# PUBLIC AND INDIAN HOUSING PUBLIC HOUSING CAPITAL FUND 2006 Summary Statement and Initiatives (Dollars in Thousands)

PUBLIC HOUSING CAPITAL FUND	Enacted/ Request	Carryover	Supplemental/ Rescission	Total <u>Resources</u>	Obligations	Outlays
2004 Appropriation	\$2,712,255	\$701,292 <sup>a</sup>	-\$16,002	\$3,397,545	\$3,110,760	\$3,413,868
2005 Appropriation	2,600,000	286,784	-20,800	2,865,984	2,865,984	3,501,000
2006 Request	2,327,200	<u></u>	<u></u>	2,327,200	2,327,200	3,509,000
Program Improvements/Offsets	-272,800	-286,784	+20,800	-538,784	-538,784	+8,000

a/ Includes \$33 million in recaptures and excludes \$21 million in Source Year 1974 contract authority withdrawn.

#### Summary Statement

The Department is requesting a total of \$2.327 billion for the Public Housing Capital Fund account for fiscal year 2006. Of the total amount requested, \$2.253 billion will assist housing authorities in carrying out capital and management activities and to cover the annual accrual of capital needs. In addition, \$17 million is requested to make grants to Public Housing Authorities (PHAs) for capital needs resulting from emergencies and natural disasters in fiscal year 2006, \$11 million is requested for public housing technical assistance, and \$24 million is requested for the Resident Opportunities and Self-Sufficiency (ROSS) program. Further, the Department is requesting \$8.8 million to support the cost of administrative and judicial receiverships or other intervention, and \$13.2 million for the development and maintenance of information technology systems related to public housing.

This 2006 request represents an overall decrease of \$273 million from the 2005 enacted level of \$2.6 billion. Funds were diverted from the account to help pay for the increased costs of the Tenant-Based Section 8 program. The fiscal year 2006 Budget continues to make funds available to PHAs to address rehabilitation and modernization needs. The overall level of funding requested is sufficient to meet newly accrued needs and overall is commensurate with the estimated annual capital accrual needs of the public housing inventory. Moreover, more than \$5 billion in funds provided to PHAs remained unexpended by the PHAs at the start of fiscal year 2005. The outlay estimates for fiscal year 2006 remain relatively consistent with previous years, as funds in the pipeline continue to be expended. In recent years, the backlog of capital needs for public housing has been reduced through demolitions in some cases and modernization in other cases of many older projects in poor condition. A mandatory conversion rule will soon be issued which will greatly accelerate the demolition of units beyond repair.

#### Initiatives

No initiatives are requested for this program in fiscal year 2006.

# PUBLIC AND INDIAN HOUSING PUBLIC HOUSING CAPITAL FUND Summary of Resources by Program (Dollars in Thousands)

Budget Activity	2004 Budget Authority	2003 Carryover Into 2004	2004 Total Resources	2004 Obligations	2005 Budget Authority	2004 Carryover Into 2005	2005 Total Resources	2006 Request
Formula Grants Emergency/Disaster	\$2,526,152	\$538,176	\$3,064,328	\$3,001,049	\$2,430,053	\$63,777	\$2,493,830	\$2,253,150
Reserve	39,764	40,129	79,893	14,629	29,760	65,264	95,024	17,000
Technical Assistance Resident Opportunities and Supportive	49,705	60,446	110,151	42,489	38,390	67,662	106,052	11,000
Services Administrative	54,676	45,748	100,424	33,553	53,072	66,871	119,943	24,000
Receivership	• • •	• • •			2,976	• • •	2,976	8,820
Working Capital Fund Section 23 Lease	10,547		10,547	10,547	10,069		10,069	13,230
Adjustment	497	52	549			51	51	
Neighborhood Networks .	14,912	16,741	31,653	8,493	14,880	23,159	38,039	
Freedom to House Total Public Housing	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Capital Fund	2,696,253	701,292	3,397,545	3,110,760	2,579,200	286,784	2,865,984	2,327,200

FTE	2004 <u>Actual</u>	2005 Estimate	2006 Estimate
Headquarters	124	107	108
Field	249	252	254
Total	373	359	362

Formula Grants	Amount
2004 Appropriation	\$2,526,152
2005 Appropriation	2,430,053
2006 Request	2,253,150
Program Improvements/Offsets	-176,903

#### Proposed Actions

The Department proposes \$2.253 billion for Public Housing Capital and Management Activities Formula Grants in fiscal year 2006. This amount is commensurate with the estimated annual capital needs of the public housing inventory.

#### PROGRAM DESCRIPTION AND ACTIVITY

The Quality Housing and Work Responsibility Act of 1998 authorized the Capital Fund and expands the scope of its predecessor program by consolidating all public housing capital programs (except HOPE VI) and allows greater local flexibility in decisions on major capital initiatives and management improvements undertaken by PHAs. Capital Fund grants may be used to support the following activities:
(1) development, financing and modernization of public housing projects; (2) vacancy reduction; (3) deferred maintenance; (4) planned code compliance; (5) management improvements, including those which support resident participation; (6) demolition and replacement; (7) resident relocation; (8) capital expenditures for resident empowerment assistance and self-sufficiency; (9) capital expenditures for security and safety, and (10) homeownership.

In fiscal year 2004, the Department completed the distribution of \$2.53 billion appropriated for the Capital Fund program to approximately 3,160 PHAs across the country. In fiscal year 2004, the Department implemented sanctions established in the Quality Housing and Work Responsibility Act of 1998 for PHAs that failed to obligate Capital Funds within time limits specified in the Act. The Department reports to Congress quarterly on PHAs' obligations and expenditures. The Department plans to continue monitoring PHAs' obligations and expenditures, and will impose sanctions against PHAs that do not obligate in accordance with statutory deadlines, including withholding grant funds and deducting 1/12<sup>th</sup> of grant allocations for each month the affected PHAs exceed the statutory deadline. In addition, the Department will recapture funds not expended by the statutory deadline. The Department will continue to work on program regulations to replace the current regulation found at 24 CFR Part 968, and prepare and distribute a new Capital Fund Program Guidebook. The Department will also complete the development of an automated formula distribution system. This system will update the current formula software, develop an on-line system for the Capital Fund as well as make information on the Capital Fund available to PHAs on a web-based system. It will convert to an electronic format most of the paper transactions in the current process. The PHAs will benefit significantly from this improvement by receiving their formula funds more expeditiously, thus being able to utilize their funds sooner for the betterment of their public housing residents. This system will be consistent with the Department's information technology enterprise architecture that was completed in the fall of 2003. It will also enable the Department to recruit new staff and reorganize the Office of Capital Improvements to strengthen program management and oversight.

#### Public Housing Capital Fund

Pursuant to Sections 9 and 30 of the United States Housing Act of 1937, the Department continues to implement and expand the Capital Fund financing program, which allows PHAs to borrow from banks or issue bonds using their Capital Fund grants as collateral or debt service, subject to annual appropriations. In this way, PHAs are able to leverage the Capital Funds provided by the Department to accelerate improvements that would otherwise be postponed well into the future. To date, HUD has approved 34 transactions in which, a total of 93 PHAs are participating (some of these transactions include pools of multiple PHAs). The total amount of loan and bond financing approved to date is approximately \$1.7 billion. HUD currently has 15 requests pending to borrow another \$765 million for 25 PHAs. HUD has been contacted by representatives for over 150 PHAs expressing interest in pursuing transactions in excess of \$357 million.

Emergency/Disaster Reserve	Amount
2004 Appropriation	\$39,764
2005 Appropriation	29,760
2006 Request	17,000
Program Improvements/Offsets	-12,760

#### Proposed Actions

The Department proposes a reserve of \$17 million to be maintained in the Capital Fund for emergencies and natural disasters. These funds will make grants to Public Housing Agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year 2006.

Technical Assistance	Amount
2004 Appropriation	\$49,705
2005 Appropriation	38,390
2006 Request	11,000
Program Improvements/Offsets	-27,390

#### Proposed Actions

The Department proposes \$11 million for Technical Assistance and Intervention funds in fiscal year 2006. These funds are pursuant to Section 9(h) of the U.S. Housing Act of 1937, as amended (42 U.S.C. 1437g)(the "Act"), and will be used for public housing technical assistance, training, intervention, income integrity, management improvement support, and annual physical evaluations of assisted properties.

Funds are required for the acquisition of contract expertise, training, technical assistance and supportive systems required by the Department to support and enhance the oversight and management of public housing or tenant-based assistance, as authorized by Section 9(h) of the United States Housing Act of 1937. Activities include: inspections and technical assistance for capital programs; random digit dialing and customer satisfaction surveys; data collection and analysis; training and technical assistance for PHA employees and residents; and the development of computer, management and financial systems to facilitate the fulfillment of Headquarters responsibilities relative to the management and oversight of information pertaining to the status or the provision of support for PHAs. Funds are also required to support the ongoing activities of the PIH Real Estate Assessment Center (REAC), which include the inspection, assessment, monitoring, and recovery of PHAs. While REAC is an integral part of PIH, it will continue to provide support for housing-related assessments to the Office of Housing.

Resident Opportunities and Supportive Services	Amount
2004 Appropriation	\$54,676
2005 Appropriation	53,072
2006 Request	24,000
Program Improvements/Offsets	-29,072

#### Proposed Actions

The Department is proposing \$24 million for the Resident Opportunities and Self-Sufficiency (ROSS) Program in fiscal year 2006. These funds will be used to provide a connection between the delivery of housing assistance and other services to improve the quality of life for public housing residents.

The ROSS Program, through housing agencies, tribes, tribally designated entities, resident groups, and nonprofit resources is focused on economic self-sufficiency and independent living for the elderly and persons with disabilities. Competitive grants are awarded to fund supportive services activities including: youth mentoring, child care, housing and homeownership counseling, job training and placement, case management, computer training, preventive health education, life skills training, housekeeping aid and transportation assistance.

Administrative Receivership	Amount
2004 Appropriation	
2005 Appropriation	. \$2,976
2006 Request	<u>8,820</u>
Program Improvements/Offsets	. +5,844

#### Proposed Actions

The Department is requesting \$8.82 million to support the costs of administrative and judicial receiverships or other intervention activities. These funds will provide the Department with a source of funds to cover operating and management costs where a court has asserted operational authority over a PHA through a judicial receivership process, or the Department has taken over operational authority of the PHA through an administrative receivership procedure. The activities surrounding receivership or intervention of a PHA cover a wide variety of categories. These activities include a review, reconstruction and audit of the financial accounting and information systems of the PHA. Many times new management must be set in place and the operating structure may have to be reorganized and personnel intensely trained. Procurement actions must be made to support the activities under the receivership team. The average cost of a receivership is estimated at \$1 million per PHA based on the Department's recent experience. This estimate includes staff costs, contractor assistance, or other special technical assistance.

In fiscal year 2004, field offices continued to implement an aggressive compliance monitoring effort and performed an estimated 1,600 on-site and remote reviews and another estimated 500 Rental Integrity Monitoring (RIM) reviews of approximately 400 PHAs across the country. The RIM reviews were conducted at those PHAs, which receive over 80 percent of HUD funding to better target resources and make corrections for those PHAs, which pose the biggest financial risk to the Department. All of the reviews assessed PHA performance and/or compliance with HUD rules and regulations and thereby improved PHA accountability in their operation of public and assisted housing programs.

The Public Housing Assessment System program and the Section 8 Management Assessment Program both review PHA performance against measured criteria for the Public Housing and Section 8 Housing Choice Voucher programs respectively. The scores that result comprise 50 percent of a PHAs risk assessment score, which field offices use to develop their annual monitoring plan. As such, field offices analyze the individual indicator scores such as resident satisfaction scores, physical and financial condition scores, management operations indicator, and Housing Choice Voucher performance indicators to determine which PHAs should receive monitoring and what type of monitoring is necessary. This analysis led to the monitoring effort mentioned above.

In fiscal years 2005 and 2006, HUD intends to continue to build upon this aggressive monitoring approach by conducting re-reviews of those PHAs who had RIM reviews to ensure that corrective action was effectively implemented in addition to their regular annual monitoring effort. In fiscal year 2006, HUD plans to have the Comprehensive Compliance and Monitoring Initiative on-line, which will standardize field office review protocols and provide more automated analysis of PHA compliance with the rules and regulations of the Department. Once this protocol is implemented, field offices will conduct approximately 400 annual comprehensive compliance reviews of PHAs to effectively determine overall PHA compliance with the various HUD regulations and legislative initiatives. Performance reviews of PHAs will also be conducted on a risk-basis in order to continue to measure PHAs' performance.

#### Public Housing Capital Fund

In fiscal year 2003, HUD assumed possession (administrative receiverships) of two PHAs--Sanford, FL and the Virgin Islands. Both PHAs were found to be in extreme noncompliance with HUD regulations and, as such, HUD intervened to protect the interests of the residents and financial position of the authorities. Once HUD acquired possession, staff was sent to these PHAs' properties to fully analyze operations and implement remedial action. The PHAs were found teetering on the edge of insolvency and had failed to provide basic housing services such as renting of units and simple maintenance tasks. Between the two PHAs, over 600 unaddressed exigent health and safety violations have been recorded and since corrected. In essence, the dysfunction had permeated all areas of service and only dramatic action through removal of those charged with the proper stewardship of public trust has had a measurable impact on positive change. HUD also continues its aggressive receivership of the Housing Authority of New Orleans. Technical assistance funds for administrative receivership will be used to procure expert contract services to effectively run dysfunctional PHAs and free HUD staff from their primary oversight responsibilities.

In fiscal years 2005 and 2006, as HUD more fully implements its aggressive monitoring approach and PHAS scores become operational for three consecutive years, more PHAs are going to be found in default or will not have met the statutory requirement for substantial improvement, thereby requiring some sort of HUD receivership action. Successful receivership actions involve the use of highly skilled and technically trained individuals who are knowledgeable in the daily operation of a PHA, and whose skill and expertise can effectuate real change. HUD receivership has resulted in significant improvements in the Camden, NJ and Beaumont, TX housing authorities. HUD has determined that the conditions leading to a determination of substantial default for these agencies no longer exist, and these housing authorities are once again under the control of their respective cities.

Working Capital Fund	Amount
2004 Appropriation	\$10,547
2005 Appropriation	10,069
2006 Request	13,230
Program Improvements/Offsets	+3,161

#### Proposed Actions

The Department is requesting \$13.2 million, which will be transferred to the Working Capital Fund for the development and maintenance of information technology systems related to public housing.

Section 23 Lease Adjustment	Amount
2004 Appropriation	\$497
2005 Appropriation	
2006 Request	<u></u>
Program Improvements/Offsets	

#### Proposed Actions

The Department is not proposing any funds for Section 23 Lease Adjustments in fiscal year 2006. All Section 23/10(c) public housing units have been converted to the Section 8 Voucher Program.

Neighborhood Networks	Amount
2004 Appropriation	\$14,912
2005 Appropriation	14,880
2006 Request	<u></u>
Program Improvements/Offsets	-14,880

#### Proposed Actions

The Department is not proposing any funds for the Neighborhood Networks Initiative Program in fiscal year 2006.

### PUBLIC AND INDIAN HOUSING PUBLIC HOUSING CAPITAL FUND Performance Measurement Table

#### Program Name: PUBLIC HOUSING CAPITAL FUND

Program Mission: The Quality Housing and Work Responsibility Act of 1998 authorized the Capital Fund and expands the scope of its predecessor program by consolidating all public housing capital programs (except HOPE VI) and allows greater local flexibility in decisions on major capital initiatives and management improvements undertaken by PHAs. Capital Fund grants may be used to support the following activities: (1) development, financing and modernization of public housing projects; (2) vacancy reduction; (3) deferred maintenance; (4) planned code compliance; (5) management improvements, including those which support resident participation; (6) demolition and replacement; (7) resident relocation; (8) capital expenditures for resident empowerment assistance and self-sufficiency; (9) capital expenditures for drug elimination, security and safety, and (10) homeownership.

Performance Indicators	Data Sources	Performance Report		Performance Plan	
		2004 Plan	2004 Actual	2005 Plan	2006 Plan
Objective A.2: Improve the physical quality and management accountability of public and assisted housing.					
The unit weighted average PHAS score remains at least 87.3 percent.	Public Housing Assessment System	89.6%	86.9	87.3	87.3
The percentage of public housing and private subsidized multifamily units with exigent health and safety violations is reduced from the current 16 percent to 15 percent. (This indicator will be replaced by an alternative EHS indicator for APP/PAR analytical reporting purposes	Public Housing Assessment System	16%	19%	Under Development	Under Development

#### Explanation of Indicators

Through the Department's physical assessment process, the PHA is able to monitor the reduction in the number of exigent health and safety (EHS) violations associated with individual properties. HUD uses follow-up inspections, on-line certification and performance based contract administrators to ensure that EHS violations have been corrected after they have been cited. In most cases, after the property has been cited for an EHS violation it does not recur in the follow-up inspection. In addition to HUD's extensive monitoring activities in this area, HUD has also embarked on an effort to educate PHAs and owners of properties with assisted units on what items constitute EHS deficiencies and how to remedy such problems if they exist. HUD provides free 3-day training courses for PHAs and owners of properties with assisted units to assist them in identifying EHS problems as well as other capital and ordinary maintenance deficiencies that affect the quality of life as well as the safety of tenants. Through the combination of education and more stringent oversight and enforcement, HUD has been able to improve the correction and/or abatement of housing conditions that threaten health. In fiscal year 2004, the Department held 23 training sessions for PHAs and owners of properties with assisted units. Due to the demand for this training by PHAs and owners of properties with assisted units. HUD has scheduled 17 training sessions during fiscal year 2005 and a maximum of 24 sessions in fiscal year 2006. The training courses have been and will continue to be instrumental in the effort to reduce the occurrence of EHS deficiencies in public housing and properties with assisted units. In addition to training, HUD will issue a notice early in calendar year 2005 requiring PHAs to use a web-based EHS monitoring tool that allows PHAs to certify that cited EHS violations have been corrected. Once this information has been inputted, it is accessible to Field Office staff, contract administrators and PIH staff. This technological enhancement provides greater portfolio oversight and the ability to focus limited resources to those projects that are experiencing the greatest problems. In fiscal years 2005 and 2006, the Department plans to continue enhancing its internal systems and quality assurance programs to provide more accurate information with regard to EHS violations. The greatest challenge in this area will continue to be the education of PHAs and owners of properties with assisted units so they are able to recognize and correct EHS deficiencies. REAC will be reviewing EHS certification of 5 percent of PHAs under PHAS in fiscal year 2005.

### PUBLIC AND INDIAN HOUSING PUBLIC HOUSING CAPITAL FUND Justification of Proposed Changes in Appropriations Language

The 2006 President's Budget includes proposed changes in the appropriations language listed and explained below. New language is italicized and underlined, and language proposed for deletion is bracketed.

For the Public Housing Capital Fund Program to carry out capital and management activities for public housing agencies, as authorized under section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g) (the ''Act'')[\$2,600,000,000] \$2,327,200,000, to remain available until September 30, [2008] 2009: Provided, That notwithstanding any other provision of law or regulation, during fiscal year [2005] 2006, the Secretary may not delegate to any Department official other than the Deputy Secretary and the Assistant Secretary for Public and Indian Housing any authority under paragraph (2) of section 9(i) regarding the extension of the time periods under such section: Provided further, That for purposes of such section 9(j), the term 'obligate' means, with respect to amounts, that the amounts are subject to a binding agreement that will result in outlays, immediately or in the future: Provided further, That of the total amount provided under this heading, up to [\$38,700,000] \$11,000,000 shall be for carrying out activities under section 9(h) of such Act, [of which \$12,500,000 shall be for the provision of remediation services to public housing agencies identified as "troubled" under the Section 8 Management Assessment Program and for surveys used to calculate local Fair Market Rents and assess housing conditions in connection with rental assistance under section 8 of the Act]: Provided further, That [\$10,150,000] \$13,230,000 shall be transferred to the Working Capital Fund: Provided further, That no funds may be used under this heading for the purposes specified in section 9(k) of the United States Housing Act of 1937, as amended: Provided further, That of the total amount provided under this heading, up to [\$30,000,000] \$17,000,000 shall be available for the Secretary of Housing and Urban Development to make grants, notwithstanding section 205 of this Act, to public housing agencies for emergency capital needs resulting from unforeseen emergencies and natural disasters occurring in fiscal year [2005] 2006: Provided further, That of the total amount provided under this heading, [\$53,500,000] \$24,000,000 shall be for supportive services, service coordinators and congregate services as authorized by section 34 of the Act and the Native American Housing Assistance and Self-Determination Act of 1996: Provided further, That up to [\$3,000,000] \$8,820,000 is to support the costs of administrative and judicial receiverships in effect prior to date of enactment of this Act[: Provided further, That of the total amount provided under this heading, \$15,000,000 shall be for Neighborhood Networks grants for activities authorized in section 9(d)(1)(E) of the United States Housing Act of 1937, as amended, of which up to \$1,000,000 may be used for technical assistance in connection with such grants as authorized in section 9(h)(8) of such Act: Provided further, That notwithstanding any other provision of law, amounts made available in the previous proviso shall be awarded to public housing agencies on a competitive basis: Provided further, That notwithstanding section 9(d)(1)(E) of the United States Housing Act of 1937, any Neighborhood Networks computer center established with funding made available under this heading in this or any other Act, shall be available for use by residents of public housing and residents of other housing assisted with funding made available under this title in this Act or any other Act.]

#### Explanation of Changes

Deletes language requesting funding for the Neighborhood Network Initiative Program set-aside.

#### PUBLIC AND INDIAN HOUSING PUBLIC HOUSING CAPITAL FUND Crosswalk of 2004 Availability (Dollars in Thousands)

Budget Activity	2004 Enacted	Supplemental/ Rescission	Approved Reprogrammings	Transfers	Carryover	Total 2004 Resources
Formula Grants	\$2,541,145	-\$14,993			\$538,176	\$3,064,328
Emergency/Disaster Reserve	40,000	-236			40,129	79,893
Technical Assistance	50,000	-295			60,446	110,151
Resident Opportunities and Supportive Services	55,000	-324			45,748	100,424
Administrative Receivership						
Working Capital Fund	10,610	-63				10,547
Section 23 Lease Adjustment	500	-3			52	549
Neighborhood Networks	15,000	-88			16,741	31,653
Freedom to House	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Total	2,712,255	-16,002			701,292	3,397,545

#### PUBLIC AND INDIAN HOUSING PUBLIC HOUSING CAPITAL FUND Crosswalk of 2005 Changes (Dollars in Thousands)

Budget Activity	2005 President's Budget Request	Congressional Appropriations Action on 2005 Request	2005 Supplemental/ <u>Rescission</u>	Reprogrammings	Carryover	Total 2005 Resources
Formula Grants	\$2,484,900	\$2,449,650	-\$19,597		\$63,777	\$2,493,830
Emergency/Disaster Reserve	50,000	30,000	-240		65,264	95,024
Technical Assistance	35,000	38,700	-310		67,662	106,052
Resident Opportunities and Supportive Services	54,700	53,500	-428		66,871	119,943
Administrative Receivership	10,000	3,000	-24			2,976
Working Capital Fund	4,500	10,150	-81			10,069
Section 23 Lease Adjustment					51	51
Neighborhood Networks		15,000	-120		23,159	38,039
Freedom to House	5,000	<u></u>	<u></u>	<u></u>	<u></u>	<u></u>
Total Changes	2,644,100	2,600,000	-20,800		286,784	2,865,984