



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-5000

OFFICE OF PUBLIC AND INDIAN HOUSING

Special Attention of:
Public Housing Agencies and
Related Interests

Notice PIH 2024-36 (HA)

Issued: November 27, 2024,

Expires: This notice remains in effect until amended, superseded or rescinded.

Cross Reference(s): 24 C.F.R. 905.312(b)(5)

SUBJECT: Procedures for Requesting Approval to Develop Public Housing Units to be Offered to Families with Children in a High-Rise Elevator Structure

1. Purpose. Since October 12, 1977, section 6(a) of the U.S. Housing Act of 1937 (1937 Housing Act) (42 USC 1437d) and HUD’s implementing regulations have stated that “except in the case of housing predominately for elderly or disabled families, high-rise elevator projects shall not be provided for families with children unless the Secretary makes a determination that there is no practical alternative.” The purpose of this Notice is to provide guidance to Public Housing Agencies (PHAs) proposing high-rise developments on how to demonstrate to HUD that developing general occupancy units to be offered to families with children in a high-rise elevator structure is the only practical development alternative.

2. Applicability. This Notice applies to requests from PHAs to develop (via new construction or acquisition with or without rehabilitation) general occupancy public housing units in high-rise elevator structures that will be offered to families with children.¹ Ideally, in compliance with the 1937 Housing Act, PHAs should not develop such structures. In some circumstances, however, a PHA may be able to demonstrate to HUD that it has no practical alternative to doing so. In these cases, the PHA must provide HUD with sufficient information for HUD to determine that the PHA has no practical alternative to developing general occupancy public housing units in high-rise elevator structures that will be offered to families with children. As described in this Notice, PHAs should provide HUD with the information it needs to make this determination as early in the development process as possible, before financing is firmly committed to the project.

3. Background. According to the 1992 Final Report of the National Commission on Severely Distressed Public Housing, “[t]he densely populated high-rise is clearly an inappropriate building type for families with children because it often lacks adequate space and recreational areas.” Pursuant to 24 C.F.R. 905.312(b)(5), a high-rise elevator structure “shall not be provided for families with children regardless of density, unless the PHA demonstrates and HUD determines that there is no practical alternative.” The following guidance is meant to clarify the procedure to fulfill that requirement and sets forth the conditions where HUD may consider approving the development of a high-rise elevator structure with public housing units that will be offered to

¹ This Notice does not apply to development of public housing units in high-rise elevator structures predominantly to house elderly and/or disabled families.

families with children.

The definition of *High-Rise Elevator Structure* can vary based on local codes and emergency services capacity. Therefore, the use of this term in this Notice means a building with an elevator that will be as tall or taller than the local code's definition of a high-rise. As context, the International Building Code, which many municipalities have adopted, defines a high-rise as a building with an occupied floor more than 75 feet above the lowest level of fire department vehicle access.

4. Requirements and HUD Approval. To secure HUD approval, a PHA must submit a written request to HUD's Office of Urban Revitalization. This written request must be submitted via email to our@hud.gov prior to the submission of a Development Proposal (HUD form 50157) pursuant to the regulations at 24 CFR 905.606. Choice Neighborhoods grantees seeking to develop general occupancy public housing units in high-rise elevator structures that will be offered to families with children should submit their request to their Choice Neighborhoods Team Coordinator, in accordance with this Notice and any other requirements included in the applicable Notice of Funding Opportunity.

Written requests submitted to HUD for approval must clearly describe the proposed project in detail and demonstrate that families with children could be successfully housed there. PHAs must address the following in their written request for HUD approval.

- **Describe Project:** Provide a full description of the proposed project, including the total number of units, bedroom configurations, and the project's income mix (e.g., the number of public housing, project-based voucher, Low Income Housing Tax Credit-only, unrestricted, and other types of units). The PHA should describe what design features and amenities it will include in the building or on the proposed site to ensure it is appropriate for families with children.
- **Demonstrate Need:** The PHA should provide the percentage of the PHA's waiting list that is comprised of families with children with a breakdown by requested bedroom size. The PHA should also describe efforts that have been made to consult with families with children on the waiting list to see if there is interest in living in a high-rise elevator structure. A submission must include comments that were received when this proposed general occupancy high-rise elevator structure was discussed with waiting list applicants and/or other public housing residents and the public as part of the creation of the PHA plan.
- **Justify Need for High-Rise Development on Intended Development Site:** The PHA should describe the factors considered and the decision-making process used to determine that a general occupancy high-rise elevator structure with units that will be offered to families with children should be developed on the target site. The PHA should also explain why it is necessary to build and/or acquire and renovate a high-rise elevator structure, rather than a low or mid-rise structure, and why alternative sites are not as advantageous as the proposed location. The submission must provide evidence that the

proposed high-rise elevator structure's design will be consistent with the surrounding area's building types and can secure zoning approval from the local municipality.

- **Discuss Alternatives:** The submission should list and describe alternative development sites that the PHA owns or controls that could be used to develop the same number of general occupancy units and the reasons why these sites were not chosen. The PHA should describe these alternatives and justify its decision to develop a high-rise elevator structure at the proposed location.
- **Submit Additional Information:** The PHA may submit additional information as desired to demonstrate that there is no practical alternative to developing a high-rise elevator structure that will be offered to families with children on its intended development site.

HUD will review all submitted documentation and will analyze the proposed development site and possible alternatives to determine whether the PHA has demonstrated that there is no practical alternative to developing a general occupancy high-rise elevator structure that will be offered to families with children. As part of its review process, HUD reserves the right to request additional information as necessary. HUD will respond to the PHA with its determination in writing.

Please note that prior to beginning construction or expending any Public Housing Funds on the proposed development – other than predevelopment costs in accordance with 24 CFR 905.612 – the PHA must also obtain HUD's approval of its full Development Proposal (HUD form 50157) and all associated evidentiary documents in accordance with 24 CFR 905.606.

5. Public Comment. HUD welcomes stakeholder and other public feedback on all aspects of this Notice via email at our@hud.gov. Please include "High-Rise" in the subject line and organize comments by specific sections of the Notice. HUD will consider all public comments for a 90-day period. During the public comment and review period, PHAs may submit requests to develop public housing units that will be offered to families with children in high-rise elevator structures in accordance with the requirements in this version of the Notice. HUD reserves the right to revise or otherwise update and republish this notice in response to comments received from the public and to require that PHAs revise their requests to reflect the criteria in the updated notice.

6. FOR FURTHER INFORMATION: For further information or technical assistance regarding this notice, contact Belinda Bly at (602) 379-7163 or belinda.l.bly@hud.gov in the Office of Urban Revitalization. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Submit High-Rise approval requests by e-mail to:
U.S. Department of Housing and Urban Development
Office of Urban Revitalization
our@hud.gov



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