

June 2023

Summary of policies preserving resident rights under NYCHA's Permanent Affordability Commitment Together Program (PACT)

Through PACT, NYCHA residents benefit from comprehensive repairs, professional property management, enhanced services and programming. PACT also ensures that rent remains permanently affordable, and residents have the same basic rights as they possess under conventional public housing.

This document is a detailed summary of the resident rights that are protected and preserved under NYCHA's PACT Program. Please note that this is only intended to be a summary of the relevant rights and protections in the PACT program. For a comprehensive description of each right and protection, please refer to the primary document, rule, or regulation. In addition, this summary reflects the law and HUD regulations at the time of review, and these policies may change from time to time due to updates made by NYCHA, HUD, or the federal government.

For this document, policies have been organized into these categories:

1. Rent & Fee Policies
2. Tenancy-Related Policies
3. Access to Information, Services & Tenant Organizing

1. RENT & FEE POLICIES

Rent will remain affordable for all households who transition to the Project-Based Section 8 program through PACT. Fees will remain similar in nature, although payment processes will change for all households.

- a) **Rent Calculations:** Households in the Project-Based Section 8 program will pay 30% of their adjusted gross household income towards rent. NYCHA's Leased Housing Department (LHD) will calculate the tenant portion of rent based on annual and interim income recertifications submitted by the tenant to LHD.¹
- b) **Annual Recertifications:** Residents will continue to submit annual recertifications to NYCHA through the Self-Service Portal. The timing of annual recertifications will change, but tenants will receive advance notice before their annual recertification is due.
- c) **Interim recertifications:** A household who experiences a change in income or household composition must submit the change to NYCHA within 30 days by submitting an interim recertification via the Self-Service Portal. Changes in household income and composition can have an impact on the household's rent calculation.
- d) **Adjustments to Income:** Residents will continue to have access to income adjustments outlined in the NYCHA Section 8 Administrative Plan, which currently include medical expense deductions, childcare expense deductions, and Earned Income Disallowance², among others.
- e) **Financial Hardship:** Residents will continue to have the opportunity to file a hardship claim to be granted an exception from minimum rent.

¹ Exceptions may apply to households who pay flat rent; are current tenant-based Section 8 participants; are a mixed family as defined by HUD; or who signed a nonpublic housing over-income lease.

² Applicable only to tenants who are employed and currently receiving the Earned Income Disallowance exclusion at the time of conversion. Please see RAD Notice for full description.



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- f) **Utility Payments:** Residents who currently pay for utilities will continue to pay utilities through their current payment structure. Utility allowances will be provided to residents where applicable, in accordance with Section 8 program rules.
- g) **Security Deposits:** NYCHA will transfer the security deposits paid by residents for their public housing unit to the new property manager upon conversion.
- h) **Appliance Deposits:** NYCHA will transfer any appliance deposit paid by residents to the new property manager upon conversion.
- i) **Other Fees and Deposits:** NYCHA will not approve of fees or charges in the new PACT House Rules that are greater than fees or charges for the same services under NYCHA public housing.

2. TENANCY-RELATED POLICIES

Below are the policies that ensure a smooth transition to Project-Based Section 8 for active NYCHA public housing households. These rules allow residents to maintain their tenancy with comparable rights and protections.

- a) **No Rescreening of Current NYCHA Households:** PACT partners cannot rescreen current households prior to conversion to Project-Based Section 8. This means that all authorized public housing residents currently residing at the development will automatically transition to the Project-Based Section 8 program regardless of their income eligibility, criminal background, or credit history.
- b) **Automatic Lease Renewal:** Households will sign a new PACT Section 8 lease, which will automatically renew each year unless the lease is terminated for good cause, as further specified in the lease.
- c) **Ability to Add Family Members:** Residents can apply to add relatives to their household before or after the PACT conversion. After conversion, NYCHA's Leased Housing Department will review and approve applications for relatives in the approved familial categories. To see the current list of eligible familial categories, please review the Section 8 Administrative Plan. Residents can see who is in their household by logging onto the NYCHA Self-Service Portal to review their household composition.
 - o **Initial Screening of New Household Members:** All new household members over the age of 16 are required to pass a criminal background check.
 - o **Succession Rights:** Household members with permanent permission will have succession rights to the Project-Based Section 8 subsidy.
- d) **Remaining in Your Apartment:** All authorized residents will have the right to stay in their current apartment during the rehabilitation. In some cases, due to the extent of the renovation, temporary moves within your development may be necessary for the health and safety of all household members.
- e) **Protections During Temporary Relocation:** If any relocation is necessary, NYCHA and the PACT partner must provide residents with the written relocation plans, inform them of their right to return to their original apartment, and share information on their protections from relocation costs. NYCHA and the PACT partner must provide the following:
 - o Written notification of the plan, including a 30-to-90-day notification to all households prior to their temporary move



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- A temporary move agreement outlining the household's right to return to their original apartment
- Protections from relocation costs and compensation for any out-of-pocket expenses
- Assistance with moving through dedicated support personnel and movers
- f) **Right-Sizing:** As a current NYCHA public housing policy, all households who are over- or under-housed must move to an appropriately sized unit when one becomes available. After the conversion, households will only move if an appropriately sized unit becomes available within their development. The selected PACT partner will coordinate this process with the household and NYCHA's Leased Housing Department.
- g) **Transfers:** Households can continue to apply for transfers but will be limited to vacant units within the development.
- h) **Emergency Transfers:** Emergency transfer requests can be submitted at any time.
- i) **Reasonable Accommodation:** As required by New York State Human Rights Law, housing providers are required to make reasonable accommodations or modifications to a building or living space for residents with disabilities. A reasonable accommodation in housing is a change, modification, or alteration in policy, procedure, practice, or program that provides a qualified individual an equal opportunity to participate in, or benefit from, a program or activity.
 - **Requesting a Reasonable Accommodation from your Property Manager:** To request a reasonable accommodation for apartment modifications, you will need to submit your request to the property manager. Apartment modifications may include but are not limited to: grab bars, higher toilet seats, lower kitchen cabinets, and lower sinks.
 - **Requesting a Reasonable Accommodation from NYCHA's Leased Housing Department:** To request a reasonable accommodation for a larger apartment, to move to a lower floor, or to move to an accessible unit, you will need to submit your request to NYCHA's Leased Housing Department.
- j) **Grievance Hearings:** All household members have the right to initiate a grievance hearing against the PACT property manager or NYCHA's Leased Housing Department. PACT partners must follow NYCHA's grievance procedure guidelines, and NYCHA's Leased Housing Department will follow the guidelines outlined in the Section 8 Administrative Plan. These guidelines dictate the grievance process. Residents have the right to utilize a third-party mediator to resolve disputes.
 - **PACT Property Manager:** Residents can initiate grievances with the PACT property manager at any time. Residents can start a grievance related to the following topics: decisions made about transfer requests within the development, challenging denials to physical modifications of the building and/or rental unit as part of an accommodation for a disability, challenging the imposition of charges for maintenance and repairs, and any dispute that the tenant may have with respect to the property manager's action in accordance with the Tenant's Lease or PACT and RAD rules and regulations.
 - **NYCHA Leased Housing Department:** After a PACT conversion, tenant grievances related to the Section 8 subsidy, such as the amount of rent they pay or reasonable accommodation requests related to the Section 8 subsidy, are



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heard by NYCHA. Residents can initiate a grievance through NYCHA's online Self-Service Portal or by calling NYCHA's Customer Contact Center

- k) **Filling Vacant Units & Waiting List Oversight:** NYCHA will administer site-based Section 8 waiting lists, which will be used to fill all vacancies in the development. NYCHA will notify applicants on the public housing waiting list about how to be placed on the Section 8 waiting list in accordance with HUD guidelines. NYCHA will require PACT partners to comply with a resident selection process, which is provided by NYCHA to ensure that all PACT property managers use standard resident selection criteria pertaining to criminal background checks, rent payment, and credit history.
- l) **Portability & Choice Mobility Vouchers:** One year after the conversion, households can apply for a Mobility Choice Voucher. Mobility Choice Vouchers allow households to take their Section 8 subsidy with them to use in the private market wherever a Section 8 program exists. Households must meet income qualifications for the Section 8 Mobility Choice Voucher program.
- m) **Housing Quality Standards (HQS) Inspections:** After conversion, residents are required to provide access to their apartment for HQS inspections to ensure their apartment remains habitable and that it meets HUD regulatory requirements. HQS inspections are the minimum standards that all units must meet for NYCHA to pay the subsidy portion of your rent to the PACT property manager. NYCHA's Leased Housing Department will inspect your apartment periodically after PACT conversion.
 - o **Requesting Special Inspections:** Households can call NYCHA's Customer Contact Center or use the Self-Service Portal to request a special inspection if they feel that essential repairs are not being made in their apartment. NYCHA's Leased Housing Department will send out an inspector to inspect the apartment.
- n) **Pet Policy:** All PACT partners will adopt NYCHA's pet policy as a minimum standard. Pets registered with NYCHA prior to conversion will be allowed to remain as long as the owner continues to follow the pet policy.
- o) **Registered Appliances:** All appliances that are currently registered with NYCHA will be permitted by the new PACT property manager.

3. ACCESS TO INFORMATION, SERVICES, & TENANT ORGANIZING

Below are the policies that outline residents' right to information, services, programing, and tenant organizing.

- a) **Accessibility of Information:** NYCHA and the PACT partner will provide language assistance to residents who have limited English proficiency (LEP) to ensure they have meaningful access to all resident notifications and meetings, per RAD guidelines and HUD regulations.
- b) **Access to free legal counsel:** Residents will have the opportunity to utilize a free legal assistance hotline provided by the Legal Aid Society. Residents can call the Legal Aid hotline to ask questions or receive assistance regarding the PACT program generally, the PACT lease, or the process of adding family members, pets, or appliances to their household.
- c) **The Right to Organize & Recognition of Elected Leaders:** If there is a Tenant Association prior to the PACT conversion, NYCHA must involve the Tenant Association



in all resident engagement activities. If no Tenant Association exists prior to conversion, NYCHA shall encourage the residents to form one prior to conversion. If there is no Tenant Association after conversion, NYCHA will support interested residents in forming a Tenant Association and will administer the election process.

- d) **Tenant Participation Activity (TPA) Funding:** TPA funding will be allocated up to the time of conversion and transferred to the Tenant Association after conversion. If only part of a development is converting, the amount of funding to be transferred will be prorated based on the number of units. Following conversion, PACT partners will provide \$25 per dwelling unit per year to be utilized by the Tenant Association and will not withhold any administrative fee.
- e) **Accessible Meeting Spaces:** Property management must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested. Property management will provide reasonable accommodation upon request.
- f) **Tenant Association & Property Management Meetings:** The property manager must invite the Tenant Association to all resident events. The property manager must meet regularly with the Tenant Association to discuss emerging property-wide issues, particularly during the construction/rehabilitation process. The property manager and Resident Association should agree on the frequency of these meetings.
- g) **Resident Businesses:** Residents may engage in safe, legal profit-making activities, including the operation of a home-based business, in their dwelling unit, provided that such activities are incidental to the primary use of the dwelling unit as a residence. Home-based businesses must follow NYCHA REES policies.
- h) **Training & Employment Opportunities:** PACT partners must provide training and employment opportunities to residents both during and after construction and collaborate with NYCHA to finalize a plan. The PACT partner must ensure that employees at the development are able to apply for positions with the new property management company.
- i) **Resident Social Services:** PACT partners must provide a Social Services Plan for assessing and responding to resident social service needs. NYCHA will review and approve the Social Services Plan. PACT partners must maintain community centers and the provision of services when the community center is part of the converting development. PACT partners must consult with residents and the Tenant Association about their preferences in the choice of service providers and activities through a formal needs assessment before finalizing their Social Services Plan.
- j) **NYCHA REES Services:** As Section 8 participants, residents at PACT projects will continue to have access to NYCHA's Resident Economic Empowerment & Sustainability (NYCHA REES) programs and services.