CSSR, except for residents of HOPE VI developments. The FY 2003 HUD/VA Appropriations Act signed on February 21, 2003, reinstated this provision by not extending section 432, which applied only to funds appropriated for FY 2002.

Public and Indian Housing (PIH) Notice 2003-17, issued June 20, 2003, notified PHAs of the reinstatement of the CSSR. In addition, the Public Housing Occupancy Guidebook discusses the CSSR implementation. Frequently Asked Questions (FAQs) are also available on the PIH website at: http://www.hud.gov/offices/pih/phr/about/ao_faq4.cfm. The Office of Public Housing Programs is in the process of updating the FAQs and the Public Housing Guidebook.

- 4. Statutory/Regulatory Requirements for Administering CSSR:** Community Service is "The performance of voluntary work or duties that are a public benefit, and that serve to improve the quality of life, enhance resident self-sufficiency, or increase resident self responsibility in the community. Community service is not employment and may not include political activities." (See 24 CFR 960.601(b) definition of Community Service).

Community service volunteer work and economic self-sufficiency requirements mandate that each nonexempt adult household member (18 years or older) shall either contribute 8 hours per month of community service within his or her community, or participate in an economic self-sufficiency program for 8 hours per month (see 24 CFR 960.603(a)). The requirements can also be met by a combination of 8 hours of community service and participation in an economic self-sufficiency program. At least 8 hours of activity must be performed each month (see 24 CFR 960.603(a)). An individual may not skip a month and then double up the following month, unless special circumstances warrant it. The PHA will determine whether to permit a deviation from the schedule (see 24 CFR 960.605).

- 5. Administrative Provisions:** PHAs develop a local policy for administration of the CSSR for public housing residents (see 24 CFR 960.605(a)) within the Admissions and Continued Occupancy Policies (ACOP). Elements of the CSSR policy include, but are not limited to, the PHA responsibility to administer the requirement; eligible and non-eligible activities; exemptions from the requirement; and compliance review standards. These elements are described further in this document.

PHAs may administer qualifying community service and self-sufficiency activities directly, or make the activities available to residents through a contractor or partnership with qualifying organizations (including resident organizations), community agencies, or institutions (see 24 CFR 960.605(b)).

In administering the CSSR, a PHA provides, to the extent possible, names and contacts of agencies offering opportunities for residents, including persons with disabilities, to fulfill their community service obligations. Persons with disabilities are exempt from the requirement only if they certify that because of their disabilities, they cannot comply with the requirement (see 24 CFR 960.601(b)).

In administering the CSSR, PHAs are free to coordinate with social service agencies, local schools and human service offices to develop a referral list of names and agency contacts. HUD strives to provide maximum flexibility to PHAs to allow successful CSSR implementation without adding excessive costs or administrative burdens (see 24 CFR 960.605(b)).

HUD urges PHAs and their tenants to carry out this provision in a manner consistent with Congressional intent, as discussed in the Senate Committee Report (S. Rep. No. 63, 105th Congress, 1st Session 1997) that states "*the provision is not intended to be perceived as punitive, but rather considered as rewarding activity that will assist residents in improving their own and their neighbors' economic and social well-being and give residents a greater stake in their communities*". The requirement is intended to provide residents an opportunity to demonstrate that they are "giving something back" to their communities and to facilitate upward mobility.

- 6. Community Services:** Eligible community service activities include, but are not limited to, work at:
- A. Local public or nonprofit institutions, such as schools, Head Start Programs, before-or after-school programs, childcare centers, hospitals, clinics, hospices, nursing homes, recreation centers, senior centers, adult daycare programs, homeless shelters, feeding programs, food banks (distributing either donated or commodity foods), or clothes closets (distributing donated clothing);

- B. Nonprofit organizations serving PHA residents or their children, such as: Boy or Girl Scouts, Boys or Girls Club, 4-H Clubs, Police Activities League (PAL), organized children's recreation, mentoring, or education programs, Big Brothers or Big Sisters, Garden Centers, community clean-up programs, beautification programs;
- C. Programs funded under the Older Americans Act, such as Green Thumb, Service Corps of Retired Executives, senior meals programs, senior centers, Meals on Wheels;
- D. Public or nonprofit organizations dedicated to seniors, youth, children, residents, citizens, special-needs populations or with missions to enhance the environment, historic resources, cultural identities, neighborhoods or performing arts;
- E. PHA housing to improve grounds or provide gardens (so long as such work does not alter the PHA's insurance coverage); or work through resident organizations to help other residents with problems, including serving on the Resident Advisory Board; and,
- F. Care for the children of other residents so parents may volunteer.

PHAs may form their own policy in regards to accepting community services at profit-motivated entities, acceptance of volunteer work performed at homes or offices of general private citizens, and court-ordered or probation-based work.

7. Self-Sufficiency: Eligible self-sufficiency activities include, but are not limited to:

- A. Job readiness or job training;
- B. Training programs through local One-Stop Career Centers, Workforce Investment Boards (local entities administered through the U.S. Department of Labor) or other training providers;
- C. Higher education (junior college or college);
- D. GED classes;
- E. Apprenticeships (formal or informal);
- F. Substance abuse or mental health counseling;
- G. Reading, financial and/or computer literacy classes;
- H. English as a second language and/or English proficiency classes;
- I. Budgeting and credit counseling; and,
- J. Any activity required by the Department of Public Assistance under Temporary Assistance for Needy Families (TANF).

8. CSSR Partnerships: PHAs with a ROSS program, ROSS Service Coordinators or FSS program may coordinate Individual Training and Services Plans (ITSPs) with CSSR. The ITSP is a tool to plan, set goals and track movement towards self-sufficiency through education, work readiness and other supportive services such as health, mental health and work supports. Specific CSSR activities may be included in ITSPs to enhance a person's progress towards self-sufficiency. Regular meetings with PHA coordinators may satisfy CSSR activities and PHA coordinators may verify community service hours within individual monthly logs.

PHAs are encouraged to create agreements with local organizations, including faith-based and community organizations, to assist CSSR. Specifically, such agreements would allow local organizations to advertise their programs, assist with transportation, child-care or other barriers to CSSR attainment and verify hours within individual monthly logs.

9. Exempt Residents: The Admissions and Continuing Occupancy Policy (ACOP) presents how the PHA determines if an individual is exempt from the CSSR and the documentation needed to support the exemption. Exemptions for adult residents unable to participate, as codified at 24 CFR 960.601, include persons who are:

- A. 62 years or older;
- B. Blind or disabled, as defined under 216(i)(1) or 1614 of the Social Security Act (42 U.S.C. Section 416(i)(1); Section 1382c),
 - 1. who certify that, because of this disability, she or he is unable to comply with the service provisions of this subpart, or
 - 2. is a primary caretaker of such individual;
- C. Engaged in work activities (see Notice PIH 2003-17 (HA)). In order for an individual to be exempt from the CSSR 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” contained in Section 407(d) of the Social Security Act (42 U.S.C. Section 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; and,
 - 12. The provision of childcare services to an individual who is participating in a community service program;
- D. Able to meet requirements under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 601 et seq.) or under any other welfare program of the State in which PHA is located including a State-administered Welfare-to-Work program; or,
- E. A member of a family receiving assistance, benefits, or services under a State program funded under part A of title IV of the Social Security Act (42 U.S.C. Section 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 a program.

PHAs are encouraged to use 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 261.31(1)(a)(1). PHAs 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 (see Notice PIH 2004-17(HA)).

PHAs must describe in its CSSR policy the process to determine which family members are exempt from the requirement, as well as the process for determining any changes to the exempt status of the family member. PHAs provide the family a copy of CSSR policy at initial application and secure certification of receipt as shown in Attachment A, (see 24 CFR 960.605(c)(2)).

PHAs make the final determination whether to grant an exemption from the community service requirement. If a resident does not agree with the PHA’s determination, the resident may dispute the decision through the PHA’s Grievance Procedures (see 24 CFR Part 966 Subpart B, 24 CFR 960.607(b)).

PHAs include in the CSSR policy that an exemption to the requirement is verified annually by the PHA. At least 30 days before the annual reexamination and/or lease expiration, the PHA reviews the exempt or nonexempt status and compliance of family members (see 24 CFR 960.605(c)(3)).

10. Noncompliant Residents: Pursuant to 24 CFR 960.605 and 960.607, PHAs annually review resident compliance at least 30 days prior to the end of the twelve-month lease. PHAs secure a certification of CSSR compliance from non-exempt family members as shown in Attachment B. If a PHA finds a tenant is non-compliant with CSSR, then written notice from the PHA to the tenant states:

- A. Finding of non-compliance with CSSR.
- B. Lease renewal is contingent upon compliance or execution of a written work-out agreement with the PHA presenting the means through which noncompliant family members will comply or the family provides written assurance that is satisfactory to the PHA explaining that the tenant or other noncompliant resident no longer resides in the unit.
- C. The tenant may request a grievance hearing on the PHA determination, in accordance with 24 CFR Part 966, subpart B, and that the tenant may exercise any available judicial remedy to seek timely redress for the PHA's nonrenewal of the lease because of such determination.

11. Enforcement Documentation: PHAs are required to initiate due process (see 24 CFR 966.53(c)) against households failing to comply with lease requirements including CSSR. When initiating due process, the following procedural safeguards are required:

- A. Adequate notice to the tenant of the grounds for terminating the tenancy and for eviction;
- B. Right of the tenant to be represented by counsel;
- C. Opportunity for the tenant to refute the evidence presented by the PHA, including the right to confront and cross-examine witnesses and present any affirmative legal or equitable defense which the tenant may have; and,
- D. A decision on the merits.

12. Resident Responsibilities: At lease execution or re-examination, after the effective date of the adopted policy, all adult members (18 or older) of a public housing resident family must:

- A. Provide documentation that they qualify for an exemption, if they claim to be exempt from the CSSR. (24 CFR 960.601(b)). Documentation provided by the tenant will be used by the PHA to determine whether the tenant is exempt from the CSSR; and,
- B. Sign a certification (Attachment A) that they have received and read the policy and understand that if they are not exempt, failure to comply with the community service requirement will result in nonrenewal of their lease, per 24 CFR 966.4(1)(2)(iii)(D).

At each annual reexamination, nonexempt family members must present documentation of activities performed over the previous 12 months. Documentation will include signatures of supervisors, instructors, or counselors certifying to the number of hours contributed.

If during reexamination a family member is found to be non-compliant, then the member and the head of household sign an agreement with the PHA to make up the deficient hours over the next 12-month period (see 24 CFR 960.607(c)) or the lease will be terminated.

When a non-exempt person becomes exempt, it is his or her responsibility to report this to the PHA and provide documentation. When an exempt person becomes non-exempt, it is his or her responsibility to report this to the PHA.

- 13. Prohibition of CSSR for PHA Responsibilities:** Pursuant to 24 CFR 960.609, no PHA may substitute community service activity performed by a resident for work ordinarily performed by a PHA employee.
- 14. Documentation of CSSR Completion:** At each regularly scheduled rent re-examination, each non-exempt family member presents a signed certification on a form provided by the PHA of CSSR activities performed over the previous twelve (12) months. Each PHA develops a standardized form with places for signature confirmation by supervisors, instructors, or counselors certifying the number of hours contributed. Supporting documentation will be requested of the resident to verify CSSR participation or exempt status. Copies of the certification forms and supporting documentation must be retained in PHA files. PHAs must obtain verification of CSSR completion administered through outside organizations.
- 15. 50058 Coding:** The Instruction Booklet for Form HUD 50058 contains information on coding CSSR status. At the time of program admission, enter either 3 or 4. At annual renewals, revise the 3 for pending status to either 1 or 2. If code 3 is used after the first year, this means the PHA is still in the process of verifying CSSR compliance or that a lease renewal is pending. The following is enhanced guidance on CSSR coding:
- 1 - PHA determines resident is not exempt and is in compliance with CSSR
 - 2 - PHA determines resident is not exempt and not complying with CSSR
 - 3 - PHA is in the process of verifying CSSR compliance or renewing the lease
 - 4 - PHA determines resident is exempt
 - 5 - Do not use this code for “not applicable” under any circumstance
- 16. Monitoring:** HUD Headquarters sends Field Offices a monthly Community Service Monitoring Report generated by PIC. This report alerts Field Offices of potential CSSR non-compliance issues. Field Offices contact and advise those PHAs showing non-compliant public housing residents.
- Remote monitoring is the primary method by which PHAs are assessed for potential CSSR problems. Remote monitoring provides information for on-site reviews and identifies potential issues, problems, concerns and negative trends in regards to CSSR compliance.
- 17. Sanctions Against PHAs:** Section 6(j)(4)(A) of the United States Housing Act of 1937 provides sanctions against any housing authority failing to comply substantially with any provision of the Act relating to the public housing program. Sanctions include, but are not limited to, terminating, withholding, or reducing assistance payments. These sanctions are applicable to housing authorities failing to substantially comply with the CSSR requirement.
- 18. Further Information:** Direct inquiries to Melosan Bell or Dina Elani of the Office of Public Housing and Voucher Programs at (202) 402-4021 or (202) 402-2071, respectively.
- 19. Paperwork Reduction:** The information collection requirements contained in this Notice have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3520) and assigned OMB control numbers 2577-0083 and 2577-0226. A renewal of OMB control number 2577-0230 is pending for enhanced CSSR reporting.

/s/

Sandra B. Henriquez, Assistant Secretary
for Public and Indian Housing

Attachment A

Community Services and Self-Sufficiency Requirement Certification
For Non-Exempt Individuals**Entrance Acknowledgement**

Date:

Participant Name:

I have received and read the Community Services and Self Sufficiency Requirement. I understand that as a resident of public housing, I am required by law to contribute 8 hours per month of community service or participate in an economic self-sufficiency program. I further understand that if I am not exempt, failure to comply with CSSR is grounds for lease nonrenewal. My signature below certifies I received notice of this requirement at the time of initial program participation.

Signature: _____

Date of Signature: _____

Attachment B

Community Services and Self-Sufficiency Requirement Certification
For Non-Exempt Individuals

Annual Renewal

Date:

Participant Name:

I understand that as a resident of public housing, I am required by law to contribute 8 hours per month of community service or participate in an economic self-sufficiency program. I certify I have complied with this requirement.

Signature: _____

Date of Signature: _____