

# Influencing What NYCHA Does:

## *Formal Resident Bodies*

### **Resident Associations (aka tenant associations, resident councils, or tenant councils)**

- Exist in about ⅔ of NYCHA developments
- Dedicated to improving the quality of life in NYCHA developments and the surrounding neighborhoods
- Work with NYCHA management, giving residents a voice in operation of developments
- Help individual tenants get assistance from NYCHA on issues such as repairs
- Executive board of each RA is elected by association members and typically consists of a president, vice-president, secretary, treasurer, and sergeant-at-arms.
- RAs can get money, office space, and other support from NYCHA to help do their work. They also get funds to organize training & educational programs.

### **District Councils**

- Made up of all the Presidents from the different RAs in that district
- 9 DCs in the city (2 each in Manhattan and the Bronx, 3 in Brooklyn, and 1 each in Queens and Staten Island)
- Bring information about residents' concerns up to the Citywide Council of Presidents and get info to bring back to residents
- Each DC elects a Board of 5-7 Officers, including a Chair, who becomes part of the CCOP for a three-year term

### **Citywide Council of Presidents**

- Represents the concerns of all NYCHA residents citywide
- Made up of the 9 elected District Council Chairs
- Works with senior NYCHA staff on big-picture issues affecting life in NYCHA developments, such as NYCHA's budget, policy issues, and maintenance
- Meets with NYCHA officials and brings information back to the District Councils.
- Members of CCOP automatically become members of Resident Advisory Board

### **Resident Advisory Board**

- Meets with NYCHA to represent residents during the creation of its annual and 5-year agency plans, which set forth NYCHA's priorities and policies in core areas
- RAB can express concerns, make recommendations, and advise NYCHA management as the plans are drafted. RAB members also inform members in each development about the plan as it progresses.
- RAB's recs for the final plan are incorporated when the plan is submitted to the U.S. Department of Housing and Urban Development.
- +80 RAB members: 45 elected RA presidents and 31 alternates, 5 Section 8 resident reps, and the 9 CCOP members.

# Influencing What NYCHA Does:

## 5-Year Capital Plans, 5-Year Expense Plans, Annual Plans, and Annual Plan Amendments

### Drafting Plans

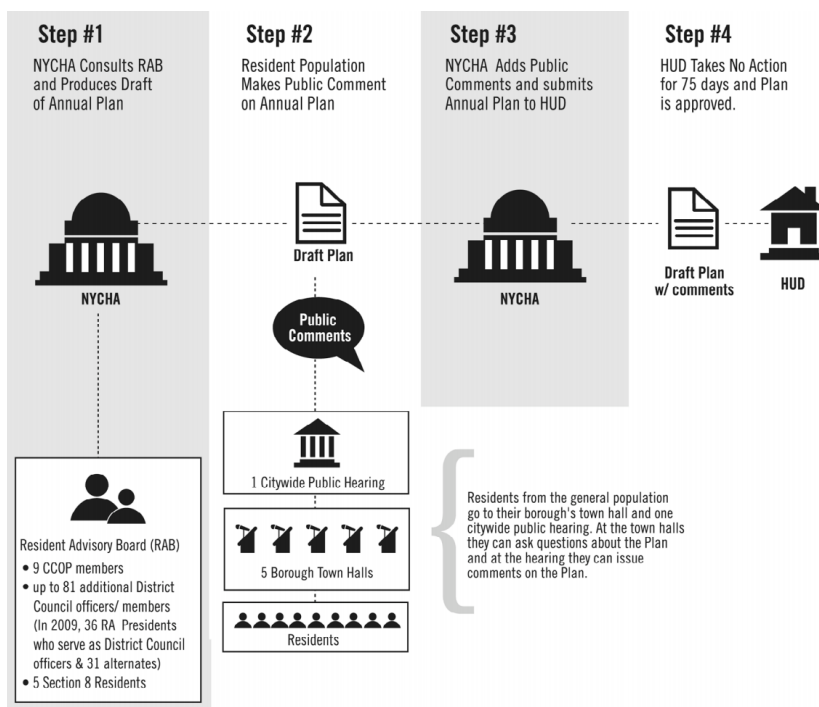
NYCHA is required to create **annual plans** and **5-year capital and expense plans** in consultation with the Resident Advisory Board (RAB).

1. **NYCHA Consults with RAB, then Writes a Draft.** Among other things, the draft must include information about any planned demolitions, sale or lease of land or buildings, and Section 8 conversions under the RAD program.
2. **Comments.** NYCHA posts its draft plans online and makes printed copies available at its offices for review by residents and the general public. People can submit written comments to NYCHA or testify at "town halls" organized by NYCHA in each of the five boroughs, or at a citywide public hearing. At the town halls, NYCHA officials respond to questions; at the citywide hearing, NYCHA officials just listen to comments.
3. **NYCHA Compiles and Responds to Comments and Writes the Final Plan.** NYCHA must compile all of the public comments, respond to each and attach comments and responses to Annual Plan before sending it to HUD. The RAB can submit additional information directly to HUD as a way to supplement their original recommendations or to reveal any inconsistencies with NYCHA's plan.
4. **HUD Approves (or Disapproves).** If HUD takes no action within 75 days, the Annual Plan is automatically approved.

### Amending Plans

In addition to an annual and 5-year plans, NYCHA also publishes Significant Amendments for public review when major things change in the categories that the Plan is required to include.

If a major change in one of the categories that plans are required to cover is not included in a Plan or Amendment, it might be possible to challenge the change.



*Image Source:* Community Voices Heard, "Democracy (In)Action: How HUD, NYCHA and Official Structures Undermine Resident Participation in New York City" (2010).

# Influencing What NYCHA Does: New York City's Zoning Laws

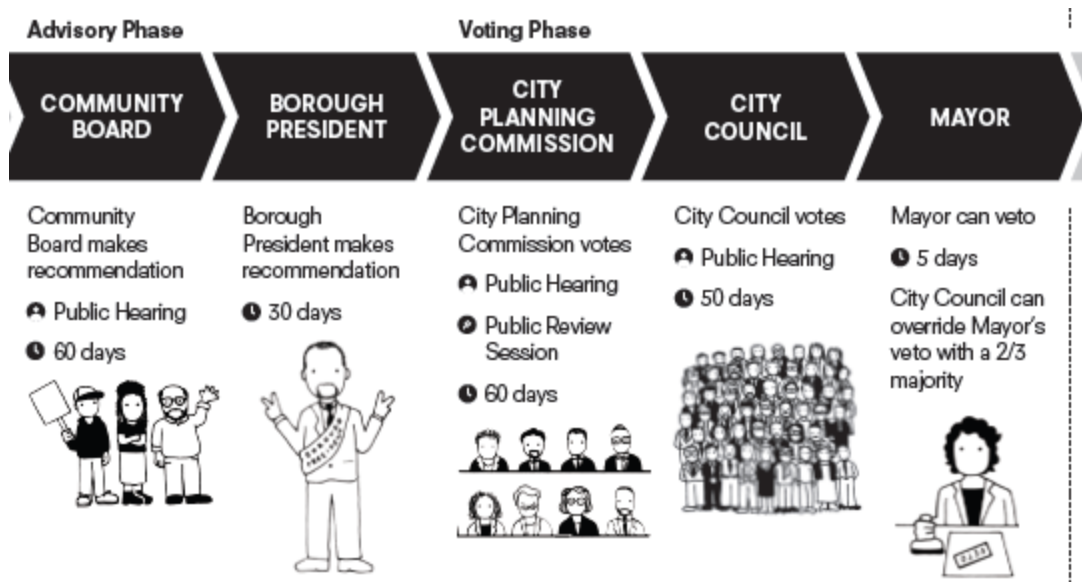


Image Source: The Center for Urban Pedagogy (2017).

“Zoning” is the system of rules that says what and how much you can build on any piece of land in the City. **When NYCHA proposes a project that would involve more/taller building or different uses than what the current zoning allows, NYCHA (or the developer NYCHA is working with) usually has to go through the City’s Uniform Land Use Review Procedure (ULURP) process to get permission to build.** ULURP requires public notice, and members of the public can testify at all ULURP hearings, which may be hosted by the community board, Borough President, the City Planning Commission (CPC), and City Council. The ULURP process gives communities leverage to influence NYCHA’s plans, since all of the bodies who vote on the proposed zoning changes can pressure NYCHA to modify its plans.

**Unfortunately, most NYCHA properties have a lot of air rights that are not yet used up so changes to zoning rules are rarely required for additional buildings on NYCHA properties.** Also, if NYCHA can show that construction serves a public purpose, the Mayor can override the zoning rules without ULURP!

**Could we make ULURP apply to NYCHA?** When the City of New York sells or leases its land, that sale/lease must usually go through the ULURP process. But currently, ULURP doesn't apply when NYCHA sells or leases land because NYCHA is not a City agency. We could advocate to change the law to require a Special Permit for new construction on NYCHA properties, since Special Permits are subject to the ULURP process. If a Special Permit were required, City Council could vote down the proposed construction unless goals the community identifies are met by the proposal NYCHA and developers create.

# Influencing What NYCHA Does:

## *Federal Laws*

The federal government has created a lot of rules to ensure that residents have an opportunity to participate in decisions about their developments and overall policy development within NYCHA. Some of these regulations guarantee NYCHA residents a **right to organize, a right to elect a resident council to protect their interests, and a right to help shape NYCHA's annual plans**, via the Resident Advisory Board. The language in the federal regulations is broad, stating that "Resident councils may actively participate through a working partnership with [NYCHA] to advise and assist in **all aspects of public housing operations.**"<sup>1</sup>

**There are also special rules NYCHA must follow before it can demolish, sell or lease land or buildings within existing NYCHA developments.** NYCHA must get the approval of the U.S. Department of Housing and Urban Development (HUD) to take these actions. To get HUD's approval, NYCHA must certify that it has met HUD's requirements and provide supporting documentation on certain topics.

**When NYCHA wants to SELL or LEASE part of a NYCHA development<sup>2</sup>**, it must show:

- **The plan to dispose of the property, instead of keeping the development as is, is in the "best interests" of the current residents.** NYCHA must also certify to HUD that the undeveloped land "exceeds the needs of the development," or that leasing it away is "incidental to, or does not interfere with, continued operation of the remaining portion of the development"
- **NYCHA has developed its plans in consultation with residents.** NYCHA must describe its consultations with residents, any resident organizations, and the Resident Advisory Board. Unfortunately, HUD has generally refused to be more specific about what "resident consultation" really means, and there is no minimum requirement about to the number of meetings with residents NYCHA must have, or what those meetings need to consist of.

**When NYCHA wants to DEMOLISH part of a NYCHA development**, it must show:

- **The project or portion of the public housing project is obsolete** in terms of its physical condition, location, or other factors, making it unsuitable for housing purposes; and
- **No reasonable program of modifications is cost-effective** to return the public housing project or portion of the project to useful life; and
- Where NYCHA is proposing demo of only part of a public housing project - NYCHA must show that the **demo will help to ensure the viability of the remaining portion** of the project.

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<sup>1</sup> See 24 CFR Part 964, "Tenant Participation and Tenant Opportunities in Public Housing"

<sup>2</sup> See 42 U.S. Code § 1437p, "Demolition and disposition of public housing"