

## Fighting for Public Housing in New York City

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World Urban Forum  
September 16, 2004  
Barcelona, Spain

In 1937, the urban poor and activists in the US won the battle to create publicly funded housing for low-income people, but public housing is now facing increasing insecurity. The US is quietly destroying the work of decades and most people in the US and around the world do not know this is happening. The federal government has reduced funding year after year and has introduced legislation to chip away at the structures that keep public housing affordable to low-income residents.

There is currently a moratorium on public housing construction, making it illegal to build new units, while federal funding for public housing is 19% less than it was at the beginning of the Bush administration with drastic cuts planned for fiscal year 2005.<sup>[1]</sup> There is an annual loss of housing units leading to a constant depletion in the housing stock. For example, HUD's annual plan for Hope VI for 2002 contains the goal of demolishing 78,259 units of public housing and replacing them with 33,853 new units, for a net loss of 44,406 units.<sup>[2]</sup> While federal policies are reducing the number of housing units nationally and in New York City, residents are also facing controversial eviction policies.

Although the 1937 Housing Act was an impressive victory, public housing residents have always had to fight to keep their housing, and at no time has it been in more danger than it is now. Public housing resident and activist Sylvia Velazquez explains the growing insecurity:

“[R]esidents believe that because they work and pay their rent, nothing can happen to their tenancy. This is a very serious mistake.<sup>[3]</sup>

[P]ublic housing and its residents have been under attack...without restraint, reservation or regard.... The 1937 Housing Act accomplished what it was created for: it provided clean, decent, affordable housing for thousands of people in this city and throughout the country.... If today public housing is deemed a failure, then everyone responsible must accept their share of the blame. From the mayors to their appointees, contractors to designers and

inspectors, HUD's massive budget cuts to the police merger, and last but not least, the compromising of the rules, regulations and standards by our landlord, 'the Housing Authority.'

If today the taxpayers are impatient with the spending of federal dollars on public housing, so are we the recipients, who have lived and witnessed the waste and mismanagement of those dollars.... Our developments deteriorate with age as the funding which maintains, operates, and modernizes our developments has systematically, severely, and massively been slashed. Our voices of concern fall on deaf ears. We have no choices, no real input and make no real decisions.”[\[4\]](#)

## **The New York City Public Housing Resident Alliance**

In 1996, public housing residents came together to form the New York City Public Housing Resident Alliance out of a recognition that residents were often not aware of the policy changes taking place in Congress that would affect the status of their housing and whether they actually retain their housing. The Alliance is “a citywide organization of concerned public housing residents seeking to improve homes and communities. Its purpose is to inform and connect residents, so that they can have a stronger and more effective voice, while securing greater accountability, in government decisions affecting public housing in New York City.”

The Alliance has several hundred members representing all five boroughs of New York. They educate residents by producing and distributing informational materials and encouraging residents to participate in neighborhood and city-wide forums. They have become a large enough voice that they receive significant local media attention in print, online, and via television and radio through which they educate residents, as well as political leaders and the general public.

## **New York City Public Housing**

New York City runs the largest public housing program in the US; Chicago's program, the second-largest, is only one-fourth the size.[\[5\]](#) There are 175,335 households living in public housing, with almost as many— 142,514 —on the waiting list. Public housing makes up 8.6% of the city's rental apartments and houses 5.2% of the city's population.[\[6\]](#)

The population remains highly segregated as 53% of residents are African-American, 36% are Latino, 8% are white and 3% are other. There is a mixed-income policy leading to only 55% of resident households having incomes below the federal poverty line and 53% on public assistance. The average household income is \$17,712 a year.[\[7\]](#)

# Historical Perspective: The US and New York City

The US government created the 1937 national housing program to address a shortfall of affordable housing for low to middle income people that had reached crisis levels. From the beginning, the housing was owned and operated by local Public Authorities, which were overseen by local governments and funded with federal, state and city monies.[\[8\]](#)

In New York City from 1940-45, public housing was generally built to house production workers for the war effort and from 1945-51 it financed single-family homes for returning veterans. At the same time as the government was subsidizing homeownership for middle-income families in suburbia, it was disinvesting in cities to the detriment of the poor and people of color, in particular.[\[9\]](#)

There was much public support for slum clearance in the 1950s, which was often racially motivated. Title 1 of the Housing Act of 1949 focused federal funding on clearing entire neighborhoods to promote industrial development and to make space for highways. Title 2 of the act offered guaranteed loans for mortgages with restrictions that loans go to housing with a single owner and with strong racial discrimination embedded in the system. For instance, some parts of cities were ineligible for loans, and the Federal Housing Authority instruction manuals advised loan originators to avoid areas with “inharmonious racial groups,” to create zoning ordinances that were racially restrictive and to prohibit black owners.[\[10\]](#)

Although currently most public housing is low-rise buildings, the public housing built at this time was cheap and quickly built high-rises that were often segregated and isolated, and offered few services. By the time of the Korean War in the mid-1950s, federal funding was cut and public housing in New York came to rely upon city and state monies. As the Civil Rights movement exploded in the 1960s, residents became increasingly active and housing authorities began to take their views into account in planning, while experimenting with low-rise developments that offered a range of services.[\[11\]](#)

During the Nixon administration, the US was facing a recession. To address the housing crisis at hand, Nixon created the Section 8 program, in which low-income renters pay 30% of their income for privately run housing, while the government subsidizes the difference between that amount and the fair market rate.[\[12\]](#)

Nevertheless, in 1973 Nixon also suspended federal funding for public housing. With New York City’s fiscal crisis of 1975 and the continued reduction of federal funds under the Reagan administration of the 1980s, the city faced a rise in homelessness, drug use, violence and bad race relations.[\[13\]](#)

In 1969, facing the threat of federal legislation attacking public housing for low-income people, the chairman of the New York City Housing Authority, Albert Walsh, argued in hearings of the Senate Subcommittee on Housing and Urban Affairs:

If we choose to maintain the status quo, which I might characterize as selecting the fork in the road that leads to the right, I think that we will find that we have embarked on a disastrous detour that leads only to the total failure of the public housing program and eventual abandonment of the goals it has served so well over the past 30 years. Based on our experience in New York City, public housing dwelling units will soon be priced out of the low-income market and a social crisis of major proportions will develop as low-income tenants face the difficult choice of paying a catastrophic proportion of their income for rent — or returning to the slums. [\[14\]](#)

Walsh and others were successful in their arguments and the Brooke Amendment was passed, placing a cap on rents so that residents would pay no more than 25% of their income, later revised to be 30% of their income. It also mandated that the federal, state, and city governments subsidize the rest of the operating costs to ensure that public housing would benefit the poorest. [\[15\]](#) However, 35 years later, Walsh's words remain pertinent and the history surrounding his testimony should instruct policymakers today.

## **Current Attacks on Public Housing in New York City**

The federal government is trying to get out of the business of public housing. It is encouraging privatization, pushing the financing responsibilities onto state and city governments, and even promoting legislation to make it easier to evict public housing residents. Public housing programs around the country are in crisis as units are being destroyed, there is insufficient funding for maintenance of existing buildings, and there is a moratorium on erecting new buildings. Section 8, which has been a fall-back for people pushed out of public housing, is losing funding and fewer vouchers are being issued. Meanwhile, the original, 20-year contracts between owners and the federal government are running out, leading to rising rents, while waiting lists are longer than they have ever been. [\[16\]](#)

## **The Superwaiver**

One of the most threatening moves that residents are mobilizing to stop is the passage of a “superwaiver” – a proposal introduced as part of a funding reauthorization process of a larger welfare bill, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. [\[17\]](#)

The superwaiver would give state governors the power to waive federal regulations on some social services, including public housing and homelessness programs. This would give state governments the ability to halt all state funding for such programs, to set time limits for residents, to make residents pay more of their income for rent, and to accept people with higher incomes into public housing who would pay higher rent, supplanting lower-income residents in order to finance operating costs. [\[18\]](#)

# Evictions

One of the most egregious policies by which residents can be evicted is through what is termed “chronic rent delinquency.” Whereas private landlords will only sue to evict a tenant after a significant violation of their lease, the New York City Housing Authority (NYCHA) will begin eviction procedures after a resident is several days late in paying rent four times in a 12-month period.[\[19\]](#) Advocacy groups such as the Legal Aid Society argue that this policy is particularly severe, because a resident who pays their full rent, but pays it on the 6<sup>th</sup> business day of the month, is subject to eviction.[\[20\]](#)

Lawyers at the Legal Aid Society provide information and pro bono legal services to residents who cannot afford representation. They have worked on several cases for residents who contested their evictions by NYCHA, for example:

- NYCHA sued a woman for eviction claiming she would not allow guards on her windows, despite her argument that she did have window guards and provision of pictures.
- A client’s lease was terminated because her children were living with her in her apartment, but she did not have custody of them.
- A resident’s lease was terminated because two years earlier, her granddaughter had ordered a meal delivered to the apartment and did not pay for it.
- A resident’s lease was terminated for chronic rent delinquency even though his rent was paid for by a city welfare program and he was not in control of when it was paid.
- A client’s lease was terminated because a five-year-old started a fire and the resident, who was on public assistance, could not to pay for the damages.
- NYCHA sued for eviction because a resident allegedly started an argument, although there was no police report filed and there were no witnesses.[\[21\]](#)

At the federal level, Congress passed the Anti-Drug Abuse Act in 1988, amended in 1990, making it possible for a tenant to be evicted for any drug-related offense committed by a member of the household or a guest, even if the tenant had no knowledge of the activity, any reason to know of the activity, or did everything possible to stop the activity. The resident can be evicted after only one offense and even if the activity did not occur on HUD property.[\[22\]](#)

In 2002, the Supreme Court upheld this policy when it was challenged by four residents who were evicted for the actions of others. Pearlle Rucker was 63 years old and living with her mentally disabled daughter, two grandchildren, and great-granddaughter. Rucker’s daughter was found with cocaine off of the public housing site and the Oakland Housing Authority (OHA) terminated the resident’s lease. Willie Lee and Barbara Hill were 71 and 63 years old, respectively, and living with their grandsons when the OHA sought to evict the household after the grandsons were caught smoking marijuana once in the parking lot. Herman Walker was a disabled 75-year-old man whose disability required him to hire an in-home caregiver. Walker’s caregiver was found with cocaine in Walker’s apartment on three occasions and each time, Walker was issued a lease violation notice. His lease was terminated with the third notice.[\[23\]](#)

Judith Goldiner of the Legal Aid Society and Sheila Crowley of the National Low Income Housing Coalition argue that these policies treat residents of public housing more harshly and unreasonably than other renters or homeowners in the US. Crowley contends: “The decision by the Supreme Court to uphold the “one strike” rule serves to deepen the chasm of inequity between people who are poor and everyone else. Because they receive federal housing assistance and therefore the rules governing their tenancy can be legislated by Congress, public housing residents are more vulnerable to losing their homes through no fault of their own than anyone else.”[\[24\]](#)

## **Discrimination**

Current federal laws have also garnered criticism for discriminating against women in evictions. The same Anti-Drug Abuse Act of 1988 has been used by housing authorities to evict households after only one offense for other illegal activities, such as domestic violence. However, several women have launched lawsuits arguing that this is treating the victim unfairly by evicting the person who was abused along with the abuser. Michael Steinberg, legal director of the ACLU of Michigan, argues that this policy “overwhelmingly harms women” because women are the victims of domestic violence up to 95 percent of the time. While women have won several cases against their local housing authorities, not all women are aware that they can take such actions when they have been evicted and the issue has not been addressed at the federal legislative level, but only on a case-by-case basis.[\[25\]](#)

While problems persist at the federal level, some progress against discrimination has been made in New York City. In the 1990s, NYCHA was criticized for discriminating against people of color in admission policies. The Legal Aid Society participated in the lawsuit *Davis vs. NYCHA*, in which it was alleged that there were some housing developments that were considered to be for white people, while black people were not being told about vacancies. The Housing Authority settled out of court and agreed to a centralized, computerized admissions procedure.[\[26\]](#)

The Legal Aid Society also participated in the lawsuit *Rivera vs. NYCHA*, in which it was successfully argued that NYCHA was not accommodating people with physical disabilities in housing developments. NYCHA later redesigned many apartments, making them accessible to people with disabilities. However, there is still a case pending, *Blatch vs. Franco*, in which the Legal Aid Society is arguing that NYCHA should not “evict residents with mental disabilities without prior appointment of a guardian *ad litem* or other efforts at accommodating their mental disabilities.”[\[27\]](#)

## **The Community Service Mandate**

Residents are also facing a requirement to do eight hours of community service each month or risk eviction for their entire family. The federal government passed the Quality Housing and Work Responsibility Act in 1998 and, although New York politicians and public housing residents have been strongly opposed to it, NYCHA is required by federal law to implement it. Since 1998, Congressman Charles Rangel has fought to defund the program, making it impossible to implement until this year. However, the legislation took effect in January 2004.

The program is widely regarded as an attack on public housing residents. City Councilmember Charles Barron of Brooklyn expressed his outrage in the *Gotham Gazette*, saying: "People are already living under challenging conditions in public housing. To now enforce an eight-hour rule is an attempt to get some cheap slave labor. This will add to homelessness."[\[28\]](#)

Some Americans believe that poor people receiving taxpayer-funded services are taking part in a "social contract" which they must complete by giving back to their communities. When asked why she thought this requirement was unfair, Ethel Velez, the executive director of the New York City Public Housing Resident Alliance, explained: "Because we're not the only ones who receive subsidies. They should do that across the board. Anyone who receives any kind of government subsidies should be able to give back to their community, whether it be corporate or folks who are living in low-income housing."[\[29\]](#)

There are exemptions to the requirement, including but not limited to people under 18 years old, over 62 years old, people with disabilities, people receiving public assistance, people in school, and people working a certain amount of hours per week, such as a single person with no children under 13 who earns at least \$8,034 a year or works over 30 hours per week.[\[30\]](#)

It is in each city's power, rather than that of the federal government, to decide what exemptions are given. Many cities have offered broad exemptions because the legislation is unfunded and they do not have the resources to organize the program without taking from other services. Nevertheless, NYCHA has been criticized for not offering even broader exemptions, following cities like Chicago, which exempts single residents if they work 10 hours a week or more, rather than 30.[\[31\]](#)

Some New Yorkers argue that this is an opportunity for residents to improve their communities by upgrading the buildings in which they live by painting and cleaning them. However, Velez explains that this is what the Housing Authority gets paid to do and that the residents of public housing pay rent for these services. Sylvanna Boggia, a staff attorney at the Legal Aid Society agrees, explaining: "As a landlord, they are legally responsible for maintaining these buildings and the individual apartments in habitable condition. This is their responsibility."[\[32\]](#)

## Resident Solutions

Despite the stereotype that residents are lazy, do not want to work, are drug dealers and abuse the public housing in which they live, many residents have been tireless in their efforts to defend public housing from decades of onslaughts.

Since its inception in 1996, the Alliance has involved thousands of New York City public housing residents in letter-writing campaigns, speaking out at public hearings, and participating in protests. Yet they do not merely protest NYCHA or HUD plans; they inform themselves about policies and advocate to make them more suitable, as well as planning their own programs.



When a bill was introduced in 1996 that would have repealed the Brooke Amendment (which keeps rents at 30% of a resident's income), the Alliance initiated a letter-writing campaign that helped stop it. In 1997, when NYCHA applied for a HUD "Moving to Work" demonstration program that would deregulate NYCHA and abolish rent ceilings, the Alliance spread information about the plan and mobilized hundreds of residents to protest – leading NYCHA to withdraw their application. The Alliance has been active in informing residents about the implications of the Quality Housing and Work Responsibility Act of 1998, at first to advocate against parts of it and later to educate people about the new requirements – as NYCHA was not properly disseminating information. In order to educate residents, the Alliance conducted several city-wide forums, organized over 1,500 residents to attend hearings, and sponsored a televised program.

In the last several years, the Alliance has fought to repeal the community service mandate of the Quality Housing Act. They have held rallies and protests, receiving media attention on television, radio, and the internet. They have worked with city officials to increase the number of exemptions from community service, and they have worked with representatives, particularly Congressman Charles Rangel, to successfully introduce legislation to defund the requirement for several years. [\[33\]](#)

In 2002, the Alliance began working to address the problems of unemployment and underemployment of public housing residents by attempting to utilize Section 3 of the 1968 Housing and Community Development Act, under which housing authority contractors are mandated to hire residents to do construction and maintenance work. The problem with this mandate is that there are no set guidelines for what percentage of residents should be hired or for what percentage of contracts or for how long. There is no standard by which to hold a housing authority accountable. NYCHA has also devoted little time or resources to educating residents about their opportunities under Section 3. Few residents know of its existence and even fewer have made it through the hurdles of paperwork. Contractors, also, are often unaware of this law and residents bear the burden of educating their possible employers.

Another obstacle for residents attempting to find a job under Section 3 is the exclusion of applicants with a police record. Vernell Robinson, resident association president of Carleton Manor Houses, explains that in poor communities "most kids over 14 have been arrested, even if it was just for loitering." Residents, community organizations, and human rights organizations such as Amnesty International have documented how the police unfairly target minority and low-income youth for arrest. However, Robinson notes that of those who do commit crimes: "if they are working, they won't be robbing." [\[34\]](#)

No one wants to reduce crime in public housing more than its residents, and they have argued that the best way to do this is by helping people get jobs. To this end, residents and community activists have partnered with union leaders to form TRADES – Trade Unions and Residents for Apprenticeship Development and Economic Success.

Contractors are often hesitant to hire residents because they may not be trained in skilled trades. To address this, TRADES has proposed that its participating unions offer residents both skilled and apprenticeship positions. Employers are required to offer prevailing wages for Housing Authority contracts, and prevailing wages in New York are union wages. If a company is not unionized, they must still pay workers the prevailing wage, which for a painting job may be \$45 an hour. However, if the company is unionized, they can offer apprentice wages, which could be \$17 an hour for the



same job.[\[35\]](#)

This benefits unions, which can be in compliance with Section 3 and be eligible for NYCHA contracts. In turn, the unions offer state-certified apprenticeships and union memberships, which helps residents secure long-term job stability at a living wage. Even the Housing Authority benefits because as residents' incomes go up, their rent, which is 30% of their income, goes up accordingly.

Even though the situation benefits all parties, the Housing Authority has still tried to undercut the involvement of residents and community-based organizations and negotiate directly with the unions. Nevertheless, the unions have agreed that representatives from TRADES member unions, community groups, and resident organizations would be present at all meetings with NYCHA to ensure participation.[\[36\]](#)

## The Future of the Alliance

The Alliance continues to fight for the repeal of the community service mandate, in particular, to reach out to other groups and organizations around the country to write letters and meet with their representatives to urge them to sign on to Charles Rangel's bill H.R. 1431 calling for the mandate's repeal. Until recently, the Alliance has focused on advocating among New York City public housing residents. However, they are trying to reach out to residents from other cities in order to have a stronger voice in addressing issues of common concern at the federal level.

They are also preparing for a campaign against the superwaiver. As Congress is out of session and it is unclear when the superwaiver will come up for discussion, they are gearing up by educating people and will be asking people around the country to sign petitions and contact their representatives.[\[37\]](#)

In its eight years, the Alliance has grown and become respected as a strong, articulate voice of residents around the city. These leaders plan to reach out more to young people between 25 and 30 who are not as involved in the fight for their public housing. Just as they plan to link with other residents around the country, they also value linking globally in order to learn from and share strategies with other people who are fighting for adequate housing and against evictions.[\[38\]](#)

In a public hearing on New York City public housing, resident Sylvia Velazquez stresses the urgency of the situation:

With landlord terminating their Section 8 leases, developers building only market value apartments with rents of \$1,500 for a studio and \$2,000-\$3,000 for a two-bedroom apartment; proposals like the superwaiver; no low-income housing being built; and the housing authority contemplating increasing ceiling rents, the message is loud and clear: "Poor and low-income people need not apply. You are no longer wanted in this city."

We have run out of time. We have no more cheeks to turn; we have turned them all. It is time for unity, organizing, protesting, marching and demonstrating for our rights and our

respect.

It is not a crime to be poor. It is a condition of our lives and a fact of life for millions of people in this country.[39]

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