DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of the Assistant Secretary for Public and Indian Housing

24 CFR Chapter IX

[Docket No. N-95-3858; FR-3647-N-01]

RIN 2577-AB44

Vacancy Rule: Notice of Establishment of a Negotiated Rulemaking Advisory Committee and of First Meeting

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of establishment of a negotiated rulemaking committee and of first meeting.

SUMMARY: The Department is announcing the establishment of a Negotiated Rulemaking Advisory Committee under the Federal Advisory Committee Act (FACA). The purpose of the Committee is to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units. The Committee consists of representatives with a definable stake in the outcome of a proposed rule. A charter for the Committee has been approved pursuant to the FACA, Executive Order 12838, and the implementing regulations. This notice also announces the time and place of the first Committee meeting, which will be open to the public.

DATES: The first meeting of the Committee will take place March 7–9, 1995. On March 7, the meeting will start at 10:00 a.m. and run until completion; on March 8, the meeting will start at 9:00 a.m. and run until completion; and on March 9, the meeting will start at 9:00 a.m. and run until approximately 1:00 p.m.

ADDRESSES: The first meeting of the Committee will be held in the Captain's Room of the Channel Inn Hotel; 650 Water Street, SW., Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: John T. Comerford, Director, Financial Management Division, Public and Indian Housing, Room 4212, Department of Housing and Urban Development, 431 Seventh Street SW., Washington, DC 20410–0500; telephone (202) 708–1872, or (202) 708–0850 (TDD). (These telephone numbers are not toll-free.)

SUPPLEMENTARY INFORMATION:

Background

On January 3, 1995, HUD published a notice of intent to establish a Negotiated Rulemaking Advisory Committee to discuss and negotiate a proposed rule that would change the current method of determining the payment of operating subsidies to vacant public housing units (60 FR 304) ("January 3 notice"). Subsequent to the publication of the January 3 notice, a charter for the Committee was approved pursuant to the FACA, Executive Order 12838, and the implementing regulations at 41 CFR 101–6.1007.

The January 3 notice requested comment concerning the issues it should consider and the proposed membership of the Committee. The Department received two comments on the notice of intent. One commenter was a public housing agency (PHA) from the State of Alaska requesting Committee membership. The other commenter was a national association, the Council of Large Public Housing Authorities (CLPHA), with comments on membership balance and the efficacy of changing the current subsidy payment system in light of HUD's proposal to transform the public housing program. After review of the comments and for the reasons stated in the notice of intent, the Department has determined that established a negotiated rulemaking advisory committee on this subject is necessary and in the public interest.

Facilitators

As stated in the notice of intent, the Federal Mediation and Conciliation Service (FMCS) will provide facilitators for this effort.

Substantive Issues for Negotiation

The convening report identified the following issues to be addressed by the Committee:

- What constitutes an acceptable level of vacancies for housing authorities of various size classifications?
- What criteria should be used for providing less than full subsidy?
- What criteria should be used for providing full subsidy despite less than full occupancy?

CLPHA suggested that HUD delay negotiated rulemaking on these vacancy rule issues until HUD and Congress resolve the broader issues concerning HUD's future role in the area of public housing. While it is true that the Department is seeking to transform public housing and convert operating subsidies to PHAs into rental assistance to residents, that transformation will not

be completed for a period of at least 6 years. The Department believes that changes are needed now to correct inequities and inefficiencies in the current rule and that to maintain the status quo is not good public policy.

Committee Membership

The FMCS conveners consulted and interviewed over 30 officials of various organizations interested and affected by the vacancy rule. Three national Housing Agency (HA) associations—the Council of Large Public Housing Authorities (CLPHA), the National Association of Housing and Redevelopment Officials (NAHRO), and the Public Housing Authority Directors Association (PHADA)—worked together to suggest for committee membership executive directors of HAs that would reflect a balance among HAs in terms of size and number of vacant units. The national associations committed themselves to serving as staff support to the HAs selected for membership.

The members of the Committee are the following:

Housing Agencies

- Housing Authority of the city of Houston, TX.
- Cuyahoga Metropolitan Housing Authority, Cleveland, OH.
- Birmingham, AL Housing Authority.
- New York City, NY Housing Authority.
 - · Newark, NJ Housing Authority.
 - Reno, NV Housing Authority.
 - Littleton, CO Housing Authority.
- Housing Authority of the city of South Bend, IN.

Tenant Organizations and Public Interest Groups

- National Tenants Organization, Ft. Pierce, FL.
- Bromley Health Tenant Management Corporation, Jamaica Plains, MA.
- New Jersey Association of Public and Subsidized Housing Residents, Newark, NJ.
- National Housing Law Project, Washington, DC.
- Housing and Development Law Institute, Washington, DC.
- Illinois Association of Housing Authorities.

Federal Government

• U.S. Department of Housing and Urban Development

The Executive Director of the Kodiak Island, AK, Housing Authority asked that she or another qualified Alaska housing representative be a member of the committee, saying that the interests