

FINAL Significant Amendment to the Annual PHA Plan for Fiscal Year 2019



Kathryn Garcia
Interim Chair & Chief Executive Officer

Date: March 21, 2019

NOTICE

New York City Housing Authority Significant Amendment to the FY 2019 Agency Annual Plan

The public is advised that the *Significant Amendment to the FY 2019 Agency Annual Plan* will be available for public inspection at NYCHA's principal office, located at 250 Broadway, New York, NY, starting December 27, 2018 between the hours of 9:30 a.m. to 4:30 p.m. Please call (212) 306-3701 to make an appointment to review the *Significant Amendment to the FY 2019 Agency Annual Plan* and supporting documents. The *Significant Amendment to the FY 2019 Agency Annual Plan* will also be available at the following locations:

- On NYCHA's webpage, which is located on: <http://www1.nyc.gov/site/nycha/about/annual-plan-financialinformation.page>
- At the Management Office of *each* NYCHA public housing development during regular business hours.
- At the Community Centers/Borough Offices listed below during the hours of 9:00 am to 7:30 pm:

Manhattan Family Partnerships Borough Office 45 Allen Street New York, New York	Soundview Senior Center 1674 Seward Avenue Bronx, New York	Staten Island Family Partnerships Borough Office 90 Lafayette Avenue Staten Island, New York
Taft Senior Center 1365 5th Avenue New York, New York	Queens Community Development / Family Partnerships Borough Office 70-30 Parsons Boulevard Flushing, New York	Brownsville Senior Center 528 Mother Gaston Boulevard Brooklyn, New York
Sedgwick Senior Center 1553 University Avenue Bronx, New York		

PUBLIC COMMENT

The public is invited to comment on the *Significant Amendment to the FY 2019 Agency Annual Plan* at a public hearing to be held on **Wednesday, February 13, 2019** from 5:30 p.m. to 8:00 p.m. at:

**Borough Of Manhattan Community College
199 Chambers Street
New York, New York 10007**

The location listed above is both handicapped accessible and can be reached using public transportation. For transportation information go to <http://tripplanner.mta.info> or call the MTA/NYC Transit Travel Information Line (718) 330-1234.

Written comments regarding the *Significant Amendment to the FY 2019 Agency Annual Plan* are encouraged. To be considered, **submissions must be received via United States Postal mail or fax no later than February 15, 2019.** Faxed submissions will be accepted at (212) 306-7905. Comments may be sent to the following address and comments may also be emailed to annualplancomments@nychanyc.gov.

**Public Housing Agency Plan Comments
Church Street Station
P.O. Box 3422
New York, New York 10008-3422**

Bill de Blasio, Mayor

Stanley Brezenoff, Interim Chair and Chief Executive Officer

AVISO

Enmienda Significativa al Plan anual de la agencia para el año fiscal 2019 de la Autoridad de Vivienda de la Ciudad de Nueva York

Se informa al público que la Enmienda significativa al Plan anual de la agencia para el año fiscal 2019 estará disponible para su revisión pública en la oficina central de NYCHA ubicada en 250 Broadway, New York, NY, a partir del 27 de diciembre del 2018 entre las 9:30 a.m. y las 4:30 p.m. Por favor llame al (212) 306-3701 para concertar una cita para revisar la Enmienda significativa al Plan anual de la agencia para el año fiscal 2019 y los documentos justificativos. La Enmienda significativa al Plan anual de la agencia para el año fiscal 2019 también estará disponible en los siguientes lugares:

- En la Página Web de NYCHA, que se encuentra en: <http://www1.nyc.gov/site/nycha/about/annual-plan-financialinformation.page>
- En la oficina de la administración de cada residencial de vivienda pública de NYCHA durante horas de oficina.
- En los centros comunitarios/oficinas municipales que se enumeran a continuación entre las 9:00 a.m. y las 7:30 p.m.:

Asociaciones familiares de Manhattan Oficina Municipal 45 Allen Street New York, New York	Centro para personas de la tercera edad Soundview 1674 Seward Avenue Bronx, New York	Asociaciones familiares de Staten Island Oficina Municipal 90 Lafayette Avenue Staten Island, New York
Centro para personas de la tercera edad Taft 1365 5th Avenue New York, New York	Desarrollo comunitario de Queens/Asociaciones familiares Oficina Municipal 70-30 Parsons Boulevard Flushing, New York	Centro para personas de la tercera edad de Brownsville 528 Mother Gaston Boulevard Brooklyn, New York
Centro para personas de la tercera edad Sedgwick 1553 University Avenue Bronx, New York		

COMENTARIOS DEL PÚBLICO

Se invita al público a comentar sobre la *Enmienda significativa al Plan anual de la agencia para el año fiscal 2019* en una audiencia pública que se celebrará el **miércoles 13 de febrero del 2019** de 5:30 p.m. a 8:00 p.m. en:

**Borough of Manhattan Community College
199 Chambers Street
New York, New York 10007**

La ubicación indicada arriba es accesible para personas con limitaciones físicas y se puede llegar a ella utilizando transporte público. Para obtener información sobre el transporte, vaya a <http://tripplanner.mta.info> o llame a la Línea de información de Viajes de Tránsito MTA/NYC al (718) 330-1234.

Le animamos a hacer comentarios por escrito sobre la *Enmienda significativa al Plan anual de la agencia para el año fiscal 2019*. Para ser considerados, **los comentarios deben recibirse mediante correo postal de los Estados Unidos o fax a más tardar el 15 de febrero del 2019**. Los comentarios escritos pueden enviarse por fax al (212) 306-7905. Los comentarios pueden enviarse a la siguiente dirección o por correo electrónico a annualplancomments@nycha.nyc.gov.

**Public Housing Agency Plan Comments
Church Street Station
P.O. Box 3422
New York, New York 10008-3422**

Bill de Blasio, alcalde

Stanley Brezenoff, ;Presidente y Director Ejecutivo Interino

通知

紐約市房屋局「2019 財政年度機構計劃」重大修正案

從2018年12月27日開始，民眾可於上午9時30分至下午4時30分前往位於紐約市曼哈頓百老匯大道250號 (250 Broadway, New York, NY)的紐約市房屋局辦公總樓查閱「2019財政年度機構計劃」重大修正案。請致電: 212-306-3701 預約時間查閱「2019財政年度機構計劃重大修正案」及相關證明文件。民眾還可通過下列方式索取或下載「2019 財政年度機構計劃」重大修正案:

- 紐約市房屋局 (NYCHA) 官方網站，網址:
<http://www1.nyc.gov/site/nycha/about/annual-plan-financialinformation.page>
- 辦公時間前往紐約市房屋局轄下公房區管理處
- 早上9時至晚上7時30分，前往下列社區中心/區域事務辦公室:

曼哈頓家庭合作部 區域辦公室 45 Allen Street New York, New York	桑維爾公房長者中心 1674 Seward Avenue Bronx, New York	史坦頓島家庭合作部 區域辦公室 90 Lafayette Avenue Staten Island, New York
塔芙特公房長者中心 1365 5th Avenue New York, New York	皇后區社區發展/家庭合作部辦公室 區域辦公室 70-30 Parsons Blvd Flushing, New York	布朗斯維爾公房長者中心 528 Mother Gaston Boulevard Brooklyn, New York
塞奇威克公房長者中心 1553 University Avenue Bronx, New York		

公眾意見

我們還誠邀各界人士出席於**2019年2月13日**，星期三傍晚5時30分至晚上8時舉行的公共聽證會，對「2019 財政年度機構計劃」重大修正案發表意見並提出建議。地點如下:

Borough Of Manhattan Community College
曼哈頓社區學院
199 Chambers Street
New York, New York 10007

上列會議地點均設有無障礙通道方便殘疾人士進出並可乘搭公共交通工具抵達。詳情請瀏覽：
<http://tripplanner.mta.info>或致電大都會捷運局 (MTA)/紐約市交通旅遊諮詢熱線查詢，電話: (718) 330-1234。

歡迎民眾對「2019 財政年度機構計劃」重大修正案提出書面意見。我們僅會考慮於**2019年2月15日**前以**傳真或平郵方式**提交的意見書。傳真號碼: (212) 306-7905。意見書可寄至下列地址或發送電郵至 annualplancomments@nycha.nyc.gov。

Public Housing Agency Plan Comments
Church Street Station
P.O. Box 3422
New York, New York

百思豪 (Bill de Blasio), 市長

史丹利 布里茲諾夫 (STANLEY BREZENOFF)
代理主席兼行政總監

УВЕДОМЛЕНИЕ

Значительная поправка Жилищного управления г. Нью-Йорка к Годовому плану агентства государственного жилья на 2019 финансовый год

Настоящим извещаем, что Значительная поправка (Significant Amendment) к Годовому плану Жилищного управления г. Нью-Йорка (New York City Housing Authority, NYCHA) на 2019 финансовый год (FY 2019) будет доступна для публичного ознакомления в главном офисе NYCHA, который находится по адресу: 250 Broadway, New York, NY, начиная с 27 декабря 2018 года с 9:30 а.м. до 4:30 р.м. Для ознакомления с ней и сопроводительными документами позвоните, пожалуйста, по тел. (212) 306-3701 и назначьте встречу. Значительная поправка к Годовому плану Управления на 2019 финансовый год будет также доступна в следующих местах:

- На вебсайте NYCHA, расположенном по следующей ссылке:
<http://www1.nyc.gov/site/nycha/about/annual-plan-financialinformation.page>
- В офисе управления *каждого* жилищного комплекса NYCHA в обычные приемные часы.
- В нижеуказанных местных общественных центрах (Community Centers)/районных управлениях с 9:00 а.м. до 7:30 р.м.:

Manhattan Family Partnerships Районный офис 45 Allen Street New York, New York	Центр для пожилых Soundview Houses 1674 Seward Avenue Bronx, New York	Staten Island Family Partnerships Районный офис 90 Lafayette Avenue Staten Island, New York
Центр для пожилых Taft 1365 5th Avenue New York, New York	Queens Community Development / Family Partnerships Районный офис 70-30 Parsons Boulevard Flushing, New York	Brownsville Senior Center 528 Mother Gaston Boulevard Brooklyn, New York
Центр для пожилых Sedgwick 1553 University Avenue Bronx, New York		

КОММЕНТАРИИ ОБЩЕСТВЕННОСТИ

Общественность приглашается предоставить комментарии по поводу *Значительной поправки к Годовому плану агентства на FY 2019* на публичном слушании, которое состоится в **среду, 13 февраля, 2019 г.** с 5:30 р.м. до 8:00 р.м. по адресу:

**Borough of Manhattan Community College
199 Chambers Street
New York, New York 10007**

Вышеуказанное место проведения мероприятия оборудовано для доступа инвалидов, и туда можно добраться общественным транспортом. Для получения информации о том, как добраться туда общественным транспортом, пользуйтесь страницей на Интернетe <http://tripplanner.mta.info> или звоните в Транспортное управление МТА/NYC Transit Travel Information Line по тел. (718)330-1234.

Письменные отзывы по поводу *Значительной поправки к Годовому плану агентства на FY 2019* приветствуются. Чтобы быть рассмотренными, **они должны быть получены через почтовую службу США или по факсу не позднее 15 февраля 2019 г.** Комментарии по факсу будут приниматься по номеру (212) 306-7905. Комментарии можно послать по следующему адресу, а также по электронной почте annualplancomments@nycha.nyc.gov.

**Public Housing Agency Plan Comments
Church Street Station
P.O. Box 3422
New York, New York 10008-3422**

Bill de Blasio, мэр

Stanley Brezenoff, и.о. председателя и исполнительный директор



Public Hearing on the Significant Amendment to the Fiscal Year 2019 Agency Annual Plan

Join the conversation and get informed on issues impacting your home and community.

Can't attend in person? Watch the LIVE video stream and read highlights of the meeting presentation at:



on.nyc.gov/nycha-public-hearing

Public Hearing

Wednesday, February 13, 2019
5:30 pm to 8:00 pm

Borough of Manhattan
Community College
199 Chambers Street
New York, NY 10007

A translation of this document is available in your management office and online at www.nyc.gov/nycha

La traducción de este documento está disponible en su oficina de administración y en Internet en www.nyc.gov/nycha

所居公房管理處和房屋局網站

(網址:www.nyc.gov/nycha) 備有文件譯本可供索取

Перевод этого документа находится в Вашем домоуправлении и на интернете www.nyc.gov/nycha



Requests for reasonable accommodation for this event should be relayed to Millie Molina by January 30, 2019 at 212-306-8601 or by email at Millie.Molina@nycha.nyc.gov.



AUDIENCIA PÚBLICA SOBRE LA ENMIENDA SIGNIFICATIVA AL PLAN ANUAL DE LA AGENCIA PARA EL AÑO FISCAL 2019

Participe en la conversación y obtenga información sobre los asuntos que afectan a su comunidad

¿No puede asistir en persona? Siga la retransmisión en directo por internet y lea sobre los asuntos más destacados de la reunión en:



on.nyc.gov/nycha-public-hearing

Audiencia Pública

Miércoles 13 de febrero 2019
5:30 pm a 8:00 pm

Borough of Manhattan
Community College
199 Chambers Street
New York, NY 10007

A translation of this document is available in your management office and online at www.nyc.gov/nycha

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(網址:www.nyc.gov/nycha) 備有文件譯本可供索取

Перевод этого документа находится в Вашем домоуправлении и на интернете www.nyc.gov/nycha



Si necesita solicitar adaptaciones razonables para este evento contacte con Millie Molina antes del 30 de enero del 2019 marcando el 212-306-8601 o por correo electrónico a Millie.Molina@nycha.nyc.gov.



「2019 財政年度機構計劃」重大修正案 公開聽證會

踴躍出席公開聽證會，了解
更多關於您的住房和社區的
情況。

無法親自出席會議？歡迎上網
觀看會議現場直播並閱覽會議
簡報概要，網址：



[on.nyc.gov/nycha-public-hearing](https://nyc.gov/nycha-public-hearing)

公共聽證會

2019 年 2 月 13 日，星期三
下午 5 時 30 分至 8 時

Borough of Manhattan
Community College

紐約市立大學曼哈頓社區學院

199 Chambers Street
New York, NY 10007



如需要安排任何合理便利措施參加這次會議，請於 2019 年 1 月 30 日前聯繫紐約市房屋局職員 Millie Molina，電話: 212-306-8601 或電郵: Millie.Molina@nycha.nyc.gov。



Публичное слушание по поводу Значительной поправки к Годовому плану на 2019 финансовый год

Присоединяйтесь к разговору и получите информацию по вопросам, затрагивающим ваш дом и микрорайон.

Не можете присутствовать лично? Смотрите в ПРЯМОМ ЭФИРЕ видео и читайте основные моменты презентации на:



on.nyc.gov/nycha-public-hearing

Публичное слушание

Среда, 13 февраля 2019 г.
с 5:30 pm до 8:00 pm

Borough of Manhattan
Community College
199 Chambers Street
New York, NY 10007

A translation of this document is available in your management office
and online at www.nyc.gov/nycha

La traducción de este documento está disponible en su oficina de administración y en
Internet en www.nyc.gov/nycha

所居公房管理處和房屋局網站

(網址: www.nyc.gov/nycha) 備有文件譯本可供索取

Перевод этого документа находится в Вашем домоуправлении и на интернете
www.nyc.gov/nycha



Запросы на приемлемую модификацию (reasonable accommodation) во время этого мероприятия должны быть переданы Millie Molina до 30 января 2019 г. по тел. 212-306-8601 или электронной почтой по адресу Millie.Molina@nycha.nyc.gov.

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Executive Summary

NYCHA's Final Amendment to the Annual PHA Plan for FY 2019

Federal law allows a public housing authority to modify or amend its Annual PHA Plan or "Plan." Significant amendments to the Plan are subject to the same requirements as the original plan.

NYCHA's Final Amendment to the Annual PHA Plan for FY 2019 (the "Final Amendment") is available for public review at NYCHA's Central Office and at each development's management office, as well as on NYCHA's web page (www.nyc.gov/nycha). NYCHA also provided a copy of the Final Amendment to each public housing Resident Association President and members of the Resident Advisory Board ("RAB").

NYCHA held a public hearing at the Borough of Manhattan Community College ("BMCC") in Manhattan on February 13, 2019 and accepted written comments on the Draft Amendment through February 15, 2019. Please see the Notice on page 2. NYCHA met with the RAB for their comments on the Amendment at 3 meetings between November 2018 and February 2019 before the Amendment was submitted to HUD for approval on March 21, 2019.

Public Housing Income Limit Requirements Statement

By Federal Register notice dated July 26, 2018, the U.S. Department of Housing and Urban Development ("HUD") issued instructions for implementing the mandatory public housing income limit requirements in the Housing Opportunity Through Modernization Act ("HOTMA"). These requirements apply only to the public housing program. Housing authorities must implement these HOTMA requirements by March 24, 2019.

Housing authorities have the option under HOTMA to either evict households with incomes over a certain limit or allow them to remain in public housing and pay higher rent. NYCHA will allow these households to remain in public housing, paying higher rent according to a HUD formula described on page 16.

NextGeneration NYCHA - Permanent Affordability Commitment Together (PACT)

NYCHA is committed to protecting the affordability of New York City's public housing stock for this and future generations of New Yorkers. Permanent Affordability Commitment Together (PACT) is NYCHA's preservation initiative to facilitate major improvements to developments with tenant-in-place rehabilitation while preserving long-term affordability and maintaining strong resident rights through effective public-private partnerships. Under PACT, NYCHA, using programs such as HUD's Rental Assistance Demonstration (RAD), converts public housing units to project-based Section 8 units, which provides a more stable flow of federal subsidy and allows NYCHA and its development partners to raise external financing to address the development's capital repair needs. By leveraging federal programs and tools, NYCHA will help improve the quality of life for residents, ensuring their apartments and buildings receive much-needed repairs and upgrades while preserving affordability and tenant protections.

In a PACT transaction, NYCHA retains the underlying fee ownership of the land and buildings and leases them to a new entity formed with the development partner. Being in the ownership structure allows NYCHA to continue to play a key role in decision making and oversight of the development. NYCHA is also the Section 8 contract administrator of the project-based Section 8 vouchers, thus serving as the entity that determines rent, administers the waitlist, and inspects the apartments. Under PACT, all units in the converted development must remain affordable which NYCHA will enforce through legal agreements with the development partner. Residents will continue to have succession rights and grievance procedures under PACT consistent with NYCHA's public housing tenants. Residents will retain the right to establish and operate a resident organization

and receive funding for that group. Finally, development partners will be required to train and hire NYCHA residents, and proactively engage residents on a regular basis as the project moves forward.

As part of this Significant Amendment to the FY 2019 Annual Plan, NYCHA is requesting HUD approval to use the Section 18 disposition process for some or all units within the developments currently approved or being considered for PACT/RAD conversion, in order to improve the financial stability of NYCHA's PACT/RAD conversions. Resident rights will remain consistent across all developments and residents will continue to pay no more than 30% of adjusted gross income towards rent.

RAD at Scattered Sites in the Bronx and Brooklyn

Between October 31, 2018 and November 30, 2018, NYCHA closed on three PACT/RAD conversions as outlined below. Extensive capital improvements will be undertaken at all of the sites, including upgrades to roofs, elevators, boilers, security systems, and grounds, as well as apartment interiors, including new kitchens and bathrooms. All rehab work is occurring with tenants-in-place; no residents are being relocated or displaced because of the PACT/RAD conversion.

- **Twin Parks West** in the Fordham Heights neighborhood of the Bronx: this conversion included one building with 312 apartments (including 1 superintendent's unit). NYCHA entered into a public-private partnership with Gilbane Development Company (developer), Dantes Partners (developer), Apex Building Group (general contractor), and Kraus Management, Inc. (property manager). Social services are being provided by BronxWorks. The project is being financed with conventional debt. Total repair work for the project will be approximately \$38 million. Repairs will be completed by 2021.
- **Betances Houses** in the Mott Haven neighborhood of the Bronx: this conversion included 40 buildings across 10 developments with 1,088 units (including 4 superintendent's units). NYCHA entered into a public-private partnership with MDG Design + Construction (developer and general contractor), The Wavecrest Management Team (property manager), and Catholic Charities Community Services, Archdiocese of New York (social services provider). The project is being financed with conventional debt and developer equity. Total repair work for the project will be approximately \$120 million. Repairs will be completed by 2021.
- **Highbridge-Franklin** in the Highbridge and Claremont neighborhoods of the Bronx: this conversion included 14 buildings with 336 apartments (including 4 superintendent's units). NYCHA entered into a public-private partnership with Gilbane Development Company (developer), Dantes Partners (developer), Apex Building Group (general contractor), and The Kraus Organization (property manager). Social services are being provided by BronxWorks. The project is being financed with conventional debt and a subsidy loan from the New York City Department of Housing Preservation and Development. Total repair work for the project will be approximately \$27 million. Repairs will be completed by 2021.

In Spring 2019, NYCHA expects to close on the next PACT/RAD conversion as outlined below:

- **Hope Gardens** in the Bushwick neighborhood of Brooklyn: this conversion will include 61 buildings with 1,315 apartments. NYCHA will enter into a public-private partnership with Pennrose Properties (developer) and Acacia Network (social services provider). Procida Construction will be the general contractor and Pinnacle City Living will serve as the property manager. Financing and repair scope and schedule will be finalized before closing.

This conversion involves the following five developments:

1. Hope Gardens
2. Palmetto Gardens

3. Bushwick II (Groups A & C)
4. Bushwick II (Groups B & D)
5. Bushwick II CDA (Group E)

As part of the Significant Amendment to the FY 2019 Annual Plan, NYCHA is requesting HUD approval to use the Section 18 disposition process for up to 25% of the units in the aggregate for the following developments previously approved for a PACT/RAD conversion: Bushwick II (Groups B & D), Hope Gardens and Palmetto Gardens. Resident rights will remain consistent across all developments and residents will continue to pay no more than 30% of adjusted gross income towards rent. Bushwick II (Groups A & C) and Bushwick II CDA (Group E) will be entirely conveyed through Section 18 as part of the RAD conversion of the Hope Gardens public housing consolidation.

PACT/Unfunded Units (LLC II)

In July 2017, NYCHA announced that it is expanding PACT to protect the Authority's unfunded unit portfolio. This portfolio consists of eight (8) mixed-finance public housing developments known as the "LLC II developments," which are ineligible to be included in the federal public housing operating fund and capital fund program subsidy formulas. Previously, NYCHA's PACT initiative was synonymous with RAD. To make significant repairs, more effectively manage the developments, and strategically deploy NYCHA's limited financial resources, NYCHA expanded PACT to create additional public-private partnerships and actively bring the unfunded units into the Authority's Housing Choice Voucher (Section 8) project-based program.

The LLC II developments were originally built and funded by New York City and New York State subsidies but were never funded directly by HUD. These developments currently "share" in the federal funds provided for NYCHA's public housing. This has cost NYCHA more than \$23 million a year in operating funds. Additionally, per the 2017 Physical Needs Assessment, the eight developments require more than \$1 billion in capital repairs, but while they remain unfunded, the buildings continue to deteriorate.

Converting all the units to the Section 8 program will bring new, stable revenue to these LLC II developments and allow for substantial improvements to be made to the apartments, buildings, and grounds. Additionally, funding previously diverted to these developments from the rest of NYCHA's portfolio will now go towards the operation and maintenance of NYCHA's traditional public housing developments.

On September 11, 2008, HUD approved NYCHA's plan to transition the unfunded public housing units to Section 8 assistance. Currently, when a resident vacates their apartment in an LLC II development, the Authority converts the unit to Section 8. Through this process, 2,019 units in the eight developments became part of Section 8 between 2008 and 2018. Through PACT and under 2 CFR Part 200 retention, the remaining 3,658 unfunded units will convert from public housing to Section 8. This PACT strategy is an unprecedented financing model to support these apartments, prevent them from falling into complete disrepair, and protect their affordability and residents' rights.

On December 3, 2017, HUD approved NYCHA for a retention action pursuant to 2 CFR Part 200 for 14 buildings with 722 apartments at Baychester and Murphy Houses in the Bronx. HUD had previously approved NYCHA's Significant Amendment to the FY 2017 Annual Plan for the retention action at Baychester and Murphy on November 22, 2017. On December 28, 2018, NYCHA closed on this PACT/Unfunded Units conversion by entering into a public-private partnership with MBD Community Housing Corporation (developer and social services provider), Camber Property Group (developer), and L&M Development Partners (developer and property manager). Social services are also being provided by BronxWorks. The project is being financed with conventional debt with a perm takeout by the New York City Housing Development Corporation. Total renovation work for the project will be approximately \$88 million. Repairs will be completed by 2020.

As part of the Amendment to the FY 2018 Annual Plan, NYCHA requested HUD approval for a retention action pursuant to 2 CFR Part 200 for Independence Towers and Williams Plaza in Brooklyn. NYCHA began community engagement and resident conversion activities at these developments in March 2018. HUD approved NYCHA's Significant Amendment to the FY 2018 Annual Plan for the retention action at Independence Towers and Williams Plaza on September 14, 2018. NYCHA anticipates selecting a development partner for these sites in early 2019.

NYCHA plans to pursue similar HUD approvals for the remaining four developments in the LLC II portfolio. Through this action, all units in the developments will be operated outside of the federal public housing program under project-based Section 8. Families will be transitioned to Section 8 assistance. Families ineligible for Section 8 assistance will be allowed to remain in place and pay no more than 30% of their income for rent. Completion of the full PACT conversion is expected by 2026.

In the Significant Amendment to the FY 2019 Annual Plan, NYCHA is requesting HUD approval for a retention action pursuant to 2 CFR Part 200 for the remaining developments in the LLC II portfolio: 344 East 28th Street and Wise Towers in Manhattan (where resident engagement began in early 2019 and a development partner will be selected in spring 2019) and Boulevard and Linden Houses in Brooklyn. Through this action, all units in the developments will be operated outside the federal public housing program. Families will be transitioned to Section 8 assistance. Families ineligible for Section 8 assistance will be allowed to remain in place and pay no more than 30% of their adjusted gross income towards rent.

ATTACHMENT A
PHA PLAN UPDATE

A) Identify all PHA Plan elements that have been revised by the PHA since its last Annual Plan submission:

- Public Housing Income Limit Requirements Statement
- PACT Program for Unfunded Units
- Rental Assistance Demonstration (RAD) Program

B) Identify the specific locations where the public may obtain copies of the Amendment to the FY 2019 Annual PHA Plan

The public is advised that the *Significant Amendment to the FY 2019 Agency Annual Plan* is available for public inspection at NYCHA’s principal office, located at 250 Broadway, New York, NY between the hours of 9:30 a.m. to 4:30 p.m. Please call (212) 306-3701 to make an appointment to review the *Significant Amendment to the FY 2019 Agency Annual Plan* and supporting documents. The *Significant Amendment to the FY 2019 Agency Annual Plan* is also available at the following locations:

- On NYCHA’s webpage, which is located on <http://www1.nyc.gov/site/nycha/about/annual-plan-financial-information.page>
- At the Management Office of *each* NYCHA public housing development during regular business hours.
- At the Community Centers/Borough Offices listed below during the hours of 9:00 am to 7:30 pm:

<p>Manhattan Family Partnership Center 45 Allen Street New York, New York</p> <p>Taft Senior Center 1365 5th Avenue New York, New York</p> <p>Sedgwick Senior Center 1553 University Avenue Bronx, New York</p>	<p>Soundview Houses Senior Center 1674 Seward Avenue Bronx, New York</p> <p>Queens Community Development Office 70-30 Parsons Boulevard Flushing , New York</p>	<p>Staten Island Family Partnership Office 90 Lafayette Avenue Staten Island, New York</p> <p>Brownsville Senior Center 528 Mother Gaston Boulevard Brooklyn, New York</p>
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ATTACHMENT B
PUBLIC HOUSING INCOME LIMITS REQUIREMENTS STATEMENT

By Federal Register notice dated July 26, 2018, the U.S. Department of Housing and Urban Development (HUD) issued instructions for implementing the mandatory public housing income limit requirements in the Housing Opportunity Through Modernization Act (HOTMA). These requirements apply only to the public housing program. Housing authorities must implement these HOTMA requirements by March 24, 2019.

Housing authorities have the option under HOTMA to either evict households with incomes over a certain limit, or allow them to remain in public housing and pay higher rent. NYCHA will allow these households to remain in public housing, paying higher rent according to a HUD formula described below.

Starting in the second quarter of 2019, as HOTMA and HUD require, NYCHA will begin tracking public housing households whose incomes exceed 120% of Area Median Income (“AMI”). NYCHA will track households over this limit when residents submit their annual recertifications, and during any interim reexaminations on or after March 24, 2019.

When a household’s income first exceeds 120% of AMI, NYCHA will send a notice informing the household that if its income remains at or above this level for two consecutive years, NYCHA will increase the rent to the greater of the FMR or an amount of monthly subsidy for their unit including amounts from the operating and capital fund (the “subsidy amount”). HUD has not yet issued regulations announcing what the “subsidy amount” will be.

After a household’s income has exceeded 120% of AMI for one year, NYCHA will send another notice informing the household that if its income remains at or above this level for another consecutive year, NYCHA will increase the household’s rent to the greater of FMR or the “subsidy amount.”

Household income will not be increased until a public housing household’s income has exceeded 120% of AMI for a period of two consecutive years. As a result, NYCHA households will not have their rents adjusted under HOTMA until 2021 at the earliest.

The chart below shows the income levels at which public housing families would be considered “over-income” under HOTMA based on family size and 2018 AMI levels (third column). Based on current information, NYCHA estimates that only a small percentage of public housing households (approximately 1%) will be affected by these mandatory rent increases starting in 2021, if their household income remains at current levels.

Family Size	FY 2018 50% AMI	Current Over-Income Limit FY 2018 120% AMI (50% AMI x 2.4)
1	\$36,550	\$87,720
2	\$41,750	\$100,200
3	\$46,950	\$112,680
4	\$52,150	\$125,160
5	\$56,350	\$135,240
6	\$60,500	\$145,200

7	\$64,700	\$155,280
8	\$68,850	\$165,240

NYCHA will modify its Management Manual, as HUD has directed, to reflect HOTMA income limits. The Management Manual will discuss, among other things:

- How NYCHA will document and track households with income exceeding 120% of AMI
- How and when NYCHA will send notice to these households regarding when their rent will increase
- An explanation that higher rents will be imposed after a household's income has exceeded 120% of AMI for two consecutive years.

NYCHA will keep residents informed as HUD issues further guidance on public housing income limits, including what HUD's formula will be for calculating the "subsidy amount."

ATTACHMENT C
**PACT PROGRAM FOR UNFUNDED UNITS AND RENTAL ASSISTANCE
DEMONSTRATION (RAD) PROGRAM**

A) PACT Program for Unfunded Units

In July 2017, NYCHA announced that it is expanding PACT to protect the Authority's unfunded unit portfolio. This portfolio consists of eight (8) mixed-finance public housing developments known as the "LLC II developments," which are ineligible to be included in the federal public housing operating fund and capital fund program subsidy formulas. Previously, NYCHA's PACT initiative was synonymous with RAD. To make significant repairs, more effectively manage the developments, and strategically deploy NYCHA's limited financial resources, NYCHA expanded PACT to create additional public-private partnerships and actively bring the unfunded units into the Authority's Housing Choice Voucher (Section 8) project-based program.

The LLC II developments were originally built and funded by New York City and New York State subsidies but were never funded directly by HUD. These developments currently "share" in the federal funds provided for NYCHA's public housing. This has cost NYCHA more than \$23 million a year in operating funds. Additionally, per the 2017 Physical Needs Assessment, the eight developments require more than \$1 billion in capital repairs, but while they remain unfunded, the buildings continue to deteriorate.

Converting all the units to the Section 8 program will bring new, stable revenue to these LLC II developments and allow for substantial improvements to be made to the apartments, buildings, and grounds. Additionally, funding previously diverted to these developments from the rest of NYCHA's portfolio will now go towards the operation and maintenance of NYCHA's traditional public housing developments.

On September 11, 2008, HUD approved NYCHA's plan to transition the unfunded public housing units to Section 8 assistance. Currently, when a resident vacates their apartment in an LLC II development, the Authority converts the unit to Section 8. Through this process, 2,019 units in the eight developments became part of Section 8 between 2008 and 2018. Through PACT and under 2 CFR Part 200 retention, the remaining 3,658 unfunded units will convert from public housing to Section 8. This PACT strategy is an unprecedented financing model to support these apartments, prevent them from falling into complete disrepair, and protect their affordability and residents' rights.

On December 3, 2017, HUD approved NYCHA for a retention action pursuant to 2 CFR Part 200 for 14 buildings with 722 apartments at Baychester and Murphy Houses in the Bronx. HUD had previously approved NYCHA's Significant Amendment to the FY 2017 Annual Plan for the retention action at Baychester and Murphy on November 22, 2017. On December 28, 2018, NYCHA closed on this PACT/Unfunded Units conversion by entering into a public-private partnership with MBD Community Housing Corporation (developer and social services provider), Camber Property Group (developer), and L&M Development Partners (developer and property manager). Social services are also being provided by BronxWorks. The project is being financed with conventional debt with a perm takeout by the New York City Housing Development Corporation. Total renovation work for the project will be approximately \$88 million. Repairs will be completed by 2020.

As part of the Amendment to the FY 2018 Annual Plan, NYCHA requested HUD approval for a retention action pursuant to 2 CFR Part 200 for Independence Towers and Williams Plaza in Brooklyn. NYCHA began community engagement and resident conversion activities at these developments in March 2018. HUD approved NYCHA's Significant Amendment to the FY 2018 Annual Plan for the retention action at Independence Towers and Williams Plaza on September 14, 2018. NYCHA anticipates selecting a development partner for these sites in early 2019.

NYCHA plans to pursue similar HUD approvals for the remaining four developments in the LLC II portfolio. Through this action, all units in the developments will be operated outside of the federal public housing program under project-based Section 8. Families will be transitioned to Section 8 assistance. Families ineligible for Section 8 assistance will be allowed to remain in place and pay no more than 30% of their income for rent. Completion of the full PACT conversion is expected by 2026.

In the Significant Amendment to the FY 2019 Annual Plan, NYCHA is requesting HUD approval for a retention action pursuant to 2 CFR Part 200 for the remaining developments in the LLC II portfolio: 344 East 28th Street and Wise Towers in Manhattan (where resident engagement began in early 2019 and a development partner will be selected in spring 2019) and Boulevard and Linden Houses in Brooklyn. Through this action, all units in the developments will be operated outside the federal public housing program. Families will be transitioned to Section 8 assistance. Families ineligible for Section 8 assistance will be allowed to remain in place and pay no more than 30% of their adjusted gross income towards rent.

The developments currently in NYCHA’s LLC2 portfolio are listed below:

AMP Number	Development Name	Total Units	Number of Units to be Converted to Section 8	Number of Units Converted as of 3/8/19 (Tenant Based and Project Based/ Occupied and Vacant)
NY005021850	344 EAST 28TH STREET	225	151	74
NY005021400	INDEPENDENCE TOWERS	744	586	158
NY005021280	WILLIAMS PLAZA	577	467	110
NY005021270	WISE TOWERS	399	292	107
NY005020460	BOULEVARD	1,441	995	446
NY005020950	LINDEN	1,586	1106	480
Total		5,694	3,597	1,375

B) Rental Assistance Demonstration (RAD) Program

1. Developments Converted under RAD

The Rental Assistance Demonstration (“RAD”) is a voluntary program administered by the United States Department of Housing and Urban Development (“HUD”). The goals of RAD are to safeguard long-term housing assistance, improve and modernize properties, and stabilize developments by placing them on more solid financial footing by converting the funding stream for such developments from Section 9 (public housing subsidy) to Section 8 project-based assistance.

RAD at Ocean Bay (Bayside)

In December 2016, NYCHA closed its first PACT/RAD transaction at Ocean Bay (Bayside) in the Rockaways neighborhood of Queens, converting 1,395 apartments in 24 elevator buildings from public housing to Section 8 Project-Based Vouchers (PBV). NYCHA entered into a public-private partnership with MDG Construction + Design (developer and general contractor), The Wavecrest Management Team (property manager), Catholic Charities of Brooklyn and Queens (social services provider), and Ocean Bay Community Development

Corporation (resident outreach and engagement entity). The project is being financed with Superstorm Sandy recovery funds from the Federal Emergency Management Agency (FEMA), along with New York State Housing Finance Agency tax-exempt bonds and equity generated from federal 4% Low Income Housing Tax Credits. The project's total development cost, which includes the resiliency work, is \$560 million and overall investment in the project is projected at \$325 million; funds are being directed to extensive capital improvements, including the installation of upgraded heating and security systems, new boilers and roofs, and updated apartment interiors that include new windows, kitchens, and bathrooms. All rehab work is occurring with tenants-in-place; no residents are being relocated or displaced because of the project. RAD repairs were completed in 2018 and the remaining FEMA work will conclude in June 2019.

2018 PACT/RAD Conversions

Between October 31, 2018 and November 30, 2018, NYCHA closed on three PACT/RAD conversions as outlined below. Extensive capital improvements will be undertaken at all of the sites, including upgrades to roofs, elevators, boilers, security systems, and grounds, as well as apartment interiors, including new kitchens and bathrooms. All rehab work is occurring with tenants-in-place; no residents are being relocated or displaced because of the PACT/RAD conversion.

- **Twin Parks West** in the Fordham Heights neighborhood of the Bronx: this conversion included one building with 312 apartments (including 1 superintendent's unit). NYCHA entered into a public-private partnership with Gilbane Development Company (developer), Dantes Partners (developer), Apex Building Group (general contractor), and Kraus Management, Inc. (property manager). Social services are being provided by BronxWorks. The project is being financed with conventional debt. Total repair work for the project will be approximately \$38 million. Repairs will be completed by 2021.
- **Betances Houses** in the Mott Haven neighborhood of the Bronx: this conversion included 40 buildings across 10 developments with 1,088 units (including 4 superintendent's units). NYCHA entered into a public-private partnership with MDG Design + Construction (developer and general contractor), The Wavecrest Management Team (property manager), and Catholic Charities Community Services, Archdiocese of New York (social services provider). The project is being financed with conventional debt and developer equity. Total repair work for the project will be approximately \$120 million. Repairs will be completed by 2021.
- **Highbridge-Franklin** in the Highbridge and Claremont neighborhoods of the Bronx: this conversion included 14 buildings with 336 apartments (including 4 superintendent's units). NYCHA entered into a public-private partnership with Gilbane Development Company (developer), Dantes Partners (developer), Apex Building Group (general contractor), and The Kraus Organization (property manager). Social services are being provided by BronxWorks. The project is being financed with conventional debt and a subsidy loan from the New York City Department of Housing Preservation and Development. Total repair work for the project will be approximately \$27 million. Repairs will be completed by 2021.

In Spring 2019, NYCHA expects to close on the next PACT/RAD conversion as outlined below:

- **Hope Gardens** in the Bushwick neighborhood of Brooklyn: this conversion will include 61 buildings with 1,315 apartments. NYCHA will enter into a public-private partnership with Penrose Properties (developer) and Acacia Network (social services provider). Procida Construction will be the general contractor and Pinnacle City Living will serve as the property manager. Financing and repair scope and schedule will be finalized before closing.

This conversion involves the following five developments:

1. Hope Gardens
2. Palmetto Gardens
3. Bushwick II (Groups A & C)
4. Bushwick II (Groups B & D)
5. Bushwick II CDA (Group E)

As part of the Significant Amendment to the FY 2019 Annual Plan, NYCHA is requesting HUD approval to use the Section 18 disposition process for up to 25% of the units in the aggregate for the following developments previously approved for a PACT/RAD conversion: Bushwick II (Groups B & D), Hope Gardens and Palmetto Gardens. Resident rights will remain consistent across all developments and residents will continue to pay no more than 30% of adjusted gross income towards rent. Bushwick II (Groups A & C) and Bushwick II CDA (Group E) will be entirely conveyed through Section 18 as part of the RAD conversion of the Hope Gardens public housing consolidation.

Name of Public Housing Development: PALMETTO GARDENS	PIC Development ID: NY005012470	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 115	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Senior	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Senior	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 115 = \$234,662
Bedroom Type	Number of Units Pre-Conversion 115	Number of Units Post-Conversion 115	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	57	57	0
One Bedroom	58	58	0
Two Bedroom	0	0	0
Three Bedroom	0	0	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: BUSHWICK II (GROUPS B & D)	PIC Development ID: NY005012470	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No

Total Units: 300	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/169,723 x 300 = \$612,162
Bedroom Type	Number of Units Pre-Conversion 300	Number of Units Post-Conversion 300	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	25	25	0
Two Bedroom	175	175	0
Three Bedroom	75	75	0
Four Bedroom	25	25	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: HOPE GARDENS	PIC Development ID: NY005012470	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 324	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/169,723 x 324 = \$661,135
Bedroom Type	Number of Units Pre-Conversion 324	Number of Units Post-Conversion 324	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	26	26	0
One Bedroom	131	131	0
Two Bedroom	71	71	0
Three Bedroom	58	58	0
Four Bedroom	38	38	0

Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: BERRY STREET-SOUTH 9TH STREET	PIC Development ID: NY005011310	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 150	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/169,723 x 150 = \$306,081
Bedroom Type	Number of Units Pre-Conversion 150	Number of Units Post-Conversion 150	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	22	22	0
Two Bedroom	76	76	0
Three Bedroom	46	46	0
Four Bedroom	6	6	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: MARCY AVENUE-GREENE AVENUE SITE A	PIC Development ID: NY005013590	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 48	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/169,723 x48 = \$97,946

Bedroom Type	Number of Units Pre-Conversion 48	Number of Units Post-Conversion 48	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	10	10	0
Two Bedroom	13	13	0
Three Bedroom	25	25	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: MARCY AVENUE-GREENE AVENUE SITE B	PIC Development ID: NY005013590	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 30	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/169,723 x 30 = \$61,216
Bedroom Type	Number of Units Pre-Conversion 30	Number of Units Post-Conversion 30	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	5	5	0
Two Bedroom	10	10	0
Three Bedroom	15	15	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: WEEKSVILLE GARDENS	PIC Development ID: NY005010310	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No

Total Units: 257	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/169,723 x 257= \$524,419
Bedroom Type	Number of Units Pre-Conversion 257	Number of Units Post-Conversion 257	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	21	21	0
One Bedroom	32	32	0
Two Bedroom	4	4	0
Three Bedroom	196	196	0
Four Bedroom	4	4	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		

2. Developments Under Consideration by HUD for Future RAD Conversions

Below, please find specific information related to the Public Housing Developments that are under consideration by HUD for future RAD conversions.

As part of this Significant Amendment to the FY 2019 Annual Plan, in order to improve the financial stability of NYCHA's RAD conversions, NYCHA is requesting HUD approval to use the Section 18 disposition process for some or all units within the developments currently approved or being considered for RAD conversion. Resident rights will remain consistent across all developments and residents will continue to pay no more than 30% of adjusted gross income towards rent.

Name of Public Housing Development: ARMSTRONG I	PIC Development ID: NY005012100	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 371	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family/Senior	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family/Senior	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project)

			\$346,326,398/ 169,723 x 282 = \$757,040
Bedroom Type	Number of Units Pre-Conversion 371	Number of Units Post-Conversion 371	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	61	61	0
One Bedroom	34	34	0
Two Bedroom	144	144	0
Three Bedroom	48	48	0
Four Bedroom	40	40	0
Five Bedroom	44	44	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: ARMSTRONG II	PIC Development ID: NY005012100	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 248	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 248 = \$506,054
Bedroom Type	Number of Units Pre-Conversion 248	Number of Units Post-Conversion 248	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	0	0	0
Two Bedroom	146	146	0
Three Bedroom	61	61	0
Four Bedroom	24	24	0
Five Bedroom	17	17	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		

Name of Public Housing Development: CLAREMONT REHAB (GROUP 2)	PIC Development ID: NY005013080	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 107	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 107 = \$218,338
Bedroom Type	Number of Units Pre-Conversion 107	Number of Units Post-Conversion 107	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	48	48	0
Two Bedroom	34	34	0
Three Bedroom	23	23	0
Four Bedroom	2	2	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: CLAREMONT REHAB (GROUP 3)	PIC Development ID: NY005013080	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 115	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 115 = \$234,662

Bedroom Type	Number of Units Pre-Conversion 115	Number of Units Post-Conversion 115	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	39	39	0
Two Bedroom	53	53	0
Three Bedroom	18	18	0
Four Bedroom	2	2	0
Five Bedroom	3	3	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: CLAREMONT REHAB (GROUP 4)	PIC Development ID: NY005013080	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 150	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 150 = \$306,081
Bedroom Type	Number of Units Pre-Conversion 150	Number of Units Post-Conversion 150	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	47	47	0
Two Bedroom	75	75	0
Three Bedroom	26	26	0
Four Bedroom	2	2	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: CLAREMONT REHAB	PIC Development ID: NY005013080	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the

(GROUP 5)			location if known, and # of units transferring) No
Total Units: 135	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 135 = \$275,473
Bedroom Type	Number of Units Pre-Conversion 135	Number of Units Post-Conversion 135	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	42	42	0
Two Bedroom	73	73	0
Three Bedroom	18	18	0
Four Bedroom	2	2	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: HARRISON AVENUE REHAB (GROUP A)	PIC Development ID: NY005013410	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 34	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 34 = \$69,378
Bedroom Type	Number of Units Pre-Conversion 34	Number of Units Post-Conversion 34	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations,

			etc.)
Studio/Efficiency	0	0	0
One Bedroom	13	13	0
Two Bedroom	15	15	0
Three Bedroom	6	6	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: HARRISON AVENUE REHAB (GROUP B)	PIC Development ID: NY005013410	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 150	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 150 = \$306,081
Bedroom Type	Number of Units Pre-Conversion 150	Number of Units Post-Conversion 150	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	48	48	0
Two Bedroom	70	70	0
Three Bedroom	27	27	0
Four Bedroom	5	5	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: MANHATTANVILLE REHAB (GROUP 2)	PIC Development ID: NY005010810	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No

Total Units: 46	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 46 = \$93,865
Bedroom Type	Number of Units Pre-Conversion 46	Number of Units Post-Conversion 46	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	30	30	0
Two Bedroom	6	6	0
Three Bedroom	10	10	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: MANHATTANVILLE REHAB (GROUP 3)	PIC Development ID: NY005010810	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 51	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 51 = \$104,067
Bedroom Type	Number of Units Pre-Conversion 51	Number of Units Post-Conversion 51	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	18	18	0

Two Bedroom	25	25	0
Three Bedroom	7	7	0
Four Bedroom	1	1	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: REHAB PROGRAM (WISE REHAB)	PIC Development ID: NY005011270	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 40	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 40 = \$81,622
Bedroom Type	Number of Units Pre-Conversion 40	Number of Units Post-Conversion 40	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	21	21	0
Two Bedroom	19	19	0
Three Bedroom	0	0	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: SOUTH BRONX AREA (SITE 402)	PIC Development ID: NY005013420	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 114	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units

			in project) \$346,326,398/ 169,723 x 114 = \$232,621
Bedroom Type	Number of Units Pre-Conversion 114	Number of Units Post-Conversion 114	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	0	0	0
Two Bedroom	36	36	0
Three Bedroom	66	66	0
Four Bedroom	12	12	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: STEBBINS AVENUE-HEWITT PLACE	PIC Development ID: NY005013420	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 120	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 120 = \$244,865
Bedroom Type	Number of Units Pre-Conversion 120	Number of Units Post-Conversion 120	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	30	30	0
Two Bedroom	60	60	0
Three Bedroom	30	30	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of	(Explain how transferring waiting list) N/A		

Assistance):			
Name of Public Housing Development: UNION AVENUE-EAST 166TH STREET	PIC Development ID: NY005013420	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 120	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 120 = \$244,865
Bedroom Type	Number of Units Pre-Conversion 120	Number of Units Post-Conversion 120	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	27	27	0
Two Bedroom	67	67	0
Three Bedroom	26	26	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: WEST FARMS SQUARE CONVENTIONAL	PIC Development ID: NY005015310	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 20	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 20 = \$40,811

Bedroom Type	Number of Units Pre-Conversion 20	Number of Units Post-Conversion 20	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	0	0	0
One Bedroom	6	6	0
Two Bedroom	13	13	0
Three Bedroom	1	1	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: WSUR (BROWNSTONES)	PIC Development ID: NY005011270	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 236	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 236 = \$481,567
Bedroom Type	Number of Units Pre-Conversion 236	Number of Units Post-Conversion 236	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	124	124	0
One Bedroom	31	31	0
Two Bedroom	80	80	0
Three Bedroom	1	1	0
Four Bedroom	0	0	0
Five Bedroom	0	0	0
Six Bedroom	0	0	
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: 572 WARREN STREET	PIC Development ID: NY005011630	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the

			location if known, and # of units transferring) No
Total Units: 200	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 200 = \$408,108
Bedroom Type	Number of Units Pre-Conversion 200	Number of Units Post-Conversion 200	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	54	54	0
One Bedroom	44	44	0
Two Bedroom	50	50	0
Three Bedroom	42	42	0
Four Bedroom	5	5	0
Five Bedroom	5	5	0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: HOE AVENUE-EAST 173RD STREET	PIC Development ID: NY005015300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 65	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 65 = \$132,635
Bedroom Type	Number of Units Pre-Conversion 65	Number of Units Post-Conversion 65	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations,

			etc.)
Studio/Efficiency	5	5	0
One Bedroom	24	24	0
Two Bedroom	24	24	0
Three Bedroom	12	12	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: BRYANT AVENUE-EAST 174 TH STREET	PIC Development ID: NY005015300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 72	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 72 = \$146,919
Bedroom Type	Number of Units Pre-Conversion 72	Number of Units Post-Conversion 72	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	14	14	0
One Bedroom	24	24	0
Two Bedroom	22	22	0
Three Bedroom	12	12	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: EAST 173 RD STREET-VYSE AVENUE	PIC Development ID: NY005015300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No

Total Units: 168	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 168 = \$342,811
Bedroom Type	Number of Units Pre-Conversion 168	Number of Units Post-Conversion 168	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	42	42	0
Two Bedroom	82	82	0
Three Bedroom	44	44	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: 1010 EAST 178 TH STREET	PIC Development ID: NY005011330	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 220	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 220 = \$448,919
Bedroom Type	Number of Units Pre-Conversion 220	Number of Units Post-Conversion 220	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	20	20	0
One Bedroom	76	76	0

Two Bedroom	40	40	0
Three Bedroom	6	6	0
Four Bedroom	2	2	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: EAST 165 TH STREET-BRYANT AVENUE	PIC Development ID: NY005015300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 111	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 111 = \$226,500
Bedroom Type	Number of Units Pre-Conversion 111	Number of Units Post-Conversion 111	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom			0
Two Bedroom	34	34	0
Three Bedroom	65	65	0
Four Bedroom	12	12	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: HUNTS POINT AVENUE REHAB	PIC Development ID: NY005015300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 131	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units

			in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 131 = \$267,311
Bedroom Type	Number of Units Pre-Conversion 131	Number of Units Post-Conversion 131	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	20	20	0
Two Bedroom	75	75	0
Three Bedroom	36	36	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: LONGFELLOW AVENUE REHAB	PIC Development ID: NY005015300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 75	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 75 = \$153,040
Bedroom Type	Number of Units Pre-Conversion 75	Number of Units Post-Conversion 75	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom			0
Two Bedroom			0
Three Bedroom	75	75	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of	(Explain how transferring waiting list) N/A		

Assistance):			
Name of Public Housing Development: WEST FARMS ROAD REHAB	PIC Development ID: NY005015300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 208	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 208 = \$424,432
Bedroom Type	Number of Units Pre-Conversion 208	Number of Units Post-Conversion 208	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	92	92	0
Two Bedroom	81	81	0
Three Bedroom	31	31	0
Four Bedroom	4	4	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: 335 EAST 111 TH STREET	PIC Development ID: NY005010640	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 66	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 66 = \$134,676

Bedroom Type	Number of Units Pre-Conversion 66	Number of Units Post-Conversion 66	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	17	17	0
One Bedroom	22	22	0
Two Bedroom	15	15	0
Three Bedroom	6	6	0
Four Bedroom	6	6	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: PARK AVENUE-EAST 122ND, 123RD STREETS	PIC Development ID: NY005012410	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 90	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 90 = \$183,649
Bedroom Type	Number of Units Pre-Conversion 90	Number of Units Post-Conversion 90	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	27	27	0
Two Bedroom	34	34	0
Three Bedroom	17	17	0
Four Bedroom	12	12	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: WASHINGTON HEIGHTS	PIC Development ID: NY005013090	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the

REHAB (GROUPS 1&2)			location if known, and # of units transferring) No
Total Units: 216	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 216= \$440,756
Bedroom Type	Number of Units Pre-Conversion 216	Number of Units Post-Conversion 216	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	96	96	0
Two Bedroom	82	82	0
Three Bedroom	33	33	0
Four Bedroom	5	5	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: WASHINGTON HEIGHTS REHAB PHASE III	PIC Development ID: NY005010030 & NY005013090	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 102	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 102 = \$208,135
Bedroom Type	Number of Units Pre-Conversion 102	Number of Units Post-Conversion 102	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations,

			etc.)
Studio/Efficiency			0
One Bedroom	26	26	0
Two Bedroom	58	58	0
Three Bedroom	15	15	0
Four Bedroom	3	3	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: WASHINGTON HEIGHTS REHAB PHASE IV (C)	PIC Development ID: NY005013090	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 32	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 32 = \$65,297
Bedroom Type	Number of Units Pre-Conversion 32	Number of Units Post-Conversion 32	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	19	19	0
Two Bedroom	10	10	0
Three Bedroom	2	2	0
Four Bedroom	1	1	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: WASHINGTON HEIGHTS REHAB PHASE IV (D)	PIC Development ID: NY005013090	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No

Total Units: 32	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 32 = \$65,297
Bedroom Type	Number of Units Pre-Conversion 32	Number of Units Post-Conversion 32	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	20	20	0
Two Bedroom	6	6	0
Three Bedroom	4	4	0
Four Bedroom	2	2	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: PUBLIC SCHOOL 139 (CONVERSION)	PIC Development ID: NY005011110	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 125	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Senior	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Senior	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 125 = \$255,067
Bedroom Type	Number of Units Pre-Conversion 125	Number of Units Post-Conversion 125	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	14	14	0
One Bedroom	111	111	0

Two Bedroom			0
Three Bedroom			0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: SAMUEL (MHOP) I	PIC Development ID: NY005013170	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 53	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 53 = \$108,149
Bedroom Type	Number of Units Pre-Conversion 53	Number of Units Post-Conversion 53	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	4	4	0
Two Bedroom	48	48	0
Three Bedroom	1	1	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: SAMUEL (MHOP) II	PIC Development ID: NY005013170	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 10	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units

			in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 10 = \$20,405
Bedroom Type	Number of Units Pre-Conversion 10	Number of Units Post-Conversion 10	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	1	1	0
Two Bedroom	5	5	0
Three Bedroom	4	4	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: SAMUEL (MHOP) III	PIC Development ID: NY005013170	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 10	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 10 = \$20,405
Bedroom Type	Number of Units Pre-Conversion 10	Number of Units Post-Conversion 10	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	1	1	0
Two Bedroom	9	9	0
Three Bedroom			0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of	(Explain how transferring waiting list) N/A		

Assistance):			
Name of Public Housing Development: 1471 WATSON AVENUE	PIC Development ID: NY005010670	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 96	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 96 = \$195,892
Bedroom Type	Number of Units Pre-Conversion 96	Number of Units Post-Conversion 96	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	12	12	0
One Bedroom	38	38	0
Two Bedroom	30	30	0
Three Bedroom	16	16	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: BOYNTON AVENUE REHAB	PIC Development ID: NY005010320	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 82	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 82 = \$167,324

Bedroom Type	Number of Units Pre-Conversion 82	Number of Units Post-Conversion 82	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	25	25	0
Two Bedroom	37	37	0
Three Bedroom	17	17	0
Four Bedroom	3	3	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: GRAMPION	PIC Development ID: NY005010300	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 35	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 35 = \$71,419
Bedroom Type	Number of Units Pre-Conversion 35	Number of Units Post-Conversion 35	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	1	1	0
One Bedroom	14	14	0
Two Bedroom	6	6	0
Three Bedroom	14	14	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: FORT WASHINGTON AVENUE	PIC Development ID: NY005013090	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the

REHAB			location if known, and # of units transferring) No
Total Units: 226	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Senior	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Senior	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 226 = \$461,162
Bedroom Type	Number of Units Pre-Conversion 226	Number of Units Post-Conversion 226	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency			0
One Bedroom	203	203	0
Two Bedroom	23	23	0
Three Bedroom			0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		

RAD Resident Rights, Participation, Waiting List and Grievance Procedures

(Please note the residents rights listed below are from HUD Notice PIH-2012-32 (HA) H-2017-03, REV-3, Section 1.6 C and Section 1.6 D (the "Notice"))

- 1. No Rescreening of Tenants upon Conversion.** Pursuant to the RAD Statute¹, at conversion, current households cannot be excluded from occupancy at the Covered Project² based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project³ will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that

¹ RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. No. 112-55, approved November 18, 2011), as amended by the Consolidated Appropriations Act, 2014 (Pub. L. No. 113-76, approved January 17, 2014), the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. No. 113-235, approved December 6, 2014), and Division L, Title II, Section 237 of the Consolidated Appropriations Act (Pub. L. No. 114-113, enacted December 18, 2015), collectively, the "RAD Statute."

² *Covered Project* - The post-conversion property with assistance converted from one form of rental assistance to another under the Demonstration.

³ *Converting Project* - The pre-conversion property whose assistance is converting from one form of rental assistance to another under the Demonstration.

occur after conversion.⁴ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to Project Based Voucher (“PBV”) requirements regarding continued occupancy unless explicitly modified in HUD Notice PIH-2012-32 (HA) H-2017-03, REV-3 (the “Notice”) (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting of tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. Moving to Work (“MTW”) agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD Project Based Rental Assistance (“PBRA”) units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.⁵

2. Right to Return. See section 1.4.A.5(ii) of the Notice reference below and the RAD Fair Housing, Civil Rights, and Relocation Notice (as defined below) regarding a resident’s right to return.

- i. RAD Fair Housing, Civil Rights, and Relocation Notice.** Relocation requirements related to public housing conversions under RAD are described in Notice H 2016-17; PIH 2016-17, as may be amended from time to time (“RAD Fair Housing, Civil Rights, and Relocation Notice”).⁶ The RAD Fair Housing, Civil Rights, and Relocation Notice provides PHAs and their development partners with information and resources on RAD program requirements and Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) requirements when planning for or implementing resident moves in connection with a RAD conversion under the First Component of RAD. Specifically, the RAD Fair Housing, Civil Rights, and Relocation Notice provides guidance on relocation planning, resident right to return, relocation assistance, resident notification, initiation of relocation, and the fair housing and civil rights requirements applicable to these activities.

The appendices to the RAD Fair Housing, Civil Rights, and Relocation Notice include recommended relocation plan contents. Sample relocation notices for issuance to residents depending on RAD project characteristics are available on the RAD website at www.hud.gov/rad. Questions regarding relocation will generally be addressed in the RAD Fair Housing, Civil Rights, and Relocation Notice and not this Notice. In the event of a conflict between this Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice, with regard to relocation requirements, the RAD Fair Housing, Civil Rights, and Relocation Notice controls.

- ii. Right to Return.** Any resident that may need to be temporarily relocated to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered Project once

⁴ These protections (as well as all protections in HUD Notice PIH-2012-32 (HA) H-2017-03, REV-3 for current households) also apply when a household is relocated to facilitate new construction or repairs following conversion and subsequently returns to the Covered Project.

⁵ For non-RAD PBV households, applicable program requirements includes the requirement that any admission to the project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time.

⁶ “Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions” http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_Notice2.pdf. For properties being redeveloped with funding under a Choice Neighborhoods Implementation (CNI) grant, the RAD Fair Housing, Civil Rights, and Relocation Notice is superseded by guidance regarding relocation included in the CNI NOFA.

rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance, including, but not limited to, as a result of a change in bedroom distribution, a de minimis reduction of units, the reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery. Where the transfer of assistance to a new site is warranted and approved (see Section 1.4.A.12 of the Notice), residents of the Converting Project will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. For more information on how to implement these provisions see the RAD Fair Housing, Civil Rights, and Relocation Notice.

iii. Ineligibility of Tenant Protection Vouchers. Conversion of assistance is not an event that triggers the issuance of Tenant Protection Vouchers to residents of public housing projects going through a RAD conversion.⁷

3. Renewal of Lease. Since publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR part 983 have been amended requiring Project Owners to renew all leases upon lease expiration, unless cause exists. MTW agencies may not alter this requirement.

4. Phase-in of Tenant Rent Increases. If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases. A PHA must create a policy setting the length of the phase-in period at three years, five years or a combination depending on circumstances. For example, a PHA may create a policy that uses a three-year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

The method described below explains the set percentage-based phase-in a Project Owner must follow according to the phase-in period established. For purposes of this section "Calculated PBV TTP" refers to the TTP calculated in accordance with regulations at 24 CFR §5.628 and the "most recently paid TTP" refers to the TTP recorded on line 9j of the family's most recent HUD Form 50058. If a family in a project converting from Public Housing to PBV was paying a flat rent immediately prior to conversion, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1, as illustrated below.

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full Calculated PBV TTP⁸

⁷ This provision does not preclude a PHA from receiving tenant protection vouchers for a property that has also received a Choice Neighborhoods Implementation grant.

⁸ For example, where a resident's most recently paid TTP is \$100, but the Calculated PBV TTP is \$200 and remains \$200 for the period of the resident's occupancy, (i.e. no changes in income) the resident would continue to pay the same rent and utilities for which it was responsible prior to conversion. At the first recertification following conversion, the resident's contribution would increase by 33% of \$100 to \$133. At the second AR, the resident's contribution would increase by 50% of the \$66 differential to the standard TTP, increasing to \$166. At the third AR, the resident's contribution would increase to \$200 and the resident would continue to pay the Calculated PBV TTP for the duration of their tenancy.

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the Calculated PBV TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 5 AR and all subsequent recertifications – Full Calculated PBV TTP

Please Note: In either the three-year phase-in or the five-year phase-in, once the Calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends, and tenants will pay full TTP from that point forward. MTW agencies must also implement a three or five-year phase-in for impacted residents but may alter the terms above as long as it establishes a written policy setting forth the alternative terms.

- 5. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs.** Public Housing residents that are currently FSS participants will continue to be eligible for FSS once their housing is converted under RAD. The PHA may continue to use any FSS funds already awarded to serve those FSS participants who live in units converted by RAD. At the completion of the FSS grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. If the PHA continues to run an FSS program that serves PH and/or HCV participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding and may use that funding to serve PH, HCV and/or PBRA participants in its FSS program. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the subsequent Appropriation Acts), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

However, PHAs should note that there are certain FSS requirements (e.g., escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and PHAs must follow such requirements accordingly. All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR part 984, the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100.⁹ Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

For information on FSS PIC reporting requirements for RAD conversions, see Notice PIH 2016-08 at .

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted

⁹ The funding streams for the PH FSS Program and the HCV FSS Program were first merged pursuant to the FY 2014 appropriations act. As a result, PHAs can serve both PH residents and HCV participants, including PBV participants, with FSS funding awarded under the FY 2014 FSS Notice of Funding Availability (FSS NOFA) and any other NOFA under which the combination of funds remains in the applicable appropriations act. For PHAs that had managed both programs separately and now have a merged program, a conversion to PBV should not impact their FSS participants.

towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities.

- 6. Resident Participation and Funding.** In accordance with Attachment 1B of the Notice, residents of Covered Projects with assistance converted to PBV will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.
- 7. Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
 - i. Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be :
 - a. A reasonable period of time, but not to exceed 30 days:
 - i. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
 - b. Not less than 14 days in the case of nonpayment of rent; and
 - c. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
 - ii. Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

For issues related to tenancy and termination of assistance, PBV program rules require the Project Owner to provide an opportunity for an informal hearing, as outlined in 24 CFR § 982.555. RAD will specify alternative requirements for 24 CFR § 982.555(b) in part, which outlines when informal hearings are not required, to require that:

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi),¹⁰ an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
 - i.** For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
 - ii.** For any additional hearings required under RAD, the Project Owner will perform the hearing.

¹⁰ § 982.555(a)(1)(iv) is not relevant to RAD as the tenant-based certificate program has been repealed.

- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.
- c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- d. The Project Owner provides opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

- 8. Earned Income Disregard (EID).** Tenants who are employed and are currently receiving the EID exclusion at the time of conversion will continue to receive the EID after conversion, in accordance with regulations at 24 CFR § 5.617. Upon the expiration of the EID for such families, the rent adjustment shall not be subject to rent phase-in, as described in Section 1.6.C.4 of the Notice; instead, the rent will automatically rise to the appropriate rent level based upon tenant income at that time.

Under the Housing Choice Voucher program, the EID exclusion is limited only to persons with disabilities (24 CFR § 5.617(b)). In order to allow all tenants (including non-disabled persons) who are employed and currently receiving the EID at the time of conversion to continue to benefit from this exclusion in the PBV project, the provision in 24 CFR § 5.617(b) limiting EID to disabled persons is waived. The waiver, and resulting alternative requirement, apply only to tenants receiving the EID at the time of conversion. No other tenant (e.g., tenants that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver.

- 9. Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant relocation and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project.

- 10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent) (24 CFR § 983.258). Since the rent limitation under this Section of the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project prior to conversion and who will return to the Covered Project after conversion, HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP Contract when TTP equals or exceeds the Gross Rent. Further, HUD is establishing the alternative requirement that until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. When the family's TTP falls below the gross rent, normal PBV rules shall apply. As necessary to implement this alternative provision, HUD is waiving the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR § 983.301 as modified by Section 1.6.B.5 of this Notice.¹¹ In

¹¹ For example, a public housing family residing in a property converting under RAD has a TTP of \$600. The property has an initial Contract Rent of \$500, with a \$50 Utility Allowance. Following conversion, the residents is still responsible for paying \$600 in tenant rent and utilities.

such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP Contract. The PHA is required to process these individuals through the Form 50058 submodule in PIC.

Following conversion, 24 CFR § 983.53(d) applies, and any new families referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time. Further, a PHA must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, HUD is imposing an alternative requirement that the PHA must reinstate the unit after the family has vacated the property. If the project is partially assisted, the PHA may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR §983.207 or, where "floating" units have been permitted, Section 1.6.B.10 of this Notice.

11. Under-Occupied Unit. If a family is in an under-occupied unit under 24 CFR § 983.260 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by the administering Voucher Agency. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR § 983.260 is waived. MTW agencies may not modify this requirement.

12. Establishment of Waiting List. 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents for the Covered Project will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:

- i. Transferring an existing site-based waiting list to a new site-based waiting list.
- ii. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.
- iii. Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
- iv. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a Covered Project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, the PHA shall consider transferring such household, consistent with program requirements for administration of waiting lists, to the PHA's remaining public housing waiting list(s) or to another voucher waiting list, in addition to transferring such household to the waiting list for the Covered Project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait list(s) to which their application was transferred in accordance with the date and time of their application to the original waiting list.

If the PHA is transferring assistance to another neighborhood and, as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at other sites.

If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the Covered Project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA may consider contacting every applicant on the public housing waiting list via direct mailing; advertising the availability of housing to the population that is less likely to apply, both minority and non-minority groups, through various forms of media (e.g., radio stations, posters, newspapers) within the marketing area; informing local non-profit entities and advocacy groups (e.g., disability rights groups); and conducting other outreach as appropriate. Any activities to contact applicants on the public housing waiting list must be conducted in accordance with the requirements for effective communication with persons with disabilities at 24 CFR § 8.6 and with the obligation to provide meaningful access for persons with limited English proficiency (LEP).¹²

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

To implement this provision, HUD is specifying alternative requirements for 24 CFR § 983.251(c)(2). However, after the initial waiting list has been established, the PHA shall administer its waiting list for the Covered Project in accordance with 24 CFR § 983.251(c).

13. Choice-Mobility. One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, the PHA must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

If as a result of participation in RAD a significant percentage of the PHA's HCV program becomes PBV assistance, it is possible for most or all of a PHA's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility. While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for the PHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP Contract administered by the PHA exceeds 20 percent of the PHA's authorized units under its HCV ACC with HUD.

The alternative mobility policy provides that an eligible voucher agency would not be required to provide more than three-quarters of its turnover vouchers in any single year to the residents of Covered Projects. While a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible

¹² For more information on serving persons with LEP, please see HUD's Final guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (72 FR 2732), published on January 22, 2007.

households were received. In order to adopt this provision, this alternative mobility policy must be included in an eligible PHA's administrative plan.

To effectuate this provision, HUD is providing an alternative requirement to Section 8(o)(13)(E) of the Act and 24 CFR § 983.261(c). Please note that this alternative requirement does not apply to PBVs entered into outside of the context of RAD. MTW agencies may not alter this requirement.

IV - Relocation Plans

NYCHA is pursuing a preservation plan that will allow for tenant-in-place rehabilitation, which will require no relocation. If a resident must be temporarily relocated due to medical reasons and/or reasonable accommodation, the temporary relocation will be performed at no expense to the resident. The resident may be able to relocate to a vacant unit in the same development, a vacant unit in another NYCHA development or a vacant unit in the selected developer's housing stock. Specific temporary relocation options will be finalized after a development partner is selected for each affected development. NYCHA will submit an Accessibility and Relocation Checklist to HUD with its financing plan as required by PIH Notice 2012-32 (HA), REV-3 and will comply with the relocation requirements under the RAD program as stated in PIH Notice 2016-17-Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions. Please see Attachment I on page 90 for the full text of this PIH Notice.

V – Site Selection and Neighborhood Standards

NYCHA's RAD conversions comply with all applicable site selection and neighborhood review standards as required by the Notice.

VI – Voluntary Compliance Agreement, Consent Order or Consent Decree

NYCHA certifies that it is currently compliant with all fair housing and civil rights requirements and is under a Voluntary Compliance Agreement and consent decrees. RAD conversion at the NYCHA developments listed on pages 21 – 50 will not have a negative impact on NYCHA's compliance with existing voluntary compliance agreements or consent decrees.

ATTACHMENT D

SIGNIFICANT AMENDMENT AND SUBSTANTIAL DEVIATION OR MODIFICATION OF THE AGENCY PLAN

Criteria for Significant Amendment or Modification of the Agency Plan and/or Capital Fund Program Five-Year Action Plan:

NYCHA will amend or modify its agency plan and/or Capital Fund Program Five-Year Action Plan upon the occurrence of any of the following events during the term of an approved plan(s):

1. A change in federal law takes effect and, in the opinion of NYCHA, it creates substantial obligations or administrative burdens beyond the programs then under administration, excluding changes made necessary due to insufficient revenue, funding or appropriations, funding reallocations resulting from modifications made to the annual or five-year capital plan or due to the terms of a judicial decree.
2. Any proposed demolition, disposition, homeownership, Capital Fund financing, development or mixed-finance proposals.
3. Any Capital Fund project not already in the Five-Year Action Plan for an amount greater than \$500 million excluding projects arising out of federally declared major disasters.
4. Any other event that the Authority determines to be a significant amendment or modification of an approved annual plan and/or Capital Fund Program Five-Year Action Plan.
5. For purposes of any Rental Assistance Demonstration (“RAD”) project, a proposed conversion of public housing units to Project Based Rental Assistance or Project Based Voucher Assistance that has not been included in an Annual Plan shall be considered a substantial deviation.

ATTACHMENT E

RESIDENT ADVISORY BOARD MEMBERS

	Delegate Name	Development	District	Delegate/ Alternate
1	Butler, Harvey	Sackwern	Bronx North	Delegate
2	Clayton, Marie	Gun Hill	Bronx North	Delegate
3	Daughtry, Maxine	Soundview	Bronx North	Delegate
4	Hall, Robert	Gun Hill	Bronx North	Delegate
5	Hawkins, Iona	Parkside	Bronx North	Delegate
6	Lauray, Barbara	Fort Independence	Bronx North	Alternate
7	Lozano, Lilithe	Parkside	Bronx North	Delegate/CCOP
8	Tull, Gloria	Claremont Parkway	Bronx South	Delegate
9	Henry, Audrey	Findlay Avenue	Bronx South	Delegate
10	Jamerson, Princella	Millbrook	Bronx South	Delegate
11	Peterson, Miguel	Teller Avenue	Bronx South	Delegate
12	Primus, Gwendolyn	Webster/Morrisania	Bronx South	Delegate
13	Walker, Daniel Barber	Jackson	Bronx South	Delegate/CCOP
14	Topping, Ronald	Adams	Bronx South	Delegate
15	Bowman, Reginald	Seth Low	Brooklyn East	Delegate/CCOP
16	Clifton, Rose	Howard Ave Rehab	Brooklyn East	Delegate
17	Green, Desiree	Crown Heights Rehab	Brooklyn East	Delegate
18	Johnson, Naomi	Howard	Brooklyn East	Delegate
19	Prince, John	Rutland Towers	Brooklyn East	Delegate
20	Boyce, Sheryl	Bayview	Brooklyn South	Delegate
21	Brown, Francis	Red Hook East	Brooklyn South	Delegate
22	Carter, Deborah	Gravesend	Brooklyn South	Delegate
23	Feliciano, Wanda	Unity Towers	Brooklyn South	Delegate
24	Godfrey, Vonnette	Penn-Wortman	Brooklyn South	Delegate
25	Marshall, Lillie	Red Hook West	Brooklyn South	Delegate/CCOP
26	Ballard, Raymond	Sumner	Brooklyn West	Delegate/CCOP
27	Bradham, Vernona	Roosevelt	Brooklyn West	Delegate
28	Harrell, Cassandra	Bed-Stuy Rehab	Brooklyn West	Delegate
29	Keith, Lenora	Tompkins	Brooklyn West	Delegate
30	Knox, Doretha	Berry Street – South 9 th	Brooklyn West	Alternate
31	Shipman, Lohoma	Bushwick	Brooklyn West	Delegate
32	Coaxum, Henry	Thurgood Marshall	Manhattan North	Delegate
33	Green, Nathaniel	Dyckman	Manhattan North	Delegate
34	Javier, Abigail	Jefferson	Manhattan North	Delegate
35	McNear, Bernadette	Rangel	Manhattan North	Delegate
36	Velez, Ethel	Johnson	Manhattan North	Delegate/CCOP

37	Bergin, Rose	Isaacs	Manhattan South	Delegate
38	Gordon, Felicia	Hernandez	Manhattan South	Delegate
39	Quinones, Carmen	Douglass	Manhattan South	Delegate
40	Anglero, Karen	Latimer Gardens	Queens	Delegate
41	Coger, Claudia	Astoria	Queens	Delegate
42	Morris, Ann Cotton	Woodside	Queens	Delegate/CCOP
43	Simpson, April	Queensbridge	Queens	Delegate
44	Wilkins, Carol	Ravenswood	Queens	Delegate
45	Brown, Lorraine	344 East 92 nd Street	Section 8	Delegate
46	Munroe, Carlton	75 Martense Street	Section 8	Delegate
47	Everette, Beatrice	West Brighton	Staten Island	Delegate
48	Harris, Brenda	Cassidy/Lafayette	Staten Island	Delegate/CCOP
49	Lewis-Clinton, Scherisce	South Beach	Staten Island	Delegate
50	Parker, Geraldine	Stapleton	Staten Island	Delegate

ATTACHMENT F

AGENDAS OF MEETINGS HELD WITH NYCHA'S RESIDENT ADVISORY BOARD (RAB)

November 1, 2018 Agenda

- HOTMA - HUD's New Rule on "Over-Income" Public Housing Residents
- Proposed Significant Amendment to the FY 2019 Annual Plan and Meeting/Hearing Schedule
- Discussion on the Meeting Schedule for the FY 2020 Annual Plan and 5-Year Plan

December 13, 2018 Agenda

- Roll Call / Introductions
- PACT – RAD Updates
- PACT – LLC II/Unfunded Units Updates
- Comments and Questions

February 21, 2019 Agenda

- Final Comments on the Significant Amendment to the FY 2019 Annual Plan
 - HOTMA - HUD's New Rule on "Over-Income" Public Housing Residents
 - PACT/RAD Updates and PACT/LLC 2 – Unfunded Units Updates
- Proposed Meeting Schedule for the FY 2020 Annual Plan and 5-Year Plan

ATTACHMENT G

COMMENTS FROM THE RESIDENT ADVISORY BOARD (RAB) MEMBERS

Capital Projects

- Why was Hernandez Houses charged \$1 million to replace a door?

NYCHA is not aware of any allocations for the replacement of a door at Hernandez Houses.

Financial Resources

- The RAB suggests the term used in the over-income federal policy “terminate the tenancy” should be re-written.

NYCHA agrees with this recommendation. For more information on NYCHA’s over income policy, please visit: <https://www1.nyc.gov/assets/nycha/downloads/pdf/Over-Income-HOTMA.pdf>

- The RAB wants to know what will happen to a household’s rent if in 2 years the over-income federal policy is in place, the family composition has changed, and the household is still considered over-income.

The over income designation is determined by the total household income for a period of two consecutive years. If changes to the household composition or income increase the total household income above 120% area median income or AMI, then the family will be considered over-income. If changes to the household composition or income decrease the household income so that it no longer meets the 120% AMI threshold, then the family will no longer be considered over-income. If the household income remains over 120% of AMI for two consecutive years, the rent will be readjusted according to HUD guidelines.

- The RAB wants to know why it takes a month for changes to the family composition to be processed and for new rents to go into effect during the interim annual reviews. Residents stated that when they visit the management office, they are told that they must wait three months before their income can be adjusted and subsequently their rent changed to suit their changed income.

Household composition or income changes that result in a rent decrease or no change to the rent are effective the 1st day of the following month. Rent changes may not be reflected on the following month’s rent statement if the change is not processed by the 12th of the month. For example, rent changes calculated after December 12th will be reflected in the rent statement for February 1st. However, households are credited for overpayments in rent based on the date NYCHA was notified of the change in household composition or income.

For household composition or income changes that result in a rent increase, NYCHA will give residents at minimum a 30-day notice before the new rent goes into effect.

- What changes is the HUD Secretary allowed to make to HUD’s over-income policy without Congressional approval?

As stated in the Federal Register notice published July 26, 2018, “The new language in section 16(a)(5) of the 1937 Act sets the over-income limit at 120 percent of the AMI. However, HUD has the ability to adjust

the over-income limit if the Secretary determines that it is necessary due to prevailing levels of construction costs or unusually high or low family incomes, vacancy rates, or rental costs.”

To review the Federal Register notice in full, please visit:

<https://www.federalregister.gov/documents/2018/07/26/2018-15941/housing-opportunity-through-modernization-act-of-2016-final-implementation-of-public-housing-income>

- How can seasonal workers have their income adjusted so that they are not charged the same amount of rent during months where they work reduced hours? What paperwork is needed?

Households are encouraged to immediately report family income changes to their Property Management for possible rent adjustments. Currently, residents can utilize a computer, Smartphone, or NYCHA Kiosk Machine to visit NYCHA’s Self Service Portal and submit an Annual or Interim Recertification Request. This request can also be initiated by visiting their local Property Management office, where staff will request the paper version of an Annual be mailed to the resident’s home.

Residents who experience “seasonal employment” can provide supporting documents to an Interim or Annual recertification request which include two current paystubs, the summary of earnings statements completed by their employer, payroll log, or historical proof of income that demonstrates a pattern of employment. The Property Management staff will review all submitted documentation along with the Annual/Interim Recertification. If the income is determined to be “seasonal”, then Property Management staff will annualize the wages against the actual number of hours or weeks the resident is expected to be employed.

- When a resident goes into the management office to have their annual income adjusted, how long does it take before the adjustment is reflected in the monthly rent?

All processed Interim Recertifications conclude with residents receiving a new Lease Addendum/Rent Change Notice in the mail detailing any Income, Assets, and Expenses considered when finalizing their new monthly rent. An Interim Recertification request resulting in rent decrease to the household incomes will have the revised monthly rent reflected on the 1st of the following month. Interim Recertifications resulting in a rent increase will be provided with 30 days’ notice with the new rent reflected on the 1st of the month following 30 days.

- Residents stated that housing assistants are not available and do not know how to assist residents with annual income recertifications or income adjustments due to a change in work status.

Property Management staff are our front-line connection to our residents and therefore are tasked with providing appropriate customer service. Residents are encouraged to visit their local Property Management Office to obtain the necessary support and assistance from staff on Annual and Interim Recertifications. Property Management staff have been provided with training on the Annual and Interim Recertification processes and are equipped to provide revisions to a household’s work status. Residents can initiate their Annual or Interim Recertification processes by logging onto NYCHA’s Self Service Portal utilizing a computer, Smartphone or their local Kiosk Machine located at their Property Management Office. If residents encounter challenges with receiving assistance from a NYCHA Housing Assistant, they can request assistance from either the Assistant Property Manager or Property Manager.

- A resident of Bedford-Stuyvesant ReHabs stated that NYCHA is not providing any money to residents for utility allowances and instead the rents are increasing without any information as to a reason for the

increase. Utility allowances are also not being given with any adjustment for bedroom size as they are supposed to be.

A limited number of NYCHA developments, including Bedford-Stuyvesant Rehabs, are individually metered for utilities which residents pay directly to the utility company based on usage. At these developments, NYCHA provides residents with “utility allowances” credits. During the Annual recertification process, utility allowances are automatically credited into the calculation of a residents new monthly rent. The credit amounts are determined by number of bedrooms in the apartment. Residents can review the utility allowance credit applied to their new monthly rent in their Lease Addendum/Rent Change Notice mailed to them after their Annual Recertification has been processed by NYCHA.

- A resident would like to know if it is possible to receive a breakdown when adjustments are made to a household’s rent so that the household is aware of the calculations and reasons why the rent is changing.

Both Annual and Interim Recertifications processed by NYCHA on a yearly or interim basis result in a new Lease Addendum/Rent Change Notice. The Lease Addendum/Rent Change Notice provide a detail description of the income, assets, and expenses of each permanent household member. Depending on the family circumstances, many households may also receive specific allowances afforded to seniors, disabled, and families with children. The Lease Addendum/Rent Change Notice includes these deductions as line items included calculating resident’s monthly rent.

- A resident of Park Rock Consolidated wants to know why management offices are misplacing paperwork without any record of submission. Paperwork for annual recertifications are being completed in person and then months later residents are being notified their annual recertifications were never completed and they will be evicted if they do not do so.

Most Park Rock residents complete their Annual Recertification process through the online process. Completing an Annual Recertification on NYCHA’s Self Service Portal provides residents with visibility and tracking of when they submitted their Annual Recertification. The Self Service Portal also allows residents to see all documents they have uploaded in support of their Annual Recertification.

Residents who want to complete a paper Annual Recertification packet can request it at the local Property Management Office or by calling the Customer Contact Center at 718-707-7771. Residents can expect to receive a packet at their NYCHA address for completion.

A completed paper Annual Recertification packet can either be mailed in the enclosed envelope to NYCHA or submitted to the Property Management Office for processing. Property Management staff will contact the resident if there is any documentation missing. Residents can expect to receive a New Lease Addendum/Rent Change Notice in the mail detailing their new monthly rent along with a line item description of all the incomes/assets/expenses/allowances utilized to arrive at the new monthly rent.

- When residents are transferring from one development to another, by what date do they need to have vacated the premises to avoid being double charged rent (one month at the old apartment and one month at the new apartment)? A resident was told that if they are out of the old apartment by the 19th of the month, they will only be charged half a month’s rent and given the key for the new apartment.

Property Management staff can provide support throughout the transfer process to ensure that residents are knowledgeable and aware of the steps involved in a transfer.

Upon accepting an apartment at the new location, residents are required to pay any difference in security deposit, as well as painting charges, repair charges and vacancy loss charges. The vacancy loss charge is the prorated rent from prior location sustained as a result of the transfer, up to a maximum of 15 days. The vacancy loss charge commences on the date the resident returns keys for the prior location and after the resident actually moves out. Residents are charged rent at the new location beginning with the day the move-in is scheduled.

The resident receives keys to their new apartment once they have vacated their prior apartment and returned keys to the prior Property Management Office. The new location will verify that the resident has vacated the prior location and returned the keys and will then execute a new lease with the resident. The lease will be mailed to the resident's new NYCHA address.

When a resident receives keys to a new apartment and maintains possession of the prior apartment for more than 15 days after receiving the new keys, the resident may be charged rent for occupying two apartments.

- A resident of Tompkins Houses stated that the kiosk in the management office does not work for annual income reviews.

After consulting with the Property Management Office and the vendor responsible for kiosk maintenance, it was reported that the kiosk located in the Tompkins Houses Property Management Office is fully operational. Residents can utilize the kiosk to complete their Annual or Interim Recertifications. Residents can also utilize the kiosk to pay their NYCHA rent, submit a maintenance repair request, apply for Social Security benefits, request a transfer, or find out about new initiatives at NYCHA.

Real Estate Development

- For developments that undergo a Section 18 disposition, does the resident rent increase or does the increased subsidy go to the landlord?

Families will generally continue to pay 30 percent of their adjusted gross income as their resident portion of the rent, whether they are public housing residents or residents under Section 8. Under Section 8, the landlord will receive a subsidy payment funded through HUD for the balance of the rent if higher than the resident portion. Such subsidy funding provides additional revenue to and enables better operations of the development.

- Is demolition part of the Section 18 program?

NYCHA will not be demolishing any developments as part of the upcoming PACT/RAD activities as of March 2019.

- For the Section 18 dispositions, will these be project- or tenant-based vouchers?

All apartments that undergo Section 18 dispositions through the PACT program will receive project-based vouchers.

- Will families who are over-income and living in developments that undergo Section 18 disposition be protected?

Yes. All families are grandfathered into the Section 8 program at the point of conversion regardless of the disposition method used for their particular development.

- When NYCHA converts a development under Section 18 or RAD, is it mandatory the household becomes a Section 8 voucher holder?

Every household is grandfathered into the Section 8 program when the building or development is converted under Section 18 or RAD. Households are required to sign a new lease and complete the paperwork to become a Section 8 voucher holder as part of the conversion process.

- What will happen to residents who need to add people to the lease before their development converts under Section 18?

Residents are encouraged to add any unreported household members to their lease ahead of conversion. NYCHA has partnered with the Legal Aid Society and they will be on site at NYCHA developments hosting events known as “lease addition days” to assist residents with these types of issues. These changes will continue to be processed until the point of conversion and then these responsibilities will be transferred over to the new property manager.

- How does a building qualify for RAD/Section 18?

Any building or development that receives public housing funding is eligible to go through the RAD process.

To receive Section 8 funding for all units within a building or development under Section 18, NYCHA must prove obsolescence of that building and/or development. Obsolescence means that the necessary modifications and/or rehabilitation of the building or development is not cost effective. A third-party vendor assesses the condition of NYCHA’s buildings and developments and any buildings and developments that are identified as obsolete can go through the Section 18 process. More information on the Section 18 requirements can be found at this link <https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-04-Demo-Dispo-Notice-12-14-18.pdf>.

- Thurgood Marshall Houses has steam pipes constantly bursting. Is Thurgood Marshall eligible for any of these development activities?

In December 2018, NYCHA launched NYCHA 2.0, a comprehensive plan to preserve public housing that includes four programs: PACT to Preserve, Build to Preserve, Transfer to Preserve, and Fix to Preserve. NYCHA is beginning to work on identifying developments (which may include Thurgood Marshall) for each of these programs.

- Are developments in Coney Island that have received FEMA funding eligible for any of these development activities? The FEMA funding has improved the building exteriors, but the interiors still need a lot of work.

All developments in the NYCHA portfolio, including those in Coney Island, will be classified into one of NYCHA’s three new programs that were launched in December 2018 as part of NYCHA 2.0. Depending on these classifications, NYCHA will be able to determine the most viable action for all developments, including those in Coney Island.

- How does the Real Estate Development Department know which building interiors were damaged in Hurricane Sandy?

A Physical Needs Assessment (PNA) is an accounting of the short-term and long-term capital needs, including apartment, architectural, electrical, mechanical, and site needs, for each development. These estimates help inform the capital planning for infrastructure improvements, modernization, and other systematic upgrades. The most recent PNA was conducted in 2017 and NYCHA will compare the findings of that PNA with the work that has been completed as part of the FEMA-funded work and identify any remaining gaps.

- For developments undergoing a Section 18 or RAD conversion, will piping behind walls be replaced?

All repairs, including any replacement of piping, will be done based on the needs of each development as determined by inspections of building and site conditions.

- The Mayor proposed a plan where he said that all piping behind walls would be replaced. Is this untrue?

NYCHA needs to determine the useful life of all piping as part of the assessments of each development. Piping behind walls will be replaced as needed.

- The RAB and CCOP would like to receive upfront knowledge of all findings by the third-party assessors for all RAD and Section 18 dispositions.

NYCHA will share the results from the third-party assessors at the appropriate time. Please note that the third-party assessor is responsible for establishing a baseline assessment by inspecting 10 – 25% of units at a development. Following the third-party assessment, the development team inspects all units at a development, so the scope may change following the initial review.

- If a development previously had a repair that has since deteriorated, will these repairs be fixed as part of the Section 18 and RAD work?

If a repair was completed and the element has since deteriorated, the component will be repaired or replaced.

- NYCHA should make sure the word “demolition” is not in any literature if NYCHA is not doing demolition.

NYCHA will take this recommendation under advisement. As of March 2019, NYCHA is not pursuing any demolitions under the PACT/RAD program.

- How is money available for the Section 8 program when Congress is making so many budget cuts to housing? How are these conversions financed?

Historically, the Section 8 program has been funded at 90-95% and public housing has been funded at 70-80% of the funding based on the U.S. Department of Housing and Urban Development’s (HUD) allocation formula. NYCHA and its development partners secure financing by leveraging public and private debt and equity for the upfront rehab work.

- How will NYCHA be monitored and held accountable with the Section 18 and RAD conversions? What is the oversight and enforcement process?

HUD oversees NYCHA and other public housing agencies (PHAs) that undergo the Section 18 and RAD processes. NYCHA's development partners and lenders have quality control teams that monitor the process. As the Section 8 contract administrator, NYCHA is responsible for performing regular inspections of the developments post-conversion to ensure that the buildings are being maintained in a state of good repair. NYCHA can withhold Section 8 funding from its partner if needed repairs are not completed appropriately and in a timely manner.

- Once a development is converted to Section 8 under RAD or Section 18, how will developments receive TPA funding?

Developments that have been converted under RAD or Section 18 will receive their TPA funding directly from the property manager. The annual TPA funding allocations are part of the property manager's ongoing operations budget.

- How will vacancies be filled in developments that become Section 8 via Section 18 or RAD?

Vacancies are filled from NYCHA's Section 8 project-based site-based waiting list and families are referred from the waiting list to the property manager.

- Because developments are converting under Section 18 and RAD, NYCHA's portfolio of available public housing apartments is decreasing. How will this impact the public housing waiting list?

Once a unit is converted to Section 8 under Section 18 or RAD, the unit will be filled by a household on the Section 8 site-based waiting list. Existing public housing applicants will have an opportunity to add their name to the Section 8 site-based waiting list.

- Is it possible for a family on the public housing waiting list to register for a Section 8 apartment that becomes available?

Yes. If a family is on the public housing waiting list, the family will be provided an opportunity to add their name to the Section 8 site-based waiting list. When a Section 8 apartment becomes available, applicants will be called in by their application date and time.

- If a development is part of a Section 18 or RAD conversion, is it mandatory for all apartments to undergo the repairs and improvements? What happens to property management?

Conversion to a project-based voucher under Section 18 or RAD and any repairs that are conducted at the time of conversion are mandatory. Property management transitions from NYCHA management (in most cases, except at privately-managed sites where the staff may or may not change) to the new property manager. NYCHA property management staff may interview for a position with the new property manager or may elect to be redeployed to another public housing development within NYCHA's portfolio.

- What happens to NYCHA property management at developments converted under Section 18 or RAD?

NYCHA requires dedicated property management on site at developments that are converted under Section 18 and RAD. Property management transitions from NYCHA management (in most cases, except at privately-managed sites where the staff may or may not change) to the new property manager. NYCHA property management staff may interview for a position with the new property manager or may elect to be redeployed to another public housing development within NYCHA's portfolio.

- Is it possible for families to transfer out of a development that is going through a Section 18 or RAD conversion prior to conversion?

Families who wish to transfer out of a development prior to a conversion must have a reason or cause to do so and need to consult with NYCHA property management to discuss their options.

- For choice mobility vouchers, is the availability dependent on funding?

Yes. However, NYCHA has not encountered any difficulties in receiving choice mobility vouchers for interested families that qualify for Section 8 in recent years.

- Who completes the assessment to make sure the right service providers are in place at Section 18 or RAD developments? Who monitors these contracts?

The entire purpose of undergoing a Section 18 or RAD conversion is to ensure that the necessary repairs are made to developments to improve the quality of life for NYCHA residents. Once selected, the development team conducts a survey to identify the needs of the residents. Based on the survey results, the development partner then works with its provider(s) and local service organizations to connect residents with needed resources.

- NYCHA needs to put into the presentation that it is not a guarantee that choice mobility vouchers are available if Congress does not fund the program.

All presentations that are given at developments undergoing Section 18 or RAD conversions state that choice mobility vouchers are dependent on federal funding.

- For developments going through Section 18 or RAD conversions, are residents relocated during the construction process? What if a family needs special accommodations?

All repairs are completed with residents remaining place. In most cases, only residents with medical conditions or special accommodations may be briefly relocated during repairs to hospitality suites that are located on-site at the development.

- NYCHA needs to remember that Section 3 is applicable for all RAD conversions.

Section 3 requirements are included in all RAD and Section 18 agreements.

- NYCHA needs to explain why the contract rents are higher under Section 18.

Due to varying HUD rules, apartments converted under the Section 18 program receive a higher subsidy from HUD than RAD conversion apartments. Residents in units converted to project-based Section 8 under either program will not pay more than 30% of their adjusted gross income toward their portion of the contract rent.

- After going through a RAD conversion, when can a family apply for a choice mobility voucher?

Under the project-based voucher program, a family that qualifies for Section 8 can request a choice mobility voucher after living in a converted property for one year.

- The RAB strongly recommends NYCHA to disclose the full list of all NYCHA developments that will be impacted by RAD.

In December 2018, NYCHA launched NYCHA 2.0, a comprehensive plan to preserve public housing that includes four programs: PACT to Preserve, Build to Preserve, Transfer to Preserve, and Fix to Preserve. NYCHA is beginning to work on identifying how to sort developments into each of these programs, including PACT/RAD.

- NYCHA should have CCOP, RAB, and Resident Association President sign off on the RAD/Section 18 application before it is submitted to HUD.

NYCHA will take this recommendation under advisement. However, both the RAD and Section 18 application processes already require documentation of the upfront resident engagement performed at the impacted developments, including consultation with the Resident Association.

- Developments undergoing RAD or Section 18 conversions should have ramps and be handicap accessible for residents.

Under PACT, all renovation work must comply with the accessibility requirements of all applicable laws including, without limitation, with the New York City Building Code, the Fair Housing Act, the Americans with Disabilities Act (“ADA”), Section 504 of the Rehabilitation Act of 1973, and NYCHA’s Voluntary Compliance Agreement with HUD concerning accessibility.

- NYCHA should create a list of the top 10 most important items that residents need to know when undergoing a RAD or Section 18 conversion.

NYCHA will take this recommendation under advisement.

- How many meetings have been held at Baychester and Murphy to notify residents of the conversion process?

Seven meetings were held at each development for a total of 14 meetings at Baychester and Murphy Houses through December 2018 to discuss the conversion process.

- How does the RAB and CCOP know the third-party assessor that evaluates properties undergo RAD and/or Section 18 dispositions is proper? Why were the RAB and CCOP not notified about the involvement of the third-party assessor?

The third-party assessor has been discussed at all resident engagement meetings as part of the RAD engagement process. Utilizing a third-party assessor is required as part of the RAD process.

- When a conversion (RAD or Section 18) is mentioned for a development, a committee should be set up and the Resident Association (RA) should be notified. It is recommended that there is a sign-off sheet and the RA President should sign off at every single meeting that the conversion is mentioned at the development.

NYCHA has sign off sheets at every meeting and the RA President is invited to every meeting hosted by NYCHA throughout the process.

- What is the blueprint Resident Engagement follows to engage residents at RAD and Section 18 developments?

There is a separate department (Community Development) in the Community Engagement and Partnerships Department that focuses on engagement for developments undergoing all preservation conversions.

- Where do residents fit in with contractors? NYCHA residents need to be at the table and having conversations with contractors to make sure they give the residents what they want and need.

Residents are involved in the process before the development team is involved. Once the development team has been selected, NYCHA hosts meetings with the development team to make sure residents are fully engaged and aware of all steps of the process.

- How does NYCHA determine which buildings or units are converted under RAD and which are converted under Section 18?

NYCHA creates a financial model for each PACT Section 8 conversion to test what mix of RAD and Section 18 will achieve the most financially feasible and sustainable conversion and in this way determines which buildings or units are converted under RAD and Section 18.

- How can NYCHA assure residents, in writing, that they will not be evicted in the case of an extended government shutdown where public housing and/or Section 8 funds are impacted? How does this differ at RAD/PACT developments compared to public housing developments? Will residents be evicted at RAD/PACT developments if those reserves are not sufficient?

Residents will not be evicted. Under RAD/PACT conversions, public housing units are converted to Section 8. Pursuant to Project Based Section 8 rules, residents cannot be evicted for failure of the public housing authority [in this case NYCHA] to make housing assistance payments to the owner. Residents must still pay their portion of the rent which is generally limited to 30% of their adjusted gross income (consistent with public housing rent).

- Why can't NYCHA fix our homes without RAD and Section 18? RAD is going to displace NYCHA residents.

Due to continued federal disinvestment, in the sum of \$3 billion since 2001, NYCHA does not have adequate funds to repair and upkeep all of the apartments in its public housing portfolio without external financing mechanisms that are available only through Section 8 conversion. PACT/RAD will not displace residents. No one will be asked to move as a result of a PACT conversion. All rehab work will be tenant-in-place. In rare cases where temporary relocation is necessary due to a resident's medical condition, NYCHA and the development partner will work to establish on-site hospitality suites to meet residents' needs.

- Why is NYCHA trying all these programs like RAD, PACT, and Section 18 instead of improving public housing? What if these programs are defunded?

NYCHA is using Section 8 conversion via PACT to improve public housing. RAD was created under the Obama administration specifically to preserve public housing and address capital needs. Public housing advocates agree that Section 9 (public housing) will be defunded long before Section 8, so based on this, as well as historical funding trends, it makes financial sense to convert units to the Section 8 subsidy.

- NYCHA needs to do a better job of explaining to residents that when they are part of a RAD or Section 18 conversion, the voucher belongs to NYCHA and the unit itself, rather than the resident.

NYCHA will take this recommendation under advisement. However, a year after conversion, residents of PACT developments who qualify for Section 8 become eligible to apply for a Choice Mobility (tenant-based) voucher and move to the private market.

- NYCHA says that after one year of a RAD/Section 18 conversion, a household can request a mobility voucher to leave the development, but residents do not think that NYCHA will allow a resident to take a voucher from NYCHA and relocate.

Choice Mobility Vouchers are provided after one year of program participation and are based on funding availability and if the household qualifies for Section 8. As of March 2019, there have been no funding restrictions on households relocating with a Choice Mobility Voucher.

- The repairs made to interiors at Ocean Bay (Bayside) did not fix any structural issues and only put shells onto interior elements such as bathtubs and toilets. Residents are having the same issues that were not fixed as part of the RAD conversion.

NYCHA has made significant renovations at Ocean Bay (Bayside). Some of the more notable renovations at Bayside include roof replacements, complete upgrade of elevator machinery and equipment, new boilers and heating systems (this development ran on temporary boilers from 2012 until 2017). NYCHA invites the RAB to visit Bayside and speak to residents who have been through the renovation process in order to alleviate their concerns about the nature of repairs.

- Any development that is part of a demonstration program, such as Rental Assistance Demonstration (RAD), can be torn down and does not have to be built back up one for one. How do residents know NYCHA is not going to do this to them in a few years?

Under RAD, HUD provides the right to return for all residents going through the conversion.

- Residents at Betances Houses in the Bronx that have undergone the RAD conversion are not happy with Wavecrest Management.

NYCHA encourages residents to contact (212) 306-4036 if they have a concern or complaint about Wavecrest or any other PACT partner. As of March 2019, NYCHA has not received any complaints from Betances residents.

- Why are the pipes and other structural issues at developments undergoing RAD conversions, such as Betances, not be fixed unless they break? Why aren't they being repaired as part of the conversion process? Why aren't the distribution systems being replaced when new boilers are being put in?

Under PACT, NYCHA and its partners address the specific capital needs of each development undergoing conversion. NYCHA's partners perform extensive and invasive investigations of the building systems to identify the root cause of leaks. If a pipe needs to be replaced, it is replaced. Distribution systems are being replaced on an as-needed basis because wholesale replacement is cost-prohibitive.

- NYCHA does not care about what happens to buildings or residents that are converted under Section 18 or RAD because they are no longer part of NYCHA's portfolio.

Not only do converted developments remain a part of NYCHA's portfolio, albeit in Section 8 rather than public housing, but furthermore, NYCHA serves as the Section 8 contract administrator for these developments and is thus responsible for rent determination, reasonable accommodation requests, managing wait lists, and performing regular inspections.

- At Campos Plaza I, why do the developers have the right to discontinue the NYCHA waiting list after 30 years? Is this the case at all RAD/PACT developments?

Campos Plaza I is not a part of PACT and the Section 8 contract for that development is managed by the HUD New York Field Office, not NYCHA. As such, this policy is not applicable to PACT developments.

- Are the Bronxchester and Campos Plaza deals structured the same way these new RAD and Section 18 deals are?

No. Bronxchester and Campos Plaza predate PACT. Those developments were always Project Based Section 8, so there was no "conversion." Furthermore, the Section 8 contracts for these developments are managed by the HUD New York Field Office, not NYCHA.

ATTACHMENT H

COMMENTS FROM THE PUBLIC

Capital Projects

- Fulton Houses needs funding for new elevators and the failing steam system. Also, the roofs at Fulton Houses constantly leak every time it rains. NYCHA needs to fix the leaks so that mold does not develop.

Funding is allocated to replace elevators at Fulton starting in 2023 as part of the 2019-2023 Federal Capital Plan. This development is also receiving city funds to replace roofs in Fiscal Year 2023, which NYCHA will receive in July 2022, under the Mayor's Roof Initiative program. There are no renovation plans in place as of March 2019 for Fulton's steam system.

- Why has one of the buildings at Ocean Hill had scaffolding in place for 3 years? 15 Mother Gaston Boulevard at Ocean Hill Houses is sinking and the ground needs to be repaired.

NYCHA completed repairs, including repairs of the water tank enclosure on the rooftop, and removed the scaffolding in January 2019. Local Law 11 repair work for Building 3 at Ocean Hill is needed and will be prioritized under the new Local Law 11 Contracts, which are currently out for bid as of February 2019. NYCHA has completed an inspection of the grounds and found that they are not currently sinking.

- Wise Rehabs has a lot of capital needs that NYCHA should address. When will Wise Rehabs be receiving capital funding for repairs?

All developments in the NYCHA portfolio, including Rehab Program (Wise Rehab), are being classified into one of NYCHA's four new programs that were launched in December 2018 as part of NYCHA 2.0. Depending on these classifications, NYCHA will be able to determine the most viable method of upgrading each development.

- The elevators at Lincoln Houses do not work and take 2-3 hours to be repaired almost every day.

Since November 2018, two elevator mechanics have been assigned to work at this development. There are 28 elevators at Lincoln Houses. The mechanics are on hand so that repairs can be performed in a timely manner. The average time to complete outages is in the 2- to 3-hour time frame due to the implementation of the Elevator Service and Repair Department's (ESRD) restoration of service protocol, which is an additional safety check before the elevator is returned to service. ESRD strives to restore service as quickly as possible.

- One of the buildings at Polo Grounds Towers has a roof that leaks every time it rains, and water floods the lobby of the building, the mailboxes, and the elevator shaft. The senior center also floods, and programming must be cancelled when it rains. When will this be fixed?

All of the roofs at Polo Grounds were replaced in 2007, including the Community, Day Care Center, and Garage roofs for \$6M. As of March 2019, NYCHA is in the process of procuring a vendor to replace the roofs on top of the senior center.

- The roofs leak every time it rains at Campos Plaza II. When will the roofs be fixed?

The roofs at Campos Plaza II are currently being replaced under the Recovery and Resiliency program using FEMA funds. Target completion for roof replacements is August 2019

- NYCHA conducted a development-wide needs assessment to determine the outstanding capital needs at Harborview Terrace. NYCHA failed to include resident association leadership, residents, area-elected officials, the community board and other community organizations with a long history of relationship with of Harborview in the assessment process. As a result, NYCHA produced an inaccurate list of items that needed to be repaired or replaced.

In determining outstanding capital needs at Harborview and at other NYCHA developments, NYCHA followed HUD's recommendations by conducting a Physical Needs Assessment (PNA). Under federal regulations, the PNA is recommended every five years. The most recent PNA took place from May 2016 to February 2017. NYCHA contracted with third party consulting firms with strong expertise in engineering and construction management to perform inspections in all five boroughs.

The aim of the PNA process is to identify current facility condition data as of March 2017 and plan the rehabilitation process for each of NYCHA's developments, seeking to bring those developments up to acceptable modernization and energy efficiency standards. A PNA is not intended to capture future investments; it provides a snapshot in time.

Community Programs and Development

- Why does NYCHA no longer do town halls in each borough for the Annual Plan and Significant Amendments?

NYCHA is committed to operate as an efficient and effective landlord and to engaging residents on Authority initiatives. NYCHA has had to determine the most effective use of resources in all capacities, including how we engage residents. NYCHA no longer hosts town halls in each borough for the Annual Plan and Significant Amendments because these events were costly and not very well attended by residents. To reduce costs and increase the number of residents engaged, NYCHA continues to host a public hearing for each Annual Plan and Significant Amendment at an accessible location and livestreams the public hearing on the Internet for residents to watch remotely; residents may also submit comments via email (annualplancomments@nycha.nyc.gov).

- NYCHA needs to bring copies of the draft significant amendment to the public hearing in Spanish.

Printed copies of the Executive Summary of the Draft Significant Amendment in English, Spanish, Chinese, and Russian were available for residents at the Public Hearing. The Executive Summary of the Draft Significant Amendment is also available in these languages on NYCHA's website here: <https://www1.nyc.gov/site/nycha/about/annual-plan-financial-information.page>.

- NYCHA needs to explain why the community operations department no longer exists and instead it is only resident engagement now.

Community Operations transitioned to Community Engagement and Partnerships (CEP) in July 2016 with a refocused and enhanced mission to better inform, enrich and empower New York City's public housing residents and communities. The transition was necessary to effectively meet the needs of residents while leveraging the strengths of NYCHA staff. The re-organized CEP Division now employs a

service coordination model to connect residents to best-in-class services. CEP works with residents, community partners and NYCHA through five departments within CEP:

- 1. Resident Engagement - engages residents through outreach, education and information sharing with a special focus on youth, seniors and resident associations, in addition to the broader NYCHA community. Through resident forums and targeted communication, Resident Engagement ensures residents are aware of and can inform the development of policies and initiatives that impact their lives.*
- 2. Community Development – engages residents on real estate programs related to new construction projects to create new affordable housing and reinvest revenue back into the host developments (such as 100% Affordable, Build to Preserve, and Transfer to Preserve) and permanent affordability projects to convert developments’ funding to Section 8 and bring major capital and operational improvements to the properties (such as PACT, which includes RAD and LLC II Unfunded Units).*
- 3. Resident Economic Empowerment & Sustainability (REES) - empowers residents to increase their income and assets through programs, policies and partnerships in four key areas: employment and advancement, business development, adult education and training, and financial literacy and asset building.*
- 4. Family Partnerships – manages partnerships with external providers and City agencies offering youth, senior and social services. Family Partnerships connects residents to critical services and implements programs and policies that support household stability and tenancy, individual advancement, and aging-in-place.*
- 5. Health Initiatives - manages partnerships and leads interagency efforts to connect residents to preventive health resources, to assist them in creating healthier indoor environments, and to cultivate resident leadership in health.*

- What happened to the resident bylaws that were being determined by resident engagement and community operations?

All Resident Association bylaws must be certified by NYCHA upon origination and amendment.

The Resident Association (RA) must follow the procedures set forth in its bylaws when it seeks to amend those bylaws. RA bylaws commonly require amendments to be reviewed and approved by the RA membership. Following membership approval, the RA must submit the amended bylaws to NYCHA for review and certification. Bylaws are reviewed by NYCHA’s Law Department to ensure that the RA followed the procedures set forth in its bylaws concerning amendments, and to ensure the bylaws do not conflict with federal regulations. If any substantial changes to the bylaws are required following NYCHA review, the RA must properly amend its bylaws to address the changes/issues NYCHA has identified, and then resubmit the amended bylaws to NYCHA for certification.

- What is NYCHA doing to incentivize residents to participate in empowerment programs for self-sufficiency (e.g., Section 3 Resident Owned Businesses)? NYCHA should encourage residents to participate in NYCHA’s self-sufficiency programs so that they are able to move out of NYCHA and more opportunities are available to homeless individuals and families to move into NYCHA.

NYCHA’s Office of Resident Economic Empowerment and Sustainability (REES) hosts weekly information sessions to educate residents on the variety of economic opportunity programs that are

available through REES Zone Partners. REES also enabled online registration for residents to be considered for Section 3 and other economic opportunities on NYCHA's Self-Service Portal. Since May 2015, NYCHA has facilitated more than 4,000 resident job placements, including residents hired through Section 3 and residents hired directly by the Authority via the NYCHA Resident Training Academy (NRTA). Additionally, since May 2015 REES has facilitated more than 24,000 economic opportunity connections for NYCHA residents. Many of those connections include access to jobs, job-readiness training, adult education, business development and financial empowerment resources.

- How many NYCHA Section 3 resident-owned businesses (ROBs) are there?

Section 3 Business Concerns (S3BCs) are businesses that are at least 51 percent owned by Section 3 residents or at least 30 percent staffed by Section 3 residents, or that will subcontract at least 25 percent of their award to other S3BCs.

NYCHA created a Section 3 Business Concerns registry, which contractors and vendors can access online. A list of SBC3 vendors can be found on NYCHA's website: <https://www1.nyc.gov/site/nycha/business/section3-business-concern-information.page>. As of March 2019, NYCHA has 185 S3BC's registered on the NYCHA S3BC directory. This directory is updated monthly.

NYCHA regularly promotes contracting opportunities for S3BCs and minority- and women-owned business enterprises. Additionally, REES supports the start and growth of NYCHA resident owned businesses through its Resident Business Development (RBD) unit. The RBD unit connects NYCHA residents to premier resident business development providers that provide both workshop-based and one-on-one assistance to beginning entrepreneurs. The unit hosts frequent orientation sessions for residents seeking entrepreneurship resources and works strategically with public-private partners to grow business education programming for NYCHA residents in a variety of industries.

- Would NYCHA consider doing PSAs to advertise self-sufficiency programs?

NYCHA has a Partnerships playlist of public service announcement videos on the NYCHA YouTube Channel: https://www.youtube.com/playlist?list=PLDpvAsRFzpxYi0TpmGgJHzC_8aRqCiFJc. The NYCHA Partnerships playlist includes videos that highlight programs and initiatives that NYCHA manages through its CEP Department. Several of the videos advertise economic opportunities that are available for NYCHA residents such as free tax preparation services, resident business development programs and homeownership opportunities. NYCHA also advertises these programs through the NYCHA Journal, the REES bi-weekly E-Newsletter and website (www.opportunitynycha.org) and disseminates flyers and other information at the developments.

- Why doesn't NYCHA provide a one page "fact sheet" to its residents which indicates which Administration under HUD's direction has directed all PHAs to implement policies such as over-income? For example: Obama Administration, under the direction of Secretary Donovan, directed NYCHA and all PHAs to implement the over-income requirement; then list the respective requirement—otherwise it is assumed that NYCHA is implementing this requirement.

NYCHA has created several fact sheets to help explain HUD mandates to residents. For example, please see the one-page fact sheet on mandatory over-income requirements: <https://www1.nyc.gov/assets/nycha/downloads/pdf/Over-Income-HOTMA.pdf>. There is also an article in the NYCHA Journal here: <https://www.nychajournal.nyc/HUD-Rules-On-Over-income-Households>.

NYCHA also provided residents with information about mandatory flat rent schedules. Please see this article published in the NYCHA Journal: <https://www.nychajournal.nyc/new-nycha-flat-rent-schedule>

Financial Resources

- What does NYCHA mean by over-income residents?

Over-income households are defined in federal law as households with income that exceeds 120 percent of area median income (AMI) for two consecutive years starting March 24, 2019.

- How many NYCHA residents are over-income? How accurate is this count and how are these numbers verified?

NYCHA will begin tracking households with incomes that exceed 120 percent of area median income (AMI) through the annual re-certification process and during any interim re-examinations occurring on or after March 24, 2019. Based on current household income data, NYCHA estimates that approximately 1 percent of public housing households (less than 1,700 households) will be affected by these mandatory rent increases if their household income remains at current levels over the next two years.

- Would NYCHA and/or City consider imposing a “billionaire tax” and/or have foreign investors pay tax for 100% affordable housing should they wish to build in NYC?

NYCHA does not have the ability to pass laws because it is not a legislative body. Residents may contact city officials if they have suggestions for changing the tax laws to raise more money for affordable housing.

Human Resources

- NYCHA needs to ensure that new hires to NYCHA will have civil service and union protection.

Whether a position is within the union or has civil service status is determined by the New York State Civil Service Commission and the Office of Collective Bargaining consistent with the Civil Service law. NYCHA does not have control over this.

- How can NYCHA work to ensure staff are in safe working environments in and out of the office?

NYCHA provides training as well as written guidance to employees to foster safe work environments. Employees are encouraged to make recommendations to improve safety in the workplace to their supervisors or to the Office of Safety and Security at (212) 306-8800

- What measures have been taken to ensure that young professionals can grow to be responsible representatives of the office?

NYCHA offers a variety of professional development courses that managers and supervisors may enroll in to continue enhancing their careers at NYCHA.

No-Smoking Policy

- The no-smoking policy is not being enforced and there are still a lot of people smoking in their apartments. What is the sense of making a law if it's not going to be enforced? The smoke is negatively impacting residents' quality of life and NYCHA needs to come up with a plan to enforce the rule without evicting people.

NYCHA acknowledges the many residents complying with the new policy designed to create healthier homes for residents and healthier working environments for employees. Active and consistent enforcement is one of several priorities for ongoing work to reduce exposure to secondhand smoke and improve access to cessation support for those who smoke and want to quit. NYCHA's work is grounded in HUD guidance informed by the experience of hundreds of other public housing authorities and private landlords that have implemented smoke-free policies. We know change will be gradual and that adherence to the policy's graduated enforcement is a critical component to success.

Operation and Management

- Atlantic Terminal needs a crack in the cement column that holds up one of the buildings to be repaired. *A work order has been created and bricklayers are scheduled to begin work in March 2019.*
- The food preparation system at the Polo Grounds community center where children are served hot meals in the afternoon has not had heating for months.

On February 27, 2019 Mechanical Technologies Group (MTG) adjusted the system at the community center and the heating system was able to be partially restored. NYCHA is working with MTG to submit a proposal for more work to be done, as the system still has a coil leak and one of the main HVAC systems needs to be overhauled.

- There are no grounds keepers at Saint Nicholas Houses and there are tree stumps that need to be removed before someone is injured.

Saint Nicholas Houses is currently undergoing roof work and some of the grass areas on the development grounds have gates that secure the outside perimeter as roof work proceeds. As a result, some old tree branches remain within the gated area. The maintenance staff is not accessing that space while the roof work is ongoing.

- NYCHA needs to do a better job with communicating when staff in management offices, like housing assistants, leave so that residents can make sure their paperwork is successfully completed when there is staff turnover.

NYCHA will take this recommendation under advisement. In most instances, the workload for a Housing Assistant vacancy is divided amongst the remaining staff until there is a permanent replacement. The Property Manager and/or Assistant Property Manager supervise Housing Assistants and work to ensure that work is redistributed in case of a vacancy.

- A resident of Bay View Houses stated that contractors broke the household's air conditioning unit and it needs to be replaced.

The resident must submit a letter to their Property Management Office describing the incident, age, cost of damaged items, and receipts. The Housing Assistant, Assistant Property Manager, or Property Manager will visit the unit to confirm and verify the damages. If the claims are founded, the Housing Assistant will fill out a damage claim. In cases in which a contractor is involved, the Property Manager will report the incident to the contractor and the contractor will work to resolve the issue with the resident.

- The doors to the roofs should be locked at developments so that residents cannot access the roof and harm themselves.

It is a violation of the New York City Fire Code to lock roof doors because they provide a means of egress during a fire.

- Saint Nicholas Houses has a water crisis. In August 2018, three people were diagnosed with Legionnaires disease but NYCHA did not test all 14 buildings in the development. NYCHA only tested 6 buildings in the development and then we never learned the results of the testing. All 14 buildings should be tested, and all showers should be given ionizers. The water at Saint Nicholas is still cloudy and foaming.

In the past several months, Saint Nicholas has undergone testing multiple times and ionizers have been replaced in affected buildings. Water is being tested every other month and results have been satisfactory. Testing is ongoing.

As of March 2019, NYCHA has installed ionization systems in the five buildings that tested positive for the presence of legionella. These five systems were procured quickly because they were classified as an emergency. The remaining buildings will have ionization systems installed in the future under a contract that is currently in the procurement process.

- Vehicles are still parking on the sidewalk at Campos Plaza II between 641 and 643 East 13th Street and it is an accident waiting to happen.

NYCHA staff has reminded and will continue to remind staff that outside of an extreme emergency or necessity, vehicles should not be driven on sidewalks. As of March 2019, vehicles have discontinued parking in this area.

- NYCHA should get security guards to stand post in NYCHA buildings. Given NYCHA's budget crisis, maybe a small amount (\$5 - \$8) could be added to the rent each month to pay for security guards' wages to protect NYCHA residents.

NYCHA Developments have NYPD police officers assigned to them who meet and work with the Property Managers to assist in resolving community related and crime issues. NYCHA currently has approximately 300 security guards who provide guard service at senior buildings throughout the city. As of March 2019, there are also 113 developments with Resident Watch.

- NYCHA employees need to stop bullying residents and be more professional when conducting repairs. NYCHA employees need to return phone calls and call residents if they are going to be cancelling and rescheduling a repair appointment.

It is NYCHA's policy for staff to contact residents in the event scheduled appointments will be missed and staff must reschedule the appointment with the resident.

- At Howard Houses, why is NYCHA painting only 2 rooms at a time and doing incomplete jobs of the rooms they are painting?

The length of time it takes to paint a room will vary from unit to unit, depending on the condition of the room. Painters may be assigned to multiple work orders at more than one development each day. Once the work has been completed in a unit, the Property Manager, Paint Supervisor, Property Maintenance Supervisor, and/or the Assistant Property Maintenance Supervisor check their work and assign further work if necessary. Extensive paint jobs, such as an entire apartment, are completed by an outside paint vendor.

- What should a resident do if they have a child who is 12 years old turning 13 shortly and they are filling out the lead-based paint form where you must indicate if a child under 12 is in the home?

On the questionnaire sent out to homes for lead-based paint and window guards, households must indicate if there is a child under 6 years of age (5 years or younger) in the home to determine if the apartment must be inspected for lead-based paint. The section of this questionnaire referring to window guards asks for households to indicate if there is a child under 11 years of age (10 years or younger) to determine if window guards are needed in the home. If a child is outside of this age range, window guard installation is not required. However, if a child under the age of 6 or the age of 11 comes to live in the household in between annual recertifications, the resident must notify the NYCHA Property Management Office in writing to adjust the household composition and determine if a lead-based paint inspection and/or window guards are needed.

- There is no parking at any time at Gowanus Houses.

This is correct. Gowanus does not have a parking lot or any parking spaces.

- Why do residents have to submit so many requests in writing to be transferred for safety concerns and to be moved to a right sized apartment for a senior resident?

Several recent changes to our process have made it easier for residents to request a transfer due to safety concerns.

1. *HUD revised the requirements to qualify for a transfer based on safety reasons under the Violence Against Women Act (VAWA). Third party documentation is no longer a mandatory requirement. Residents can now self-certify their need for a safety transfer as a victim of domestic violence, dating violence, sexual assault or stalking. The self-certification, VAWA: Victim Certification-HUD Form No. 5382, is available at the management office along with the transfer request form or may be submitted as part of an online request.*
2. *All transfer requests, including for safety reasons, can be initiated by residents on line, through the NYCHA self-service portal. A visit to the Property Management Office is not required, though still available, if preferred. Access to the self-service portal is available at https://selfserve.nycha.info/eservice_enu/. Registration on the portal is required to have access. Residents can track their transfer status by using the self-service portal.*

- Residents are concerned about where their paperwork is going when they submit their annual income reviews using the kiosk.

NYCHA's One Stop Kiosks provide residents with a means of accessing NYCHA's online services, including the self-service portal. Residents can use the kiosks as an alternative if they do not have a computer at home. Whether a resident submits the Affidavit of Income and the supporting documents using the kiosk, their personal computer, or a paper packet, the information the resident submits is digitally transmitted to NYCHA's tenant data system and reviewed by NYCHA staff to determine the household's rent calculation.

- Has NYCHA thought about putting solar paneling the roofs to reduce electricity costs?

NYCHA has a commitment to site 25 Megawatts (MW) of solar panels on NYCHA property by 2026. NYCHA's two solar programs (Commercial Solar for large sites and ACCESSolar for small buildings) have awarded sites to solar developers for up to 12 MW of capacity. These projects are currently undergoing feasibility studies. Here are some links to related press releases:

October 13, 2017: DE BLASIO ADMINISTRATION LAUNCHES FIRST LARGE-SCALE SOLAR PROGRAM AT NYCHA

<https://www1.nyc.gov/site/nycha/about/press/pr-2017/solar-20171013.page>

April 26, 2018: NYCHA ANNOUNCES NEW PARTNERSHIPS TO DEVELOP FIRST COMMERCIAL SOLAR PROGRAM

<https://www1.nyc.gov/site/nycha/about/press/pr-2018/pr-20180426.page>

September 25, 2018: NYCHA ANNOUNCES PARTNERS TO DESIGN ROOFTOP SOLAR GARDENS FOR COMMUNITIES CITYWIDE

<https://www1.nyc.gov/site/nycha/about/press/pr-2018/pr-20180925.page>

Real Estate Development

- Residents of Van Dyke were told they would have the first preference to move into the new building being constructed at Van Dyke and that no longer seems to be true.

NYCHA residents will receive a preference for 25% of the affordable family units or 31 units in total.

- NYCHA needs to explain to residents which buildings at Fulton Houses are going to be knocked down and/or sold and if Fulton Houses is undergoing a RAD/PACT conversion. Residents have heard that at least 72 families will need be relocated in 2 years after a building is sold.

As of March 2019, no buildings at Fulton Houses will be knocked down, sold or undergo a RAD/PACT conversion. In December 2006, NYCHA, in collaboration with HPD, issued a RFP to identify a developer to construct new affordable housing on a parking lot located on West 18th Street (mid-block) between 9th and 10th Avenues. A developer was selected in September 2007. The Fulton project was modified as part of the Chelsea Market Rezoning and the proposed building, which is currently under construction, will include 160 units for households with income from 50% AMI to 165% AMI. Construction is expected to be completed in early 2019.

- What does public to private partnership mean in terms of development deals?

A public-private partnership is a cooperative arrangement between two or more public (government) and private sectors, typically of a long-term nature.

- For Section 8 dispositions, what happens when original residents move out? Is there a procedure for replacing residents? What if the new resident has a different income than the resident they replaced?

Upon vacancy in RAD/PACT developments, units are used to either right-size a family that is in the wrong-sized apartment or to move in a family off the NYCHA Section 8 wait list. New residents must be Section 8 eligible and have incomes below 50% of the Area Median Income (AMI). For example, for a 3-person family, this would equal a household income of \$46,950. The new residents may have a different income than the resident who moved out of the apartment.

- Has NYCHA received assurance from HUD that all Section 8 dispositions are guaranteed funding?

Funding is subject to Congressional appropriation.

- In 2016, WSUR Brownstones residents were told that they would be undergoing a PACT conversion. What is the status of this conversion?

WSUR (Brownstones) are currently under consideration for a future PACT conversion.

- What will happen if the doomsday clause goes into effect with a RAD conversion? How is it fair to NYCHA residents if a RAD conversion can go to full market value rents if the developers do not make enough money?

The affordability restrictions in NYCHA's legal agreements with its development partners prevent the apartments from being rented to families with incomes above 80% of Area Median Income (except for families living in the development at the time of conversion) without the consent of HUD, NYCHA and the City.

- Under RAD, if a household has two working members and one member leaves the household, why is the resident charged the same rent as if the second working household member is still there?

Section 8 residents in RAD pay no more than 30% of adjusted gross income towards rent. If the remaining resident's income has not increased to be charged the same rent without the second household member, the resident should submit an interim income recertification request to NYCHA's Leased Housing Department in order to properly adjust their rent to reflect the new household income.

- For the proposed rehabilitation of developments under PACT/RAD, how will the work be monitored? How will contractors be chosen? Why does scaffolding have to remain in place for so long?

Rehabilitation work will be monitored by the New York City Housing Development Corporation (HDC), as well as the development partner's construction and bank monitors. After the work is completed, NYCHA will perform Housing Quality Standards (HQS) inspections to ensure all apartments are up to Section 8 standards. Contractors will be chosen as part of the development partner selection process. Scaffolding remains in place as a safety precaution for residents and other pedestrians.

- For RAD developments, why won't HUD allow landlords to do any interior work such as piping?

Under RAD, HUD requires public housing authorities, including NYCHA, to address the capital needs of each development undergoing a Section 8 conversion. As such, if pipe work is required, it will be performed.

- NYCHA needs to do a better job explaining to residents and TA leaders what the RFPs and proposals mean because it is too hard for people to understand reading it on their own.

As part of its PACT engagement process, NYCHA discusses the RFP extensively and responds to residents' questions as well.

- What other monetizing options has NYCHA thought about other Section 18 dispositions and RAD conversions? These programs seem like a hand off to privatization to HUD.

NYCHA 2.0 summarizes NYCHA's strategies for raising \$24 billion to address its capital needs backlog, including selling air rights and developing mixed-income housing on vacant and underutilized NYCHA land. Please see the links below for more information:

<https://www1.nyc.gov/office-of-the-mayor/news/591-18/fixing-nycha-mayor-de-blasio-comprehensive-plan-renovate-nycha-apartments-and#/0>

<https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2018/NYCHA-2.0-Part1.pdf>

<https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2018/NYCHA-2.0-Part2.pdf>

- NYCHA needs to ensure that prevailing wages are guaranteed at RAD/PACT conversions.

Under RAD, Davis-Bacon wage requirements are mandated by HUD. With regards to property management, NYCHA has adopted the wage standard of 80% of prevailing wage, including supplemental benefits, for building service employees on PACT projects post-closing.

- Are there any RAD/PACT developments where the cost of conversion (repairs/upgrades) cost more than the demolition costs?

No, currently the cost of conversion at the RAD/PACT development is less than the demolition costs.

- What is the cost per unit of the developments that have converted?

At Ocean Bay (Bayside), the total construction costs were \$236 million, or approximately \$169,000 per unit.

- Residents need to know the details of how to convert in place.

NYCHA and its development partners host a series of meetings and door-to-door canvassing prior to each PACT conversion in order to explain the conversion process to residents and answer questions. NYCHA is always open to suggestions as to how we can improve our engagement process with residents.

- What is the Plan for Section 18, Part 200 [RAD/PACT]?

Under NYCHA 2.0, NYCHA will convert a total of 62,000 units to Section 8 under PACT by the end of 2028. Please see the link below for more information.

<https://www1.nyc.gov/assets/home/downloads/pdf/press-releases/2018/NYCHA-2.0-Part1.pdf>

- Is NYCHA going to honor the regulation and meet with the RAB, in advance, of the signed-off, to review the renovation plan, scope of work, whether by floor to floor or section by section? Under the regulation, the RAB is required to sign-off and approve said plan. Does NYCHA have this written procedure in place? Once the Plan is completed and signed-off by the RAB, and the numbers prove greater than five percent and/or if there are major changes, what is the alternative plan? After sign-off by the RAB and the EIS/EIR [Environmental Impact Statement and Report] indicates issues and/or more cost, how is this going to be addressed? The RAB must have the right to revoke previous signed approval.

NYCHA meets regularly with the RAB during the Annual Plan/Significant Amendment process to provide updates and share plans for RAD/PACT conversions as per the RAB consultation requirements as noted in PIH-2012-32 (HA) H-2017-03, REV-3 (Rental Assistance Demonstration – Final Implementation, Revision 3) as well as the RAB consultation requirements outlined in 24 CFR part 903. Please see the link here,

https://www.hud.gov/sites/dfiles/Housing/documents/RAD_Note_Rev3_Amended_by_RSN_7-2018.pdf

The Section 18 requirements can be found at this link,

<https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2018-04-Demo-Dispo-Notice-12-14-18.pdf>

Both the RAD and Section 18 application processes already require documentation of the upfront resident engagement performed at the impacted developments, including consultation with the Resident Association. The current PIH notice on RAD, as noted above, does not require RAB sign off and approval of plans.

- Residents have long-term, up-close experience with building conditions and can provide valuable input to the RAD capital needs assessment. They should be directly consulted and/or surveyed in the assessment process. Moreover, they should have an opportunity to review and comment on the RAD Capital Needs Assessment before it is incorporated into the RFP.

Resident input is an integral part of the PACT rehab scope development process. As such, NYCHA requires its development partners to not only inspect 100% of units in a converting development, but to also regularly meet with residents to present the proposed rehab scope and obtain their feedback, which is then incorporated into the next version of the scope of work. NYCHA is creating a resident survey for capital needs that will be distributed at the beginning of the engagement process, and survey results will be published in the RFP.

- Given the differences between Section 18 and RAD conversions, NYCHA must make clear to affected residents under which HUD program their apartment or development is being converted. The use of the umbrella term, PACT, is not helpful.

NYCHA and HUD are working together to eliminate all differences between Section 18 and RAD conversions. Specifically, residents will maintain the same rights across all properties.

- Ideally, NYCHA should seek federal statutory guarantees of ongoing affordability under Section 18 conversions similar to those under RAD. Short of that, if it must rely on Section 18, NYCHA’s plan should clarify how it plans to mitigate the uncertainties and risks.

NYCHA places identical use restrictions on developments converted under RAD and Section 18.

- NYCHA 2.0 plan states that “under PACT rules” all converted developments must be permanently affordable. The questions are 1) how NYCHA and the city will back up these assurances with concrete measures, and 2) what levels of affordability will be permanent? One way is for the regulatory agreement with the owner/developer to specify, in the event Section 18 Tenant Protection Vouchers are not renewed, how the city will make up the difference in rent assistance needed to maintain affordability for current residents and continued access to vacant units by low-income households on the waiting list.

All PACT developments must be operated as affordable housing for families at or below 80% of area median income (excluding families in place at the time of conversion). Vacancies will be filled with families from the NYCHA Section 8 wait list. If Tenant Protection Vouchers are not renewed, NYCHA will work with HUD to find the best recourse to maintain rental assistance.

- Residents and community stakeholders should have an opportunity to register their preferences among development teams responding to the RFP. In its assessment of proposals, NYCHA should take these preferences into account.

NYCHA will consider input from NYCHA residents and community stakeholders concerning the development proposals received by NYCHA for RAD/Pact development transactions.

- Community-based (mission-oriented) housing developers should be permitted to respond to RFPs, without regard to capacity limitations. Credit should be given to bidders who are partnering with community-based developers. For instance, the current Brooklyn PACT RFP excludes bidders that have not handled projects at the \$300 million scale. (NYCHA has since lowered the threshold to \$75 million.) Community housing development organizations have invaluable, long-term experience in the community, and the related services they often provide deepen their base of support. They should be allowed to compete. At a minimum, smaller bundles should be included in RFPs. If necessary, the city budget should augment NYCHA staff capacity to handle multiple closings per year.

It would be irresponsible for NYCHA to allow any development team that does not – in the aggregate – meet the minimum threshold requirements of the RFP to respond to said RFP because that team would not be able to deliver the results that residents deserve. As such, NYCHA has and continues to encourage smaller developers to partner with larger firms in order to meet the capacity requirements. Applicants who include an M/W/SBE and/or not-for-profit entity in the development team already receive a bonus in the evaluation process. Moving forward, NYCHA is looking to structure PACT conversions in various sizes in order to diversify its development partner pool and increase deal flow. NYCHA agrees that the City should augment NYCHA staff capacity to handle multiple closings per year.

- NYCHA should not wait for conversions to happen before it opens resident training and job opportunities. It should have an early plan to train a large pool or “pipeline” of NYCHA residents so that they can fill these jobs once they are open.

In most cases, NYCHA begins engaging residents of converting developments about the upcoming economic opportunities of the PACT project prior to development partner selection. Once the development team is on board, the first meeting that they host with residents focuses on training and job opportunities.

- NYCHA's planned conversion of 62,000 units is estimated to generate \$10 to \$12 billion in construction activity over the next ten years. This is an unusual opportunity to expand Section 3 training and job opportunities for residents, both in the construction activity and the permanent management jobs generated under alternative ownership. NYCHA's plan should include agreements with labor organizations to provide pre-apprenticeship training and pathways to apprenticeship.

NYCHA provides access to Construction training under the NYCHA Resident Training Academy (NRTA), an award-winning employment-linked training program funded by the Robin Hood Foundation. The NRTA Construction track is an approved New York State Department of Labor (NYSDOL) direct entry provider which delivers an 8-weeks certification-based construction training to NYCHA residents. To date, NYCHA has established direct entry partnerships with seven union trades as recognized by the NYSDOL. Additionally, NYCHA, in partnership with NYC Small Business Services, has run five cycles of academic preparation for NYCHA pre-apprenticeship graduates to better prepare them for specific union entrance exams. NYCHA also has a robust network of 70+ partners to refer residents to for other vocational training and other economic opportunities. NYCHA is dedicated to continuing to grow its relationship with union apprenticeship programs for the benefit of NYCHA residents.

- For NYCHA's site-based public housing waiting lists and subsequent referrals if the waiting lists are exhausted, NYCHA should maintain full control/oversight of the process for filling vacancies.

NYCHA will maintain full control and oversight of the process for filling vacancies.

- In its regulatory agreement with the owner, NYCHA should specify how the owner should maintain a waiting list and what screening criteria are expressly prohibited.

If the owner is the development partner, they do not maintain a wait list (NYCHA does). NYCHA reviews and approves each partner's screening criteria prior to closing.

- NYCHA should conscientiously see that its site-based waiting lists are frequently updated to minimize owner/manager referrals.

There are no owner/manager referrals under PACT.

- NYCHA must specify how it and its developers plan to deal with potential environmental health hazards that may be generated in the course on in-place rehab. These measures must be consistent with HUD 970.4 environmental regulations governing the disposition of public housing.

NYCHA and its development partners do this through a series of reports that address the abatement and management plans for each environmental health hazard. These reports are then incorporated into the binding legal agreements of the public-private partnership.

- NYCHA should incorporate relevant parts of the HUD 964 regulations in its regulatory agreements with developers.

NYCHA abides by the 964 regulations as applicable to public housing developments. In addition, developments converted as part of the RAD/PACT programs, have several provisions protecting resident participation. These provisions are incorporated in the PACT guiding principles. For example, under the PACT guiding principles and RAD notice, residents have the right to form a Resident Organization to represent all residents in the development, which the developer/property manager must recognize. Under the PACT principles, if there is a Resident Association already in existence prior to the RAD conversion which is 964-compliant and NYCHA-certified, the Resident Association will be recognized as the Resident Organization after conversion. In addition, under RAD, property managers must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the Resident Organization. These funds must be used for resident education, organizing around tenancy issues, and training activities. Under the PACT guiding principles, the Resident Organization will decide on how to use the Resident Organization portion of Resident Participation Funds, within the uses permitted under RAD including discretion over engaging community organizations for technical assistance and education.

- Consistent with recent City Council initiatives, it is recommended that at least 15 percent of vacant units in converted developments be set aside for the homeless. This should be documented in all NYCHA regulatory agreements with owners/developers.

NYCHA will take this recommendation under advisement.

- Arrangements for supportive housing and social services to formerly homeless new-comers should be set up by NYCHA for admissions to converted developments.

NYCHA will work with its development partners to ensure that these social services needs are met.

- NYCHA residents must know exactly in which HUD program their development will participate, and they must be made aware of how they will be impacted by the conversion process. In an effort to communicate with its residents, NYCHA, as a start, must create a fact sheet for residents that clearly outlines the conversion process, the type of benefit they will receive, how income will be calculated under the program and their rights as residents.

NYCHA always strives to continuously improve its resident engagement process and collateral. As such, NYCHA is creating a fact sheet that addresses these and other questions about PACT.

ATTACHMENT I

**PIH NOTICE 2016-17-RENTAL ASSISTANCE DEMONSTRATION (RAD) NOTICE
REGARDING FAIR HOUSING AND CIVIL RIGHTS REQUIREMENTS AND
RELOCATION REQUIREMENTS APPLICABLE TO RAD FIRST COMPONENT –
PUBLIC HOUSING CONVERSION**



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Public and Indian Housing
Office of Housing

Special Attention of:	Notice	H 2016-17 PIH 2016-17 (HA)
Public Housing Agencies		
Public Housing Hub Office Directors		
Public Housing Program Center Directors	Issued:	November 10, 2016
Multifamily HUB Directors		
Multifamily Program Center Directors	Effective:	November 10, 2016
Regional and Field Office Directors		
Regional Administrators	Expires:	This Notice remains in effect until amended, superseded, or rescinded
Performance Based Contract Administrators		
RAD Transaction Managers		
Regional Relocation Specialists	Supplements:	PIH Notice 2012-32 (HA) REV-2
	Supersedes:	H 2014-09/PIH 2014-17

SUBJECT: Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions.¹

SECTION 1. Purpose, Applicability and Major Provisions of this Notice

1.1. Purpose

This notice (Notice) provides PHAs,² Project Owners, and their RAD development partners with guidance regarding key fair housing and civil rights statutory and regulatory requirements, explains the situations in which HUD is requiring front-end fair housing and civil rights reviews, and provides information regarding the types of information that must be submitted to facilitate HUD’s review of certain fair housing and civil rights requirements in connection with public housing conversions under the First Component of RAD. This Notice also includes guidance

¹ While this Notice addresses fair housing and civil rights requirements and relocation requirements, the fair housing and civil rights requirements are not limited to relocation issues.

² Consistent with PIH Notice 2012-32 (HA) REV-2 (PIH 2012-32 (HA) REV-2) (the “RAD Notice”), this Notice uses the term “PHA” to refer to the owner of the project prior to the RAD conversion and “Project Owner” to refer to the owner of the project after the RAD conversion.

regarding key relocation statutory and regulatory requirements, and details relocation requirements under RAD. This Notice only applies to projects converting under the First Component of RAD; it does not apply to the Second Component of RAD.³

The RAD program was established as a tool for preserving and improving low-income housing stock. RAD is intended to facilitate reinvestment in or redevelopment of the long-term-affordable stock of HUD-assisted housing properties. RAD also provides mobility benefits for assisted residents of converted properties through the choice mobility option, allowing these households to access tenant-based Housing Choice Vouchers. In some cases, RAD can be a tool for transfer of rental assistance from distressed or poorly selected sites to new sites in high opportunity areas. In all cases, the objective is to better serve low-income residents and the broader community in complying with fair housing, other civil rights, and relocation laws.

This Notice provides PHAs and Project Owners with guidance relating to planning and implementing public housing (First Component) RAD conversions in a manner consistent with existing fair housing and other civil rights requirements, including, but not limited to, those associated with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act, the Architectural Barriers Act of 1968, and their implementing regulations. Section 4 of this Notice summarizes key provisions of existing law applicable to RAD transactions.

To further compliance with these existing requirements, PIH 2012-32 (HA) REV-2, issued June 15, 2015 (the “RAD Notice”) established that specific PHA decisions and activities planned to be part of a First Component RAD conversion must be reviewed by HUD prior to implementation (the “front-end” fair housing and civil rights reviews). Through a front-end review of the enumerated PHA decisions, HUD seeks to assist PHAs and Project Owners in meeting their fair housing, other civil rights, and relocation obligations. Section 5 of this Notice explains the situations in which HUD is requiring front-end fair housing, other civil rights, and relocation reviews, details the procedures for HUD’s front-end review and the type of information that must be submitted for these reviews, and the timeframes for these reviews.

Finally, in Sections 6 and 7 this Notice provides PHAs and Project Owners with guidance regarding RAD program and other statutory and regulatory relocation assistance requirements when planning for or implementing resident moves as a result of a conversion of a public housing project under RAD. This guidance includes reiterated and new requirements, the corresponding required reviews, and explanation of the interaction between RAD relocation procedures and certain existing public housing requirements. PHAs and Project Owners implementing RAD transactions may be subject to (a) the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA),

³ Important fair housing, other civil rights, and relocation considerations apply also to the Second Component of RAD as provided in the RAD Notice. Participants in the Second Component of RAD must continue to comply with applicable fair housing, civil rights, and relocation statutes and regulations, and HUD may, at any time, initiate compliance or enforcement actions in connection with such requirements. The RAD Notice will continue as the primary source of information on fair housing and other civil rights requirements covering the Second Component of RAD without any change until further notice.

(b) the requirements of Section 104(d) of the Housing and Community Development Act of 1974 (Section 104(d)) if CDBG or HOME funds are included as part of the project, (c) fair housing and other civil rights considerations implicated by relocation activities, and (d) requirements for relocating residents under the RAD Notice.

1.2. PHA and Project Owner Responsibilities

This Notice explains RAD's front-end fair housing and other civil rights review requirements in greater detail than was provided in the RAD Notice and this Notice restates and revises RAD's relocation requirements. However, the fair housing, other civil rights, and relocation requirements that apply to RAD conversions are neither limited to those discussed in this Notice, nor to those specifically reviewed by HUD in the front-end review.

MEETING HUD'S PROCESS AND REVIEW REQUIREMENTS NEVER CONSTITUTES COMPLIANCE WITH SUCH LAWS. THE OBLIGATION TO COMPLY WITH APPLICABLE FAIR HOUSING, OTHER CIVIL RIGHTS, AND RELOCATION LAWS REMAINS WITH THE PHA AND PROJECT OWNER.

The fair housing and civil rights requirements that apply to RAD conversions are not limited to those discussed in this Notice. PHAs and Project Owners are responsible at all times for ensuring that their RAD activities (including those activities implemented by their agents, consultants, contractors, or other RAD team members) comply with all applicable fair housing and civil rights requirements. PHAs and Project Owners shall be accountable for all fair housing and civil rights compliance issues with respect to their RAD activities, whether those activities are undertaken directly or through agents, consultants, contractors, or other RAD team members. While HUD provides this non-exhaustive guidance to assist PHAs and Project Owners during transactions, complying with the requirements set forth in this Notice does not necessarily mean that they, or their agents or consultants, are in compliance with fair housing and civil rights requirements.⁴

This Notice is not intended to, and shall not be construed to, reduce or in any way limit the application of fair housing, other civil rights, and relocation laws and regulations to RAD transactions. For example, HUD's reliance on a PHA's certification that a site meets the site and neighborhood standards required by the RAD Notice is not a determination of compliance with the duty to affirmatively further fair housing or other fair housing and civil rights requirements. As another example, HUD's approval of a site for new construction does not, by itself, constitute a determination of the PHA's compliance with all provisions of Title VI and its duty to affirmatively further fair housing found in the Fair Housing Act and other fair housing and civil rights requirements, nor indicate HUD's approval of the PHA's or locality's overall housing strategy. HUD's approval of a RAD conversion after front-end review reflects only that the project may proceed through the RAD conversion process; it does not constitute a determination

⁴ The PHA's or Project Owner's agents, consultants, contractors, and other RAD team members may also have fair housing and other civil rights obligations (whether under this Notice or otherwise) and the forgoing does not, in any way, limit the independent obligation of any such parties to ensure their own compliance with applicable fair housing and other civil rights laws.

that the project is in compliance with applicable fair housing, civil rights, and relocation requirements.

HUD's approval of a front-end review submission is based on limited information and is intended to assist the PHA or Project Owner in meeting their fair housing, civil rights, and relocation obligations.⁵ The PHA is responsible for ensuring that its RAD conversion is consistent with its certification to affirmatively further fair housing and complies with applicable civil rights laws.⁶ The front-end reviews described in this Notice shall not be construed to limit other fair housing and civil rights investigations that HUD may conduct. HUD retains all compliance and enforcement authority.

HUD's determination that the PHA or Project Owner has failed to meet submission, certification, or approval requirements with respect to fair housing, other civil rights, or relocation requirements is grounds for terminating a Commitment to enter into a Housing Assistance Payments Contract (CHAP), denying the issuance of a RAD Conversion Commitment (RCC), or denying authority to convert under RAD.

1.3. Applicability

The content of this Notice should not be relied upon in carrying out any other activities funded under any other HUD program, except where specifically directed by HUD.

This Notice supplements the RAD Notice with respect to fair housing and civil rights requirements applicable to public housing properties converting under RAD and with respect to all matters related to the relocation of residents as a result of RAD public housing conversions. To the extent that there is a conflict between this Notice and the RAD Notice, this Notice shall govern. This Notice replaces and supersedes Notice H 2014-09/PIH 2014-17 (issued July 14, 2014).

Upon issuance, the terms of this Notice will apply to all projects that have applied for conversion of assistance under the First Component of RAD but have not yet converted. As this Notice provides guidance, clarification, and explanation regarding fair housing and civil rights requirements that are already applicable to RAD conversions, this Notice shall not affect any front-end civil rights approvals provided by HUD prior to the effective date of this Notice and otherwise shall be effective with respect to front-end civil rights approvals without exception. However, with respect to relocation activities for Converting Projects under the First Component where a PHA has already submitted a Financing Plan pursuant to the RAD Notice at the time of issuance of this Notice, and provided that the Financing Plan has been accepted for full review after initial screening for completeness, the PHA may, within sixty (60) days after issuance of this Notice, request (in writing uploaded to the RAD Resource Desk) to be governed by H 2014-

⁵ For example, the front-end review is specific to an individual site. A PHA that does not promote fair housing choice outside areas of minority concentration and continues to site affordable housing in minority concentrated areas may be in noncompliance with the duty to affirmatively further fair housing and other fair housing and civil rights obligations, even if the specific site is approved based on the information provided and pursuant to the front-end review of the PHA's site and neighborhood standards submission.

⁶ See 24 C.F.R. § 5.105 and, as applicable, 24 C.F.R. § 983.57(b)(2) or Appendix III of the RAD Notice.

09/PIH 2014-17. For such projects and where otherwise appropriate in cases of hardship as determined by HUD, HUD may apply the terms of H 2014-09/PIH 2014-17 with respect to relocation activities, but not with respect to fair housing and civil rights requirements.

RAD projects which have been awarded Choice Neighborhoods Implementation (CNI) grants are subject to the provisions of the applicable Choice Neighborhoods Notice of Funding Availability (NOFA) and grant agreement regarding site and neighborhood standards and are not subject to the RAD front-end civil rights transaction reviews described in this Notice. For properties being redeveloped with funding under a CNI grant, the relocation requirements set forth in this Notice are superseded by guidance regarding relocation included in the CNI NOFA. Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a Choice Neighborhood project's conversion of assistance.

1.4. Explanation of Major Provisions

This Notice adds to and revises pre-existing guidance related to fair housing, civil rights, and relocation (as contained in the RAD Notice and H 2014-09/PIH 2014-17) with respect to RAD transactions. Among the key provisions and changes are the following:

Fair Housing & Civil Rights

- Reaffirms the applicability of fair housing and civil rights requirements to all RAD-related activities (see, e.g., Section 3.3 and Section 4);
- Reiterates when HUD front-end civil rights review (originally outlined in the RAD Notice) is required in addition to the PHA's analysis and certification of compliance, to assist the PHA and Project Owner to comply with fair housing and civil rights requirements (see Section 5.3);
- Outlines certain conditions under which HUD will conduct a front-end review to determine whether the site is in an area of minority concentration relative to the site's housing market area (see Section 5.4(A));
- Provides guidance, for purposes of the RAD front-end civil rights review, on the concepts of "area of minority concentration" and "housing market area" that are reviewed when determining whether a site is in an area of minority concentration (see Section 5.4(B));
- Elaborates on specific information that HUD will consider, and that PHAs should provide evidence of, in order for a proposed site to meet the existing exceptions to permit new construction in an area of minority concentration, identifies presumptions for meeting the sufficient comparable opportunities exception and describes factors that HUD may consider in evaluating the overriding housing needs exception (see Section 5.4(C) and Section 5.4(D));
- Articulates issues that HUD will consider in completing the front-end civil rights review for transfers of assistance, including, for example, accessibility and minority concentration (see Section 5.5);
- Outlines the information to be submitted for HUD's front-end civil rights review of transactions where unit reductions, unit reconfigurations, or changes in occupancy are proposed (see Section 5.6);
- Identifies the situations where front-end civil rights reviews are required when changes in the accessibility features of a site are made (see Section 5.7(B)); and

- Prohibits the Project Owner of a Converted Project with a PBRA HAP contract from initiating any new leasing or marketing activities (other than leasing and outreach to households holding a right to return to the Covered Project), including the solicitation, distribution or acceptance of applications or development of a waiting list, until HUD has approved the Affirmative Fair Housing Marketing Plan (“AFHMP”) (see Section 5.8).

Relocation

- Requires PHAs or Project Owners to prepare a written relocation plan for all transactions that involve permanent relocation or temporary relocation anticipated to exceed 12 months (see Section 6.1);
- Requires PHAs to provide residents with a RAD Information Notice (RIN) in order to ensure that residents are informed of potential project plans and of their rights in connection with RAD prior to submission of the RAD application (see Section 6.6(A));
- Clarifies that the General Information Notice (GIN), when applicable, should be provided as soon as feasible and no later than 30 days following the issuance of the CHAP (see Section 6.6(B));
- Requires Project Owners to provide a notification of Return to the Covered Project, when applicable (see Section 6.6(F));
- Moves the date before which PHAs are prohibited from beginning any physical relocation earlier in the conversion process (specifically, from the date of Closing to the later of the effective date of the RCC and the expiration of the 30- or 90-day RAD Notice of Relocation period, as applicable) (see Section 6.8);
- Clarifies the specific requirements applicable to different types of relocation (e.g., moves within a property, temporary relocation of less than 12 months, etc.) (see, e.g., Section 6.4);
- Provides enhanced guidance on the right to return requirements, any offers of alternative housing options and the documentation that must be retained when tenants choose an alternative housing option and decline their right to return (see, e.g., Section 6.2 and Section 6.10);
- Describes how HUD has administratively implemented URA requirements and URA relocation assistance and payments for displaced persons, when applicable, to residents who choose to decline the right of return and, instead, choose voluntary permanent relocation (see, e.g., Section 6.4(C) through (F) and Section 6.10);
- Requires PHAs to maintain detailed data regarding each household that will be relocated, with key dates of notices and moves (see Section 6.9); and
- Identifies key fair housing and civil rights requirements applicable during relocation (see, e.g., Section 4).

1.5. Request for Public Comment

HUD acknowledges the complexity of the issues addressed in this Notice. This Notice is effective immediately upon issuance, but HUD also seeks comment from the public regarding the clarity and organization of the Notice and regarding areas where the policies and procedures described are unclear or ambiguous. HUD will consider whether changes in response to comments are justified and will implement any appropriate changes in a revision of this Notice. Please submit all comments to RAD@hud.gov within 30 days of the issuance of this Notice.

1.6. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA), HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. OMB approved information collection forms will be posted on the RAD website and the Federal Register.

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SECTION 3. Background

3.1. RAD Authority

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. No. 112-55, enacted November 18, 2011), as amended by the Consolidated Appropriations Act, 2014 (Public Law 113-76, enacted January 17, 2014), the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, enacted December 6, 2014), and the Division L, Title II, Section 237 of the Consolidated Appropriations Act (Public Law 114-113, enacted December 18, 2016), collectively and as it may be further amended from time to time, the “RAD Statute.” RAD allows certain eligible properties to convert assistance to long-term project-based Section 8 contracts and has two separate components. The First Component allows projects funded under the public housing program to convert their assistance to long-term, project-based Section 8 rental assistance contracts. Under this component of RAD, public housing agencies (PHAs) may choose between two different Section 8 housing assistance programs: project based vouchers (PBVs) or project-based rental assistance (PBRA). The “Second Component” of RAD allows owners of projects funded under the Rent Supplement (Rent Supp), Rental Assistance Payment (RAP), and Moderate Rehabilitation programs to convert certain units to PBV or PBRA Section 8 units following certain contract expirations or terminations. The RAD Statute is implemented by the RAD Notice.

3.2. Definitions

All capitalized terms defined in the RAD Notice, as amended, shall have the definitions ascribed to them therein unless otherwise specifically noted in this Notice.⁷ Pre-conversion projects whose assistance is converting from public housing to Section 8 under RAD are referred to in the RAD Notice and in this Notice as “Converting Projects.” Post-conversion projects are referred to in the RAD Notice and this Notice as “Covered Projects.”

3.3. Applicable Legal Authorities

Appendix I to this Notice identifies key legal authorities with respect to fair housing, civil rights, and resident relocation. Part 2 of Appendix I provides greater detail regarding federal accessibility requirements set forth in three of the legal authorities described in Appendix I,

⁷ Many of the fair housing and civil rights concepts used throughout this Notice are terms of art that are defined in applicable statutes and regulations identified in Appendix I of this Notice, while others have been developed through judicial interpretation. PHAs and Project Owners should familiarize themselves with these terms of art and should consult 42 U.S.C. § 3602 (Fair Housing Act); 24 C.F.R. §§ 5.152-100.20 (Fair Housing Act); 42 U.S.C. §§ 2000d-2000d-4a (Title VI of the Civil Rights Act of 1964); 24 C.F.R. § 1.2 (Title VI); 29 U.S.C. § 705 (Rehabilitation Act); 24 C.F.R. § 8.3 (Section 504); 42 U.S.C. §§ 12102, 12132, 12181 (Americans with Disabilities Act (ADA)); 28 C.F.R. § 35.104 (Title II of the ADA); and 28 C.F.R. § 36.104 (Title III of the ADA). In addition, many of the relocation concepts are terms of art that are defined in 42 U.S.C. § 4601 *et seq.* (Uniform Relocation Act (URA)), Section 104(d) of the Housing and Community Development Act of 1974 codified at 42 U.S.C. § 5304(d), and their implementing regulations at 49 C.F.R Part 24 and 24 C.F.R. Part 42 subpart C.

Part 1. PHAs and Project Owners must be familiar with these legal authorities and must evaluate, based on the facts of their situation, which legal authorities are applicable in which situations. **Failure to comply with any legal authority as applicable to the PHA's or Project Owner's actions or inactions may result in liability under such authority.** Appendix I does not attempt to provide a complete and exhaustive explanation of the legal authorities, nor to fully inventory the situations in which each legal authority is applicable. Instead, Appendix I is an overview intended to serve as a general introduction or reminder for PHAs and Project Owners of these fair housing, other civil rights, and relocation authorities and to facilitate their identification of appropriate topics for further research or expert counsel. The recitation of these legal authorities neither expands nor diminishes their applicability to the PHA's and Project Owner's activities in connection with their RAD conversion.

The RAD Statute authorizes the Secretary of HUD to waive or specify alternative requirements for certain provisions of law, except for requirements related to, among others, fair housing and nondiscrimination.⁸ In addition to the general application of various federal statutes and their implementing regulations as discussed in Appendix I, below, HUD regulations at 24 C.F.R. § 5.105 apply such authorities to all HUD programs, including RAD.

3.4. Further Information

Because each RAD proposal varies in its scope, this Notice may not address each PHA's or Project Owner's specific circumstances. PHAs and Project Owners should carefully review the laws, regulations, notices, and guidance material referenced in this Notice. Any questions related to the administration of the RAD program should be referred to the appropriate RAD Transaction Manager (TM) or may be emailed to rad@hud.gov.

SECTION 4. Generally Applicable Fair Housing and Civil Rights Requirements Relevant Throughout the RAD Conversion Process

This Section provides a summary overview of key principles regarding program implementation and an overview of generally applicable fair housing and civil rights requirements. Appendix I identifies the key legal authorities from which these principles are derived. These key principals, together and with the legal authorities identified in Appendix I, frame the PHA's efforts to implement a RAD conversion. In some cases, these requirements are particularly relevant to the process of planning the RAD conversion, while in others they have particular relevance for the structure of the RAD transaction itself, and in yet other cases, both. Elements of RAD transactions that have civil rights implications include, but are not limited to, transfers of assistance, temporary and permanent relocation, demolition, site selection, new construction, occupancy policies, changes in unit configuration, increases or reductions in units, waiting list administration policies, policies regarding return of temporarily relocated tenants, substantial rehabilitation or alteration, program accessibility, tenant selection policies and priority transfers, providing information to and communicating with persons with Limited English Proficiency (LEP) and persons with disabilities, reasonable accommodation policies, and Affirmative Fair

⁸ See Pub. L. No. 112-55, as amended.

Housing Marketing Plans (AFHMPs). All PHAs must consider civil rights when structuring these and other elements of their RAD transaction.

RAD transactions are governed by the same civil rights authorities that govern HUD-assisted activities generally.⁹ Converting Projects are subject to civil rights and equal opportunity requirements under the public housing regulations, and Covered Projects are subject to civil rights and equal opportunity requirements under the PBV regulations or the PBRA regulations, as applicable.¹⁰ As described further below, the Fair Housing Act prohibits discrimination in housing¹¹ and requires all federal executive departments and agencies to “administer their programs and activities relating to housing and urban development ... in a manner affirmatively to further” fair housing.¹² In addition, all programs or activities receiving Federal financial assistance are subject to Title VI of the Civil Rights Act of 1964 forbidding discrimination on the basis of race, color, and national origin¹³ and Section 504 of the Rehabilitation Act of 1973, which forbids discrimination on the basis of disability and requires that programs or activities receiving Federal financial assistance make such programs or activities “when viewed in its entirety” readily accessible to persons with disabilities and make reasonable accommodation to the needs of persons with disabilities.¹⁴ RAD transactions are also subject, as applicable, to the requirements of Titles II and III of the Americans with Disabilities Act, Executive Order 11063, and HUD regulations at 24 C.F.R. part 107. Thus, as with the administration of all HUD programs and all HUD-assisted activities, fair housing and civil rights issues must be considered in the administration of the RAD program. PHAs must not implement actions and policies that may have a discriminatory effect on the basis of race, color, sex, national origin, religion, disability, or familial status or that may impede, obstruct, prevent, or undermine efforts to affirmatively further fair housing.¹⁵ Note, in particular, the following requirements:

- **Affirmatively Furthering Fair Housing (AFFH):** The Fair Housing Act requires that HUD administer its programs and activities in a manner that affirmatively furthers the purposes of the Fair Housing Act. The Fair Housing Act not only prohibits discrimination but, in conjunction with other statutes, directs HUD’s recipients, including PHAs, to take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination. Through various statutes, regulations, and executive orders, PHAs must take various actions in accordance and in conjunction with their Fair Housing Act obligation to affirmatively further fair housing. For example, under regulations implementing the United States Housing Act of 1937 (the Act), HUD recipients must, among other requirements, certify that they will affirmatively further fair housing. In addition, under HUD’s Affirmatively Furthering Fair Housing (AFFH) rule promulgated July 16, 2015, PHAs must periodically conduct an Assessment

⁹ See 24 C.F.R. § 5.105.

¹⁰ See, e.g., 24 C.F.R. §§ 880.601, 881.601 and 983.8 for civil rights related regulations applicable to PBV and PBRA transactions.

¹¹ See 42 U.S.C. §§ 3601 *et seq.*, and HUD regulations in 24 C.F.R. part 100

¹² 42 U.S.C. § 3608(d) and (e).

¹³ See 42 U.S.C. §§ 2000d *et seq.*, and HUD regulations in 24 C.F.R. part 1.

¹⁴ See 29 U.S.C. §§ 701 *et seq.*, and HUD regulations in 24 C.F.R. part 8.

¹⁵ See 24 C.F.R. part 1 and part 100 subpart G.

of Fair Housing (AFH) as set out by the rule, either individually or in collaboration with other program participants.¹⁶ Under the AFFH rule, in order to develop a successful affirmatively furthering fair housing strategy, the PHA must assess the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs. PHAs must ensure that their activities in connection with a RAD conversion are consistent with their AFH, including any applicable joint or regional AFH in which they are a joint participant, and with any applicable Analysis of Impediments to Fair Housing Choice (AI), Fair Housing Equity Assessment, PHA 5-Year Plan, PHA Annual Plan, Moving to Work (MTW) Plan, or related planning documents and other regulatory and programmatic requirements implementing the obligation to affirmatively further fair housing to which they are a party.¹⁷

- **Nondiscriminatory Site Selection:** HUD’s site and neighborhood standards require that the proposed site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provision of Title VI of the Civil Rights Act, the Fair Housing Act, Executive Order 11063, and Department regulations implementing these authorities. The site must meet the Section 504 site selection requirements in 24 C.F.R. § 8.4(b)(5). Additional provisions appear in 24 C.F.R. § 983.57(b) of the PBV rules and, for PBRA, in Appendix III of the RAD Notice. HUD’s Title VI regulation specifically prohibits site selection that has the “purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination” on the basis of race, color, or national origin.¹⁸ The Title VI regulations also impose an obligation on the part of an applicant or recipient of HUD financial assistance to take actions to overcome the effect of prior discrimination or conditions that limit participation by persons of a particular race, color, or national origin.¹⁹ In addition, HUD’s Section 504 regulation prohibits recipients from selecting sites the purpose or effect of which would (1) exclude qualified individuals with disabilities from or deny them the benefit of a program or activity, or otherwise subject them to discrimination; or (2) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities.²⁰ ADA regulations likewise prohibit site selections that have the purpose or effect of excluding individuals with disabilities (including members of the public with disabilities), denying them benefits, or subjecting them to discrimination.²¹ Finally, the Fair Housing Act prohibits discriminatory site selection, including perpetuation of segregation in transfers of assistance and new construction.
- **Meaningful Access for Persons with Limited English Proficiency (LEP):** The PHA or Project Owner is required to take reasonable steps to ensure (a) they provide meaningful access to programs and activities for persons who have a limited ability to read, speak, or understand English; (b) any person with LEP who will be temporarily relocated or

¹⁶ 24 C.F.R. § 5.150 *et seq.*

¹⁷ *See* 24 C.F.R. § 5.150 *et seq.* and 24 C.F.R. §§ 91.225, 91.325, or 91.425.

¹⁸ *See* 24 C.F.R. § 1.4(b)(3).

¹⁹ *See* 24 C.F.R. § 1.4(b)(6).

²⁰ *See* 24 C.F.R. § 8.4(b)(5).

²¹ *See* 28 C.F.R. § 35.130(b)(4); 28 C.F.R. § 36.301.

permanently displaced has meaningful access to any public meetings regarding the project; and (c) they provide meaningful access to LEP persons to any information provided to residents including, but not limited to, any relocation notices. Generally, the PHA or Project Owner will be responsible for providing oral interpreters at meetings, including ensuring their competence, and covering any associated translation and interpretation costs.²²

- **Effective Communication for Persons with Disabilities:** Communications and materials must be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24 C.F.R. § 8.6) and with 49 C.F.R. § 24.5, and as applicable, the Americans with Disabilities Act. This includes ensuring that, unless such actions would result in undue financial and administrative burdens or fundamental alterations, notices and resident meetings are provided in appropriate alternative formats as needed, e.g., Braille, audio, large type, accessible electronic communications, assistive listening devices, and sign language interpreters. Even in cases where the proposed actions may result in undue financial and administrative burdens or fundamental alterations, certain actions must still be taken. Specifically, appropriate auxiliary aids and services that would not result in such undue burdens or fundamental alterations must still be provided to ensure effective communication.
- **Accessible Meeting Facilities for Persons with Disabilities:** Pursuant to regulations implementing Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as applicable, all programs and activities must be held in accessible locations unless doing so would result in an undue financial and administrative burden on the PHA and/or Project Owner, in which case the PHA or Project Owner must take any action that would not result in such undue burden but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity, e.g., briefings at an alternate accessible site or in-home briefing.²³ Individuals with disabilities must receive services in the most integrated setting appropriate to their needs. The most integrated setting appropriate to the needs of qualified individuals with disabilities is a setting that enables individuals with disabilities to interact with persons without disabilities to the fullest extent possible.²⁴

²² For more information about LEP obligations, see HUD's Limited English Proficiency (LEP) Frequently Asked Questions guidance at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq#q26.

²³ In selecting locations for consultation with residents, the PHA and/or Project Owner shall be guided by the goal of maximizing participation in an integrated setting so that residents with disabilities and residents without disabilities may hear and consider each other's views. Priority shall be given to using on-site accessible locations (including, e.g., TV rooms or informal gathering places), even if doing so may require multiple sessions with smaller groups of residents. In addition, Title III of the Americans with Disabilities Act requires private entities that operate places of public accommodation, including social service establishments, leasing offices of private housing developments, and certain private housing providers, to comply with certain physical accessibility requirements which are similar to the requirements under Section 504 and Title II.

²⁴ See 28 C.F.R. part 35, Appendix B.

- **Accessibility for Persons with Disabilities Throughout the Planning and Implementation Process:** A number of accessibility requirements, including but not limited to site selection, apply to all RAD conversions, as they do to the PHA's activities regardless of the PHA's participation in RAD.²⁵ PHAs and Project Owners should also be aware that state or local laws, regulations, and codes may contain greater accessibility requirements. This Notice provides, in Appendix I, Part 2, an overview of accessibility requirements under existing law. The information in Appendix I, Part 2 is intended to assist with the PHA's or Project Owner's compliance with accessibility requirements. PHAs and Project Owners must review Appendix I, Part 2 early-on in planning for the RAD transaction. PHAs and Project Owners may determine that it is most efficient to address accessibility matters early in the project planning. In addition, PHAs and Project Owners must evaluate, throughout the transaction and based on the facts of their situation, which requirements are applicable in which situations to ensure they appropriately address accessibility requirements. PHAs and Project Owners are responsible for ensuring that the architectural drawings and construction comply with the PHA's and Project Owner's obligations and all Federal civil rights requirements, including accessibility requirements under the Fair Housing Act, Section 504, and the ADA.

Accessibility requirements also apply during all stages of a RAD transaction, including during relocation. Existing information (e.g., resident characteristics forms, including identification of the need for accessible unit features; records of approved reasonable accommodations; and records of the presence of accessible unit features) and the residents themselves should be consulted throughout the process of developing and implementing a RAD conversion. Related activities include, but are not limited to:

- Identifying and maintaining existing and pending reasonable accommodations, including the need for larger units to accommodate live-in aides or special equipment;
- Determining what direct services may be needed as a reasonable accommodation (e.g., packing, moving, identification of temporary housing);
- Identifying accessible unit features and assuring that temporary or permanent replacement housing contains comparable features;
- Budgeting appropriately to ensure that reasonable accommodations are addressed.

For more information about compliance with accessibility requirements, the PHA or Project Owner should refer to appropriate notices concerning civil rights requirements and may contact HUD's Office of Fair Housing and Equal Opportunity in either the Washington, D.C. or applicable field offices for more specific guidance. For additional, non-exhaustive guidance on providing relocation assistance to persons with disabilities, see Exhibit 3-1 in HUD Handbook 1378.

²⁵ For more detailed information on these laws and their requirements, see PIH Notice 2010-26, issued July 26, 2010 (available at <http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf>). While this notice has an expiration date in 2011, because the notice summarizes and discusses regulatory requirements, the information in the notice provides helpful guidance.

- Reasonable Accommodations in Rules, Policies, Practices and Services:** Under the Fair Housing Act, the PHA or Project Owner must make reasonable accommodations in rules, policies, practices, and services when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.²⁶ Under Section 504, the PHA or Project Owner must also make reasonable accommodations to residents with disabilities, which may include providing and paying for structural modifications to dwelling units and public or common use areas. Titles II and III of the ADA provide similar requirements. Common examples of reasonable accommodations that may occur during relocation are permitting an individual with a disability to relocate near public transportation, providing a unit larger than otherwise permitted for a live-in aide, and making exceptions to no-animal rules for assistance and service animals. Accommodations generally need not be made where providing such an accommodation would be an undue financial and administrative burden or a fundamental alteration of the nature of the service. However, reasonable accommodations must be made to the extent the accommodation does not impose an undue financial and administrative burden or a fundamental alteration of the nature of the service. Reasonable accommodations must follow the individual with the disability throughout the RAD process, including during relocation. Furthermore, PHAs and Project Owners may be required to provide particular reasonable accommodations during relocation, such as assistance moving household items.²⁷
- Physical Changes to Dwelling Units, Public and Common Use Areas and Other Facilities for Accessibility:** Under the Fair Housing Act, the PHA or Project Owner may be required to permit reasonable modifications. A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. A request for a reasonable modification may be made at any time during the tenancy. When relocating an individual with a disability who has such modifications in their dwelling unit or public and common use areas because of the individual's disability, regardless of who made them, the PHA or Project Owner has an obligation to provide and pay for such modification in the new dwelling. When considering requests by individuals with disabilities for structural changes to units or public and common use areas, PHAs and Project Owners should take particular note that they may be required to make and pay for such structural modifications as reasonable

²⁶ For additional information regarding reasonable accommodations under the Fair Housing Act, *see* the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act (May 17, 2004), at <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.

²⁷ *See* 49 C.F.R. part 24, Appendix A, § 24.2(a)(8)(vii), which states that under the URA, "Reasonable accommodation of a displaced person with a disability at the replacement dwelling means the Agency is required to address persons with a physical impairment that substantially limits one or more of the major life activities. In these situations, reasonable accommodation should include the following at a minimum: Doors of adequate width; ramps or other assistance devices to traverse stairs and access bathtubs, shower stalls, toilets and sinks; storage cabinets, vanities, sink and mirrors at appropriate heights. Kitchen accommodations will include sinks and storage cabinets built at appropriate heights for access. The Agency shall also consider other items that may be necessary, such as physical modification to a unit, based on the displaced person's needs."

accommodations under Section 504 and because of similar requirements under the ADA even though the Fair Housing Act may only require the owner to allow such changes to be made and paid for by the individual with a disability. Before determining that they are not required to make or pay for structural changes, PHAs and Project Owners are encouraged to consider carefully their obligations under each applicable statute.

SECTION 5. Application of Key Fair Housing and Civil Rights Requirements to RAD Transactions

The generally applicable fair housing and other civil rights requirements described above, and in Appendix I, apply throughout the planning and implementation of a RAD transaction and the PHA is responsible for ensuring compliance with these requirements. As key requirements may be misunderstood, the RAD program has established specific additional procedures to assist RAD participants to ensure they comply with the applicable requirements. Specifically, the RAD Notice established a civil rights eligibility review and criteria for front-end civil rights reviews.

This Section elaborates on these requirements from the RAD Notice. The front-end review procedures described below establish procedures and criteria for the supplemental front-end review and technical assistance, criteria which are specific to the RAD program. Criteria for this supplemental front-end review are informed by, but not the same as, fair housing or civil rights rules and policies generally.

This Section is organized to loosely follow the stages of a RAD conversion transaction, beginning with RAD eligibility and continuing through site selection, transfer of assistance, unit design requirements and marketing. In addition, this Section describes the timing and procedures for submitting data and documents to HUD so that HUD may complete its front-end review. The submission procedures are also designed to serve as a tool for PHAs to identify issues of potential concern at appropriate stages of the RAD conversion and as a tool for HUD to identify potential needs for technical assistance.

5.1. RAD Eligibility Review

To be eligible for RAD, the PHA must meet all eligibility requirements set forth in Section 1.3 of the RAD Notice, including the civil rights threshold requirements found at Section 1.3.G of the RAD Notice. A PHA must not have a charge, cause determination, lawsuit, or letter of findings, referenced in Section 1.3.G of the RAD Notice, against the PHA itself, its transferees, proposed development partners, or sub-recipients that has not been resolved, or is not in the process of being resolved, to HUD's satisfaction. This determination shall be made prior to issuance of the CHAP.

The CHAP may be revoked by HUD if HUD determines that the terms of the conversion would be inconsistent with fair housing and civil rights laws or a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement. HUD may terminate a CHAP or RCC if it determines that the terms of the conversion would be inconsistent with fair housing or civil rights laws or is inconsistent with, would hinder, or would delay satisfaction of a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement.

HUD may terminate an approval to proceed with a RAD conversion if it determines that the terms of the conversion would be inconsistent with fair housing or civil rights laws or a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement.

5.2. PHA’s Proposed Site Selection and Certification

For all RAD conversions, the PHA must comply with all applicable site selection requirements as set forth in this Notice and the RAD Notice and in accordance with any additional applicable published guidance provided by HUD. As set forth in the RAD Notice, conversions of assistance to PBV involving new construction, whether on a new site or on a current site, are subject to the site selection standards set forth in 24 C.F.R. § 983.57(a), (b), (c) and (e), but excluding 24 C.F.R. § 983.57(b)(1) and (c)(2). All other conversions to PBV, including transfers of assistance to an existing property other than the Converting Project, are subject to the standards set forth in 24 C.F.R. § 983.57(a), (b), (c) and (d), but excluding 24 C.F.R. § 983.57(b)(1) and (c)(2).²⁸ Site selection requirements set forth at Appendix III of the RAD Notice apply to RAD conversions to PBRA assistance, as does the requirement not to place housing in neighborhoods with highly concentrated poverty based on the criteria formulated for transfers under Section 8(bb) of the United States Housing Act of 1937.²⁹ PBV and PBRA site selection must also be consistent with the requirements of the Fair Housing Act, Title VI, Section 504, the ADA and their implementing regulations.

It is the PHA’s responsibility to ensure that the site selection complies with all applicable site selection requirements, including the requirements of this Notice and the RAD Notice. Pursuant to the RAD Notice, the PHA must certify with the submission of its Annual Plan, Significant Amendment to its Annual Plan, or MTW Plan that it complies with the applicable site selection requirements and must maintain records of its analysis and the data relied upon in making its determination of compliance. The PHA must also determine and subsequently state in the certification that the site is “suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto.”³⁰ Although this Notice provides detail regarding certain civil rights-related site and neighborhood standards, PHAs must certify compliance with all applicable site and neighborhood standards.³¹

The PHA must also certify that, in conducting its review of site selection for the proposed project, the PHA completed a review with respect to accessibility for persons with disabilities and that the proposed site is consistent with applicable accessibility standards under the Fair Housing Act, Section 504, and the ADA. The site and neighborhood standards for PBV and PBRA require the site to be “suitable from the standpoint of facilitating and furthering full compliance with” the Fair Housing Act and require the site to meet the Section 504 site selection

²⁸ See the provisions of Section 1.6.A.4 of the RAD Notice.

²⁹ 42 U.S.C. § 1437f(bb).

³⁰ For RAD conversions to PBRA, the RAD Notice uses the term “the site and neighborhood is suitable,” rather than “the site is suitable.” See Appendix III of the RAD Notice, paragraph (a).

³¹ See 24 C.F.R. § 983.57 and the RAD Notice at Section 1.4(A)(7)

requirements described in 24 C.F.R. § 8.4(b)(5).³² The Fair Housing Act, as implemented at 24 C.F.R. § 100.205, requires “covered multifamily dwellings” built for first occupancy after March 13, 1991, to contain accessible design features. HUD’s Section 504 regulations at 24 C.F.R. § 8.4(b)(5) require that, in determining the site or location of a federally assisted facility, an applicant for assistance or recipient may not make selections the purpose or effect of which would: (i) exclude qualified individuals with disabilities from, deny them the benefits of, or otherwise subject them to discrimination under, any program or activity that receives Federal financial assistance from HUD, or (ii) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities. Title II of the ADA contains a similar requirement that a public entity, such as the PHA, may not, in determining the site or location of a facility, make selections (i) that have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.³³ Factors relevant to a site review under these standards may include, among others:

- Site features, such as inaccessible slopes in routes, lack of accessible sidewalks, curb ramps, accessible parking spaces, and placement of dumpsters or other physical features that would impede access to and movement within the site;
- Building features, such as inaccessible building entrances, other methods of ingress and egress, public and common use areas (e.g., the rental office, parking areas, mail areas, trash areas, community rooms, shared use toilet rooms, laundry facilities and walkways inside and outside that connect these public and common use areas to units), and barriers to access by members of the public; and
- Lack of accessible transit or para-transit and accessible public sidewalks and accessible transportation stops.

When such conditions are present at the site and would exclude individuals with disabilities from, deny them the benefits of, or otherwise subject them to discrimination, or would defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to individuals with disabilities, the site must not be selected unless the proposal includes remediation of the barriers to achieve compliance with accessibility requirements (including identification and remediation of any nonconforming design and construction conditions in “covered multifamily dwellings” under the Fair Housing Act). Remediation of the barriers may include, for example, physical accessibility improvements to the site, arrangements for access to accessible supportive services, or reasonable accommodations for current or prospective residents with disabilities, including members of the public. The Financing Plan submitted to HUD must describe and document resources sufficient to pay for the remediation of accessibility barriers.³⁴

³² See 24 C.F.R. § 983.57(b)(2) (PBV conversions); *see also*, Appendix III (a) of the RAD Notice (PBRA conversions).

³³ See 28 C.F.R. § 35.130(b)(4).

³⁴ In conducting its review prior to certification, and in preparing for the certification, PHAs and Project Owners may find it useful to consult with their local or regional FHEO office, the United States Access Board, local or state

While all PHAs must certify their compliance with applicable site selection requirements as described in this Section, some RAD transactions will also be subject to a front-end review of the site selection. For transactions involving activities that present site selection issues of greater complexity, as described in Sections 5.3 through 5.5 below, front-end review will allow HUD's Office of Fair Housing and Equal Opportunity (FHEO) to assist the PHA to consider relevant laws and regulations while completing its site selection review and certification.

5.3. RAD Front-End Civil Rights Transaction Review

Fair Housing Act and other civil rights issues may arise throughout a RAD transaction. Under the Fair Housing Act, an assessment of site suitability includes an analysis of the impact that the siting of the project would have on patterns of segregation for protected classes. The Fair Housing Act is of particular importance when a RAD proposal concerns site selection for new construction or reconfiguration of housing on the original public housing site – for example, the unit size distribution (e.g., conversion of larger bedroom size units to one-bedroom units, which may have an adverse impact on housing opportunities for families with children) or a reduction in the number or distribution of accessible units (which may have an adverse impact on housing opportunities for persons with disabilities). RAD conversions involving new construction must also comply with the Fair Housing Act's accessibility requirements.

Compliance with all applicable fair housing and civil rights requirements is the responsibility of both the PHA and the Project Owner. However, to assist with compliance, HUD's Office of Fair Housing and Equal Opportunity (FHEO) will conduct a front-end civil rights review of project proposals containing activities identified as particularly at risk of violating applicable fair housing and civil rights laws. The activities that must be submitted for front-end civil rights review are listed in Section 5.3(A), below.

A) Activities Subject to Front-End Civil Rights Review

All RAD conversions that include one or more of the activities listed below (Sections 5.3(A)(1) through 5.3(A)(9)) are subject to a front-end review for compliance with certain civil rights and fair housing requirements. The specific items that HUD will review in the front-end review will depend on which activities are involved in the specific transaction. A RAD conversion may not include one of the activities below without prior written approval from HUD. All Financing Plans must include evidence that the PHA has secured written approval from HUD for any of the following activities that are included in its RAD conversion:

- (1) Conversions of assistance involving new construction, whether on a new site or on a current site, in an area of minority concentration. Front-end review of this activity shall be pursuant to Section 5.4(B), below and, in addition, the PHA shall

architectural access board or other accessibility authority for information on accessibility standards. Other sources of information on accessibility requirements may include protection and advocacy organizations or independent living centers. In addition, the non-HUD resources may provide advice on how to assess accessibility needs and formulate physical accessibility strategies.

certify in its Annual Plan compliance with site and neighborhood standards applicable to new construction as described in Section 5.2.

- (2) Transfers of assistance where all or a portion of the Converting Project's assistance is transferred to a new site(s) (either new construction or to an existing project) as part of the subject transaction. Front-end review of this activity shall be pursuant to Section 5.5(B), below and, in addition, the PHA shall certify in its Annual Plan compliance with site and neighborhood standards applicable to existing housing as described in Section 5.2.
- (3) Conversions of assistance where the total number of units in the Covered Project is less than the original number of units in the Converting Project (this includes de minimis reductions). Front-end review of this activity shall be pursuant to Section 5.6.
- (4) Conversions of assistance where the Covered Project's unit configuration is different from the unit configuration of the Converting Project. Front-end review of this activity shall be pursuant to Section 5.6.
- (5) Conversions involving a change in occupancy, where the Covered Project serves a different population from the one served by the Converting Project (e.g., when a Converting Project serves families but the Covered Project is subject to an elderly preference or introduction of restrictions or preferences based on age or disability that will change the occupancy of the property). Front-end review of this activity shall be pursuant to Section 5.6.
- (6) Conversions of assistance in which the construction schedule indicates that relocation is likely to exceed 12 months. Front-end review of this activity shall be pursuant to Section 5.7(A).
- (7) Conversions of assistance involving new construction or substantial alteration,³⁵ as those terms are defined in Section 504 of the Rehabilitation Act of 1973. Front-end review of this activity shall be pursuant to Section 5.7(B).
- (8) Conversions of assistance involving a Converting Project subject to a Voluntary Compliance Agreement or Conciliation Agreement with HUD or a Consent Decree or Settlement Agreement with the U.S. Department of Justice or HUD, or where the PHA is subject to such an agreement affecting its entire housing portfolio or otherwise related to the Converting Project. Front-end review of this activity shall be pursuant to Section 5.7(C).

³⁵ Section 504 defines substantial alteration of a housing project as alterations where a housing project has 15 or more units, and the rehabilitation costs will be 75% or more of the replacement cost of the completed facility. *See* 24 C.F.R. § 8.23 (a).

- (9) Conversions of assistance where HUD has identified potential fair housing and civil rights concerns or a history of such concerns. Front-end review of this activity shall be pursuant to Section 5.7(C).

PHAs should note that a proposed RAD conversion may trigger front-end review regarding more than one of the activities listed in subsections (1) through (9) of this Section. For example, depending on the details of the proposal, a new construction on-site project could require review under subsections (1), (3), (4), (5), (6), and (7), or could require review under only subsections (1) and (7).

As part of HUD's review of these elements of the RAD conversion plans, HUD may require that PHAs that are carrying out portfolio or multi-phased conversions provide information on their conversion plans for other projects or subsequent phases to ensure that the overall plans for RAD conversion are consistent with civil rights and fair housing.

B) Fair Housing, Civil Rights, and Relocation Checklist

In connection with HUD's front-end fair housing and civil rights and relocation reviews described in this Section 5 and in Section 6, HUD is requiring submission of a Fair Housing, Civil Rights, and Relocation Checklist (the "Checklist"). The Checklist will facilitate the PHAs' and Project Owners' submission of necessary information to complete these reviews.³⁶ HUD anticipates that a revised Checklist, when available following Paperwork Reduction Act approval, will be separated into parts which can be submitted incrementally as the PHA and Project Owner develop the RAD transaction plans, with different elements of the Checklist applicable at different stages of the transaction planning process. For example, submissions regarding site selection for a RAD transaction involving new construction may occur well before submissions regarding a proposal to change the unit configuration.

The Checklist will outline the minimum information or documentation which HUD will need in order to review each part of the Checklist. After HUD's initial review of any portion of the Checklist, HUD may determine that the data provided in the Checklist is insufficient for HUD to complete its review, in which case HUD may require the PHA or Project Owner to provide supplemental information. The PHA should submit each part as early as possible once the information covered in the applicable part is known. All information specified in the applicable

³⁶ The Checklist is available at www.hud.gov/rad. As of the publication of this Notice, references to the Checklist refer to the existing FHEO Accessibility and Relocation Plan Checklist under OMB Approval 2577-0276. The PHA shall use the existing Checklist to provide information related to demonstrating compliance with fair housing, other civil rights, and relocation requirements (including accessibility requirements) and, as necessary, may require additional materials for HUD to complete its review, which the PHA may provide in such form as the PHA determines appropriate. Also at www.hud.gov/rad, HUD has provided a listing of information that, depending on the circumstances, HUD may require to complete different components of its front-end review. The Checklist is being revised to fully capture the submission requirements described in this Notice. The revised Checklist will be subject to Paperwork Reduction Act approval and will be posted at the website listed above when available for use.

part of the Checklist must be submitted to HUD for HUD to begin its civil rights review – partial submissions of any applicable part of the Checklist will not be accepted.³⁷

C) Timing of Front-End Review Submissions

PHAs and Project Owners are encouraged to submit applicable portions of the Checklist and information associated with a particular activity subject to front-end review as early as possible in the development of their plans. The PHA must ensure that HUD has approved all applicable parts of the Checklist prior to submission of the Financing Plan. Upon request from the PHA, HUD may, at HUD's sole discretion, permit submission of the Financing Plan prior to receipt of approval of the applicable parts of the Checklist and conditioned upon subsequent receipt of such approvals, in which event the PHA and Project Owner may proceed at their own risk.

Early approval of the site of the Covered Project is critical for RAD transaction proposals subject to front-end civil rights review involving site selection standards, specifically new construction in areas of minority concentration (see Section 5.3(A)(1)) and transfers of assistance (see Section 5.3(A)(2)). The PHA must conduct its own assessment of the site during the early stages of planning its RAD transaction. The guidance in this Notice and the Checklist are tools intended to assist the PHA in conducting its own assessment of the site.

The PHA must provide HUD with the Checklist and backup information sufficient for HUD to review the site with respect to the applicable standards. The site selection information should be provided to HUD no later than ninety (90) days following the issuance of the CHAP or, if the CHAP has already been issued as of the publication of this Notice, within ninety (90) days following publication of this Notice. In the event of a change in plans for the Converting Project that would require a front-end review of the site selection standards, the PHA must provide the Checklist and backup documentation within sixty (60) days of the change in plans. PHAs are strongly encouraged to provide front-end review submissions and secure HUD approval prior to applying for LIHTCs or taking action the reversal of which (in the event of non-approval of the site) would be detrimental to the PHA or the Project Owner. PHAs are also encouraged to contact FHEO for technical assistance prior to submission of these materials.

All PHAs shall submit a certification consistent with the requirements of Section 5.2, above. This certification may be prepared specifically in connection with the Checklist or as part of the PHA Annual Plan or Significant Amendment. However, HUD will not consider a submission complete for front-end civil rights review without this certification. All RAD conversions must submit the PHA certification described in Section 5.2 no later than at the time of submission of the Financing Plan.

D) Completion of HUD's Front-End Review

HUD will not approve a RAD conversion if HUD determines that the conversion would operate to discriminate in violation of applicable fair housing and civil rights laws. HUD will not approve proposals that have the purpose, intent, or effect of discriminating on the basis of

³⁷ The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.

protected class (*i.e.*, race, color, national origin, religion, sex, disability, and familial status). If HUD does not approve a proposed activity based on a front-end review, then it will provide a written description of concerns or deficiencies. The PHA may resubmit the front-end review materials with a changed proposal and/or with additional information addressing HUD's concerns and any deficiencies in the proposal or the submission.

In some circumstances, a special condition to the transaction's RCC will be necessary to ensure that a RAD transaction conforms to fair housing and civil rights requirements. Special conditions to the RCC reflect the conditions necessary in order to complete the RAD conversion. For example, if there is an outstanding remedial agreement or order requiring particular development activities or operating policies to correct a violation of a fair housing or other civil rights requirement, the RCC generally will condition participation in RAD upon agreement by the PHA or the Project Owner, as applicable, to comply with the provisions of such agreements or orders after conversion.

5.4. Front-End Civil Rights Review for RAD Transactions Involving New Construction

A) Conditions Triggering Review

If the proposed project is located in an area of minority concentration, the new site may be approved only if it falls under a permitted exception and meets the other site selection requirements described in Section 5.2. Under the PBV and PBRA site and neighborhood standards, HUD may approve new construction in an area of minority concentration, consistent with the regulatory requirements cited above, only if:

- a. Sufficient, comparable housing opportunities for minority families in the income range to be served by the proposed project exist outside areas of minority concentration; or
- b. The project is necessary to meet overriding housing needs that cannot be met in that housing market area.³⁸

As described in the RAD Notice and in Section 5.3(A) of this Notice, above, HUD will conduct a front-end civil rights review of the PHA's proposed site in certain circumstances. This Notice specifies that for conversions of assistance involving new construction where there are indications that the site may be located in an area of minority concentration per the criteria in subsections (i), (ii), or (iii), below (whether the construction is located on the existing public housing site or on a new site), HUD will conduct a front-end civil rights review of the site to determine whether the site is in an area of minority concentration and, if so, whether it meets one of the exceptions that would allow for new construction in an area of minority concentration.

The PHA shall submit for HUD front-end review the PHA's findings, together with backup documentation, regarding site selection when the site meets any of the following criteria:

- i. The PHA self-identifies the area of the site as an area of minority concentration,

³⁸ 24 C.F.R. § 983.57(e)(3) and Appendix III of the RAD Notice, paragraph (e).

- ii. The census tract of the site meets the extent of minority concentration described in Section 5.4(B)(1), below, or
- iii. An area comprised of the census tract of the site together with all adjacent census tracts, analyzed as a whole, meets the extent of minority concentration described in Section 5.4(B)(1), below.

If any of these three criteria is applicable, HUD will conduct a review to determine whether the site is in an area of minority concentration and, if applicable, whether the proposed site fits one of the exceptions permitting new construction in an area of minority concentration described in this Section 5.4. A proposed RAD transaction which does not meet one of these triggers must still be evaluated by the PHA and the PHA must certify compliance with the site selection requirements as described in Section 5.2, above.

A PHA seeking to undertake new construction must receive written approval from HUD of any site selection subject to front-end review prior to entering into any construction contract for that new construction.

B) Analysis of Areas of Minority Concentration

This Section sets forth the methodology that HUD will use in the analysis of the extent of minority concentration, the area of the site, and the housing market area for purposes of the RAD front-end civil rights review. As noted below, this analysis is fact specific and PHAs may submit documentation to inform HUD's analysis in cases where there is strong evidence that an alternative methodology would be more appropriate.

- (1) For purposes of RAD, a site is considered to be in an area of minority concentration when either (i) the percentage of persons of a particular racial or ethnic minority within the area of the site is at least 20 percentage points higher than the percentage of that minority group in the housing market area as a whole or (ii) the total percentage of minority persons within the area of the site is at least 20 points higher than the total percentage of minorities in the housing market area as a whole.³⁹
- (2) For purposes of RAD, the analysis of an area of minority concentration will use census tracts to approximate the "area" of the site but the analysis may consider alternate proposed geographies instead of the census tract in instances where there is strong evidence that such geography is more appropriate. Strong evidence that an alternative geography is more appropriate includes: (i) that the site is close to the edge of the census tract, (ii) that the population of the census tract is heavily influenced by the size of the Converting Project, or (iii) that the local community

³⁹ The percentage of minorities shall be calculated by subtracting the percentage of White Non-Hispanic persons in the relevant area from 100%. The analysis shall be based on the most recently available decennial census data found at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&src=pt. However, if such data is more than five years old, and if either the PHA or HUD requests the use of more recent data based on such party's awareness of significant and material shifts in the demographics of the relevant area in the intervening years, the analysis shall be based on the most recent American Communities Survey data.

understanding of the immediate neighborhood dictates a different boundary. Local community understanding of the immediate neighborhood is often informed by factors such as patterns of housing stock (such as different residential densities in different areas or differential housing prices for similar properties), community facilities and amenities (such as schools and commercial areas) or major geographic barriers (such as rivers or interstate highways), among other factors.⁴⁰ HUD will determine the site's "area" using the best available evidence and following the legal standards set forth in applicable case law.

- (3) For purposes of the RAD analysis under this Section 5.4, a "housing market area" is the geographic region from which it is likely that residents of housing at the proposed site would be drawn for a given multifamily housing project. A housing market area generally corresponds to, as applicable: (i) the Metropolitan Statistical Area (MetroSA); (ii) the Micropolitan Statistical Area (MicroSA); or (iii) if the site is in neither a MetroSA nor a MicroSA, either (x) the county or statistically equivalent area, or (y) the PHA's service area, whichever is larger.⁴¹ The analysis may consider a larger or smaller housing market area in instances where there is strong evidence that such housing market area is more appropriate. Strong evidence that an alternative housing market area is more appropriate may include factors such as regional employment centers and commuting patterns serving such employment centers. A PHA seeking to use an alternative housing market area must consult with HUD and establish to HUD's satisfaction that the methodology for identifying and documenting the alternative housing market area is warranted and sound.

C) *The Sufficient Comparable Opportunities Exception*

As required by the RAD Notice and noted in Section 5.4(A), one of the exceptions under which the site and neighborhood standards permit new construction in areas of minority concentration is if sufficient, comparable housing opportunities for low-income minority families exist outside areas of minority concentration. This section clarifies HUD's procedures for assessing comparable housing opportunities and evaluating how the proposed new construction will impact the balance of housing choices within and outside areas of minority concentration. It also includes a list of the information PHAs should submit to inform HUD's assessment of relevant factors, and key considerations guiding HUD's analysis of each factor.

Under the governing PBV and PBRA requirements, units are considered comparable opportunities if they are the same household type (e.g., elderly, disabled, family, large family), tenure type (owner, renter), require approximately the same total tenant payment toward rent,

⁴⁰ For further explanation, see, e.g., *King v. Harris*, 464 F.Supp.827, 839-41 (E.D.N.Y. 1979).

⁴¹ Items (i) and (ii) are consistent with a Core Based Statistical Area as defined by the Office of Management and Budget. For reference, a Core Based Statistical Area consists of the county or counties or equivalent entities associated with at least one core (urbanized area or urban cluster) of at least 10,000 population, plus adjacent counties having a high degree of social and economic integration with the core as measured through commuting ties with the counties associated with the core.

serve the same income group, are located in the same housing market area, and are in standard condition.⁴²

It is important to note that the sufficient comparable housing opportunities exception “does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality’s population.”⁴³

HUD will assess “the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice.”⁴⁴ Under this exception, it is not sufficient for one factor to be present, nor is it required that all factors be present, as the analysis must consider all relevant facts and evaluate the totality of the circumstances.

- “A significant number of assisted housing units are available outside areas of minority concentration.”⁴⁵ While HUD must consider all factors relevant to housing choice, 30% or more of deeply subsidized housing units for very low-income persons would be a significant number. To facilitate HUD’s consideration of this factor, a PHA should provide the number, occupancy type, and location of all comparable assisted units.⁴⁶
- “There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.”⁴⁷ To facilitate HUD’s consideration of this factor, a PHA should provide the name and location of assisted housing projects constructed or rehabilitated in the PHA’s jurisdiction in the past 10 years and the demographic characteristics of the residents of each of these projects;
- “There are racially integrated neighborhoods in the locality.”⁴⁸ To facilitate HUD’s consideration of this factor, a PHA should provide the name and census tracts where these racially integrated neighborhoods are located. In general, HUD will consider a neighborhood racially integrated if the neighborhood does not have a high concentration of persons of a particular race or ethnicity when compared to the housing market area in which the neighborhood is located.

⁴² See 24 C.F.R. § 983.57(e)(3)(iv) and Appendix III of the RAD Notice, paragraph (e)(1)(A).

⁴³ 24 C.F.R. § 983.57(e)(3)(iii); *see also* Appendix III of the RAD Notice, paragraph (e)(1).

⁴⁴ 24 C.F.R. § 983.57(e)(3)(v); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B).

⁴⁵ 24 C.F.R. § 983.57(e)(3)(v)(A) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(i).

⁴⁶ Note that this factor is in reference to comparable assisted units that may or may not be in the PHA’s portfolio. The presumption stated at the end of this Section (i.e., that sufficient comparable opportunities exist if at least 50% of the comparable hard units in the PHA’s portfolio, including PBV developments using the PHA’s subsidy, are outside areas of minority concentration) is focused on units within the PHA’s portfolio.

⁴⁷ 24 C.F.R. § 983.57(e)(3)(v)(B) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(ii).

⁴⁸ 24 C.F.R. § 983.57(e)(3)(v)(C) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(iii).

- “Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.”⁴⁹ Such programs may include measures such as increasing payment standards in excess of 110% of FMR or the use of Small Area FMRs, including in setting exception rents, or reservation of a percentage of HCVs dedicated to support choice mobility selections or implementation of proven mobility counseling and supports for residents, provided the PHA provides sufficient evidence that it will continue such measures. To facilitate HUD’s consideration of this factor, a PHA should provide the names of the applicable program(s); the entity responsible for implementing the program(s) (e.g., city, county, state government); and any information demonstrating that the program(s) has been successful or predictably will achieve success in assisting persons who wish to move to non-concentrated areas.
- “Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.”⁵⁰ To facilitate HUD’s consideration of this factor, a PHA should provide the names of the applicable activity(s); the entity responsible for implementing the activity(s) (e.g., city, county, state government); and any information demonstrating that the activity(s) has been successful in expanding choice for minority families outside of areas of minority concentration;
- “A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs” (e.g., the Housing Choice Voucher programs).⁵¹ To facilitate HUD’s consideration of this factor, a PHA should provide the number of minority households receiving Housing Choice Vouchers; the number of minority households using HCVs in non-minority areas; and the non-minority census tracts where the HCVs are being used. While each local situation is distinct and HUD must consider all factors relevant to housing choice, 30% or more of new leases signed by minority heads of household using HCVs located in non-minority areas over a period greater than three years prior to the date of HUD’s analysis would be a significant proportion.
- “Comparable housing opportunities have been made available outside areas of minority concentration through other programs.”⁵² To facilitate HUD’s consideration of this factor, a PHA should describe the opportunities that have been made available, the location of those opportunities, and the number of minority families that have benefitted from the program in recent years. Such programs could include choice mobility strategies, acquisition strategies to acquire and add to the PHA’s portfolio existing apartments in high opportunity areas and transfers of assistance to high opportunity areas.

HUD may consider evidence based on a reliable housing market analysis in evaluating the foregoing factors, along with other factors relevant to housing choice. In the event HUD

⁴⁹ 24 C.F.R. § 983.57(e)(3)(v)(D); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(iv).

⁵⁰ 24 C.F.R. § 983.57(e)(3)(v)(E); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(v).

⁵¹ 24 C.F.R. § 983.57(e)(3)(v)(F); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(vi).

⁵² 24 C.F.R. § 983.57(e)(3)(v)(G) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(vii).

determines such an analysis would assist in this evaluation, HUD will consult with appropriate parties to establish or accept an appropriate methodology for such an analysis to address HUD's civil rights concerns and to ensure appropriate independence between the analyst and the PHA or Project Owner commissioning and paying for the study.

Absent information to the contrary, for purposes of HUD's front-end review of the PHA's analysis, HUD will apply a presumption that sufficient comparable opportunities exist if at least 50% of the comparable hard units in the PHA's portfolio, including PBV developments using the PHA's subsidy, are outside areas of minority concentration.⁵³ The PHA's portfolio includes all public housing, PBV and PBRA hard units (including those developed under HOPE VI or Choice Neighborhoods) controlled by the PHA and its instrumentalities or funded using PHA-controlled subsidy. Upon adequate documentation of this presumption, the PHA need not provide additional documentation for HUD's front-end review of the sufficient comparable opportunities exception. This presumption may be rebutted by information to the contrary, including information regarding the preceding factors. In assessing whether sufficient comparable opportunities exist when the presumption does not apply, HUD will consider the factors listed above.

Absent information to the contrary, for purposes of HUD's front-end review of the PHA's analysis, HUD will apply a presumption that sufficient comparable opportunities exist if a set of RAD conversions from a single public housing property, individually or in a combination of transactions, will result in the creation of as many similarly-affordable housing units outside areas of minority concentration as are constructed on the original public housing site. To evaluate the creation of similarly-affordable units, HUD will compare (i) the number of affordable units that will be redeveloped on site, to (ii) the number of similarly-affordable housing units that will be created through new construction, imposition of new long-term affordability restrictions or transfer of RAD assistance to one or more sites outside areas of minority concentration.⁵⁴ Similarly-affordable shall mean RAD units compared to RAD units and LIHTC/non-RAD units compared to LIHTC/non-RAD units. The newly created similarly-affordable units must be owned, controlled, sponsored, under common ownership, control or sponsorship, or financially supported by the PHA or by an entity with a managing ownership interest in the Project Owner. When a PHA seeks to claim this exception, HUD prefers that the transaction creating the similarly-affordable units on the site outside areas of minority concentration close (with an immediate or delayed HAP effective date, if applicable) prior to the closing of the RAD conversion in the area of minority concentration. However, if the PHA determines that such a sequence is not reasonably possible, unless otherwise approved by HUD the PHA must provide evidence to HUD that the transfer of assistance to a site outside areas of

⁵³ When determining the percentage of units outside of areas of minority concentration, the PHA must include the number of units planned at the proposed site in its calculations. While not required, PHAs or Project Owners may assist HUD in consideration of this presumption by submitting to HUD a map produced by the Affirmatively Furthering Fair Housing Data and Mapping Tool ("AFFH-T"), as may be available on the HUD website from time to time, showing the location of publicly assisted housing.

⁵⁴ For example, if the PHA proposes to build 25 RAD units, 20 non-RAD LIHTC units and 15 unrestricted units on-site, such a plan could be acceptable if paired with creation of 15 RAD units at one site and 10 RAD units plus 20 non-RAD LIHTC units at a second site. The 15 unrestricted units in the minority concentrated area are not part of the analysis as they are not affordable units.

minority concentration is highly likely to occur and the PHA must contractually agree with HUD to create such units. Evidence that the transfer is highly likely to occur must include:

- The project name and property address of the site of the similarly-affordable units to be created,
- The census tract and data to confirm that it is not in an area of minority concentration,
- Evidence of site control,
- Evidence of zoning to permit construction of the similarly-affordable units if the affordable units are to be created through new construction,
- A reasonable and feasible sources and uses statement for the transaction, and
- Evidence of financing commitments exceeding 90% of the necessary sources to complete the transaction. Evidence of financing commitments must include an LIHTC allocation if the use of LIHTCs is projected.

D) The Overriding Housing Needs Exception

As noted in Section 5.4(A), the second exception under which the site and neighborhood standards permit new construction in areas of minority concentration is if the project is necessary to meet overriding housing needs that cannot be met in that housing market area. The new construction site selection standards under RAD⁵⁵ outline two examples of circumstances, consistent with fair housing and other civil rights objectives, that would permit the application of the overriding housing needs exception: (1) when the site is “an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood;” or (2) when the site is “located in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a “revitalizing area”).”⁵⁶

(1) Establishing that a Site is an Integral Part of an Overall Local Strategy for the Preservation or Restoration of the Immediate Neighborhood

To establish that a site is an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood, a PHA must document that the locality has a demonstrated commitment to revitalization that includes or is in addition to the RAD conversion, as demonstrated by the following:

- i. The site is located in a defined geographic area that is the subject of an official, currently operational and realistically achievable plan for the improvement or revitalization of the immediate neighborhood (which plan may include areas beyond the immediate neighborhood); and
- ii. The Covered Project conforms to, and the site is integral to, the goals, strategies, and objectives of the improvement or revitalization plan.

⁵⁵ See 24 C.F.R. § 983.57(e)(2) for PBV transactions and paragraph (e) of Appendix III of the RAD Notice for PBRA transactions.

⁵⁶ 24 C.F.R. § 983.57(e)(3)(vi); see also Appendix III of the RAD Notice, paragraph (e)(1)(B)(viii)(2). In demonstrating an overriding housing need, the “neighborhood” is determined in each situation based on the overall facts and circumstances and cannot be mechanically determined. The “immediate neighborhood” is generally a smaller geographic area than the “neighborhood.”

In determining whether such an official, currently operational and realistically achievable plan for the improvement or revitalization of the area exists, HUD will consider relevant factors including, for example, whether:

- The strategy itself, or a plan supporting the strategy, has been enacted, adopted, or ratified by a municipal, county, or state legislative body;
- There has been progress to implement the plan, or the strategy as a whole.⁵⁷
- The plan or strategy as a whole, or the elements applicable to the Covered Project, are consistent with the jurisdiction's land use or zoning code, development regulations, or other official body of laws or rules;
- Strategies or activities under the plan are incorporated in current public, quasi-public agency or major institutional work plans;
- The plan, or the strategy as a whole, includes objectives and initiatives related to the preservation or restoration of a geography larger than the Converting Project and any associated public housing site;
- A jurisdiction has published solicitations or incentives for development projects in the improvement or revitalization area;
- The plan is incorporated in the applicable jurisdiction's Consolidated Plan or other comprehensive community development plan;
- A jurisdiction has explicitly designated the geographic area for improvement or revitalization (e.g., Business Improvement District; Enterprise Zone designation; Promise Zone designation; Choice Neighborhoods designation);
- An implementing agency has retained a construction firm to break ground on the improvement or revitalization; and/or
- An implementing agency has secured financing, such as the issuance of bonds or final approval for tax increment financing.

(2) Establishing that the Site is Located in a "Revitalizing Area"

Evidence that the site is located in a revitalizing area experiencing significant private investment that is demonstrably improving the economic character of the area is also an example of a site which meets an overriding housing need. HUD will consider all relevant factors in making a determination that the site is located in a "revitalizing area" but in particular will consider whether:

- i. The neighborhood has demonstrated signs of revitalization, through indicators such as low or declining census tract poverty rates, low or declining violent crime rates or evidence of high or increased educational opportunity, high or increasing median

⁵⁷ Indicators of progress should be appropriate to the amount of time since the plan or strategy was developed and there must be a reasonable, supportable expectation that the plan will continue to be implemented. For example, if a plan was launched 3-4 years prior and the initial steps of the plan required implementation of an initiative (such as real estate development) which has a long pre-development planning period, HUD may consider whether there has been activity to seek land development approvals or to develop construction drawings or to secure funding commitments or other activities providing evidence that one or more material elements of the plan or strategy are actually being implemented.

- household income, high or increasing homeownership rates and/or high or increased employment; and
- ii. There is high private and public investment in retail, commercial, or housing development that has occurred or will imminently occur in the area which may include, among other considerations:
 - Evidence of new or improved retail centers, grocery stores, pharmacies, healthcare facilities, community centers, educational and recreational facilities, municipal services, and transportation serving the neighborhood;
 - Evidence of private and public investment or housing development that has occurred or will imminently occur in the area;
 - Evidence of economic conditions that are impacting the preservation of affordable housing in the neighborhood, including indicators of gentrification such as housing costs rising more sharply in the neighborhood than in the jurisdiction overall, accelerated rates of homeownership in the neighborhood, and disproportionate depletion of larger dwellings for families with children.

(3) Circumstances in Which an Overriding Housing Needs Exception Does Not Apply

A PHA cannot establish that a site meets the overriding housing needs exception if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.⁵⁸ For example, the overriding housing needs exception may not be applied if the reason that the project cannot be sited outside of an area of minority concentration is due to community opposition to the project based on the actual or perceived protected characteristics of the residents or prospective residents of the project. In addition, a recipient may not exclusively rely on this exception as a means of siting projects without creating housing opportunities outside of areas of minority concentration or without preserving existing housing outside of areas of minority concentration.

5.5. Front-End Civil Rights Review for RAD Transactions Involving Transfer of Assistance

A) Applicable Standards

Transfers of assistance are subject to the site selection standards for existing or rehabilitated housing set forth in 24 C.F.R. § 983.57(a)-(d), with the exception of 24 C.F.R. § 983.57(b)(1) and (c)(2), for PBV conversions and Appendix III of the RAD Notice for PBRA conversions. All transfers of assistance to a new site(s) are subject to front-end review by HUD, as required by the RAD Notice and noted in Section 5.3(A)(2) of this Notice. Conversions involving a transfer of assistance may also involve one or more of the other activities which trigger front-end review as described in Section 5.3(A). In transfers of assistance involving any of these activities, HUD

⁵⁸ 24 C.F.R. § 983.57(e)(3)(vi) and Appendix III of the RAD Notice, paragraph (e)(2). The PBRA site and neighborhood standards use the phrase “on the basis of race, color, creed, sex or national origin.” See Appendix III of the RAD Notice.

will conduct a front-end review based on the requirements applicable to each activity. A PHA must submit documentation for the front-end civil rights review of each specific activity as required by the relevant sections of this Notice.

B) Analysis of Transfers of Assistance

Through the front-end review of transfers of assistance by FHEO, HUD seeks to assist the PHA in avoiding discrimination on the basis of race, color, national origin, religion, sex, disability or familial status. The front-end review of transfers of assistance will apply the site selection standards for existing/rehabilitated housing.⁵⁹ This review shall consider:

- (1) The accessibility of the proposed site for persons with disabilities;
- (2) The ability of the RAD conversion to remediate accessibility concerns;
- (3) Whether the transfer of assistance would result in assisted units being located in an area where the total percentage of minority persons is significantly higher than the total percentage of minority persons in the area of the original public housing site or in an area where the percentage of persons of a particular racial or ethnic minority is significantly higher than the percentage of that minority group in the area of the original public housing site.⁶⁰ For purposes of this analysis, HUD will examine the minority concentration of:
 - (a) the census tract of the original public housing site compared to the census tract of the proposed site; and
 - (b) an area comprised of the census tract of the original public housing site together with all adjacent census tracts compared to an area comprised of the census tract of the proposed site together with all adjacent census tracts.
- (4) Whether the site selection has the purpose or effect of:
 - (a) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under the RAD program or the applicable rental assistance program;
 - (b) Excluding qualified individuals with disabilities from or denying them the benefit of the RAD program or the applicable rental assistance program, or otherwise subjecting them to discrimination;
 - (c) Defeating or substantially impairing the accomplishment of the objectives of the RAD program or the applicable rental assistance program with respect to qualified individuals with disabilities; and

⁵⁹ 24 C.F.R. § 983.57(d) and Appendix III of the RAD Notice, paragraphs (a) through (d). The site selection standards for existing/rehabilitated housing do not apply the minority concentration test used for new construction found at 24 C.F.R. § 983.57(e)(3) and Appendix III of the RAD Notice, paragraph (e).

⁶⁰ While this review is not explicitly called out in 24 C.F.R. § 983.57(d) and Appendix III of the RAD Notice, it is derived from HUD's and the PHA's obligations to comply with civil rights laws and regulations, including those referenced in 24 C.F.R. § 983.57(b)(2) and Appendix III of the RAD Notice.

- (d) Excluding individuals with disabilities (including members of the public with disabilities), denying them benefits or subjecting them to discrimination.

Under the RAD Notice, there are other standards for review of a transfer of assistance which are not examined as part of the front-end civil rights review but are examined as part of the RAD Financing Plan review (e.g., criteria formulated for transfers under Section 8(bb) of the United States Housing Act of 1937 regarding neighborhoods with highly concentrated poverty). Identification of considerations for the front-end review do not preclude review by HUD of all standards referenced in the RAD Notice.

5.6. Front-End Civil Rights Review for RAD Transactions Involving Reduction in Number of Units, Changes in Bedroom Distribution of Units and Changes in Occupancy Requirements

The RAD Notice allows PHAs to reduce the number of units, change the bedroom distribution of units, or change the occupancy of projects as part of their RAD conversion.⁶¹ However, the RAD Notice also provides that such changes (including de minimis changes) must undergo a front-end civil rights review and receive approval from HUD prior to submission of the Financing Plan. The Checklist will require data for review along with an explanation, backed by sufficient evidence, of how the PHA determined that that the proposed change will not result in discrimination on the basis of race, color, national origin, religion, sex, disability, familial status, actual or perceived sexual orientation, gender identity or marital status.⁶²

A) Review of Reductions in the Number of Units, Reductions or Increases in the Number of UFAS Accessible Units or Changes in Bedroom Distribution

This Section describes the considerations relevant to a front-end review of reductions in units, changes in the number of UFAS accessible units or changes in bedroom distribution. Such changes must not be the result of an intentional effort to discriminate against members of a protected class. For example, reductions or changes, including reductions in UFAS accessible units or which would impede residents with disabilities from having live-in aides, that intended to exclude persons with disabilities would be unlawful discrimination because of a disability.

⁶¹ See Sections 1.4.A.4 and 1.4.A.10 of the RAD Notice.

⁶² Reductions in the number of units, changes in the bedroom distribution of units, or changes in occupancy violate the Fair Housing Act (the Act) if they have a discriminatory effect on the basis of race, color, national origin, religion, sex, disability, or familial status. Unlawful housing discrimination may be established by a policy's or practice's discriminatory intent or by its discriminatory effect, even if not motivated by discriminatory intent, consistent with the standards outlined in 24 C.F.R. § 100.500. A policy or practice can have an unjustified discriminatory effect, even when the provider had no intent to discriminate. Under this standard, a facially-neutral policy or practice that has a discriminatory effect violates the Act if it is not supported by a legally sufficient justification. In addition, the policy or practice violates the Act if the housing developer or provider intentionally discriminates, including for example, by reducing the number of bedrooms with the intent of limiting families with children. Furthermore, the policy or practice may also violate the Act where it creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin. In addition, any changes must conform with the Equal Access rule requirement that determinations of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the FHA shall be made in accordance with program eligibility requirements, and the housing must be made available, without regard to actual or perceived sexual orientation, gender identity or marital status. 24 C.F.R. § 5.105(a)(2).

Similarly, replacing larger units with smaller units so as to exclude families with children would be unlawful discrimination because of familial status.

Additionally, reductions in units or changes in bedroom distribution must not have an unjustified discriminatory effect on members of a protected class. For example, a reduction in units could have a discriminatory impact if it excludes members of a particular race or religion. Reductions or changes that have a disparate impact on a protected class are unlawful under the Fair Housing Act if they are not necessary to achieve a substantial, legitimate, nondiscriminatory interest of the developer or housing provider, or if such interest could be served by another practice that has a less discriminatory effect.

The RAD Notice allows for a de minimis reduction in units at Converting Projects, which includes both a small number of units as well as the reduction of certain units that have been vacant for 24 months prior to application, that are being or will be used for social service delivery, or efficiencies that will be reconfigured to one-bedroom units.⁶³ In addition, a PHA converting multiple properties can consolidate the de minimis reductions derived from multiple properties at a small number of sites. The RAD Notice also allows for changes in bedroom distribution. Such de minimis reductions are still subject to front end civil rights review and applicable fair housing and civil rights laws.

HUD shall conduct a front-end civil rights review if the plan for a Converting Project results in:

- A reduction in the number of dwelling units in any of the following categories: (i) units with two bedrooms, (ii) units with three bedrooms or (iii) units with four or more bedrooms.
- A reduction in the number of UFAS accessible units;
- An increase in the number of UFAS accessible units for persons with mobility impairments beyond 10% of the units in the Covered Project or 1 unit, whichever is greater.
- An increase in the number of UFAS accessible units for persons with vision and hearing impairments beyond 4% of the units in the Covered Project or 1 unit, whichever is greater.

When a Converting Project is subject to a front-end civil rights review under this subsection, the PHA shall submit to HUD the relevant part of the Checklist together with a justification which must demonstrate that the changes are not the result of discriminatory intent and will not have a discriminatory effect on members of protected classes, particularly families with children and individuals with disabilities. Relevant data for this analysis of the proposed change at the project may include the PHA's overall affordable housing stock, the demand for affordable housing in the market as evidenced by information such as the overall jurisdiction and regional demographic data available from the AFFH Data and Mapping Tool (e.g., both basic demographic and disproportionate housing needs data), the PHA's waiting list or a reliable market study of households seeking assisted housing, compared to the relative proportions of

⁶³ See Section 1.4.A.4 of the RAD Notice.

units serving any particular household type in the proposed project, the PHA's total housing stock or all assisted housing in the area.

For any increase in UFAS units subject to front-end review, HUD will assess indicators of local need (see Section 5.7(B), below) and whether the change would operate to concentrate individuals with disabilities in a particular property or to exclude individuals with certain types of disabilities from a particular property.

B) Review of Changes in Occupancy Type

RAD conversions that result in the implementation of an admissions preference (e.g., residency preferences or restrictions) at the Covered Project that would alter the occupancy of the property (e.g., family units converting to elderly units, elderly/disabled units converting to elderly only units) are subject to a front-end civil rights review by HUD pursuant to the RAD Notice and Section 5.3(A). A PHA must demonstrate that the proposed change in occupancy type is consistent with the demand for affordable housing in its jurisdiction as demonstrated by factors such as the demographics of its current occupancy, the demographics of its waiting list or a market study. Such preferences, restrictions, or geographic residency preferences must be reflected in a PBRA project's Affirmative Fair Housing Marketing Plan (AFHMP) or, for a PBV project, the PHA's Administrative Plan.

5.7. Other Front-End Civil Rights Review for RAD Transactions

A) Conversions of Assistance in Which the Construction Schedule Indicates that Relocation is Likely to Exceed 12 Months.

The front end civil rights review shall focus on whether the relocation will result in discrimination on the basis of race, color, national origin, religion, sex, disability, and familial status, based primarily, but not exclusively, on the data required in the Checklist.

B) Conversions of Assistance Involving New Construction or Substantial Alteration, as those terms are defined by Section 504.

While the PHA is responsible for compliance with all requirements described in Section 4, above and in this subsection, the front-end review will be conducted based on a review of the Checklist and shall include confirming the provision of any required accessible units and confirming the PHA is applying the appropriate accessibility standards. HUD will require the PHA to provide information regarding the provision of at least the minimum number of units accessible for persons with mobility impairments and units accessible for persons with hearing and vision impairments as required by applicable law (generally 5% of units accessible for persons with mobility impairments and an additional 2% of units accessible for persons with hearing and vision impairments). For purposes of establishing an upper threshold of accessible units below which RAD front-end review will not be required, HUD will accept that up to 10% of units accessible for persons with mobility impairments and up to 4% of units accessible for persons with hearing and vision impairments is consistent with local need, without further review, absent information to the contrary. HUD will consider a PHA's request for higher percentages based, to HUD's satisfaction, on reliable indicators of local need, such as census data or other available current data. HUD is available to assist PHAs in determining appropriate indicators of local

need for units with accessible features. The RAD conversion scope of work submitted with the Financing Plan must reflect the construction or retrofitting of residential units and public and common use areas to comply with all applicable accessibility requirements.

C) Remedial Agreements and Orders.

Front-end review in situations where the Converting Project or PHA is subject to enforcement actions or binding voluntary compliance agreements, settlement agreements, conciliation agreements, or consent decrees or orders of the nature described in Sections 5.3(A)(8) and 5.3(A)(9) shall be conducted on a case-by-case basis as appropriate to the specific situation.

5.8. Affirmative Fair Housing Marketing Plan (AFHMP) Requirements for Projects Converting to PBRA Assistance

For all projects converting to PBRA assistance, a PHA or Project Owner must complete form HUD-935.2A, the Affirmative Fair Housing Marketing Plan (AFHMP) - Multifamily Housing, and submit it to HUD for approval with the RAD Financing Plan.⁶⁴ Affirmative Fair Housing Marketing requirements are designed to achieve a condition in which individuals of similar income levels in the same housing market area have similar housing choices available to them regardless of their race, color, national origin, religion, sex, disability, or familial status.⁶⁵ They are also a means to carry out the mandate of Section 808(e)(5) of the Fair Housing Act that HUD administer its programs and activities in a manner to affirmatively further fair housing. These requirements mandate that PHAs or Project Owners identify groups that are least likely to apply for upcoming housing opportunities and to implement special marketing and outreach activities to ensure that these groups are aware of these opportunities.

The AFHMP must be submitted to HUD with the Financing Plan. A separate AFHMP is required for each distinct PBRA HAP contract. The PHA must submit an AFHMP even if the project has an existing waiting list and is not accepting new applicants. The PHA or Project Owner should consult the instructions in the form HUD 935.2A and HUD's Implementing Affirmative Fair Housing Marketing Requirements Handbook (HUD Handbook 8025.1) for guidance on completing the AFHMP and carrying out an affirmative marketing program. The Handbook provides a detailed resource on the content of the AFHMP, which includes marketing activities, residency preferences, and staff training.

When submitting an AFHMP for HUD approval, the PHA or Project Owner must ensure that the occupancy designation and any residency preferences are consistent with the PHA Plan or Significant Amendment to the PHA Plan, that such designation and preferences are consistent with the Checklist submitted to HUD and that the AFHMP includes affirmative marketing

⁶⁴ The most recent version of the AFHMP is HUD Form 935.2A, OMB Approval Number 2529-0013. *See* 24 C.F.R. § 880.601(a)(2) and 24 C.F.R. § 200.615; *see also* Section 10.8 of the Multifamily Accelerated Processing (MAP) Guide. The PHA or its management agent should consult the instructions in the form HUD 935.2A and HUD's Implementing Affirmative Fair Housing Marketing Requirements Handbook (HUD Handbook 8025.1) for guidance on completing the AFHMP and carrying out an affirmative marketing program. The Handbook provides a detailed resource on the content of the AFHMP, which includes marketing activities, residency preferences, and staff training.

⁶⁵ *See* 24 C.F.R. § 200.610.

activities that are consistent with its occupancy designation and the populations identified as least likely to apply. Any subsequent changes to occupancy designation or residency preferences shall be proposed, submitted and reviewed in accordance with standard PBRA requirements. If a PHA or Project Owner plans to adopt any local or residency preferences, the Project Owner must submit its Tenant Selection Plan along with the AFHMP (see HUD Handbook 4350.3, page 4-4).

The Multifamily Housing Office of Asset Management and Portfolio Oversight and the Office of Fair Housing and Equal Opportunity (“FHEO”) review the AFHMP. FHEO issues HUD’s official letter of approval or disapproval. Disapproval letters will specify the reason a plan was rejected and the revisions required. The PHA or Project Owner must make the required changes and resubmit a corrected plan to HUD for approval.

The PBRA contract becomes effective on the first day of a month, following closing. Approval of the AFHMP is not a condition to closing of the RAD conversion. When the project is preparing to accept applications, it must follow its approved AFHMP to ensure that groups least likely to apply are aware of the housing opportunities. The Project Owner is responsible for ensuring that the AFHMP is in place throughout the life of any FHA mortgage or PBRA contract. The Project Owner may not market or lease any unit not occupied by a household exercising its right to remain in or return to the Covered Project prior to approval of the AFHMP. Marketing or leasing includes the solicitation, distribution or acceptance of applications or development of a waiting list.

SECTION 6. RELOCATION REQUIREMENTS

In some cases, as explained in this Section, the activities associated with the RAD transaction may require the relocation of residents. In the event of acquisition, demolition, construction or rehabilitation activities performed in connection with a RAD conversion, the PHA and/or Project Owner⁶⁶ should plan such activities to reasonably minimize any disruption to residents’ lives, to ensure that residents are not exposed to unsafe living conditions and to comply with applicable relocation, fair housing and civil rights requirements. As discussed in Section 6.1, below, a written relocation plan is required in some circumstances and strongly encouraged for any conversion resulting in resident moves or relocation. Further, the obligations due to relocating residents under RAD are broader than URA relocation assistance and payments and RAD specifies requirements which are more protective of residents than standard URA requirements, including additional notices (see Section 6.6) and a right to return (see Section 6.2). This Notice requires that certain information be provided to all households, beginning prior to submission of the RAD application.

Any resident who moves as a direct result of acquisition, rehabilitation or demolition for an activity or series of activities associated with a RAD conversion may, depending on the circumstances and length of time of the relocation, be eligible for relocation assistance and payments under the URA. Additionally, Section 104(d) relocation and one-for-one replacement

⁶⁶ Under the URA, the term “displacing agency” refers to the agency or person that carries out a program or project which will cause a resident to become a displaced person. Projects vary and, for any specific task described in this Notice, the displacing agency may be either the PHA or the Project Owner, as determined by the allocation of roles and responsibilities between the PHA and Project Owner.

housing requirements may also apply when CDBG- or HOME-funds are used in connection with a RAD conversion. The applicability of the URA or Section 104(d) to RAD conversions is fact-specific, which must be determined in accordance with the applicable URA and Section 104(d) regulations.⁶⁷

Eligibility for specific protections under this Notice applies to any person residing in a Converting Project who is legally on the public housing lease, has submitted an application to be added to an existing lease, or is otherwise in lawful occupancy at the time of the issuance of the CHAP and at any time thereafter until conversion of assistance under RAD. All such residents of a Converting Project have a right to return and are eligible for relocation protections and assistance as provided by this Notice. The eligibility criteria set forth in this paragraph apply to the protections under this Notice regardless of whether residents or household members meet the statutory and regulatory requirements for eligibility under URA.⁶⁸

6.1. Planning

If there is a possibility that residents will be relocated as a result of acquisition, demolition, or rehabilitation for a Converting Project, PHAs must undertake a planning process in conformance with the URA statutory and regulatory requirements in order to minimize the adverse impact of relocation (*see* 49 § C.F.R. 24.205). PHAs must also ensure that their relocation planning is conducted in compliance with applicable fair housing and civil rights requirements.

The PHA shall prepare a written relocation plan if the RAD conversion involves permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year. While a written relocation plan is not required for temporary relocation lasting one year or less, HUD strongly encourages PHAs, in consultation with any applicable Project Owners, to prepare a written relocation plan for all RAD conversions to establish their relocation process clearly and in sufficient detail to permit consistent implementation of the relocation process and accurate communication to the residents. Appendix II contains recommended elements of a relocation plan.

During the planning stages of a RAD transaction and based on the results of this planning process, a PHA must submit applicable portions of the Checklist described in Section 5.3(B) to HUD, together with any required backup documentation, as early as possible once the information covered in the applicable part is known.⁶⁹ All parts of the Checklist must be submitted to HUD prior to submission of the Financing Plan. The Checklist will allow HUD to assist the PHA to comply, and to evaluate the PHA's compliance, with relocation requirements, including civil rights requirements related to relocation.

⁶⁷ 42 U.S.C. § 4601 *et seq.*, 42 U.S.C. § 5304(d), and their implementing regulations at 49 C.F.R Part 24 and 24 C.F.R. Part 42 subpart C.

⁶⁸ A nonexclusive listing of persons who do not qualify as displaced persons under URA is at 49 C.F.R. 24.2(a)(9)(ii). See also, Paragraph 1-4(J) of HUD Handbook 1378. See Section 6.5 of this Notice for discussion of the date of "initiation of negotiations."

⁶⁹ The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.

The following presents a general sequencing of relocation planning activities within the RAD conversion process for informational and planning purposes only. Specific requirements are set forth in the provisions of this Notice.

Stage	Activities
1. Prior to submission of RAD application	<ul style="list-style-type: none"> • Determine potential need for relocation in connection with proposed conversion plans. • Meet with residents to discuss proposed conversion plans, communicate right to return, and solicit feedback. • Provide the <i>RAD Information Notice</i> (RIN) to residents as described in Section 6.6(A) of this Notice.
2. After submission of RAD application	<ul style="list-style-type: none"> • Assess the need for relocation planning in connection with proposed conversion plans. Determine if technical assistance would be beneficial to ensuring compliance with relocation requirements. • Survey residents to inform relocation planning and relocation process. • Develop a relocation plan (see Appendix II for recommended content). • Prepare Significant Amendment to PHA Plan and engage with the Resident Advisory Board, residents and the public regarding Plan amendment.⁷⁰
3. Following issuance of the CHAP, or earlier if warranted	<ul style="list-style-type: none"> • Provide the <i>General Information Notice</i> (GIN) to residents when the project involves acquisition, rehabilitation, or demolition as described in Section 6.6(B) of this Notice and relocation may be required.
4. While preparing Financing Plan	<ul style="list-style-type: none"> • Discuss the outlines of the conversion plans and their impact on relocation with the HUD transaction manager. • Refine the plan for relocation and integrate the construction schedule into the relocation strategy; seek to minimize off-site or disruptive relocation activities. • Identify relocation housing options . • Budget for relocation expenses and for compliance with accessibility requirements. • Submit the Checklist and, where applicable, the relocation plan. • If the conversion involves acquisition, at the discretion of the Project Owner issue Notice of Intent to Acquire (NOIA). • If a NOIA is issued, at the discretion of the Project Owner provide residents with appropriate relocation notices as

⁷⁰ Alternatively, the PHA may submit a new PHA Five-Year or Annual Plan, especially if it is on schedule to do so. Under any scenario, the PHA must consult with the Resident Advisory Board and undertake the community participation process.

Stage	Activities
	described in Section 6.6(C) through 6.6(E) of this Notice at this time.
5. From RAD Conversion Commitment (RCC) to Closing	<ul style="list-style-type: none"> • Meet with residents to describe approved conversion plans and discuss required relocation. • The effective date of the RCC marks the date of “Initiation of Negotiations” (ION), as defined in the URA (49 § C.F.R. 24.2(a)(15)). • If no NOIA was provided while preparing the Financing Plan, provide residents with appropriate relocation notices as described in Section 6.6(C) through 6.6(E) of this Notice. • Resident relocation may begin following the effective date of the RCC, subject to applicable notice requirements.
6. Post-Closing	<ul style="list-style-type: none"> • Ongoing implementation of relocation • Notify the residents regarding return to the Covered Project as described in Section 6.6(F) of this Notice • Implementation of the residents’ right to return

6.2. Resident Right to Return

Any public housing or Section 8 assisted resident that may need to be relocated temporarily to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered Project once rehabilitation or construction is complete.⁷¹ Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a project’s conversion of assistance. The Project Owner satisfies the RAD right to return to a Covered Project if the Project Owner offers the resident household either: a) a unit in the Covered Project in which the household is not under-housed; or b) a unit in the Covered Project which provides the same major features as the resident’s unit in the Converting Project prior to the implementation of the RAD conversion. In the case of a transfer of assistance to a new site, residents of the Converting Project have the right to reside in an assisted unit meeting the requirements set forth in this paragraph at the Covered Project (the new site) once the Covered Project is ready for occupancy in accordance with applicable PBV or PBRA requirements.

If proposed plans for a Converting Project would preclude a resident from returning to the Covered Project, the resident must be given an opportunity to comment and/or object to such plans. Examples of project plans that may preclude a resident from returning to the Covered Project include, but are not limited to:

- Changes in bedroom distribution which decrease the size of units such that the resident would be under-housed;⁷²

⁷¹ The right to return is not a right to any specific unit in the Covered Project. Tenancies other than public housing or Section 8 assisted residents (such as commercial tenants) do not hold a right to return and are subject to standard relocation requirements applicable to such tenants under the URA.

⁷² See the RAD Notice for a description of the procedures that must be undertaken if a resident is over-housed.

- Where a) the PHA is reducing the number of assisted units at a property (if authorized to do so under Section 1.5.B of the RAD Notice) and b) the resident cannot be accommodated in the remaining assisted units;
- The imposition of income eligibility requirements, such as those associated with LIHTC or other program financing, under which the current resident may not be eligible;⁷³ and
- Failure to provide reasonable accommodation to an individual with disabilities, in violation of applicable law, which reasonable accommodation may include installation of accessibility features that are needed by the individual with disabilities.⁷⁴

If the resident who would be precluded from returning to the Covered Project objects to such plans, the PHA must alter the project plans to accommodate the resident's right to return to the Covered Project.

If the resident who would be precluded from returning to the Covered Project prefers to voluntarily and permanently relocate rather than object to the project plans, the PHA must secure informed, written consent to a voluntary permanent relocation in lieu of returning to the Covered Project and must otherwise comply with all the provisions of Section 6.10, below, regarding alternative housing options. The PHA cannot employ any tactics to pressure residents into relinquishing their right to return or accepting alternative housing options. A PHA may not terminate a resident's lease if the PHA fails to obtain the resident's consent and the resident seeks to exercise the right to return.

In the case of a multi-phase transaction, the resident has a right to return to the Covered Project or to other converted phases of the property which have converted and are available for occupancy at the time the resident is eligible to exercise the right to return. A relocated resident should get the benefit of improvements facilitated by the resident's relocation and conversion and completion of future phases cannot be assured. In most cases, this means that the resident's right to return must be accommodated within the Covered Project associated with resident's original unit. However, in those cases where improvements to multiple phases of a site are occurring simultaneously, the PHA or Project Owner may treat multiple Covered Projects on the same site as one for purposes of the right to return. If the PHA or Project Owner seeks to have the resident exercise the right of return at a future phase, the PHA or Project Owner would need to secure the resident's consent to such plan as an alternative housing option pursuant to Section 6.10, below.

In implementing the right of return, the Project Owner shall comply with all applicable fair housing laws and implementing regulations, including, but not limited to, the Fair Housing Act,

⁷³ In these cases, a PHA may elect to exclude some units from the applicable financing program, for example, claiming LIHTC for a subset of the units and not claiming tax credits in connection with the units occupied by households over the LIHTC maximum eligibility of 60% of AMI.

⁷⁴ Refer to the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Modifications Under the Fair Housing Act (March 5, 2008), at http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf for additional detail regarding applicable standards for reasonable accommodations and accessibility features which must be provided. If the resident has paid for installation of accessibility features in the resident's prior unit, the PHA or Project Owner shall pay for the installation of comparable features in the new unit. Violations of law may also result in other sanctions.

Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Titles II and III of the Americans with Disabilities Act.

6.3. Admissions and Continued Occupancy Requirements

Resident households may not be denied relocation housing or the right to return based on rescreening, income eligibility, or income targeting. PHAs may only offer housing options with screening, income eligibility or income targeting requirements if the impacted residents meet the admission and occupancy policies applicable to such housing. However, whether or not in a temporary relocation situation, the household remains subject to the applicable program policies regarding continued occupancy of an assisted unit by an incumbent resident of the unit.

6.4. Types of Moves and Relocation

Any time project plans require a resident to move from their current unit, the resident is eligible for assistance as described in this Notice. Assistance may vary depending on the options provided to residents, whether the relocation is temporary or permanent and, if applicable, the length of time the resident is in temporary accommodations.⁷⁵ In all circumstances, the move or relocation must be in compliance with applicable requirements of this Notice and consistent with applicable fair housing and civil rights requirements. Each type of move is discussed below.

A) Moves within the same building or complex of buildings⁷⁶

Temporary or permanent moves within the same building or complex of buildings may be appropriate given the extent of work to be completed to permit phasing of rehabilitation or construction. Moves within the same building or complex of buildings are not considered relocation under RAD and a tenant generally does not become displaced under the URA. Whether permanent (i.e., the tenant will move to and remain in an alternative unit) or temporary (i.e., the tenant will move to another unit and return to their original unit), the PHA or Project Owner must reimburse residents for all reasonable out-of-pocket expenses incurred in connection with any move and all other terms and conditions of the move(s) must be reasonable.⁷⁷ The final move must be to a unit which satisfies the right to return requirements specified in Section 6.2 of this Notice.

⁷⁵ PHAs should note that the definitions of “permanent” vary between the URA and RAD. For example, “permanent displacement” under the URA includes moves from the original building or complex of buildings lasting more than one year. The RAD Notice, meanwhile, considers “permanent relocation” to be separation from the RAD-assisted unit upon completion of the conversion and any associated rehabilitation and construction. The duration of a temporary move may exceed one year. In the case of a transfer of assistance, it is not permanent relocation under RAD when the resident must move from the original complex of buildings to the destination site in order to retain occupancy of the RAD-assisted unit.

⁷⁶ An example of relocation within the same building or complex of buildings would be if one floor of a multi-story building is vacant, and the PHA is moving residents from another floor to the vacant units.

⁷⁷ Failure to reimburse residents for moving or other out-of-pocket expenses and any other terms and conditions of the move which may be unreasonable may result in the resident becoming a displaced person under the URA if the resident subsequently moves from the property.

B) Temporary relocation lasting one year or less

If a resident is required to relocate temporarily, to a unit not in the same building or complex of buildings, for a period not expected to exceed one year in connection with the RAD conversion, the resident's temporarily occupied housing must be decent, safe, and sanitary and the resident must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses include, but are not limited to, moving expenses, increased housing costs (e.g., rent and utilities), meals if the temporary housing lacks cooking facilities (e.g., during a short hotel stay, whether or not on an emergency basis) and other applicable expenses.⁷⁸

C) Temporary relocation initially expected to last one year or less, but which extends beyond one year

In the event that a resident has been temporarily relocated, to a unit not in the same building or complex of buildings, for a period which was anticipated to last one year or less but the temporary relocation in fact exceeds one year, the resident qualifies as a "displaced person" under the URA and as a result immediately becomes eligible for all permanent relocation assistance and payments as a "displaced person" under the URA, including notice pursuant to Section 6.6(E). This assistance would be in addition to any assistance the person has already received for temporary relocation, and may not be reduced by the amount of any temporary relocation assistance.

In such event, the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate with the offered URA assistance or to choose to remain temporarily relocated based on updated information from the PHA or Project Owner about when they can return to the completed RAD unit. The PHA or Project Owner must present this opportunity to the resident when the temporary relocation extends beyond one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration. In presenting such opportunity, the PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident's right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

D) Temporary relocation anticipated to last more than one year

When the PHA anticipates that the temporary relocation, to a unit not in the same building or complex of buildings, will last more than one year, but the resident is retaining the resident's right to return to the Covered Project, the resident is considered temporarily relocated under RAD and is eligible to receive applicable temporary relocation assistance and payments. Under the URA, the resident becomes eligible to receive applicable relocation assistance and payments as a "displaced person" when the temporary relocation period exceeds one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration, at

⁷⁸ HUD Handbook 1378, Chapter 2, Section 2-7 governs activities subject to URA requirements and informs, but is not binding upon, any RAD activities not governed by the URA. PHAs may also refer to HUD Form 40030.

which time the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate or to remain temporarily relocated, as described in Section 6.4(C), above.

In order to allow residents to make the election earlier than required under the URA (thereby avoiding a year in temporary relocation housing prior to electing voluntary permanent relocation), if the PHA or Project Owner anticipates that temporary relocation will last more than one year, the PHA or Project Owner shall provide the resident with an initial option to (a) be temporarily relocated, retain the right to return to the Covered Project when a unit becomes available and receive assistance, including temporary housing and reimbursement for all reasonable out-of-pocket expenses associated with the temporary relocation, or (b) accept RAD voluntary permanent relocation assistance and payments equivalent to what a “displaced person” would receive under the URA. The PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident’s right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

E) Permanent moves in connection with a transfer of assistance

In cases solely involving a transfer of assistance to a new site, resident relocation from the Converting Project to the Covered Project is not, by itself, generally considered involuntary permanent relocation under RAD. However, the URA and/or Section 104(d) is likely to apply in most cases. In cases of a transfer of assistance to a new site where it has also been determined that the URA and/or Section 104(d) apply to the transfer of assistance, residents may be eligible for all permanent relocation assistance and payments for eligible displaced persons under the URA and/or Section 104(d). If the URA applies to a move of this type, the PHA or Project Owner must make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a). However, provided the transfer of assistance unit meets the URA definition of a comparable replacement dwelling pursuant to 49 C.F.R. § 24.2(a)(6), that unit could in fact represent the most comparable replacement dwelling as determined by the agency for purposes of calculating a replacement housing payment, if any, under 49 C.F.R. § 24.402.

Whether or not the URA and/or Section 104(d) apply, under RAD the residents are entitled to relocation assistance and payments, including counseling in preparation for the relocation, written notices of the relocation (including a 90-day RAD Notice of Relocation), and reimbursement for all reasonable out-of-pocket expenses, including moving expenses, incurred in connection with the move. It should be noted that the RAD relocation assistance and payments provided to transferring residents in this paragraph differ from those required under the URA and/or Section 104(d) as described above. Where both frameworks apply, the residents must receive the more extensive protections offered under either framework.

If HUD determines that the distance from the Converting Project to the site of the Covered Project is significant and the resident could not reasonably be required to move to the new site, then HUD will require the PHA to adjust project plans to accommodate the resident in an assisted unit (e.g., a public housing unit, some other project-based Section 8 unit or a market unit

with a housing choice voucher) within a reasonable distance of the site of the Converting Project. HUD will evaluate whether this requirement applies on a case by case basis, considering whether the distance would impose a significant burden on residents' access to existing employment, transportation options, schooling or other critical services. Accommodating the resident may also be satisfied by the resident's consent to an alternative housing option pursuant to Section 6.10. The requirement set forth in this paragraph is in addition to all protections, including, for example, the offer of comparable replacement dwellings, which are required in all instances where a transfer of assistance is subject to the URA and/or Section 104(d).

F) Voluntary permanent relocation

A resident may elect to relinquish their right of return and consent to voluntary permanent relocation pursuant to an alternative housing option offered and accepted according to the procedures described in Section 6.10, which Section specifies protections to ensure the resident's decision is fully informed. By selecting voluntary permanent relocation, the resident is electing to receive RAD permanent relocation assistance and payments which are equivalent to the relocation payments and assistance required to be provided to a "displaced person" pursuant to the regulations implementing the URA.

6.5. Initiation of Negotiations (ION) Date

Eligibility for URA relocation assistance is effective on the date of initiation of negotiations (ION) (49 C.F.R. § 24.2(a)(15)). For Converting Projects, the ION date is the effective date of the RCC. The ION date is also typically the date when PHAs can begin to issue RAD Notices of Relocation (except in the case of acquisitions when the PHA can issue a Notice of Intent to Acquire and RAD Notices of Relocation prior to the ION date). Any person who is in lawful occupancy on the ION date is presumed to be entitled to relocation payments and other assistance.

PHAs and Project Owners should note that prior to the ION date, a resident may be eligible as a displaced person for permanent relocation assistance and payments under the URA if HUD determines, after analyzing the facts, that the resident's move was a direct result of the project. However, resident moves taken contrary to specific instructions from the PHA or Project Owner (for example, contrary to instructions not to move if contained in a General Information Notice) are generally not eligible as a displaced person under the URA.

6.6. Resident Relocation Notification (Notices)

PHAs and Project Owners are encouraged to communicate regularly with the residents regarding project plans and, if applicable, the resulting plans for relocation. When residents may be relocated for any time period (including, without limitation, a move in connection with a transfer of assistance), written notice must be provided to the resident heads of households, including the notices listed below as applicable.⁷⁹ PHAs and Project Owners are also encouraged to provide

⁷⁹ The notices required under Sections 6.6(B) through 6.6(E) must be delivered in accordance with URA resident notification requirements, including the requirement that the notice be personally served or delivered by certified or registered first class mail return receipt requested. All notices must be delivered to each household (i.e., posting in

additional relocation notices and updates for the residents' benefit as appropriate for the specific situation.

To ensure that all residents understand their rights and responsibilities and the assistance available to them, consistent with URA requirements at 49 C.F.R. § 24.5 and civil rights requirements, PHAs and Project Owners must ensure effective communication with individuals with disabilities, including through the provision of appropriate auxiliary aids and services, such as interpreters and alternative format materials. Similarly, PHAs and Project Owners are required to take reasonable steps to ensure meaningful access for LEP persons in written and oral materials. Each notice shall indicate the name and telephone number of a person to contact with questions or for other needed help and shall include the number for the telecommunication device for the deaf (TDD) or other appropriate communication device, if applicable, pursuant to 24 C.F.R. §8.6(a)(2).

The purpose of these notifications is to ensure that residents are informed of their potential rights and, if they are to be relocated, of the relocation assistance available to them. Two initial notices launch this effort and provide critical information regarding residents' rights. The first, the RAD Information Notice, is to be provided at the very beginning of the RAD conversion planning process in order to ensure residents understand their rights, to provide basic program information and to facilitate residents' engagement with the PHA regarding project plans. The GIN, meanwhile, provides information specifically related to protections the URA provides to impacted residents. Subsequent notices provide more detailed information regarding relocation activities specific to the household, including tailored information regarding eligibility and timelines for relocation.

PHAs should note that a resident move undertaken as a direct result of the project may be eligible to receive relocation assistance and payments under the URA even though the PHA has not yet issued notices to them. Sample notices which may be used as-is or modified to fit the peculiarities of each situation are provided on the RAD website at www.hud.gov/rad.

A) RAD Information Notice

The RAD Information Notice is to be provided to residents at the very beginning of the RAD conversion planning process in order to convey general written information on potential project plans and residents' basic rights under RAD, and to facilitate residents' engagement with the PHA regarding the proposed RAD conversion. The PHA shall provide a RAD Information Notice to all residents of a Converting Project prior to the first of the two meetings with residents required by the RAD Notice, Section 1.8.2, and before submitting a RAD Application. This RAD Information Notice shall be provided without regard to whether the PHA anticipates any relocation of residents in connection with the RAD conversion. The RAD Information Notice must do the following:

common areas is insufficient) and methods of delivery (e.g., certified mail, U.S. mail, or hand delivery) must be documented in the PHA's or Project Owner's files.

- Provide a general description of the conversion transaction (e.g., the Converting Project, whether the PHA anticipates any new construction or transfer of assistance, whether the PHA anticipates partnering with a developer or other entity to implement the transaction);
- Inform the resident that the early conceptual plans are likely to change as the PHA gathers more information, including, among other items, resident opinions, analysis of the capital needs of the property and financing options;
- Inform the resident that the household has a right to remain in the unit or, if any relocation is required, a right to return to an assisted unit in the Covered Project (which may be at the new site in the case of a transfer of assistance);
- Inform the resident that they will not be subject to any rescreening as a result of the conversion;
- Inform the resident that the household cannot be required to move permanently without the resident's consent, except in the case of a transfer of assistance when the resident may be required to move a reasonable distance, as determined by HUD, in order to follow the assisted unit;
- Inform the resident that if any relocation is involved in the transaction, the resident is entitled to relocation protections under the requirements of the RAD program and, in some circumstances, the requirements of the URA, which protections may include advance written notice of any move, advisory services, payment(s) and other assistance as applicable to the situation;
- Inform the resident that any resident-initiated move from the Converting Project could put any future relocation payment(s) and assistance at risk and instruct the resident not to move from the Converting Project; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

B) General Information Notice (49 C.F.R. § 24.203(a))

The purpose of the General Information Notice (GIN) is to provide information about URA protections to individuals who may be displaced as a result of federally-assisted projects involving acquisition, rehabilitation or demolition. A GIN provides a general description of the project, the activities planned, and the relocation assistance that may become available.

A GIN shall be provided to any person scheduled to be displaced *as soon as feasible* based on the facts of the situation. In certain instances, such as when the PHA knows that a project will involve acquisition, rehabilitation or demolition, "as soon as feasible" may be simultaneous with issuance of the RAD Information Notice. For any RAD conversion involving acquisition, rehabilitation or demolition, "as soon as feasible" shall be no later than 30 days following the issuance of the CHAP. In instances where acquisition, rehabilitation or demolition is not anticipated at the time of the CHAP but project plans change to include such activities, pursuant to this Notice the PHA shall provide the GIN as soon as feasible following the change in project plans.

For RAD, the GIN must do at least the following:

- Inform the resident that he or she may be displaced for the project and generally describe the relocation payment(s) for which the resident may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced resident successfully relocate;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will not be required to move without 90 days advance written notice;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
- Inform the resident that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child (see 49 C.F.R. § 24.208(h) for additional information);
- Describe the resident's right to appeal the PHA's determination as to a resident's eligibility for URA assistance; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

Because of the potential confusion caused by evolving policy directions in the RAD program regarding delivery of the GIN, for actions taken prior to the issuance of this Notice, HUD will consider the facts and circumstances of each conversion, with emphasis on the underlying URA requirements, in monitoring and enforcing a PHA's compliance with this requirement.

C) Notice of Intent to Acquire (49 C.F.R. § 24.203(d))

For conversions involving acquisition, the Project Owner (the "acquiring agency") may provide to residents of the Converting Project a Notice of Intent to Acquire (NOIA).⁸⁰ The NOIA may be provided no earlier than 90 days prior to the PHA's reasonable estimate of the date of submission of a complete Financing Plan. While eligibility for URA relocation assistance is generally effective on the effective date of the RCC (the ION date), a prior issuance of a NOIA establishes a resident's eligibility for relocation assistance and payments on the date of issuance of the NOIA and prior to the ION date.

D) RAD Notice of Relocation

If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide written notice of such relocation by means of a RAD Notice of Relocation. The RAD Notice of

⁸⁰ Acquisition includes a new ownership entity's purchase of the Covered Project from the PHA, such as a purchase by a single purpose entity, an affiliate or a low-income housing tax credit ownership entity.

Relocation may not be issued until: 1) the effective date of the RCC (the ION date) if the conversion does not involve acquisition; or 2) the earlier of the issuance of the Notice of Intent to Acquire (see Section 6.6(C)) or the effective date of the RCC (the ION date) if the conversion involves acquisition. Prior to issuance of the RAD Notice of Relocation, PHAs and Project Owners should meet with each resident household to provide preliminary relocation advisory services and to determine their needs and preferences.⁸¹

A RAD Notice of Relocation is not required for residents who will not be relocated. As a best practice, PHAs or Project Owners should notify residents that they are not being relocated once that determination has been made if they were previously informed by the GIN and/or by other methods that relocation was a possibility.⁸²

A RAD Notice of Relocation shall provide either: 1) 30-days' notice to residents who will be relocated for twelve months or less; or 2) 90-days' notice to residents who will be relocated for more than twelve months.⁸³ The RAD Notice of Relocation must conform to the following requirements:

- (1) The notice must state the anticipated duration of the resident's relocation.
- (2) The notice must specify which entity (the PHA or the Project Owner) is primarily responsible for management of the resident's relocation and for compliance with the relocation obligations during different periods of time (i.e., before vs. after Closing).
- (3) For residents who will be relocated for twelve months or less:
 - The PHA or Project Owner must provide this notice a minimum of 30 days prior to relocation.⁸⁴ PHAs or Project Owners may deem it appropriate to provide longer notice periods for persons who will be temporarily relocated

⁸¹ PHAs and Project Owners should note the URA relocation advisory services requirement for personal interviews. *See* Section 6.7 of this Notice. In sequencing the RAD Notice of Relocation, PHAs and Project Owners wishing to offer alternative housing options pursuant to Section 6.10 should also note the additional complexity in the timeline of notices. Pursuant to Section 6.10(D), the resident can consent to an alternative housing option only after issuance of the NOIA or the effective date of the RCC and 30 days after presentation of the alternative housing options. In some cases, for example, when the resident would not otherwise be relocated for over twelve months, the RAD Notice of Relocation must include both the information described in Section 6.6(D)(3) and the information in Section 6.6(D)(4). The PHA or Project Owner should consider discussing the alternative housing options prior to issuing the RAD Notice of Relocation so that the RAD Notice of Relocation can be tailored to the resident's situation.

⁸² The RAD program does not require a "notice of non-displacement," which HUD relocation policy generally uses for this purpose.

⁸³ The 90-day notice is required for residents relocated for more than twelve months, whether or not they intend to return to the Covered Project and whether or not they are eligible for assistance and payments as a displaced person under URA. Recipients of the 90-day notice would include those residents who have voluntarily accepted a permanent relocation option as well as those residents who are relocated within the same building or complex of buildings.

⁸⁴ Note that residents may elect to move to the relocation housing before the 30 days have elapsed. However, a PHA may not require a resident to move prior to this time.

for an extended period of time (over 6 months), or if necessary due to personal needs or circumstances.

- The notice must explain that the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with any temporary move (including, but not limited to, increased housing costs and moving costs).
- The notice must explain the reasonable terms and conditions under which the resident may exercise the right to return to lease and occupy a unit in the Covered Project.

(4) For residents who will be relocated for more than twelve months, including for residents who may wish to voluntarily accept a permanent relocation option:

- The PHA or Project Owner must provide this notice a minimum of 90 days prior to relocation of residents.⁸⁵
- The notice must offer the choice to be temporarily relocated, thereby preserving the resident's right to return, or the choice to be voluntarily permanently relocated pursuant to the procedures set forth in Section 6.10, together with guidance that the resident has at least thirty (30) days to consider the choice.
- For residents who voluntarily elect to be permanently relocated, the 90-day notice period may only begin once the PHA or Project Owner has made available at least one comparable replacement dwelling consistent with 49 C.F.R. § 24.204(a).⁸⁶
- The notice must describe the available relocation assistance, the estimated amount of assistance based on the individual circumstances and needs, and the procedures for obtaining the assistance. The notice must be specific to the resident and his or her situation so that the resident will have a clear understanding of the type and amount of payments and/or other assistance the resident household may be entitled to claim.
- The notice must comply with all requirements for a URA Notice of Relocation Eligibility as described in 49 C.F.R. § 24.203(b).

(5) The notice must inform the resident that the relocation will be completed consistent with fair housing and civil rights requirements, and it must provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

For short-term relocations, the RAD Notice of Relocation may also contain the information required in the Notice of Return to the Covered Project (see Section 6.6(F)).

⁸⁵ Note that residents may elect to move to the relocation housing before the 90 days have elapsed. However, a PHA may not compel a resident to move prior to this time.

⁸⁶ PHAs should note that URA regulations also require, where possible, that three or more comparable replacement dwellings be made available before a resident is required to move from his or her unit.

E) URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year (49 C.F.R. § 24.203(b))

After a resident has been temporarily relocated for one year, notwithstanding a prior issuance of a RAD Notice of Relocation, the PHA or Project Owner must provide an additional notice: the notice of relocation eligibility in accordance with URA requirements (“URA Notice of Relocation Eligibility”). The URA Notice of Relocation Eligibility is not required if the resident has already accepted permanent relocation assistance.⁸⁷

The URA Notice of Relocation Eligibility must conform to URA requirements as set forth in 49 C.F.R. part 24 and shall:

- Provide current information as to when it is anticipated that the resident will be able to return to the Covered Project.
- Give the resident the choice to remain temporarily relocated based upon the updated information or to accept permanent URA relocation assistance at that time instead of exercising the right to return at a later time.

If the resident chooses to accept permanent URA relocation assistance and this choice requires the resident to move out of their temporary relocation housing, the URA requires that the PHA or Project Owner make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a), which comparability analysis is in reference to the resident’s original unit. The URA further requires that the resident receive 90 days’ advance written notice of the earliest date they will be required to move pursuant to 49 C.F.R. § 24.203(c).

⁸⁷ To illustrate, consider the following examples.

- Example 1: The household is expected to be relocated for 11 months. The resident would receive a RAD Notice of Relocation offering only temporary relocation. Construction delays result in the extension of the relocation such that, in fact, it exceeds 12 months. When the temporary relocation exceeds 12 months, the resident must receive a URA Notice of Relocation Eligibility offering a choice between continuation in temporary relocation status and permanent relocation.
- Example 2: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects temporary relocation, the URA Notice of Relocation Eligibility is required as an additional notice following twelve months in temporary relocation status.
- Example 3: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects permanent relocation, the URA Notice of Relocation Eligibility is not required.
- Example 4: The household can be accommodated with temporary relocation of 3 months, but has been offered and seeks to accept permanent relocation pursuant to an alternative housing option. This resident would receive a RAD Notice of Relocation under Section 6.6(D)(4) offering a choice between temporary relocation status (the default option) and permanent relocation (the alternative housing option), instead of the RAD Notice of Relocation under Section 6.6(D)(3) which would be expected absent a permanent relocation option. The URA Notice of Relocation Eligibility is not required in either case because a temporary relocation exceeding 12 months was never anticipated nor experienced.

F) Notification of Return to the Covered Project

With respect to all temporary relocations, the PHA or Project Owner must notify the resident in writing reasonably in advance of the resident's expected return to the Covered Project, informing the resident of:

- The entity (the PHA or the Project Owner) with primary responsibility for managing the resident's relocation;
- The address of the resident's assigned unit in the Covered Project and, if different from the resident's original unit, information regarding the size and amenities of the unit;
- The date of the resident's return to the Covered Project or, if the precise date is not available, a reasonable estimate of the date which shall be supplemented with reasonable additional notice providing the precise date;
- That the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with the return relocation; and
- The resident's options and the implications of those options if the resident determines that he or she does not want to return to the Covered Project and wants to decline the right of return.⁸⁸

Reasonable advance notice shall be 15% of the duration of the resident's temporary relocation or 90 days, whichever is less. For short-term relocations, the PHA or Project Owner may include this information within the RAD Notice of Relocation.

6.7. Relocation Advisory Services

Throughout the relocation planning process, the PHA and Project Owner should be in communication with the residents regarding the evolving plans for relocation. Notwithstanding this best practice, certain relocation advisory services, described below, are required by the URA.

The URA regulations require the PHA or Project Owner to carry out a relocation assistance advisory program that includes specific services determined to be appropriate to residential or nonresidential displacements. The specific advisory services to be provided, as determined to be appropriate, are outlined at 49 C.F.R. § 24.205(c). For residential displacement under the URA, a personal interview is required for each displaced resident household to determine the relocation needs and preferences of each resident to be displaced. The resident household shall be provided an explanation of the relocation payments and other assistance for which the resident may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. Advisory counseling must also inform residents of their fair housing rights and be carried out in

⁸⁸ If the resident declines to return to the Covered Project upon completion of the period of temporary relocation, the resident shall be considered to have voluntarily moved out of the property, without the benefit of further relocation assistance. For example, a PHA or Project Owner may have rented a market-rate apartment as a temporary relocation resource for a six-month period. In such a situation, the resident may decline to return to the Covered Project and choose to remain in the market-rate apartment at the expiration of the six-month period, but shall not be eligible for any further relocation assistance and payments (including rent differential payments) under this Notice, the URA or Section 104(d), if applicable, in connection with the resident's decision to remain in the temporary housing and not return to the Covered Project.

a manner that satisfies the requirements of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Executive Order 11063 (49 C.F.R. § 24.205(c)(1)).⁸⁹ Such advisory services under the URA may include counseling to ensure that residents affected by the project understand their rights and responsibilities and the assistance available to them (49 C.F.R. § 24.205(c)). In addition, the PHA or Project Owner should inform residents that if they believe they have experienced unlawful discrimination, they may contact HUD at 1-800-669-9777 (Voice) or 1-800-927-9275 (TDD) or at <http://www.hud.gov>.

6.8. Initiation of Relocation

PHAs and Project Owners **may not initiate any involuntary physical relocation until both the RCC is in effect and the applicable RAD Notice of Relocation period has expired** (i.e., after either 30 or 90 days' notice as applicable depending on nature of the relocation, as described above). This prohibition applies to all types of RAD transactions, regardless of whether the RAD Notice of Relocation is provided after issuance of a NOIA (for conversions involving acquisition) or following the effective date of the RCC (for all other conversions). PHAs are advised to account for the required 30-day or 90-day written notice periods in their planning process, to ensure that notices which satisfy all applicable requirements are issued prior to taking any action to initiate relocation.

Neither involuntary nor voluntary relocation for the project shall take place prior to the effective date of the RCC, unless moves are authorized under Section 7, below (“Applicability of HCV and Public Housing Requirements”) or unless HUD provides explicit approval which will only be provided in extraordinary circumstances. The PHA must wait until the RAD Notice of Relocation period has expired before it may initiate any involuntary relocation. However, a resident may request to move voluntarily, and the PHA may honor a resident’s request to move, before the applicable 30-day or 90-day period has elapsed, provided that the PHA may not take any action to encourage or coerce a resident to make such a request. If a resident has elected an alternative housing option, PHAs are advised to ensure that any consent to voluntary permanent relocation does not expire prior to the date of the relocation, as described in Section 6.10.

HUD may use administrative data to identify and investigate projects where relocation may be occurring prior to RCC.

6.9. Records and Documentation; Resident Log

HUD may request from the PHA or Project Owner written records and documentation in order to evidence the PHA’s and/or Project Owner’s compliance, as applicable, with this Notice and the URA.⁹⁰ HUD may request to review some or all of such records in the event of compliance

⁸⁹ For example, under fair housing and civil rights laws, the PHA and Project Owner may be required to inform residents about and provide reasonable accommodations for individuals with disabilities, such as search assistance; take appropriate steps to ensure effective communication with individuals with disabilities, such as through the provision of auxiliary aids and services, such as interpreters and alternate format documents; provide advisory counseling services in accessible locations and in an accessible manner for individuals with disabilities; and take reasonable steps to ensure meaningful access for LEP persons. See Section 4 of this Notice for more information on these requirements.

⁹⁰ Chapter 6 of HUD Handbook 1378 includes guidance on URA recordkeeping requirements.

concerns, in the event a project is identified for additional review based on administrative data, in the event of audits for purposes of monitoring the RAD program as a whole, upon selection of a random sample of projects and/or at other times at HUD's sole discretion. The records shall include resident files for all households relocated in connection with RAD and a resident log as described in this Section.

As part of such written record, the PHA or Project Owner must maintain data sufficient to deliver to HUD a resident log of every household that resides at the Converting Project at the time of the first required resident meeting on the proposed conversion pursuant to Section 1.8 of the RAD Notice (the "First Resident Meeting") and of every household that moves into the Converting Project after the First Resident Meeting and before the conversion of assistance under RAD. If any relocation is required, the log shall track resident status through completion of rehabilitation and construction, including re-occupancy after relocation. The resident log must include, but need not be limited to, the following information:

- Name of head of household
- PHA's resident identification number and/or the last four digits of the head-of-household's Social Security Number
- The head of household's race and ethnicity as reported on the HUD Form 50058 or the HUD Form 50058 MTW (the "Form 50058"). For purposes of the resident log, all references to the Form 50058 shall be to the form most recently prepared at the time of the First Resident Meeting or, for residents who moved in after the First Resident Meeting, the form most prepared at the time of the resident's initial occupancy.
- A Yes/No indication if there is any household member reported as having a disability on the Form 50058.
- A Yes/No indication if there is any household member reported as under the age of 18 on the effective date of action of the Form 50058;
- The household's relevant unit address, unit size and household size at the following times:
 - The time of the First Resident Meeting or the time of a resident's initial occupancy if after the First Resident Meeting
 - The time of the issuance of the CHAP or the time of a resident's initial occupancy if after the issuance of the CHAP
 - Proximate and prior to the PHA or Project Owner having authority to initiate involuntary relocation activities (i.e., at the time of issuance of the RCC unless otherwise approved by HUD upon extraordinary circumstances)
 - Completion of the relocation process following construction or rehabilitation and with return of all households exercising the right of return
- The household's residence status at the time of issuance of the RCC (e.g., in residence at the Converting Project, transferred to other public housing, moved out, evicted or other with explanation)
- The household's residence status upon completion of re-occupancy (e.g., in residence at the Covered Project/never relocated, in residence at the Covered Project/temporarily relocated and returned, transferred to other public housing, moved out, evicted, permanently relocated or other with explanation)
- The following dates for each resident household, as applicable:
 - Date of the RAD Information Notice

- Date of the GIN
- Date of the CHAP
- Date of NOIA
- Date of RAD Notice of Relocation
- Date of URA Notice of Relocation Eligibility
- Date of most recent consent to voluntary permanent relocation⁹¹
- Date of relocation away from the Converting Project or Covered Project
- Dates of any intermediate relocation moves
- Date of return to the Covered Project or to the household's post-closing permanent address.⁹²
- The following information for each resident household, as applicable:
 - The type of move (e.g., the types identified in Section 6.4, above)
 - The form of any temporary relocation housing (e.g., hotel, assisted housing, market-rate housing)
 - The address and unit size of any temporary relocation housing
 - Whether alternative housing options were offered consistent with Section 6.10, below
 - Any material terms of any selected alternative housing options
 - The type and amount of any payments for
 - Moving expenses to residents and to third parties
 - Residents' out-of-pocket expenses
 - Rent differential payments or other payments for temporary or permanent rental assistance, together with the rent and utilities (if applicable) that were the basis for the calculations
 - Any other relocation-related compensation or assistance

6.10. Alternative Housing Options

Under the RAD Notice, “involuntary permanent relocation” is prohibited and each resident must be able to exercise his or her right of return to the Covered Project. A PHA or Project Owner is permitted to offer a resident alternative housing options when a resident is considering his or her future housing plans, provided that at all times prior to the resident's decision, the PHA and Project Owner preserve the resident's ability to exercise his or her right of return to the Covered Project.

A) Requirements for Any Offer of Alternative Housing Options

All residents who are similarly situated must be given the same offer of alternative housing options. If the PHA or Project Owner seeks to limit the number of households that accept the

⁹¹ The most recent consent must be within 180 days of the actual relocation date, as discussed in Section 6.10(D).

⁹² In the case of voluntary permanent relocation, the date of “return” may be the same as the date of relocation away from the Converting Project.

offer of alternative housing options, the PHA or Project Owner shall determine a fair and reasonable method for selection among similarly situated residents.⁹³

In connection with any offer and acceptance of alternative housing options, the PHA or Project Owner must ensure that the residents' decisions are: 1) fully informed; 2) voluntary; and 3) carefully documented. Any alternative housing option must include, at a minimum, all relocation assistance and payments required under this Notice, the URA and Section 104(d), as applicable, and may include other elements. Funds administered by HUD may not be used to pay any monetary elements not required under this Notice, the URA or Section 104(d).

Acceptance of an alternative housing option is considered voluntary permanent relocation and the accompanying RAD relocation assistance and payments for which the resident may be eligible must be administered in accordance with all requirements for an eligible displaced person under the URA and its implementing regulations and, where applicable, Section 104(d) and its implementing regulations.

PHAs may not propose or request that a displaced person waive rights or entitlements to relocation assistance under the URA or Section 104(d). The PHA must provide a written notice of URA or Section 104(d) relocation assistance and payments for which the resident may be eligible so that the resident may make an informed housing choice. The resident must be provided at least thirty (30) days to consider the offer of voluntary permanent relocation and the resident's acceptance of the PHA's offer of voluntary permanent relocation must be in writing signed by the head of the household for that unit.

B) Assisted Housing Options as Alternatives

Alternative housing option packages may include a variety of housing options and PHAs and Project Owners shall take particular care to ensure program compliance with the regulations applicable to the alternative housing options. Examples of alternative housing options may include:

- Transfers to public housing
- Admission to other affordable housing properties subject to the program rules applicable to such properties
- Housing Choice Vouchers (HCVs) subject to standard HCV program administration requirements. PHAs must operate their HCV programs, including any HCVs offered as an alternative housing option, in accordance with their approved policies as documented in their Section 8 Administrative Plan and HUD regulations at 24 C.F.R. part 982. Any offer of an HCV as an alternative housing option must be made consistent with the

⁹³ For example, if the RAD conversion is financed by LIHTC and a few residents would not meet LIHTC program requirements, the PHA and Project Owner may want to offer these household alternative voluntary permanent relocation options. However, they must offer the same alternative housing options to all such households. As a second example, if the PHA and Project Owner seek to create two on-site vacancies of a particular unit size in order to facilitate temporary relocation on-site, the PHA may offer an alternative housing option of a housing choice voucher to all residents of applicably sized units (assuming that to do so is consistent with the PHA's voucher administration policies), and conduct a lottery to select the two households which will receive the vouchers.

PHA's admission preferences and other applicable policies and procedures set forth in the Section 8 Administrative Plan.

- Homeownership programs subject to the applicable program rules
- Other options as may be identified by the PHA and/or Project Owner

C) Monetary Elements Associated With Alternative Housing Options

A PHA or a Project Owner may include a monetary element in an alternative housing option package, provided that:

- Any monetary element associated with the alternative housing option shall be completely distinct from and in addition to any required RAD, URA or Section 104(d) relocation payments and benefits for which the resident is eligible ("Required Relocation Payments").
- No funds administered by HUD may be used to pay for any monetary element associated with the alternative housing option other than Required Relocation Payments.
- Any monetary element associated with the alternative housing option other than Required Relocation Payments must be the same amount offered to all similarly situated households.⁹⁴
- Any alternative housing option package must comply fully with the disclosure and agreement provisions of this Notice.

D) Disclosure and Agreement to Alternative Housing Options

In providing an offer of alternative housing options to a resident, the PHA or Project Owner must inform the resident in writing of: a) his or her right to return;⁹⁵ b) his or her right to comment on and/or object to plans which would preclude the resident from returning to the Covered Project; c) the requirement that if the resident objects to such plans, the PHA or Project Owner must alter the project plans to accommodate the resident in the Covered Project; and d) a description of both the housing option(s) and benefits associated with the right of return and the alternative housing options and benefits being offered. In the description of the available housing options and benefits, the PHA or Project Owner shall include a description of any temporary housing options associated exercising the right of return and a description of any permanent alternative housing options as well as a reasonable estimate of the financial implications of all temporary and permanent options on the resident long-term.

⁹⁴ Monetary payments other than Required Relocation Payments are considered "temporary, nonrecurring or sporadic income" pursuant to 24 C.F.R. § 5.609(c)(9) and consequently are excluded from income for purposes of eligibility and assistance calculations under certain HUD programs. Residents should be reminded that monetary payments other than URA relocation payments may be taxable under the Internal Revenue Code, that monetary payments, including required relocation payments, may affect residents' eligibility for other assistance programs and that the resident should seek knowledgeable guidance on these matters, including guidance on the taxation of monetary payments under state law.

⁹⁵ In the case of a transfer of assistance to a new site a significant distance from the Converting Project as described in Section 6.4(E), the resident shall be informed of the resident's right to return to the Covered Project at the new site and of the resident's right to an assisted unit within a reasonable distance of the site of the Converting Project, as described in Section 6.4(E).

The written notification may request written consent from the resident to exercise the alternative housing option and receive permanent relocation assistance and payments pursuant to RAD, the URA and/or Section 104(d), as applicable, in addition to any benefits associated with the alternative housing option. As part of any voluntary consent, the resident head of household must acknowledge in writing that acceptance of such assistance terminates the resident's right to return to the Covered Project. In order to ensure that the resident has sufficient time to seek advice and consider the alternative housing options, any consent to an alternative housing option executed within 30 days of the written presentation of the options shall be invalid.

Any offer of alternative housing options must be made in writing and the acceptance of the alternative must be voluntary and in writing. The offer of an alternative housing option must contain the following elements:

- The resident is informed of his or her right to return to the Covered Project and that neither the PHA nor the Project Owner can compel the resident to relinquish his or her right to return. The offer of alternative housing options must clearly state that acceptance of any alternative would relinquish the resident's right to return to the Covered Project.
- The offer of an alternative housing option must be accompanied by identification of comparable housing units which the resident may use to understand the nature of housing options available to them and the rent and estimated utility costs associated with such housing options. This information must also be accompanied by a reasonable estimate of any replacement housing payment or "gap payment" for which the resident may be eligible.
- The offer of an alternative housing option must be accompanied by information regarding moving payments and assistance that would be available if the resident exercises the right of return and if the resident accepts the alternative housing option.
- Residents must be offered advisory assistance to consider their options.
- To be fully informed, the offer must outline the implications and benefits of each alternative housing option being made available (i.e., of accepting each alternative housing option as compared to exercising his or her right to return) as well as a reasonable estimate of when the resident's relocation might occur. Implications and benefits include payment amounts, differences in rent calculations, differences in program rules, housing location, and potential long-term implications such as household housing expenses multiple years in the future.
- To be fully voluntary, the resident must have at least thirty (30) days following delivery of the written offer to consider their options. LEP persons must be provided a written translation of the offer and oral interpretation of any meetings or counseling in the appropriate language. In addition, PHAs must comply with their obligation to ensure effective communication with persons with disabilities.
- The resident cannot be asked to make a decision which will be implemented at a distant future time. Consequently, the resident may not provide written consent to an alternative housing option (and consequently, consent to voluntary permanent relocation) until after

the earlier of issuance of the NOIA or the effective date of the RCC.⁹⁶ If a resident signs a written consent to accept an alternative housing option, that written consent is valid for 180 days. If relocation (after the applicable notice periods) has not occurred within this 180 day period, then the PHA or Project Owner must secure a new consent to accept an alternative housing option. New relocation notices are generally not required.

- The acceptance must be in writing signed by the resident head of household, including a certification of facts to document that the household is relinquishing its right to return and that the decision and the acceptance of the alternative housing option was fully informed and voluntary.
- Residents accepting alternative housing options to relinquish their right to return will be considered to have voluntarily and permanently relocated. Such residents are to be provided applicable RAD, URA and/or Section 104(d) relocation assistance and payments.

The information included with the offer of alternative housing options is to aid the resident in making decisions regarding the desirability of the alternative housing options and neither satisfies nor replaces the relocation notices and information required to be provided to residents pursuant to this Notice, the URA or Section 104(d).

While HUD does not require PHAs to submit documentation of alternative housing options offered to residents or the residents' elections, PHAs must keep auditable written records of such consultation and decisions. HUD may request this documentation at any time, including as part of a review of the Checklist or if relocation concerns arise.

6.11. Lump Sum Payments

PHAs and Project Owners should note that certain relocation payments to displaced residential tenants may be subject to 42 USC § 3537c ("Prohibition of Lump-Sum Payments") and must be disbursed in installments. The PHA or Project Owner may determine the frequency of the disbursements which must be made in installments. Handbook 1378, Chapter 3-7(D) provides guidance on the manner and frequency of disbursing payments subject to this requirement.

Any monetary element beyond Required Relocation Payments which may be associated with an alternative housing option described in Section 6.10, above, is not relocation assistance and is therefore not subject to the requirements regarding lump sum payments.

SECTION 7. APPLICABILITY OF HCV AND PUBLIC HOUSING REQUIREMENTS

7.1. HCV Waiting List Administration Unrelated to the RAD Transaction

From time to time, a resident of a Converting Project may place themselves on the PHA's waiting list for HCVs independent of any planned RAD transaction. With respect to residents of a Converting Project prior to the effective date of the HAP contract, PHAs should continue to

⁹⁶ The PHA and Project Owner should note that securing resident consent to an alternative housing option may delay the issuance of the RAD Notice of Relocation. The RAD Notice of Relocation must be specific to whether the resident will be temporarily or permanently relocated.

administer their HCV waiting list in accordance with their Section 8 Administrative Plans. Residents who rise to the top of the HCV waiting list independent of any preference for relocating RAD residents or other RAD provisions and accept an HCV are not considered to be relocated as a result of the RAD conversion. Standard administration of the PHA's HCV waiting list is not considered relocation.

7.2. HCV Waiting List Administration Related to the RAD Transaction

From time to time, a PHA may wish to use HCV resources as a relocation option in connection with a RAD transaction. In order to do so, a PHA must modify its Section 8 Administrative Plan to provide a preference for relocating RAD residents and the PHA is subject to Section 6.8 of this Notice relating to initiation of relocation. Further, if a PHA provides a preference for relocating RAD residents, the PHA must be explicit regarding the nature of the HCV as a relocation resource. If the PHA anticipates using the HCV as a temporary relocation resource, the PHA must recognize that it cannot rescind an HCV once issued to the resident (i.e., the family would have to voluntarily relinquish their voucher and may choose to remain in the HCV program indefinitely). The PHA must also provide a preference for admission to the Covered Project in order to satisfy the right to return. Alternatively, if the PHA anticipates using the HCV as a voluntary permanent relocation resources, the PHA must comply with the alternative housing options provisions of Section 6.10.⁹⁷

7.3. Public Housing Transfers Unrelated to the RAD Transaction

From time to time, a resident of a Converting Project may request a transfer to another public housing property independent of any planned RAD transaction. With respect to residents of a Converting Project prior to the effective date of the HAP contract, PHAs must continue to administer their admissions and occupancy procedures as adopted. Any prohibitions in this Notice on implementing relocation do not apply to residents requesting public housing transfers, moves pursuant to the Violence Against Women Act (VAWA)⁹⁸ or reasonable accommodation moves. Standard administration of the PHA's admissions and occupancy policy is not considered relocation.⁹⁹ Transfers not undertaken for the RAD project are not subject to URA. However, it is recommended that the PHA document the transfer carefully, including an acknowledgement by the resident that the transfer is not undertaken for the RAD project, is not

⁹⁷ PHAs and Project Owners should note that while in most cases, there is no rent differential between the tenant paid rent in a public housing unit and in an HCV, there are some situations (such as flat rent households) where a difference does exist. Rental assistance payments under the URA are required if there is a difference between these two amounts.

⁹⁸ Title IV, section 40001-40703.

⁹⁹ Standard administration of the PHA's admissions and occupancy policy is permitted. However, HUD is sensitive to concerns that discussion of the planned RAD conversion and construction activities may cause residents to perceive a pressure to transfer without the counseling and moving assistance which would be available were the household to wait until relocation. If relocation at the Converting Project is planned, PHAs are strongly advised to document any such transfers carefully and to provide any households moving under standard admissions and occupancy policies with additional notices referencing the assistance and payments which would be available if the household were to remain in place until the relocation plan is implemented.

subject to URA requirements and that the resident is moving notwithstanding the guidance in the GIN or other relocation guidance from the PHA.

7.4. Resident Initiated Public Housing Transfers Related to the RAD Transaction

Pursuant to Section 1.8 of the RAD Notice, households in the Converting Project who do not want to transition to the Section 8 program may be offered, if available, the opportunity to move to other public housing owned by the PHA. Such move shall be implemented as a transfer and shall be prioritized equivalent to a “demolition, disposition, revitalization or rehabilitation transfer” as described in Section 11.2 of the applicable Public Housing Occupancy Guidebook. Transfers for this purpose do not require any modification to the PHA’s admissions and occupancy policy and may occur at any time pursuant to the PHA’s admissions and occupancy policy. Transfers for this purpose, while initiated by the resident, are the result of the PHA-initiated RAD transaction and the PHA must bear the reasonable costs of transfer. The reasonable cost of the transfer includes not just the cost of packing, moving, and unloading, but also the cost of disconnecting and reconnecting any existing resident-paid services such as telephone and cable television. The PHA must also document that the resident’s transfer request is fully informed and fully voluntary, which documentation must include an acknowledgement by the resident that the transfer is not undertaken at the request of the PHA or under pressure from the PHA, that the resident is moving notwithstanding the guidance in the GIN or other relocation guidance from the PHA and that the resident is withdrawing from participation in the RAD program and consequently losing rights, including the right to return, which accrue to residents participating in the RAD program. A public housing resident who voluntarily seeks a public housing transfer is generally not considered to be displaced under the URA or Section 104(d), where applicable.

7.5. Public Housing as a Temporary Relocation Resource

PHAs and Project Owners may wish to mitigate the relocation budget associated with the RAD conversion by using units within the PHA’s portfolio as relocation resources. In light of its mission to serve as many low-income households as possible, including its need to accommodate emergency transfers (such as moves pursuant to VAWA), the PHA should minimize the use of the public housing units not converting under RAD for temporary relocation of RAD impacted residents. HUD has a strong preference that the PHA use the units within the PHA’s Converting Projects as a temporary relocation resource prior to using units in the remainder of the PHA’s public housing portfolio. PHAs may elect not to lease units within the Converting Projects or, if necessary, the remainder of its portfolio, for this purpose only to the extent reasonably necessary to facilitate construction or rehabilitation.

Upon the effective date of the HAP contract (usually also the effective date of the RAD conversion), each resident of a Covered Project becomes a participant in the Section 8 program and is no longer part of the public housing program. A PHA may use public housing as a temporary relocation resource if approved by HUD, which approval shall depend on the proposed structure. PHAs wishing to use public housing units as a temporary relocation resource must consult with HUD’s Office of Public and Indian Housing (PIH) prior to the formal request for HUD approval. It is unlikely that HUD would approve a request to use public housing units

as a relocation resource for a period exceeding one year after the effective date of the HAP contract.

If HUD grants approval, HUD shall provide alternative requirements regarding PIH Information Center (PIC) documentation of the occupancy of these temporary relocation resources. PHAs must follow any guidance or instructions regarding treatment of the public housing units in HUD's data systems as may be provided from time to time.

PHAs and Project Owners should note that, absent written approval, if a resident seeks to occupy a public housing unit after the effective date of the HAP contract, the resident would need to be readmitted to public housing in a manner consistent with the waitlist and admissions policies and must exit the Section 8 program.

7.6. Terminations (Including Evictions) and End of Participation Unrelated to the RAD Transaction

Public housing program requirements related to continued occupancy and termination, including rules on grievances and related hearings, remain in effect until the effective date of a new PBV or PBRA HAP contract. If a resident is evicted in accordance with applicable state and local law and the eviction is not undertaken for the purpose of evading the obligation to make available RAD relocation and URA payments and other assistance, the resident is generally not entitled to relocation assistance and payments under this Notice or the URA (49 C.F.R. § 24.206). If a resident voluntarily ends his or her participation in the public housing program, in the absence of evidence that the end of participation was induced by the PHA for the purpose of evading the obligation to make available RAD relocation and URA payments and other assistance, the resident is generally not entitled to relocation assistance and payments under this Notice or the URA.

7.7. Right-Sizing

Public housing, PBV and PBRA requirements mandate that, upon the availability of a unit which is appropriate for the household size, the PHA or Project Owner must transfer a household that is under- or over-housed into the unit appropriate to the household's size. However, accommodating all residents pursuant to the right of return has primacy over right-sizing requirements and may, in some cases, require temporarily over-housing households. In such circumstances, the PHA or Project Owner shall subsequently transfer the household to an appropriate size unit when available, as is required by the applicable program regulation. Such actions shall be governed by the applicable program regulation and shall not be considered relocation under this Notice.

Lourdes Castro-Ramirez
Principal Deputy Assistant Secretary for
Public and Indian Housing

Edward L. Golding
Principal Deputy Assistant Secretary for
Housing

APPENDIX I: Applicable Legal Authorities

APPENDIX II: Recommended Relocation Plan Contents

APPENDIX I: Applicable Legal Authorities

Part 1

This Appendix to the Notice identifies key legal authorities with respect to fair housing, civil rights, and resident relocation. This Appendix is not exhaustive of applicable legal authorities, which authorities may also include other Federal statutes, regulations and Executive Orders, and civil rights provisions related to other programs (including funding programs) associated with the RAD transaction.

Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended)

The Fair Housing Act, 42 U.S.C. § 3601 et seq., and its implementing regulations, 24 C.F.R. part 100, prohibit discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, disability, or familial status. The Fair Housing Act applies to for-sale and rental housing, whether the housing is privately or publicly funded, including housing supported by tax credits. Single family homes, condominiums, apartment buildings, time-shares, dormitories, transitional housing, homeless shelters that are used as a residence, student housing, assisted living housing, and other types of housing are all covered by the Fair Housing Act.

Among its substantive provisions, the Fair Housing Act requires “covered multifamily dwellings,” designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas are subject to the Act’s design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas are subject to the Act’s design and construction requirements.¹⁰⁰ In addition, the Fair Housing Act requires that housing providers make reasonable accommodations in rules, policies, and services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common use areas, and that housing providers permit reasonable modifications of existing premises for persons with disabilities.

The Fair Housing Act also requires HUD to administer HUD programs and activities in a manner that affirmatively furthers fair housing (42 U.S.C. § 3608(e)(5)). HUD’s affirmatively furthering fair housing (“AFFH”) rule in 24 C.F.R. §§ 5.150-5.180 will apply to PHAs (except for qualified PHAs) for the PHA’s fiscal year that begins on or after January 1, 2018 for which a new 5-year plan is due, as provided in 24 C.F.R. § 903.5. The affirmatively furthering fair housing regulations will apply to qualified PHAs, for the PHA’s fiscal year that begins on or after January 1, 2019 for which a new 5-year plan is due, as provided in 24 C.F.R. § 903.5.¹⁰¹

¹⁰⁰ See 42 U.S.C. § 3604(f)(3)(c) and 24 C.F.R. § 100.205.

¹⁰¹ For purposes of the AFFH rule, “[a]ffirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing under the AFFH rule means taking meaningful actions that, taken together, address

Additional detail and discussion of the interplay between the Fair Housing Act, Section 504, and Titles II or III of the Americans with Disabilities Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

United States Housing Act of 1937 (1937 Act)

The United States Housing Act of 1937 (1937 Act) (42 U.S.C. § 1437c-1(d)(15)) requires PHAs to submit a 5-year plan and an Annual Plan. Pursuant to HUD regulations, the Annual Plan includes a certification by the PHA that the PHA will affirmatively further fair housing.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) and HUD's implementing regulation (24 C.F.R. part 1) prohibit recipients of Federal financial assistance from discriminating, excluding from participation, or denying benefits to, any person on the basis of race, color, or national origin. In addition, Title VI regulations prohibit HUD recipients of Federal financial assistance from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin (24 C.F.R. § 1.4(b)(2)(i)). When determining the site or location of housing, recipients may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, or national origin (24 C.F.R. § 1.4(b)(3)). An applicant or recipient of HUD financial assistance also has an obligation to take reasonable action to remove or overcome the consequences of prior discriminatory practices regardless of whether the recipient engaged in discriminatory conduct (24 C.F.R. § 1.4(b)(6)).

Recipients of Federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities for persons who have limited ability to read, speak, or understand English – i.e., individuals who have limited English proficiency (LEP). This includes oral and written communications during relocation and throughout a RAD transaction. Such language assistance may include, but is not limited to, providing written translation of notices regarding the plans for the project and relocation and oral interpretation at meetings. Otherwise, LEP persons may be denied participation in, and the benefit of, the recipients' program or activity. On January 22, 2007, HUD issued "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (LEP Guidance), available at: http://www.lep.gov/guidance/HUD_guidance_Jan07.pdf.¹⁰²

significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws." 24 C.F.R. § 5.150. Meaningful actions means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. See 24 C.F.R. § 5.152.

¹⁰² See also Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, which requires recipients of Federal financial assistance to take reasonable steps to provide meaningful access to

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 provides: “No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance.”¹⁰³

Among other things, HUD’s regulations implementing Section 504 (in 24 C.F.R. part 8) prohibit recipients of Federal financial assistance, in determining the site or location of a facility receiving such assistance, from making site selections the purpose or effect of which would (1) exclude qualified individuals with disabilities from or deny them the benefits of a program or activity, or otherwise subject them to discrimination; or (2) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities.¹⁰⁴ These prohibitions apply to both determining the site of permanent facilities and a site for relocation of residents.

Furthermore, HUD’s implementing regulations prohibit discrimination, the denial of benefits, or the exclusion of participation of individuals with disabilities from the programs or activities of recipients of federal financial assistance because a recipient’s facilities are inaccessible. Such recipients must provide qualified individuals with disabilities with program access, which may require modification of architectural features of facilities in RAD transactions for individuals with disabilities to have access to the program. Certain architectural specifications apply to facilities that are altered or newly constructed with HUD financial assistance, such as facilities where assistance is transferred and facilities used as temporary or permanent relocation sites for residents of a project undergoing a RAD conversion. If alterations are made to a housing facility, the alterations to dwelling units in the facility are required, to the maximum extent feasible (i.e., if doing so would not impose undue financial and administrative burdens on the operation of the project), to be made readily accessible to and usable by individuals with disabilities. If alterations taken to a development that has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility (except when it requires removal of structural load-bearing members), or if the facility is newly constructed, then a minimum of 5% of the total dwelling units, or at least one unit in a development, whichever is greater, must be made accessible for persons with mobility impairments. An additional 2% of the units, but not less than one unit, in a development must be accessible for persons with hearing and vision impairments.

In addition, regulations implementing Section 504 require recipients to make reasonable accommodations for persons with disabilities. A reasonable accommodation is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Section 504 also includes effective communication requirements, such as

their programs and activities for LEP persons. E.O. 13166 directs all Federal agencies, including HUD, to issue guidance to help recipients of Federal financial assistance in providing such meaningful access to their programs.

¹⁰³ 29 U.S.C. § 794. HUD’s Section 504 regulation that applies to recipients of Federal financial assistance, including PHAs and Project Owners, is located at 24 C.F.R. part 8.

¹⁰⁴ 24 C.F.R. § 8.4(b)(5).

providing interpreters and alternate format documents (e.g., Braille, large print, accessible electronic communications) for persons with disabilities.

Additional detail and discussion of the interplay between Section 504, the Fair Housing Act, and Titles II or III of the Americans with Disabilities Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

Titles II and III of the Americans with Disabilities Act

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in all services, programs, and activities provided or made available by public entities. Title II of the ADA applies to housing developed or operated by state and local governments, which includes a PHA. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. For example, Title III applies to rental offices, sales offices, homeless shelters, hotels and motels, and commercial spaces associated with housing, such as daycare centers, social service offices, and sales and retail establishments. Titles II or III also will generally apply to community spaces and facilities, such as neighborhood networks, to computer centers (including the computers in the centers), and to transportation services and conveyances provided by PHAs and Project Owners.

Additional detail and discussion of the interplay between Titles II and III of the Americans with Disabilities Act, the Fair Housing Act, and Section 504 of the Rehabilitation Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

Section 109

Section 109 of the Housing and Community Development Act of 1974 (HCDA of 1974), Title I, prohibits discrimination on the basis of race, color, national origin, disability, age, religion, and sex in Community Development Block Grant (CDBG) programs and activities. Section 109 applies to RAD projects that receive CDBG or other assistance under Title I of the HCDA of 1974.

In addition to its responsibility for enforcing other Federal statutes prohibiting discrimination in housing, HUD has a statutory obligation under Section 109 to ensure that individuals are not subjected to discrimination on the basis of race, color, national origin, disability, age, religion, or sex by recipients of CDBG funds. Section 109 charges HUD with enforcing the right of individuals to live in CDBG-funded housing and participate covered programs and activities free from such discrimination. However, this additional statutory authority only applies to programs authorized under Title I of the HCDA of 1974, such as CDBG and programs, such as Section 108 loan guarantees and the Historically Black Colleges and Universities program.

Equal Access to HUD-assisted or HUD-insured Housing

HUD requires its housing programs to be open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status. HUD recipients and subrecipients must comply with 24 C.F.R. § 5.105(a)(2) when determining eligibility for housing assisted with HUD

funds or subject to an FHA-insured mortgage, and when making such housing available. This includes making eligibility determinations and making housing available regardless of actual or perceived sexual orientation, gender identity, or marital status, and prohibiting inquiries about sexual orientation or gender identity for the purpose of making eligibility determinations or making housing available. Applicants are encouraged to become familiar with these requirements, HUD's definitions of sexual orientation and gender identity at 24 C.F.R. § 5.100, clarifications to HUD's definition of family at 24 C.F.R. § 5.403, and other regulatory changes made through HUD's Equal Access Rule, published in the Federal Register at 77 FR 5662 (Feb. 3, 2012).

Section 3: Economic Opportunities for Low- and Very Low-income Persons.

Certain HUD programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. § 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 C.F.R. part 135. The regulations at 24 C.F.R. part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons where proposed project is located. Recipients of funds covered by Section 3 must comply with 24 C.F.R. part 135, particularly subpart B-Economic Opportunities for Section 3 residents and Section 3 Business Concerns, and Subpart E-Reporting and Recordkeeping. HUD encourages recipients to search the national Section 3 Business Registry to find local businesses that prioritize hiring Section 3 residents.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4601 *et seq.* (URA) is a Federal law that establishes minimum standards for programs or projects receiving Federal financial assistance that include the acquisition of real property (real estate) and/or displace persons from their homes, businesses, or farms as a result of acquisition, rehabilitation, or demolition.¹⁰⁵ The URA implementing Federal regulations can be found at 49 C.F.R. part 24. Project-Based Voucher (PBV) and Project-Based Rental Assistance (PBRA) are considered Federal financial assistance for purposes of the URA. As a result, the URA will apply to acquisitions of real property and relocation of persons from real property that occur as a direct result of acquisition, rehabilitation or demolition for a project that involves conversion of assistance to PBV or PBRA programs under RAD.

¹⁰⁵ For additional guidance, see HUD Handbook 1378 Tenant Assistance, Relocation, and Real Property Acquisition), available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance/handbook1378.

Section 104(d) of the Housing and Community Development Act of 1974

Section 104(d) of the Housing and Community Development Act of 1974, as amended, 42 USC § 5304(d), (Section 104(d)), is a Federal law that applies when a lower-income dwelling is demolished or converted (as conversion is defined in accordance with 24 C.F.R. § 42.305) to a use other than lower-income housing in connection with a Community Development Block Grant Program (CDBG) or HOME Investment Partnerships Program (HOME) funded activity. Under Section 104(d), a lower-income person is considered displaced and, therefore eligible for Section 104(d) relocation assistance if the person permanently moves from real property or permanently moves personal property from real property as a direct result of the demolition or conversion of a lower-income dwelling to a use other than lower-income dwelling unit in connection with a CDBG or HOME funded activity. The Section 104(d) one-for-one replacement housing requirements may apply with respect to occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower-income dwelling units in connection with CDBG or HOME funded activity. Section 104(d) implementing regulations can be found at 24 C.F.R. part 42, Subpart C. Additional HUD policy and guidance for Section 104(d) is available in HUD Handbook 1378, Chapter 7.

Part 2 – Accessibility Requirements

Federal accessibility requirements apply to all RAD projects – whether they include new construction, alterations, or existing facilities. Applicable laws include, but are not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act, and Titles II or III of the Americans with Disabilities Act (ADA). A PHA or Project Owner must comply with each law that applies to its project and with the requirement that provides the most accessibility when two or more laws apply. All three laws include new construction requirements. Substantial alterations, additions, rehabilitation and existing facilities must be in compliance with applicable requirements of Section 504 and the ADA.¹⁰⁶ All three laws may also require reasonable accommodations or modifications.

Accessibility Requirements for New Construction

The Fair Housing Act requires all “covered multifamily dwellings” designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas must meet the Fair Housing Act’s design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas must meet the Fair Housing Act’s design and construction requirements. The Fair Housing Act requires that all covered multifamily dwellings be designed and constructed so that public and common use areas are readily accessible to and usable by persons with disabilities; all doors are sufficiently wide to allow passage by persons using wheelchairs; all units contain accessible routes into and through the dwelling unit; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; reinforcements are installed in bathroom walls to allow later installation

¹⁰⁶See 24 C.F.R. § 100.205 (Fair Housing Act) and 24 C.F.R. §§ 8.22 and 8.23 (Section 504). See also 28 C.F.R. § 35.151(b) and 28 C.F.R. part 36 (ADA Titles II and III regulations, respectively).

of grab bars; and kitchens and bathrooms are usable such that a person in a wheelchair can maneuver about the space.¹⁰⁷ These design and construction requirements apply whether the housing is privately or publicly funded, including housing supported by tax credits.¹⁰⁸

New construction of a multifamily housing project containing five or more dwelling units is also subject to physical accessibility requirements under Section 504. Under Section 504, a “project” includes all residential and appurtenant structures, equipment, roads, walks, and parking lots which are covered by a single contract or application for Federal financial assistance, or are treated as a whole for processing purposes, whether or not they are located on a single site.¹⁰⁹ The accessibility standards for new construction under Section 504 are the Uniform Federal Accessibility Standards (UFAS).¹¹⁰ HUD recipients may also use the 2010 ADA Standards for Accessible Design under title II of the ADA, except for certain specific identified provisions, as detailed in HUD’s Notice on “Instructions for use of alternative accessibility standard,” published in the Federal Register on May 23, 2014 (“Deeming Notice”). This option exists until HUD formally revises its Section 504 regulation to adopt an updated accessibility standard. Refer to HUD’s Deeming Notice for more information.

Section 504 also requires that a minimum of 5% of the total dwelling units or at least one unit, whichever is greater, is required to be accessible for persons with mobility impairments. An additional 2% of the total dwelling units or at least one unit, whichever is greater, is required to be accessible for persons with vision and hearing impairments.¹¹¹ HUD may prescribe a higher percentage or number of units upon request by any affected recipient or by any State or local government or agency based upon demonstration to the reasonable satisfaction of HUD of a need for a higher percentage or number, based on census data or other available current data, or in response to evidence of a need for a higher percentage or number received in any other manner. In reviewing such request or otherwise assessing the existence of such needs, HUD shall take into account the expected needs of eligible persons with and without disabilities.¹¹²

Title II of the ADA prohibits discrimination on the basis of disability in all services, programs, and activities provided or made available by public entities. Title II of the ADA applies to housing programs, including housing developed or operated by state and local governments, which includes PHAs. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations, including rental offices, and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. All newly constructed or altered facilities, including facilities altered to

¹⁰⁷ See 24 C.F.R. § 100.205.

¹⁰⁸ For more information about the design and construction provisions of the Fair Housing Act, see www.fairhousingfirst.org. See also the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act (April 30, 2013), available at: www.hud.gov/offices/fheo/library/hudjointstatement.pdf.

¹⁰⁹ See 24 C.F.R. § 8.3.

¹¹⁰ The UFAS are available at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>). See also 24 C.F.R. § 8.32.

¹¹¹ See 24 C.F.R. § 8.22.

¹¹² See HUD regulation at 24 C.F.R. § 8.22(c).

comply with program access and readily achievable barrier removal obligations that exist under Titles II or III of the ADA, must comply with the U.S. Department of Justice's ADA architectural accessibility standards as described in the following U.S. Department of Justice Technical Assistance document ADA Requirements, Effective Date/Compliance Date (Feb. 2011), http://www.ada.gov/revised_effective_dates-2010.htm.

Accessibility Requirements for Alterations

If a building was constructed for first occupancy after March 13, 1991, the building must be in compliance with, and all alterations must maintain the building's accessible features so that the building continues to meet, the Fair Housing Act's accessibility requirements. In addition, without regard to the date of construction for first occupancy, certain alterations may be required under the Fair Housing Act if requested by a resident as a reasonable accommodation or modification or otherwise required to remediate accessibility deficiencies in the design and construction of the building.

Under HUD's Section 504 regulation, alterations include any structural change in a facility or a change to its permanent fixtures or equipment. If alterations are undertaken to a project that has fifteen or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility, this qualifies as "substantial alterations," in which the new construction provisions of 24 C.F.R. § 8.22 apply.¹¹³

When alterations are made that do not qualify as substantial alterations, alterations to dwelling units in a multifamily housing project shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with disabilities.¹¹⁴ If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire dwelling unit shall be made accessible. Once 5% of the dwelling units in a housing project are readily accessible to and usable by individuals with mobility impairments, no additional elements of dwelling units or entire dwelling units are required to be accessible under this provision. However, alterations to meet ongoing accessibility needs are always required, for example, in response to a reasonable accommodation request. Alterations to common areas or parts of facilities that affect accessibility of existing housing facilities shall, to the maximum extent feasible, be made to be accessible to and usable by individuals with disabilities. For purposes of this paragraph, the phrase "to the maximum extent feasible" shall not be interpreted as requiring that a recipient (including a PHA) make a dwelling unit, common area, facility or element thereof accessible if doing so would impose undue financial and administrative burdens on the operation of the multifamily housing project.¹¹⁵

All altered facilities covered by Titles II or III of the ADA must be altered in accordance with the U.S. Department of Justice's 2010 ADA Standards for Accessible Design and applicable ADA

¹¹³ See 24 C.F.R. § 8.23(a). The sole exception is that load bearing structural members are not required to be removed or altered.

¹¹⁴ HUD may require a higher number or percentage of accessible units pursuant to 24 C.F.R. § 8.22(c) and 24 C.F.R. § 8.23(b)(2).

¹¹⁵ 24 C.F.R. § 8.23(b).

regulations, unless subject to certain safe harbors identified in the 2010 ADA revised regulations for Titles II and III, as applicable.¹¹⁶

HUD will consider on a case-by-case basis a PHA's request to undertake limited new construction on the site of a Covered Project undergoing rehabilitation to comply with accessibility requirements on the site.

Additional Accessibility Requirements for Both New Construction and Alterations

Accessible units must be distributed throughout projects and sites and be available in a sufficient range of sizes and amenities so that a qualified individual with disabilities' choice of living arrangements is, as a whole, comparable to that of other persons eligible under the same program.¹¹⁷ This provision shall not be construed to require provision of an elevator in any multifamily housing project solely for the purpose of permitting location of accessible units above or below the accessible grade.

PHAs are encouraged to use universal design principles, visitability principles and active design guidelines in planning new construction or retrofit work, wherever feasible. However, adherence to universal design principles does not replace compliance with the accessibility requirements of Section 504, the ADA and the Fair Housing Act.

Program Accessibility Requirements

Under Section 504, recipients must operate each existing housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is accessible to and usable by individuals with disabilities. Title II of the ADA also includes a program access requirement, while Title III of the ADA requires readily achievable barrier removal.¹¹⁸ Further, Section 504, the Fair Housing Act, and the ADA require that reasonable accommodations/modifications be granted to address disability-related needs of individuals with disabilities.¹¹⁹

¹¹⁶ See <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>.

¹¹⁷ See 24 C.F.R. §§ 8.26 and 8.27.

¹¹⁸ See 28 C.F.R. § 35.150; 28 C.F.R. § 36.304.

¹¹⁹ For more information on reasonable accommodations, see the HUD/DOJ Joint Statement on Reasonable Accommodations Under the Fair Housing Act at <http://portal.hud.gov/hudportal/documents/huddoc?id=JOINTSTATEMENT.PDF>. While this joint statement focuses on the Fair Housing Act, the principles discussed in the statement generally apply to requests for reasonable accommodation under Section 504, except, for purposes of Section 504, HUD recipients are required to provide and pay for structural modifications as a reasonable accommodation.

APPENDIX II: Recommended Relocation Plan Contents

While RAD mandates written relocation plans only for projects which involve permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year, HUD strongly encourages PHAs to document their relocation planning process and procedures in a written relocation plan. The following provides suggested content for required and recommended relocation plans. In the case of any discrepancy between this description of the recommended relocation plan contents and the provisions of the Notice to which this Appendix is attached or any applicable laws or regulations with respect to the URA or Section 104(d), the provisions of the Notice or applicable laws and regulations shall govern.

The basic elements of the relocation plan include:

- A general description of the project and project elements that may create relocation needs;
- Information on residents of the project and eligibility for relocation assistance and payments;
- Information regarding how the project will address the RAD right to return requirements and the project's re-occupancy policies;
- A detailed discussion of plans for temporary relocation assistance;
- A detailed discussion of any transfer of assistance;
- A detailed discussion of any offers of alternative housing options and plans for voluntary permanent relocation assistance;
- A detailed discussion of compliance with fair housing and civil rights requirements, including accessibility requirements;
- The relocation budget; and
- The appeals process.

The plan as a whole should discuss the specific steps to be taken to minimize the adverse impacts of relocation on the residents.

I. Project Summary

The Relocation Plan should provide a general description of the property (e.g., year built, location, number of units, configuration, resident population served). The project summary should also identify the nature of the activities to be undertaken, including acquisition, demolition, rehabilitation, and construction activities and additional detail regarding the project scope (e.g., gut rehab, systems replacement, modest in-unit renovations, transfer of assistance). The project summary should also discuss how any construction activities are to be implemented (i.e., vacate the property entirely, vacate specific floors or buildings, rehabilitation with residents in place). The summary should also discuss the overall theory of relocation, for example, whether a few households will be relocated off-site and the vacant units will be used as temporary housing before other households move back to their original units (a "hoteling" approach), or whether the vacant units will be permanently occupied, with the residents vacating other units to be renovated (a "domino" approach).

The relocation plan should also identify the funding sources which may trigger relocation requirements, with particular attention to the potential presence of HOME or CDBG funds which may trigger Section 104(d) requirements.

II. Project Occupancy

The Relocation Plan should provide information on occupancy of the property including the number of residents, their household type (family, elderly), any non-residential (commercial) occupants, and should identify how any routine needs (such as continuation of utilities such as telephone service) and civil rights compliance issues (for example, limited English proficiency, disabilities, reasonable accommodations and unit modifications that have been or may be necessary) shall be identified and addressed. The Relocation Plan may specify the community meetings, interviews and/or other processes that will be undertaken to assess the residents' needs.

The Relocation Plan should also address eligibility for relocation assistance and payments, applying the rules of the Notice to the particularities of the project.

III. Resident Return and Re-occupancy Policies

The Plan should address how the project will honor the RAD right to return requirements and the “no re-screening upon conversion” policy. With respect to residents who will be temporarily relocated, the Plan should include the methodology that will be used to determine the sequence in which residents will re-occupy units at the project after rehabilitation, demolition, and/or construction is completed, and to determine how residents are matched with units if the residents are not able to return to their original unit. For example, if units will come online in stages, the plan should outline how the PHA or Project Owner will determine when each resident will return to the property.

IV. Temporary Relocation Assistance

The plan should detail the temporary housing resources to be used, the anticipated duration of temporary relocations, notices to be provided and the temporary relocation assistance the PHA or Project Owner will provide for residents (Paragraph 2-7 of HUD Handbook 1378). Topics to be addressed in the Plan include:

- Temporary Housing Resources. The Plan should identify the nature and availability of the temporary housing resources the PHA or Project Owner anticipates using. On-site resources are generally preferred. However, in some cases, PHAs or Project Owners may need to use hotel rooms for short-term relocations, or market-rate apartments. If the PHA or Project Owner anticipates using other assisted housing resources (such as HCVs, public housing or other properties with regulatory restrictions), the PHA or Project Owner should take particular care to address regulatory issues.
- Allocation of Temporary Relocation Resources. The Plan should describe a fair and reasonable methodology for allocating temporary relocation housing to residents on a nondiscriminatory basis.
- Duration of Temporary Relocation. In the event that the Plan includes relocation which is anticipated to exceed one year, it should detail the requirements which apply to those

residents (such as the issuance of a *Notice of Relocation* to the resident covering eligibility for URA relocation assistance, the offer of permanent relocation assistance and payments at URA levels and, if conditions warrant, the subsequent issuance of a *Notice of Eligibility*) as distinct from requirements that apply to residents who are not relocated for more than one year.

- Packing and Moving Assistance. The Plan should address how the PHA or Project Owner intends to provide or reimburse for packing and moving services and expenses. Considerations the Plan may want to address include:
 - Instructions and supplies (e.g., boxes, markers, tape) to be provided if residents prefer to pack their own personal possessions and items of value;
 - Assistance in packing to be provided if residents need assistance or prefer not to pack their personal possessions;
 - Guidance on how residents request to pack their own possessions or to receive packing assistance; and
 - How the PHA or Project Owner intends to provide or reimburse for moving services and expenses. The PHA or Project Owner can choose to do one or more of the following:
 - Undertake the moves itself, using employees of the PHA or Project Owner or “force account labor”¹²⁰
 - Use a contractor or moving company
 - Reimburse residents for all actual, reasonable and necessary moving expenses.
- Storage. The Plan should address whether storage of the resident’s personal property is necessary and the arrangements for such storage.
- Damage or Loss. The Plan should address Insurance for the replacement value of the property in connection with the move and necessary storage and/or the replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Out-of-Pocket Expenses. The nature of out of pocket expenses vary based on the nature of the temporary relocation moves. For example, hotel stays or in-place renovation may trigger the need for reimbursement of meals while a kitchen is unavailable. The Plan should outline the anticipated out-of-pocket expenses and the PHA’s or Project Owner’s plans and budget with respect to these expenses.
- Leasing Arrangements. The Plan should address whether the resident will have a direct lease or other contractual relationship with the owner of the temporary relocation resource or whether the PHA or Project Owner will hold the lease and the resident will maintain a contractual relationship with the PHA or Project Owner.
- Utility Costs. The Plan should address whether residents will need to disconnect and reconnect necessary utilities and, if so, how the PHA or Project Owner anticipates managing this process and any associated expenses. Necessary utilities may include telephone, cable service, Internet access or other items. The Plan should address payment of utility deposits, if required at the temporary relocation housing (HUD Handbook 1378, paragraph 2-7(A)(3)).

¹²⁰ Defined at 24 C.F.R. 905.108.

- Reasonable Accommodations. The plan should address whether residents with disabilities will require reasonable accommodations during temporary relocation and, if so, how the PHA or Project Owner anticipates ensuring the provision of reasonable accommodations and any associated expenses. Reasonable accommodations may include, among other items, the provision of transportation assistance, relocation to locations which are physically accessible and located near public transportation, and modifications to policies to allow individuals with disabilities to reside with a live-in aide.

V. Transfer of Assistance

Relocation planning in the context of transfer of assistance is particularly complex. The PHA should address how RAD, URA and Section 104(d) requirements each apply, as the same activity may be treated differently under each regulatory framework. The Plan should specifically outline the PHA's procedures to ensure that the applicable requirements are applied to each situation appropriately. The Plan should also address whether relocation is required for any businesses or residents at the destination site. Finally, the Plan should address whether two moves – from the public housing site to an intermediate site and then to the transfer of assistance site – are necessary while the Covered Project is being constructed or rehabilitated.

VI. Alternative Housing Options and Voluntary Permanent Relocation Assistance

If the PHA or Project Owner seeks to offer alternative housing options, the Plan should identify those options and the manner in which they are presented to residents for decision. The plan should also outline the counseling the PHA or Project Owner will provide to assist the residents in determining what options may be available and the financial implications of those options, for example,

1. Discussion of whether units available in the market (either in the affordable market or the unrestricted market) will meet the financial and dwelling requirements of relocated residents;
2. The general area or location of unit(s);
3. Where applicable, the accessibility of such units for individuals with disabilities;
4. Criteria for receiving relocation assistance; and
5. Any other information that might benefit residents in their consideration of housing choices.

The Plan should identify how the PHA or Project Owner will work with any residents who have elected voluntary permanent relocation. The Plan should further include a description of the permanent relocation assistance the PHA or Project Owner will provide to such residents. Topics to be addressed in the Plan include:

- Replacement Housing. The Plan should address the availability of comparable replacement housing, the notices to be provided and the provisions to ensure that appropriate accessibility features are available in compliance with applicable laws and regulations.

- Fair housing considerations. The Plan should address referrals to housing not located in areas of minority concentration and compliance with requirements regarding accessible housing for persons with disabilities. The Plan should address how the PHA or Project Owner will determine if residents have paid for the acquisition and/or installation of accessible features in the housing from which they are being relocated and how the PHA or Project Owner will ensure that the replacement housing contains required and comparable accessible features or that the resident is appropriately compensated for the cost of acquiring and/or installing required and comparable accessible features.
- Packing and Moving Assistance. The Plan should address how the PHA or Project Owner intends to provide or reimburse for packing and moving services and expenses. Considerations the Plan may want to address include:
 - Instructions and supplies (e.g., boxes, markers, tape) to be provided if residents prefer to pack their own personal possessions and items of value;
 - Assistance in packing to be provided if residents need assistance or prefer not to pack their personal possessions;
 - Guidance on how residents request to pack their own possessions or to receive packing assistance; and
 - How the PHA or Project Owner intends to provide or reimburse for moving services and expenses consistent with 49 C.F.R. § 24.301 or, at the resident's option, 49 C.F.R. § 24.302.
- Storage. The Plan should address whether storage of the resident's personal property is necessary and the arrangements for such storage. See 49 C.F.R. § 24.301(g)(4).
- Damage or Loss. The Plan should address Insurance for the replacement value of the property in connection with the move and necessary storage and/or the replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Dislocation Allowance. The Plan should address when the resident is entitled to a dislocation allowance and the amount of such dislocation allowance, consistent with the URA Fixed Residential Moving Cost Schedule available at: www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm.
- Appliances. The Plan should address disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.
- Security Deposits and Utility Costs. The Plan should address how the PHA or Project Owner anticipates managing transfer of utility arrangements, security deposits and any associated expenses. Utilities may include telephone, cable service, Internet access or other items that may have been in place in the resident's original home. See 49 C.F.R. § 24.301(h)(12).
- Replacement Housing Payment. The Plan should address the circumstances in which displaced residents may be entitled to a replacement housing payment (RHP) to cover the

increase, if any, in monthly housing costs for a 42-month period pursuant to URA requirements or a 60-month period pursuant to Section 104(d).¹²¹

VII. Relocation Budget

Based on the results of the planning process, the PHA or Project Owner should create a relocation budget that includes the following six components:

- 1) The cost of administering the plan and providing assistance and counseling.
- 2) Reasonable moving expenses for a person with disabilities, which may include the cost of moving assistive equipment that is the personal property of the residents, the furnishings and personal belonging of a live-in aide, and/or other reasonable accommodations (HUD Handbook 1378, Paragraph 3-2).
- 3) The cost of the physical move of the residents' belongings. (It is suggested that the move costs be broken down by average cost per move type multiplied by the number of moves.) This physical move cost total should be based on the move scenarios anticipated or projected by the resident survey. The move costs should consider:

For temporary relocation moves:

- Number and cost of two-way moves (i.e., a move to another unit and then a return move) within the same building/complex.
- Number and cost of two-way moves to a unit not in the same building/complex

For permanent moves:

- Number and cost of one-time moves into another unit in the same building/complex.
- Number and cost of one permanent move to a unit not within the same building/complex
- Any required dislocation allowance

- 4) The estimated cost of projected increases in monthly housing costs and other expenses for temporary relocation (if applicable).
- 5) The estimated cost of projected replacement housing payments (RHP) (42-month period for URA or 60-month period if Section 104(d) applies).
- 6) Contingency costs estimated for carrying out the relocation process necessary to complete the proposed project.

¹²¹ See also, CPD Notice 2014-09 "Effective Date of Moving Ahead for Progress in the 21st Century Act (MAP-21) Changes to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) Payment Limits and Replacement Housing Payment Eligibility Criteria."

VIII. Written and Oral Communications with Individuals with Disabilities and LEP Persons and Use of Accessible Meeting Locations

The Plan should identify how the PHA or Project Owner will take appropriate steps to ensure effective communication with residents and other individuals with disabilities involved in the relocation, such as through the provision of sign language and other interpreters and large print, Braille, accessible electronic, and other alternate format written communications. The Plan should identify the measures to be taken to ensure the most integrated meeting settings appropriate to individuals with disabilities. The Plan should identify how the PHA or Project Owner will ensure meaningful access for LEP persons, such as through written materials and oral communications provided in languages other than English.

IX. Appeal Process

The Plan should specify the procedures to be followed if a resident disagrees with the PHA's or Project Owner's decision as to the resident's eligibility to receive relocation assistance, the amount of a relocation payment, or the adequacy of a comparable replacement dwelling offered to a resident. These procedures should include the process for filing a written appeal to the displacing agency and the specific appeal procedures to be followed consistent with 49 C.F.R. 24.10 (and 24 C.F.R. § 42.390 if Section 104(d) is involved).

X. Certification

The Plan should contain a certification of compliance with this Notice (or H 2014-09/PIH 2014-17, if applicable), the URA, fair housing and civil rights requirements and, if applicable, Section 104(d).

Technical Assistance

For detailed technical assistance regarding the contents or provisions of a written relocation plan, the PHA or Project Owner should direct questions to their RAD Transaction Manager or email rad@hud.gov.