

RAD RESIDENT RIGHTS

In Public Housing



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Know your Rights

As a resident of a public housing property that is participating in RAD you have the following rights:

Prior to conversion

- Receive notice and participate in meetings
- Comment on the conversion plans

At conversion

- To maintain residency in the property
- If temporary relocation is necessary, you are provided relocation protections and a right to return

After conversion:

- Pay no more than 30% of adjusted income in rent
- Right to participate in a resident organization.
- Right to exercise "Choice-Mobility"
- Your lease must be renewed and you cannot be evicted without cause
- Right to termination and grievance procedures.

What is RAD?

Public Housing Agencies (PHAs) use the Rental Assistance Demonstration (RAD) Program to preserve affordable housing and improve properties by "converting" their form of federal assistance to the Section 8 program. PHAs choose to convert to either: Section 8 project-based voucher (PBV) or Section 8 project-based rental assistance (PBRA).



The Tempo at Encore, Tampa Housing Authority

PBV and PBRA both attach long-term rental assistance to properties, so current and future residents never pay more than 30% of their adjusted gross income (total income minus allowable deductions) in rent. After a property converts to PBV or PBRA, your public housing lease ends and you will sign a Section 8 lease with the "owner" who in many cases will continue to be the PHA. You will still have the same core rights that you have as a public housing tenant but will also gain new rights and protections under RAD.

This brochure provides greater detail on each of the resident rights and protections that HUD requires as a public housing property converts through RAD.

Key Preservation Principles of RAD

<i>Conversion is Voluntary</i>	Public housing agencies (PHAs) voluntarily choose to convert a public housing property through RAD in order to preserve, repair, and in some cases, redevelop the property.
<i>Property Improvements</i>	PHAs must show HUD that the property will address any repair needs and remain in good condition after conversion.
<i>One-for-one Replacement</i>	PHAs must preserve the same number of affordable dwelling units (with minor allowances for reductions).
<i>Long-term Preservation</i>	The property must be placed under a long term Section 8 assistance contract that must renew each time it expires.
<i>Public Stewardship</i>	Properties must be owned or controlled by a public or non-profit body after RAD conversion.

PHA Conversion Process

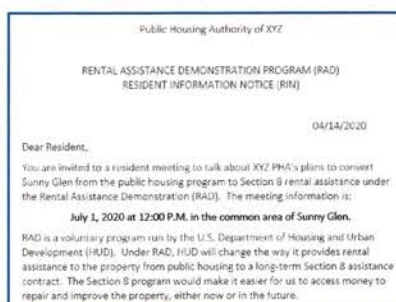


Residents can ask about impacts to their rent, repairs on the property, and whether there will be relocation.

Participating in resident meetings throughout the RAD process is the best way to ensure your voice is heard.

Pre-Conversion: Resident Notification

Residents have a right to be notified of project plans and any potential changes. Before submitting a RAD application to HUD, PHAs must issue a written notification to resident organizations and issue a Resident Information Notice (RIN) to each resident. The RIN will describe the PHA's initial conversion plans and will notify you of the first resident meeting, where RAD resident rights and project plans will be discussed in detail. A PHA must hold at least two resident meetings before submitting its application.



Read all notices! All residents will receive a RIN.
A GIN is issued when a household could be relocated.

Relocation is generally not required during a RAD conversion, but if it is part of the plan, a PHA must issue a General Information Notice (GIN), which includes your rights under RAD and a law called the Uniform Relocation Assistance and Real Property Acquisitions Act (URA), which gives residents rights to relocation assistance.

When HUD issues a RAD Conversion Commitment (RCC), the PHA must notify residents that conversion has been approved and address anticipated timing, duration, revised terms of the lease and house rules, any anticipated relocation, and opportunities and procedures for the exercise of choice mobility, when available.

All materials must be accessible to those with hearing, visual, and other communication-related disabilities and to those with limited English proficiency.

Pre-Conversion: Resident Engagement

After PHAs hold two resident meetings and submit a RAD Application, HUD issues a Commitment to Enter into Housing Assistance Payments (CHAP), which serves as an initial award. The PHA then proceeds to develop a more robust conversion plan. A PHA must have at least one meeting with residents after a CHAP is issued, but before requesting a Concept Call with HUD, when it will describe its progress towards submitting a Financing Plan. After the Concept Call, but before submission of a Financing Plan, the PHA must have an additional resident meeting. At each of these resident meetings, the PHA will discuss conversion plans, respond to questions, and collect resident feedback. Residents and resident organizations are encouraged to meet prior to resident meetings to organize questions and feedback. PHAs are required to hold additional resident meetings when there are substantial changes to conversion plans or when HUD grants the PHA extensions.

A PHA must prepare comprehensive written responses to resident comments collected during resident meetings. HUD reviews resident comments and concerns when deciding whether to grant an (RCC), which is the step before the RAD transaction reaches the final stage—closing.

PHA Plan. Note that in addition to meeting with residents of the converting project, a PHA must also amend its PHA Plan to reflect the proposed RAD conversion and solicit community input. As part of this process, a PHA will hold separate public meetings and collect comments.



Residents should ask about any impacts converting to Section 8 may have on their rent, repairs that might be done on the property, and whether residents will need to be relocated temporarily.

Right to Remain and Return

No resident may be permanently involuntarily displaced. All residents must be offered the ability to remain in or, if temporary relocation is necessary, to return to the property. Residents who are not asked to relocate have a right to remain at the property. If you are temporarily relocated, you have a right to return to the property. A PHA may choose to offer residents alternative housing options, instead of returning to the property. It is fully your choice whether or not to accept an alternative housing option. You cannot be denied your right to remain in or

return to a property based on any HUD re-screening criteria, income eligibility, or income targeting. The unit you return to must not leave you "under-housed," meaning the unit must have at least the number of bedrooms you are allowed under the PHA's rules. The new unit must also provide the same main features of your previous unit.

In some RAD conversions, the assistance is transferred to a new site. In these cases, residents have the right to reside in a unit at the new site.

Right to Relocation Assistance

Most RAD conversions do not require relocation, but if relocation is necessary, residents will receive an early indication through a General Information Notice (GIN) at the CHAP phase. The GIN is not your notice to relocate.

If you must relocate, you will receive separate notices and have further discussions with the PHA to go over relocation options and process.

Relocation can take many forms. Residents can relocate within the property or may be temporarily relocated off-site. Alternatively, a resident may accept a PHA's offer for a permanent off-site housing option. In all cases, the PHA must cover reasonable packing and moving expenses, any increases in housing

costs, and other related expenses.

If you must relocate, you will receive a separate "Notice of Relocation." The Notice of Relocation will provide a time frame for when relocation may occur — at least 30 days for relocation that will last for a year or less or at least 90 days for relocation that will last more than a year. Except in extraordinary circumstances, relocation cannot occur prior to the issuance of the RAD Conversion Commitment (RCC).

Relocations lasting more than a year are subject to special provisions under the Uniform Relocation Act which require relocation assistance and benefits, including relocation advisory services.

Option to Move With a Voucher ("Choice-Mobility")

After living in the property for a certain period, residents of a RAD PBV or PBRA property have the option to request a tenant-based voucher in order to move from the property and rent a unit in another property. This option is referred to as "Family Right To Move" in your lease. It is the resident's decision whether or not to exercise this option.

For conversions to PBV, residents may request to move with a voucher anytime after living at the property for one year. When you wish to exercise this "choice-mobility" option, you will contact your PHA to request a tenant-based voucher.

For conversions to PBRA, unless the PHA has been granted a good-cause exemption (please consult with your PHA), residents may request to move with a voucher anytime after living at the property for two years. When you wish to exercise this option, you will generally contact the owner, unless they have provided a means for you to contact the PHA directly.

If a voucher is not immediately available, your family is given priority to receive the next available voucher.

A PHA will pay for reasonable increases in housing costs, packing and moving assistance, and reasonable costs associated with transferring utilities and associated deposits.

After living at the property for a period, a resident may elect to move out with a tenant-based voucher in order to move closer to a job, family, better schools, or any other reason.

Email questions and comments directly to HUD at: rad@hud.gov

hud.gov/rad

Preserving and improving affordable housing across America

Residents and resident organizations are encouraged to use resource desk data

Ongoing Right to Participate in a Resident Organization

RAD residents have the right to establish and operate a resident organization that addresses issues related to the living environment, including the terms and conditions of residency, and activities related to housing and community development. Resident organizations are independent from management, meet regularly, operate democratically, and represent all residents. If your property does not have a resident organization, owners must allow residents and outside resident organizers to conduct activities that include distributing leaflets, knocking on doors, and otherwise making contact with residents. Owners must reasonably make available on-site space for resident meetings, which must be accessible to people with disabilities. Finally, Owners must make available at least \$25 per unit per year for resident participation activities, including resident education, organizing around tenancy issues, and training. At least \$15 per unit per year must be made available to the resident organization for eligible activities.

Ongoing Right to Grievance Procedures

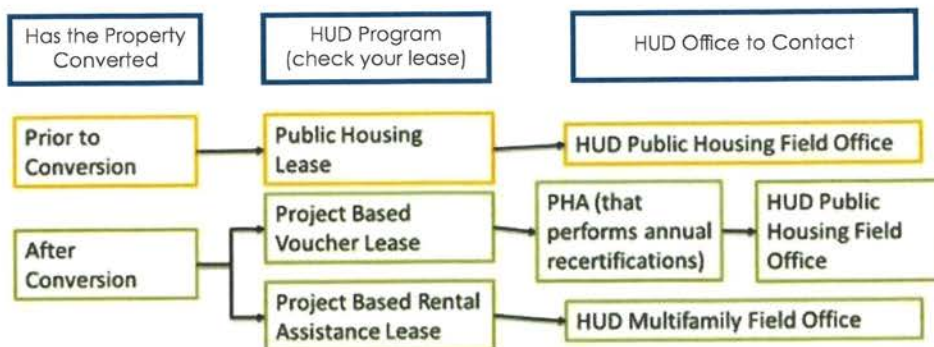
Owners must provide residents advanced written notification of any lease termination. Further, residents have a right to address disputes, grievances, and adverse actions taken by an owner. Residents must be provided with notice of the reasons for any a proposed adverse action, an opportunity for an informal hearing, and a written decision within a reasonable time-frame.

Informal hearings at PBV properties are performed by the PHA, while hearings at PBRA properties are performed by an impartial member of the project owner's staff. The grievance process must be outlined in your lease.

Need More Information?

Typically, the best place to start when you have questions or issues related to a RAD conversion is to have a discussion with your property manager or PHA. However, there are other resources residents may access to gather additional information:

- Find resources at www.hud.gov/RAD/residents
- Email RAD@hud.gov
- Use www.radresource.net to track the status of RAD projects. By accessing the "DATA" spoke on the "RAD for PHAs" part of the site (pictured), users can create custom data exports, searchable by state or PHA
- If your question or issue is not adequately addressed, you can seek additional assistance. The appropriate HUD contact will depend on what program your property falls under: public housing, Project-Based Voucher, or Project Based Rental Assistance. If you're not sure, check your lease. The graphic below identifies which HUD office is most appropriate.



FACT SHEET #14

RAD and Section 18 Blends



Section 18 of the Housing Act of 1937 provides authority for public housing properties to be demolished or sold. Sometimes, Section 18 is used together with RAD in order to preserve or replace the affordable housing.



What Is Section 18?

Section 18 is a program that allows public housing authorities (or "PHAs") to sell or demolish public housing properties. A "sale" can be from the PHA to an affiliate of the PHA or to a completely new owner. In the RAD context, the PHA often stays involved in the ownership. When HUD approves a property for sale under Section 18, HUD provides the PHA with new Section 8 voucher funding so that the PHA can continue providing rental assistance to the same number of families that were assisted through the public housing program. Section 18 was originally designed for properties that are physically obsolete or that pose a health or safety risk to residents. More recently, PHAs have used Section 18 to switch from the public housing program to the Section 8 program because the voucher funding provides more resources to the property than the public housing funding would, resources which can be used to make improvements to the property.



What Is a RAD/Section 18 Blend?

In some cases, a PHA may choose to use both RAD and Section 18 together in order to preserve or renovate a property. A PHA may do this because it can allow the property to generate more funding to pay for the construction or rehab. When this occurs, the units assisted under public housing must be fully replaced with Section 8 assistance—Project-based Voucher (PBV) or Project-based Rental Assistance (PBRA). Further, all the former residents have the same rights and protections described in these Fact Sheets.



How Will I Know If My Property Is Undergoing a RAD/Section 18 Conversion?

Any PHA that wants to pursue a RAD/Section 18 blend must adhere to the RAD resident consultation and meeting requirements. A PHA must state their intent in their PHA Plan and must host a public hearing to allow for resident and community input. For more information, see [**Fact Sheet #5: Resident Engagement and Consultation**](#).



What Are My Rights Under a RAD / Section 18 Conversion?

Under a RAD/Section 18 blend, a resident has all the protections that would come with a RAD conversion including:

- Right to return;
- Right to tenant participation funds;
- Right to tenant grievance procedures;
- Protection for residents who may be over-income or over-housed;
- Continued Participation in the Family Self Sufficiency (FSS) & Resident Opportunity for Self Sufficiency (ROSS) programs;
- Resident notice and meeting requirements; and
- Relocation assistance and payments.



Chicago, IL



URA the HUD Way

Module 7: Temporary Relocation Summary

Overview

- A HUD-funded project may require that the occupants move for a limited amount of time to accomplish renovations or repairs to a structure or its service systems but will not require permanent displacement of occupants.
- Temporary relocation for up to 12 months due to acquisition, rehabilitation, or demolition for a federally-funded project is subject to the URA.
- HUD projects can minimize displacement by ensuring that where there is no intent to displace people, occupants are duly informed and the terms and conditions of any required temporary relocation are fair and reasonable.

Fair & Reasonable

- Fair and reasonable temporary relocation terms include:
 - Offering suitable DSS replacement housing for the temporary period,
 - Reimbursement of all reasonable and necessary out-of-pocket expenses incurred in connection with the temporary relocation, and
 - An offer to return to the project within 12 months.

Temporary Relocation Triggers

- Temporary relocation triggers include projects that:
 - Require packing, moving, or storing residents' furniture or personal items.
 - Involve the unit kitchen or bathroom where the work prevents use of these areas.
 - Create odors, dust, debris, noise, or other hazards.
- Temporary relocation is NOT required for the following types of project:
 - Short-term temporary switch over to new equipment, if the temperature within the unit can be maintained between 68-72 degrees Fahrenheit.
 - Short-term temporary switch over to new fixtures, receptacles, or equipment, if the electrical service to a unit is not interrupted.
 - If ingress and egress can be safely maintained throughout construction.



URA the HUD Way

Module 7: Temporary Relocation Summary

Notices

- There are three notices that may apply to projects requiring temporary relocation.
 - GIN, NOND, Reasonable Advance Notice
- Reasonable Advance Notice to Vacate.
 - Longer notice periods may be appropriate for persons who will be temporarily relocated for an extended period of time or if the move will include all personal property on-site.
 - Shorter notice periods (hours or days) may be appropriate based on an urgent need due to danger, health or safety issues or if the person will be temporarily relocated for only a short period of time.
- Relocation advisory services are an important part of a successful relocation program.
 - Advisory services ensure that the Agency determines the needs of displaced persons, provides an explanation of available relocation assistance, and explains the right to appeal if they are not satisfied with Agency decisions.

Displacement Assistance

- Reasonable Unit Conditions:
 - Must be decent, safe, and sanitary (DSS);
 - Must be suitable but not necessarily comparable;
 - Terms must be reasonable for costs and length of stay; and
 - Increased housing costs should not exceed the cost of the DSS temporary unit offered by the Agency.
- HUD requires that a tenant be offered permanent displacement assistance if they will be displaced beyond 12 months. Tenants may be given the opportunity to:
 - Continue to remain temporarily relocated for an agreed to period;
 - Permanently relocate to the unit which has been their temporary unit if it is available to do so; or
 - Choose to permanently relocate elsewhere with URA advisory services.