

**ADVOCATES' GUIDE TO THE PUBLIC
HOUSING COMMUNITY SERVICE/
SELF-SUFFICIENCY REQUIREMENT
IN MASSACHUSETTS**

**Massachusetts Law Reform Institute
99 Chauncy Street, Suite 500
Boston, MA 02111**

617-357-0700

November 2003

Table of Contents

<i>Introduction</i>	1
1. What is the public housing Community Service/Self-Sufficiency requirement?	1
2. When did the public housing Community Service/Self-Sufficiency requirement start?	1
3. Who must do Community Service/Self-Sufficiency activities?	2
4. Who is exempt from Community Service/Self-Sufficiency requirements?	2
<i>Family Exemptions</i>	3
5. Who is exempt from Community Service/Self-Sufficiency requirements because a family member is receiving TAFDC?	3
6. Who is exempt from Community Service/Self-Sufficiency because a family member receives SSI?	4
7. Who is exempt from public housing Community Service/Self-Sufficiency because a family member receives EAEDC?	4
8. Who is exempt from Community Service/Self-Sufficiency because a family member receives subsidized child care?	5
9. Who is exempt from public housing Community Service/Self-Sufficiency because a family member receives the state Earned Income Credit?	6
10. Who is exempt from Community Service/Self-Sufficiency because a family member receives Veterans' Services benefits?	7
11. How do family exemptions work for residents who are not receiving TAFDC or other benefits for themselves?	7

<i>Individual Exemptions</i>	8
12. Who is exempt from public housing Community Service/ Self-Sufficiency because they meet the requirements for a TAFDC exemption?	8
13. Who is exempt from public housing Community Service/ Self-Sufficiency because they are elderly or near elderly?	9
14. Who is exempt from public housing Community Service/ Self-Sufficiency because they are blind or disabled?	10
15. Who is exempt from public housing Community Service/ Self-Sufficiency because they are taking care of a disabled or blind person?	11
16. Who is exempt from public housing Community Service/ Self-Sufficiency because they are taking care of a child under two?	11
17. Which teen parents are exempt from public housing Community Service/Self-Sufficiency?	12
18. Which pregnant women are exempt from public housing Community Service/Self-Sufficiency?	12
19. Which foster parents are exempt from public housing Community Service/Self-Sufficiency?	12
20. Who is exempt from public housing Community Service/ Self-Sufficiency because they are “engaged in work activities”?	13
21. What can you do if you think you meet an exemption from public housing Community Service/Self-Sufficiency but the PHA says you are not exempt?	13
<i>Rules and Protections for Tenants Who Are Not Exempt</i>	14
22. What do you have to do if you are not exempt from public housing Community Service/Self-Sufficiency?	14
23. What is an economic self-sufficiency program?	14

24.	Does the housing authority have to find you a Community Service/Self-Sufficiency site or activity?	15
25.	When do you have to meet the Community Service/Self-Sufficiency requirement?	15
26.	What happens if you don't do Community Service/Self-Sufficiency?	15
27.	Where can you find your housing authority's Community Service/Self-Sufficiency policy?	16
28.	How can you influence your housing authority's Community Service/Self-Sufficiency policy?	16
	<i>Useful Forms</i>	17
1.	Certification of Expected Receipt of Earned Income Credit	18
2.	Certification of Inability to Comply with Community Service/Self-Sufficiency Requirements Because of Disability	19
3.	Verification of Disability	20
4.	Verification that Caretaker is Required to Provide Care for a Disabled Person	21

Introduction

This guide is primarily for Massachusetts advocates helping public housing tenants and tenant groups understand the federal public housing Community Service/Self-Sufficiency requirement. The guide will also help public housing authorities (PHAs) develop and apply Community Service/Self-Sufficiency policies that comply with federal law. Because the federal law bases exemptions on both state and federal benefit programs as well as specific federal housing exemptions, **most public housing tenants in Massachusetts are exempt from the public housing Community Service/Self-Sufficiency requirement.**

MLRI has drafted a model Community Service/Self-Sufficiency policy for PHAs in Massachusetts. We urge benefits and housing advocates and local tenant groups to ask local PHAs to adopt this policy which complies with the law and allows PHAs to administer the Community Service/Self-Sufficiency requirement fairly and efficiently. Other Community Service/Self-Sufficiency policies we have seen do not comply with federal law because they do not recognize many federally required exemptions based on Massachusetts benefit programs.

1. What is the public housing Community Service/Self-Sufficiency requirement?

The federal Housing Act requires some adult public housing residents to do “Community Service” or an “economic self-sufficiency” activity for 8 hours a month.¹ Families in which an adult is not exempt and has not met the requirement can be evicted.

2. When did the public housing Community Service/Self-Sufficiency requirement start?

Federal public housing authorities (PHAs) were supposed to provide written notice about the requirement to tenants by July 31, 2003. By October 31, 2003, PHAs were supposed to assure that all tenants who are not exempt are meeting the Community Service/Self-Sufficiency requirement.²

¹ Congress passed the Community Service/Self-Sufficiency requirement in 1998 as part of the Quality Housing and Work Responsibility Act. It can be found at 42 U.S.C. § 1437(j). The requirement was suspended for several years but was reinstated recently. See Question 2.

² U.S. Dep’t of Housing and Urban Development (HUD), Notice PIH 2003-17 (HA) (June 30, 2003); Questions and Answers on the Community Service and Self-Sufficiency

3. Who must do Community Service/Self-Sufficiency activities?

An adult resident of *federal* public housing must meet the Community Service/Self-Sufficiency requirement unless the resident is *exempt*. **Most public housing residents in Massachusetts are exempt.** Section 8 tenants and tenants of state public housing do *not* have to do Community Service/Self-Sufficiency as a condition of their tenancy.

4. Who is *exempt* from Community Service/Self-Sufficiency requirements?

There are *family exemptions* and *individual exemptions*.

Family exemptions. You are *exempt* from public housing Community Service/Self-Sufficiency if someone in your *family* receives

- TAFDC,
- SSI,
- EAEDC,
- certain subsidized child care,
- the state Earned Income Credit, *or*
- Veterans' Services benefits.

You do not have to be receiving one of those benefits for yourself. See Questions 5-11 for more information about the family exemptions.

Individual exemptions. You are *exempt* from public housing Community Service/Self-Sufficiency if you are

- 60 or older,
- disabled and meeting certain standards,
- needed to care for a disabled family member,
- the caretaker of a child under two,
- a teen parent (applies if age 18 or 19) in an education, training or work program,
- a pregnant woman in the last 120 days of pregnancy,
- a foster parent (in some situations), *or*
- engaged in a countable "work activity."

See Questions 12-20 for more information about individual exemptions.

Requirement, Implementation, A-1, HUD Admission and Occupancy FAQ,
http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm.

Always check for a family exemption first. Then check for an individual exemption. **Check all the exemptions before deciding you are not exempt.**

Family Exemptions

5. Who is *exempt* from Community Service/Self-Sufficiency requirements because a family member is receiving TAFDC?

Any family in which at least one member receives TAFDC (Transitional Aid to Families with Dependent Children) is *exempt* from public housing Community Service/Self-Sufficiency requirements unless the Department of Transitional Assistance (DTA) has found the family to be in noncompliance with TAFDC.³ **This means that all adult household members who are on the lease are exempt, including members of the family who are not receiving TAFDC.**

Verification that the family is receiving TAFDC is enough to verify that the family is exempt unless the PHA has information that the family is not in compliance with TAFDC rules.⁴

Virtually all TAFDC sanctions can be resolved quickly. Consult a benefits advocate to resolve any TAFDC sanction and restore the family's exemption from public

³ A public housing resident is exempt from Community Service/Self-Sufficiency if the resident “[i]s a member of a family receiving assistance, benefits or services under a State program under part A of title IV of the Social Security Act . . . or under any other welfare program of the State in which the PHA is located” and has not been found to be in “noncompliance with [the] program.” 24 C.F.R. § 960.601(b)(5). *See also* 42 U.S.C. § 1437j(c)(2)(E); Questions and Answers on the Community Service and Self-Sufficiency Requirement, General Questions, A-4, HUD Admission and Occupancy FAQ, http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm.

Part A of Title IV (“Title IV-A”) of the Social Security Act provides funding for the Temporary Assistance for Needy Families (TANF) welfare block grant that pays for part of TAFDC as well as other programs in Massachusetts.

⁴ 65 Fed. Reg. 16692, 16711 (March 29, 2000) (“the PHA has discretion to adopt . . . verification process” for which “[d]ocumentation that a family is receiving assistance under the TANF program [is] sufficient verification of a family member’s exemption from community service requirement”). The PHA may have information that the family is being sanctioned for noncompliance because families who request a rent reduction due to a decrease in TAFDC benefits must provide verification that the decrease is not due to failure to comply with TAFDC work program requirements.

housing Community Service/Self-Sufficiency requirements as well as the family's TAFDC benefits. At the same time, consider the other bases for an exemption from the public housing Community Service/Self-Sufficiency requirement.

6. Who is *exempt* from Community Service/Self-Sufficiency because a family member receives SSI?

Any family in which at least one member receives SSI (Supplemental Security Income) is *exempt* from Community Service/Self-Sufficiency.⁵ **All adult household members who are on the lease are exempt, including members of the family who are not receiving SSI.**

7. Who is *exempt* from public housing Community Service/Self-Sufficiency because a family member receives EAEDC?

Any family in which at least one member receives EAEDC (Emergency Aid to Elders, Disabled and Children) is *exempt* from public housing Community Service/Self-Sufficiency.⁶ **All adult household members who are on the lease are exempt, including members of the family who are not receiving EAEDC.**

⁵ All SSI recipients in Massachusetts receive a "state supplement," paid for with state funds, in addition to their SSI benefit. The SSI state supplement is a "welfare program of the state in which the PHA is located," so all members of the SSI recipient's family are exempt from Community Service/Self-Sufficiency. 24 C.F.R. § 960.601(b)(5). See also 42 U.S.C. § 1437j(c)(2)(E).

Social Security benefits (sometimes called "Title II" benefits or "SSDI") are not a state "welfare program" and therefore do not confer an exemption on the family, although a disabled person receiving Social Security benefits is exempt from public housing community service/self-sufficiency. See Question 14.

⁶ Most of the people receiving EAEDC are elderly or disabled. There are a few families receiving EAEDC, and a very small number of those families are subject to an EAEDC community service requirement. 106 C.M.R. § 320.420(E). If they are not in compliance with that requirement, then receipt of EAEDC does not make them or their families exempt from the public housing Community Service/Self-Sufficiency requirement. 24 C.F.R. § 960.601(b)(5). The PHA may have information that the family is being sanctioned for noncompliance because families who request a rent reduction due to a decrease in EAEDC benefits must provide verification that the decrease is not due to failure to comply with EAEDC work program requirements.

8. Who is *exempt* from Community Service/Self-Sufficiency because a family member receives subsidized child care?

Any family in which a member receives subsidized child care through the Massachusetts Office of Child Care Services (OCCS) or the Department of Education's Community Partnerships for Children program is *exempt* from the public housing Community Service/Self-Sufficiency requirement.⁷ **All adult household members who are on the lease are exempt, including members of the family who are not receiving subsidized child care.**

You can verify that you receive subsidized child care in a program funded by the Office of Child Care Services (OCCS) by showing the PHA your OCCS child care voucher or your Subsidy Application and Fee Agreement. If you don't have either of these documents you can ask your Child Care Resource and Referral Agency for a copy. A list of Child Care Resource and Referral agencies is at www.qualitychildcare.org.

If you get help paying for an early childhood program (public preschool, Head Start, center-based or family child care) for a child who is between 2 years, 9 months and kindergarten age and you don't have an OCCS subsidy, you are probably receiving help through the local Community Partnerships for Children (CPC) program. Call the local CPC coordinator (the director of your child's program can give you the number) and ask

⁷ The HUD regulation provides that "a member of a family receiving assistance, benefits or services under a State program funded under part A of title IV [Title IV-A] of the Social Security Act" is *exempt* from the public housing Community Service/Self-Sufficiency requirement as long as the family is not been found in noncompliance with the program's rules. 24 C.F.R. § 960.601(b)(5).

The Office of Child Care Services child care subsidy program is "funded under" Title IV-A of the Social Security Act. Families where a member receives OCCS child care benefits and services are therefore *exempt* from the public housing Community Service/Self-Sufficiency requirement.

Community Partnerships for Children is also a program "funded under" Title IV-A of the Social Security Act. Families where a member receives Community Partnerships for Children child care benefits and services are therefore *exempt* from the public housing Community Service/Self-Sufficiency requirement.

Note that the federal statute and regulations do not require that the benefit for the particular family be paid for with TANF block grant funds. The statute and regulations only require that the state *program* be "funded under" Title IV-A of the Social Security Act. Therefore, families receiving child care subsidies through OCCS or DOE Community Partnerships are exempt from the public housing Community Service/Self-Sufficiency requirement because they are receiving benefits in a program funded under Title IV-A, even if the family's benefits are paid for from another source.

for a letter verifying that your child's receives a CPC subsidy. You may also call Early Learning Services (Department of Education) at 781-338-6364 to find out if your program is a CPC program and obtain verification.

9. Who is *exempt* from public housing Community Service/Self-Sufficiency because a family member receives the state Earned Income Credit?

Any family in which a member raising a child receives the state Earned Income Credit is *exempt* from public housing Community Service/Self-Sufficiency.⁸ **All adult household members who are on the lease are exempt, including members of the family who are not receiving the state EIC.**

The Earned Income Credit is extra money for working people who earn low or moderate incomes. The state Earned Income Credit is an additional 15 percent credit on top of the federal Earned Income Credit.

If you got the state Earned Income Credit last year and you are working and raising a child this year, you can verify your receipt of the credit with your last year's state tax return.

If you did not get the state Earned Income Credit last year and you are working and raising a child this year, you can certify your eligibility for an exemption by filling out the *Certification of Expected Receipt of State Earned Income Credit* form which is attached.

Depending on your income and the number of children you are raising, the state and federal Earned Income Credits can add up to \$3,000 to \$4,800 for 2003. It is definitely worth applying even if you don't need the Earned Income Credit to show you are exempt from public housing Community Service/Self-Sufficiency. **The credit is not counted in determining your public housing rent, food stamps, or welfare.** For more information about the applying for the EIC, contact the City of Boston's Earned Income Tax Credit Campaign, 617-918-5275; <http://www.cityofboston.gov/bra/eitc/>.

⁸ The state Earned Income Credit for families raising children is a Massachusetts program funded under Title IV-A of the Social Security Act. Workers who are not raising children also qualify for the state and federal Earned Income Credits, but their state credit not funded under Title IV-A of the Social Security Act. Although workers not raising children who receive the state EIC could be considered exempt on the ground that the state EIC is "a state program under part a of title IV of the Social Security Act" or on the ground that the state EIC is a state "welfare program," 42 U.S.C. § 1437j(c)(2)(E); 24 C.F.R. § 960.601(b)(5), it is possible that the statute does not mandate that they be exempt. However, a PHA could reasonably read the statute and regulations as allowing it to exempt workers without dependents who are receiving the state EIC.

10. Who is *exempt* from Community Service/Self-Sufficiency because a family member receives Veterans' Services benefits?

Any family in which at least one member receives Veterans' Services benefits is *exempt* from Community Service/Self-Sufficiency.⁹ **All adult household members who are on the lease are exempt, including members of the family who are not receiving Veterans' Services benefits.**

11. How do family exemptions work for residents who are not receiving TAFDC or other benefits for themselves?

When any member of the family is receiving TAFDC (and not under sanction), SSI, EAEDC, subsidized child care, the state Earned Income Credit, or Veterans' Services benefits **all adult household members who are on the lease are exempt from public housing Community Service/Self-Sufficiency, including members of the family who are not receiving the benefit.** See Questions 5-11.¹⁰

Example 1: Joe is 20 years old and lives with his parents who receive TAFDC for his sister who is 9. His parents are not being sanctioned for noncompliance with TAFDC and are therefore exempt from public housing Community Service/Self-Sufficiency. Joe is also exempt because he is a member of a family receiving assistance.

Example 2: Serena is 59 years old. She lives with her boyfriend Sam who 55 years old, disabled and receiving EAEDC benefits. Sam is exempt from public housing Community Service/Self-Sufficiency. Serena is also exempt because she is a member of

⁹ Veterans' Services benefits under G.L. c. 115 are a "welfare program of the state in which the PHA is located," so all members of the family of a veteran receiving Veterans' Services benefits are exempt from Community Service/Self-Sufficiency. 24 C.F.R. § 960.601(b)(5). See also 42 U.S.C. § 1437j(c)(2)(E). For more information about Veterans' Services benefits and how to apply, see www.state.ma.us/veterans, call your local city/ town hall and ask for your local Veterans' Agent, or call the Department of Veterans' Services at 617-727-3578.

¹⁰ An individual is exempt from Community Service/Self-Sufficiency if the individual "[i]s a member of a family receiving assistance, benefits or services under a State program under part A of title IV of the Social Security Act . . . or under any other welfare program of the State in which the PHA is located" and has not been found to be in "noncompliance with [the] program." 24 C.F.R. § 960.601(b)(5). See also 42 U.S.C. § 1437j(c)(2)(E); Questions and Answers on the Community Service and Self-Sufficiency Requirement, General Questions, A-4, HUD Admission and Occupancy FAQ, http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm.

a family receiving assistance. If Sam begins receiving SSI, Serena will be exempt as a member of family receiving SSI.¹¹

Example 3: Juana is an immigrant who has applied for asylum. She has one child, age 1, for whom she receives TAFDC. Juana is not eligible for TAFDC because of her immigration status. She is exempt from public housing Community Service/Self-Sufficiency because she is a member of a family that receives TAFDC.¹²

Individual Exemptions

12. Who is *exempt* from public housing Community Service/Self-Sufficiency because they meet the requirements for a TAFDC work exemption?

- ✓ **You are receiving TAFDC and are exempt from the TAFDC work requirements, but your family is under a TAFDC sanction.**

Families in which any member receives TAFDC are usually *exempt* from public housing Community Service/Self-Sufficiency based on receipt of TAFDC. See Question 5. In a few cases, members of a family receiving TAFDC may not qualify for a *family exemption* from public housing Community Service/Self-Sufficiency because the family is under a TAFDC sanction, but an individual who is receiving TAFDC may qualify for an *individual exemption* from public housing Community Service/Self-Sufficiency if the person is exempt from the TAFDC work requirements.¹³

¹¹ When Serena turns 60, she will also be exempt because she would meet the TAFDC requirements for being exempted from work. See Questions 12-13.

¹² If her child were not receiving TAFDC, Juana would still be exempt from public housing Community Service/Self-Sufficiency because she meets a TAFDC work requirement exemption because her child is under 2. See Question 16.

¹³ 42 U.S.C. § 1437j(c)(2)(D); 24 C.F.R. § 960.601(b)(4) (exempt individual is an adult who “[m]eets the requirements for being exempted from having to engage in work activity under the State program funded under part A of Title IV of the Social Security Act”).

✓ **No one in your family receives TAFDC but you meet the requirements for a TAFDC work exemption.**

You are *exempt* from public housing Community Service/Self-Sufficiency if you meet TAFDC work exemptions even if no one in your family is receiving TAFDC.¹⁴

You meet the requirements for a TAFDC work exemption – and are therefore exempt from public housing Community Service/Self-Sufficiency – if you are

- age 60 or older,
- disabled,
- needed to care for a disabled child, or a disabled spouse, sibling, half-sibling, parent, grandparent or child’s other parent,
- the caretaker of a child under two,
- a teen parent under age 20 and attending full-time high school or a full-time GED and training or work program that totals at least 20 hours a week,
- a pregnant woman in the last 120 days of pregnancy,
- a non-parent relative caring for a child receiving TAFDC where the adult is not receiving TAFDC for herself,
- certain foster parents.¹⁵

Questions 13-19 give more information about these exemptions and verification you may provide if you are not receiving TAFDC. Note that unlike the exemptions discussed in Questions 5-11, these exemptions only exempt the individual, not the whole family.

13. Who is *exempt* from public housing Community Service/Self-Sufficiency because they are elderly or near elderly?

You are *exempt* from public housing Community Service/Self-Sufficiency requirements if you are 60 years old or older.¹⁶

¹⁴ 42 U.S.C. § 1437j(c)(2)(D); 24 C.F.R. § 960.601(b)(4). HUD says that the “exemption applies to anyone whose characteristics of family situation meet the welfare agency exemption criteria and can be verified.” Questions and Answers on the Community Service and Self-Sufficiency Requirement, General Questions, A-13, HUD Admission and Occupancy FAQ, http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm.

¹⁵ 106 C.M.R. §§ 203.100, 203.400.

¹⁶ Persons 62 years of age and older are expressly exempted by the HUD statute and regulations. 42 U.S.C. § 1437j(c)(2)(A); 24 C.F.R. § 960.601(b)(1). Persons 60 years of age and older are exempt from public housing Community Service because they meet the requirements for a TAFDC work exemption, whether or not they are receiving TAFDC. 42 U.S.C. §

14. Who is *exempt* from public housing Community Service/Self-Sufficiency because they are blind or disabled?

SSI recipients, EAEDC recipients, TAFDC recipients and recipients of Veterans' Services benefits and the families of those recipients qualify for a *family exemption*.

If you are disabled and do not qualify for a *family exemption*, you qualify for an *individual exemption* on the basis of disability if you

- are receiving Social Security benefits on the basis of disability,
- are receiving MassHealth on the basis of disability, *or*
- your blindness or disability otherwise meets the requirements for a TAFDC work exemption. See Question 12.

Disabled individuals who are receiving SSI, Social Security, or MassHealth¹⁷ for the disabled meet the TAFDC standards for a work exemption. Disabled individuals who are not receiving those benefits or EAEDC can qualify for an exemption by getting a doctor's certification that they meet the TAFDC standards for a work exemption.¹⁸ A *Verification of Disability* form is attached.

You can verify that you are receiving MassHealth on the basis of disability by providing a copy of the notice of eligibility from MassHealth. If you don't have the eligibility notice, you can ask MassHealth to release the information. You will need to fill out a *MassHealth Permission to Share Information Form*, available at [www.http://www.state.ma.us/dma/hipaa/hipaa.htm](http://www.state.ma.us/dma/hipaa/hipaa.htm).¹⁹

1437j(c)(2)(D); 24 C.F.R. § 960.601(b)(4); 106 C.M.R. §§ 203.100(A)(1)(h). See Question 12.

¹⁷ HUD regulations say that persons seeking an exemption because they are blind or disabled as defined by the Social Security Act (i.e., SSI recipients, Social Security disability recipients, and persons receiving MassHealth on the basis of disability) must certify that they are unable to comply with the community service provisions because of the disability. 24 C.F.R. § 960.601(b)(2)(i). This certification requirement is not applicable in Massachusetts because SSI recipients are exempt as members of a family receiving a state welfare benefit, 24 C.F.R. § 960.601(b)(5), and recipients of Social Security disability benefits and MassHealth for the disabled are exempt because they meet a requirement for being exempt from TAFDC work activities. 24 C.F.R. § 960.601(b)(4). Although the certification is not required, the requirement is not onerous, and we have included a form for certifying inability to comply with community service in case the PHA asks for one.

¹⁸ 106 C.M.R. § 203.530.

¹⁹ In section II of the form, check "Other," and write "Whether I am receiving MassHealth or CommonHealth on the basis of disability." In section III, write the name of the housing authority person who should get the information and the housing authority address. In

15. Who is *exempt* from public housing Community Service/Self-Sufficiency because they are taking care of a disabled or blind person?

The primary caretaker of a disabled (or blind) person is usually eligible for a *family exemption* from public housing Community Service/Self-Sufficiency as the member of a family receiving SSI, EAEDC or TAFDC. In addition, you are eligible for an *individual exemption* from public housing Community Service/Self-Sufficiency if you are the primary caretaker of a disabled person (in your home or the disabled person's home) and

- the disabled person is receiving Social Security or MassHealth on the basis of disability, *or*
- the disabled person's doctor verifies that you are needed to care for the disabled person.²⁰ A *Verification that Caretaker is Required to Provide Care for a Disabled Person* form is attached. It must be completed by the disabled person's doctor.

16. Who is *exempt* from public housing Community Service/Self-Sufficiency because they are taking care of a child under two?

You are *exempt* from public housing Community Service/Self-Sufficiency if you are taking care of a child under two.²¹ In a two-parent family, only one parent can be exempt on this basis.

section IV, write "at my request." In section V, write 60 days. Be sure to fill out the rest of the form and sign it.

²⁰ The form verifies that the individual is needed to care for the disabled person and therefore meets the TAFDC requirement for being exempted from TAFDC work requirements. 106 C.M.R. §§ 203.100(A)(1)(b); 203.400. Caretakers who meet the requirements for a TAFDC work exemption are exempt from public housing Community Service/Self-Sufficiency. 42 U.S.C. § 1437j(c)(2)(D); 24 C.F.R. § 960.601(b)(4).

²¹ Individuals who meet these criteria would be exempt from the TAFDC work requirement if they were receiving TAFDC, 106 C.M.R. §§ 203.100(A)(2)(d); 203.400(A), and are therefore exempt from public housing Community Service/Self-Sufficiency. 42 U.S.C. § 1437j(c)(2)(D); 24 C.F.R. § 960.601(b)(4). An individual in a family receiving TAFDC will not be exempt on this basis unless the child who is under two is not excluded from TAFDC by the TAFDC "family cap" rule that bars certain children from TAFDC assistance if they were conceived while the family was receiving TAFDC or within a year after the case closed. This is only a problem for those TAFDC families with a family cap child who are under a TAFDC sanction, because all other TAFDC families are exempt from public housing Community Service/Self-Sufficiency. The "family cap" rule does not apply to families not receiving TAFDC.

17. Which teen parents are *exempt* from public housing Community Service/Self-Sufficiency?

The public housing Community Service/Self-Sufficiency requirements apply only to adults. Teens under the age of 18 are not subject to the public housing Community Service/Self-Sufficiency requirement. Most teen parents age 18 or 19 are exempt from public housing Community Service/Self-Sufficiency because someone in their family is receiving a benefit that makes everyone exempt.

If you are a teen parent age 18 or 19 who is not eligible for a *family exemption* from public housing Community Service/Self-Sufficiency, you are eligible for an *individual exemption* if you are attending full-time high school or a full-time GED or training or work program that totals at least 20 hours a week.²² Even if you do not meet these requirements for an exemption, you may be exempt from public housing Community Service/Self-Sufficiency if you are doing some “work activity,” see Question 20, or your activity may meet the public housing Community Service/Self-Sufficiency requirements. See Question 23.

18. Which pregnant women are *exempt* from public housing Community Service/Self-Sufficiency?

You are exempt from public housing Community Service/Self-Sufficiency if you are a pregnant woman in the last 120 days of pregnancy.²³

19. Which foster parents are *exempt* from public housing Community Service/Self-Sufficiency?

If you are a foster parent and you are not *exempt* from public housing Community Service/Self-Sufficiency for some other reason, you are *exempt* from public housing Community Service/Self-Sufficiency if you are taking care of a child with serious care needs as determined by the Department of Social Services.²⁴

²² Teen parents who meet these criteria are exempt from the TAFDC work requirement, 106 C.M.R. §§ 203.100(A)(1)(d); 203.400, and are therefore exempt from public housing Community Service/Self-Sufficiency. 42 U.S.C. § 1437j(c)(2)(D); 24 C.F.R. § 960.601(b)(4).

²³ Pregnant women in the last 120 days of pregnancy are exempt from the TAFDC work requirement, 106 C.M.R. §§ 203.100(A)(1)(c); 203.400, and are therefore exempt from public housing Community Service/Self-Sufficiency. 42 U.S.C. § 1437j(c)(2)(D); 24 C.F.R. § 960.601(b)(4).

²⁴ Foster parents who meet these criteria are exempt from the TAFDC work requirement, 106 C.M.R. §§ 203.100(A)(1)(f); 203.400, and are therefore exempt from the public housing community service requirement. 42 U.S.C. § 1437j(c)(2)(D); 24 C.F.R. §

20. Who is *exempt* from public housing Community Service/Self-Sufficiency because they are “engaged in work activities”?

You are exempt from public housing Community Service/Self-Sufficiency if you are engaged in certain “work activities.” “Work activities” include

- paid work (including self-employment),
- on the job training,
- job search and job readiness,
- vocational and job skills training,
- job related education (such as GED), *and*
- paid or unpaid child care for someone who is doing public housing or TAFDC Community Service/Self-Sufficiency.²⁵

Federal law does not set a minimum number of hours you must do a “work activity” to be exempt from public housing Community Service/Self-Sufficiency.²⁶ Housing authorities can simplify administration and maintain consistency with the hours requirements for community service and economic self-sufficiency by setting an hours requirement of 8 hours per month.

If you are participating in a “work activity” but the PHA says your activities do not qualify for an exemption, you may nevertheless be meeting the Community Service/Self-Sufficiency requirement on the basis of that same activity. See Question 23.

21. What can you do if you think you meet an exemption from public housing Community Service/Self-Sufficiency but the PHA says you are not exempt?

You can file a grievance to challenge the PHA’s determination that you are not exempt.²⁷

960.601(b)(4).

²⁵ There are some limitations on which activities count and for how long. See 42 U.S.C. § 1437j(c)(2)(C); 42 U.S.C. § 607(d); Questions and Answers on the Community Service and Self-Sufficiency Requirement, General Questions, A-5, HUD Admission and Occupancy FAQ, http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm.

²⁶ See Questions and Answers on the Community Service and Self-Sufficiency Requirement, General Questions, A-5, HUD Admission and Occupancy FAQ, http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm.

²⁷ See 24 C.F.R. part 966, subpart B.

Rules and Protections for Tenants Who Are Not Exempt

22. What do you have to do if you are not exempt from public housing Community Service/Self-Sufficiency?

If you are not exempt, you must do

- 8 hours a month of “voluntary” work for a public benefit, not including political activities, *or*
- participate in an “economic self-sufficiency program” for 8 hours per month, *or*
- do a combination of “voluntary” work and an economic self-sufficiency program for 8 hours a month.

23. What is an economic self-sufficiency program?

An “economic self-sufficiency program” includes any program designed to encourage, assist, train, or facilitate the economic independence of the family in public housing.²⁸ This includes programs for

- job training,
- employment counseling,
- work placement,
- basic skills training,
- education,
- English proficiency,
- financial or household management,
- apprenticeship,
- community service, *or*
- substance abuse and mental health treatment programs necessary for an individual become ready to work.

The program does not need to be sponsored by the housing authority. If the activity is administered by an organization other than the housing authority, the housing authority is supposed to obtain verification from the administering organization.²⁹

A person participating in a program who is not exempt because of the housing authority’s definition of “work activities,” see Question 20, may nevertheless be meeting the Community Service/Self-Sufficiency requirement on the basis of that same activity.

²⁸ See 24 C.F.R. § 5.603.

²⁹ 24 C.F.R. §§ 960.605(c)(3), 960.607(a).

24. Does the housing authority have to find you a Community Service/Self-Sufficiency site or activity?

The housing authority does not have to find you a Community Service/Self-Sufficiency site or activity, unless its plan says it will do so. You can arrange your own site. Some food stamps recipients can get a community service site or economic self-sufficiency activity through the Department of Transitional Assistance.

25. When do you have to meet the Community Service/Self-Sufficiency requirement?

If you are not exempt, you have to meet the Community Service/Self-Sufficiency requirement (volunteer work or economic self-sufficiency program) for 8 hours a month for a total of 96 hours a year, beginning October 31, 2003.

HUD wants residents to do Community Service/Self-Sufficiency every month for 8 hours. But HUD also says there should be flexibility. If a family has been unable to meet its Community Service/Self-Sufficiency requirement during the year, it should be allowed to catch up before the time for lease renewal or within a reasonable period determined by the housing authority.³⁰

26. What happens if you don't do Community Service/Self-Sufficiency?

First, make sure you are not exempt from public housing Community Service/Self-Sufficiency. You have a right to hearing if you think you are exempt and the PHA says you are not exempt.

If you are not exempt, failure to comply with the Community Service/Self-Sufficiency requirement is grounds for nonrenewal of the lease at the end of the twelve-month lease term, but not for termination of the lease. If your lease is not renewed, you can be evicted.

The housing authority is supposed to notify you of noncompliance and give you an opportunity to cure the noncompliance before refusing to renew your lease. An agreement to cure noncompliance should include

- the number of hours of Community Service/Self-Sufficiency needed to make up for hours not performed, *and*

³⁰ 24 C.F.R. § 960.607; Questions and Answers on the Community Service and Self-Sufficiency Requirement, General Questions, A-6, HUD Admission and Occupancy FAQ, http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm.

- assurance that non-exempt family members are in current compliance with Community Service/Self-Sufficiency, *or*
- assurance that the noncompliant resident no longer lives in the unit.

You have a right to a hearing if the housing authority says you are noncompliant or not exempt. You can also go to court. The housing authority has to tell you about your hearing and judicial review rights.³¹

27. Where can you find your housing authority's Community Service/Self-Sufficiency policy?

You can ask your housing authority for a copy of its Community Service/Self-Sufficiency policy. Some housing authorities are required to attach the policy to their next annual plan submission.

28. How can you influence your housing authority's Community Service/Self-Sufficiency policy?

Residents can present issues to the housing authority about its Community Service/Self-Sufficiency policy at any time. Your local legal services organization, your resident advisory board, or Mass. Law Reform Institute may be able to help you.

Massachusetts Law Reform Institute
99 Chauncy Street, Suite 500
Boston, MA 02111

617-357-0700

³¹ 24 C.F.R. § 960.607; Questions and Answers on the Community Service and Self-Sufficiency Requirement, General Questions, A-15, HUD Admission and Occupancy FAQ, http://www.hud.gov/offices/pih/phr/about/ao_faq.cfm, 65 Fed. Reg. 16711.

Useful Forms

1. Certification of Expected Receipt of Earned Income Credit
2. Certification of Inability to Comply with Community Service/Self-Sufficiency Requirements Because of Disability
3. Verification of Disability
4. Verification that Caretaker is Required to Provide Care for a Disabled Person

Certification of Expected Receipt of State Earned Income Credit

This form, together with verification that the resident has earnings, certifies that the resident and all members of the resident's family are exempt from Community Service/Self-Sufficiency requirements.

1. I am working and Social Security taxes (FICA) are being deducted from my paycheck.

Yes _____.

2. (a) I am raising two or more children in my home and my family income is less than \$33,178.

Yes _____.

or

- (b) I am raising one child in my home and my family income is less than \$29,201.

Yes _____.

3. I understand that I am eligible for the state Earned Income Credit for this year and I intend to apply for it on my state tax return.

Yes _____.

Signed under the pains and penalties of perjury on this date.

NAME

DATE

**Certification of Inability to Comply with
Community Service/Self-Sufficiency
Requirements Because of Disability**

This certification is not a federal requirement, but the PHA may ask you to complete it.

1. I am receiving Supplemental Security Income benefits, Social Security Disability Benefits or MassHealth on the basis of disability.
2. Because of my disability I am unable to comply with Community Service/Self-Sufficiency requirements.

Signed under the pains and penalties of perjury on this date.

NAME

DATE

Inability to comply, November 3, 2003

