



De Minimis Order of Operations

January 2023

Contents of this document, except when based on statutory or regulatory authority or law, does not have the force and effect of law, and is not meant to bind the public in any way. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies.

This order of operations summarizes the submission requirements for a **de minimis demolition** of public housing in accordance with Section 18(f) of the 1937 Act, 24 CFR part 970.27, and PIH Notice 2021-07.

Note: If demolition will occur after the proposed conveyance to an acquiring entity and no public housing funds will be used for the demolition, then submit a disposition only application.

The list below lays out the step-by-step requirements involved in completing the de minimis demolition process.

1. **Determine if the PHA has the authority to demolish the proposed units** (not more than the lesser of 5 dwelling units or 5 percent of the total public housing dwelling units and limited by the 5-year period, see 24 CFR 970.27(b) for how to count the units).
2. **Determine that the units meet one of the criteria for demolition outlined in 24 CFR 970.27(c)** (the units are “beyond repair” or the space occupied by the units will be used for meeting the service or other needs of the residents such as use of space to construct a laundry facility, community center, childcare facility, office space for a general provider or for use as open space or garden).
3. **Ensure an Environmental Review is done** under 24 CFR part 58 or 50.
4. **If the demolition involves an alteration of existing housing facilities**, follow the requirements of 24 CFR 8.23.
5. **Include the demolition in the PHA Plan** (or significant amendment); follow the PHA plan requirements at 24 CFR part 903 (e.g., including resident consultation and public meeting), and provide certification as described in 970.7(a)(1).
6. **Consult local government officials and provide evidence** in accordance with 24 CFR 970.7(a)(14).
7. **Ensure the demolition will not jeopardize any agreements that PHA has entered into regarding its public housing units** (e.g., Energy Performance Contracting; Capital Fund Financing Program; Operating Fund Financing Program or Rental Assistance

Demonstration (RAD) Commitment to Enter into a Housing Assistance Payment Contract (CHAP), Financing Plan or RAD Conversion Commitment (RCC)) or assure that it satisfies the terms and conditions of such agreement before proposing the demolition action.

8. **Ensure the demolition is consistent with all applicable civil rights requirements**, including the PHA's duty to affirmatively further fair housing as demonstrated by compliance under 24 CFR part 903 and its annual certification.
9. **Consult with the resident advisory board (RAB), resident groups, and any residents who will be displaced**, including consultation on where the residents will be relocated (e.g., other public housing units or units in the private market with a voucher).*
10. **Secure a Board Resolution** approving the de minimis demolition after all resident and local government consultation has been completed.
11. **Prior to commencing the demolition, submit the applicable information to HUD via the "Inventory Removals Module" of IMS/PIC.** Select "De Minimis Demolition" from the drop-down menu.

Upload a completed copy of the HUD-52860.

*Note that the instructions for De Minimis Demolition on Page 9 of the HUD-52860 inadvertently omit the requirement for the PHA to consult its local government officials in accordance with 24 CFR 970.7(a)(14) and step 5 above. Regardless, PHA must still submit evidence of this consultation as part of the IMS/PIC De Minimis Application.