

CHAPTER IX—OFFICE OF ASSISTANT SECRETARY FOR PUBLIC AND INDIAN HOUSING, DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

EDITORIAL NOTE: Nomenclature changes to chapter IX appear at 59 FR 14090, Mar. 25, 1994.

<i>Part</i>		<i>Page</i>
901	Public Housing Management Assessment Program	237
902	Public Housing Assessment System	266
903	Public housing agency plans	295
904	Low rent housing homeownership opportunities	308
905	The Public Housing Capital Fund Program	354
906	Public housing homeownership programs	360
908	Electronic transmission of required family data for public housing, indian housing, and the section 8 rental certificate, rental voucher, and moderate rehabilitation programs	372
941	Public housing development	373
943	Public housing agency consortia and joint ven- tures	398
945	Designated housing—public housing designated for occupancy by disabled, elderly, or disabled and elderly families	402
954	Indian home program	411
960	Admission to, and occupancy of, public housing	438
963	Public Housing—Contracting with resident-owned businesses	453
964	Tenant participation and tenant opportunities in public housing	456
965	PHA-owned or leased projects—general provisions	473
966	Public housing lease and grievance procedure	485
968	Public housing modernization	498
969	PHA-owned projects—continued operation as low- income housing after completion of debt service	536
970	Public housing program—demolition or disposition of public housing projects	538

24 CFR Ch. IX (4-1-05 Edition)

<i>Part</i>		<i>Page</i>
971	Assessment of the reasonable revitalization potential of certain public housing required by law	553
972	Conversion of public housing to tenant-based assistance	560
982	Section 8 tenant based assistance: housing choice voucher program	572
983	Section 8 project-based certificate program	654
984	Section 8 and public housing family self-sufficiency program	677
985	Section 8 management assessment program (SEMAP)	692
990	Annual contributions for operating subsidy	703
1000	Native American housing activities	728
1001-1002	[Reserved]	
1003	Community development block grants for Indian tribes and Alaska native villages	770
1004	[Reserved]	
1005	Loan guarantees for Indian housing	806
1006	Native Hawaiian Housing Block Grant Program	810
1007	Section 184A loan guarantees for Native Hawaiian housing	826
1008-1699	[Reserved]	

PART 901—PUBLIC HOUSING MANAGEMENT ASSESSMENT PROGRAM

Sec.

- 901.1 Purpose, program scope and applicability.
- 901.5 Definitions.
- 901.10 Indicator #1, vacancy rate and unit turnaround time.
- 901.15 Indicator #2, modernization.
- 901.20 Indicator #3, rents uncollected.
- 901.25 Indicator #4, work orders.
- 901.30 Indicator #5, annual inspection of units and systems.
- 901.35 Indicator #6, financial management.
- 901.40 Indicator #7, resident services and community building.
- 901.45 Indicator #8, security.
- 901.100 Data collection.
- 901.105 Computing assessment score.
- 901.110 PHA request for exclusion or modification of an indicator or component.
- 901.115 PHA score and status.
- 901.120 State/Area Office functions.
- 901.125 PHA right of appeal.
- 901.130 Incentives.
- 901.135 Memorandum of Agreement.
- 901.140 Removal from troubled status and mod-troubled status.
- 901.145 Improvement Plan.
- 901.150 PHAs troubled with respect to the program under section 14 (mod-troubled PHAs).
- 901.155 PHMAP public record.
- 901.200 Events or conditions that constitute substantial default.
- 901.205 Notice and response.
- 901.210 Interventions.
- 901.215 Contracting and funding.
- 901.220 Resident participation in competitive proposals to manage the housing of a PHA.
- 901.225 Resident petitions for remedial action.
- 901.230 Receivership.
- 901.235 Technical assistance.

AUTHORITY: 42 U.S.C. 1437d(j); 42 U.S.C. 3535(d).

SOURCE: 61 FR 68933, Dec. 30, 1996, unless otherwise noted.

§901.1 Purpose, program scope and applicability.

(a) *Purpose.* This part establishes the Public Housing Management Assessment Program (PHMAP) to implement and augment section 6(j) of the 1937 Act. PHMAP provides policies and procedures to identify public housing agency (PHA), resident management corporation (RMC), and alternative management entity (AME) manage-

ment capabilities and deficiencies, recognize high-performing PHAs, designate criteria for defining troubled PHAs and PHAs that are troubled with respect to the program under section 14 (Public Housing Modernization Program), and improve the management practices of troubled PHAs and mod-troubled PHAs.

(b) *Program scope.* The PHMAP reflects only one aspect of PHA operations, i.e., the results of its management performance in specific program areas. The PHMAP should not be viewed by PHAs, the Department or other interested parties as an all-inclusive and encompassing view of overall PHA operations. When viewing overall PHA operations, other criteria, including but not limited to, the quality of a PHA's housing stock, compliance issues, Fair Housing and Equal Opportunity issues, Board knowledge and oversight of PHA operation, etc., even though not covered under the PHMAP, are necessary in order to determine the adequacy of overall PHA operations. The PHMAP can never be designed to be the sole method of viewing a PHA's overall operations. A PHA should not manipulate the PHMAP system in the short-term in order to achieve a higher PHMAP score, thereby delaying or negating long-term improvement. Making a correct and viable long-term decision (doing the right thing) may hurt a PHA in the short-term (i.e., lower PHMAP score), but will result in improved housing stock and better overall management of a PHA over the long-term and a higher sustainable PHMAP score.

(c) *Applicability.* (1)(i) The provisions of this part remain applicable to PHAs and RMC/AMEs as described in paragraph (c)(1)(ii) until September 30, 1999.

(ii) The provisions of this part apply to PHAs and RMC/AMEs as noted in the sections of this part. The management assessment of an RMC/AME differs from that of a PHA. Because an RMC/AME enters into a contract with a PHA to perform specific management functions on a development-by-development or program basis, and because the scope of the management that is undertaken varies, not every indicator that applies to a PHA would be applicable to each RMC/AME.

(2) Due to the fact that the PHA and not the RMC/AME is ultimately responsible to the Department under the ACC, a PHA's score will be based on all of the developments covered by the ACC, including those with management functions assumed by an RMC or AME (pursuant to a court ordered receivership agreement, if applicable). This is necessary because of the limited nature of an RMC/AME's management functions and the regulatory and contractual relationships among the Department, PHAs and RMC/AMEs.

(3) A significant feature of RMC management is that 24 CFR §§ 964.225 (d) and (h) provide that a PHA may enter into a management contract with an RMC, but a PHA may not contract for assumption by the RMC of the PHA's underlying responsibilities to the Department under the Annual Contributions Contract (ACC).

(4) When a PHA's management functions have been assumed by an AME:

(i) If the AME assumes only a portion of the PHA's management functions, the provisions of this part that apply to RMCs apply to the AME (pursuant to a court ordered receivership agreement, if applicable); or

(ii) If the AME assumes all, or substantially all, of the PHA's management functions, the provisions of this part that apply to PHAs apply to the AME (pursuant to a court ordered receivership agreement, if applicable).

(5) To ensure quality management results from a contract between an AME and a PHA, or between an AME and HUD, minimum performance criteria that relate to the PHMAP indicators, as applicable, should be included in such contract. Failure to meet the performance criteria would be a basis for termination of the contract. However, even in the absence of explicit contractual provisions, this part applies to AMEs in accordance with paragraph (b)(4) of this section, above.

[61 FR 68933, Dec. 30, 1996, as amended at 63 FR 46617, Sept. 1, 1998]

§ 901.5 Definitions.

Actual vacancy rate is the vacancy rate calculated by dividing the total number of vacancy days in the fiscal year by the total number of unit days available in the fiscal year.

Adjusted vacancy rate is the vacancy rate calculated after excluding the vacancy days that are exempted for any of the eligible reasons. It is calculated by dividing the total number of adjusted vacancy days in the fiscal year by the total number of unit days available in the fiscal year.

Alternative management entity (AME) is a receiver, private contractor, private manager, or any other entity that is under contract with a PHA, or that is otherwise duly appointed or contracted (for example, by court order, pursuant to a court ordered receivership agreement, if applicable, or agency action), to manage all or part of a PHA's operations. Depending upon the scope of PHA management functions assumed by the AME, in accordance with § 901.1(b)(2), the AME is treated as a PHA or an RMC for purposes of this part and, as appropriate, the terms PHA and RMC include AME.

Assessed fiscal year is the PHA fiscal year that has been reviewed for management performance using the PHMAP indicators. Unless otherwise indicated, the assessed fiscal year is the immediate past fiscal year of a PHA.

Assistant Secretary means the Assistant Secretary for Public and Indian Housing of the Department.

Available units are dwelling units, (occupied or vacant) under a PHA's Annual Contributions Contract, that are available for occupancy, after excluding or adjusting for units approved for non-dwelling use, employee-occupied units, and vacant units approved for deprogramming (units approved for demolition, disposition or units that have been combined).

Average number of days for non-emergency work orders to be completed is calculated by dividing the total of the:

(1) Number of days in the assessed fiscal year it takes to close active non-emergency work orders carried over from the previous fiscal year;

(2) The number of days it takes to complete non-emergency work orders issued and closed during the assessed fiscal year; and

(3) The number of days all active non-emergency work orders are open in the assessed fiscal year, but not completed, by the total number of non-