

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

Final Significant Amendment to the Annual PHA Plan for Fiscal Year 2020



Gregory Russ
Chair & Chief Executive Officer

Date: January 15, 2021

NOTICE

New York City Housing Authority Draft Significant Amendment to the Fiscal Year (FY) 2020 Agency Annual Plan and the Draft Agency Plan for FY 2021

The public is advised that the Draft Significant Amendment to the FY 2020 Agency Annual Plan and the FY 2021 Draft Agency Annual Plan will be available for public inspection starting October 17, 2020 on NYCHA's website: on.nyc.gov/nycha-annual-plan.

Please email annualplancomments@nychanyc.gov if you would like to review the Draft Significant Amendment to the FY 2020 Agency Annual Plan and the FY 2021 Draft Agency Plan supporting documents.

PUBLIC COMMENT



In support of the City's efforts to contain the spread of COVID-19, the New York City Housing Authority will hold this public meeting **remotely**. The public is invited to comment on the Draft Significant Amendment to the FY 2020 Agency Annual Plan and the FY 2021 Draft Agency Plan at a public hearing on **Tuesday, December 8, 2020, from 5:30 p.m. to 8:00 p.m.**



Attending the hearing: To attend the hearing, please register at on.nyc.gov/dec8-public-hearing. We encourage you to register as soon as possible. Instructions on how to participate, as well as meeting materials, will be posted on on.nyc.gov/nycha-annual-plan in advance of the meeting.

To help the meeting host manage the meeting, those who do not intend to actively participate are invited to watch the meeting through a live stream or to watch the recording that will be posted after the meeting on NYCHA's website: on.nyc.gov/nycha-annual-plan.



Signing up to speak: Anyone wishing to speak on the items related to Draft Significant Amendment to the FY 2020 Agency Annual Plan and the FY 2021 Draft Agency Plan should submit a request to speak via email to annualplancomments@nychanyc.gov. To give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.

Written comments regarding the Draft Significant Amendment to the FY 2020 Agency Annual Plan and the FY 2021 Draft Agency Plan are encouraged. To be considered, submissions must be received via United States Postal Service mail or email no later than December 9, 2020. Comments may be sent to the address below and may also be emailed to annualplancomments@nychanyc.gov.

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

Bill de Blasio, Mayor

Gregory Russ, Chair and Chief Executive Officer

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所居公房管理处備有文件譯本可供索取。
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AVISO

Proyecto de Enmienda Significativa de la Autoridad de Vivienda de la Ciudad de Nueva York al Año Fiscal (AF) 2020 Plan Anual de la Agencia y Proyecto de Plan de la Agencia para el AF 2021

Se informa al público de que el Proyecto de Enmienda Significativa al Plan Anual de la Agencia del Año Fiscal 2020 y el Proyecto de Plan Anual de la Agencia para el Año Fiscal 2021 estarán disponibles para la inspección pública a partir del 17 de octubre de 2020 en el sitio web de NYCHA: on.nyc.gov/nycha-annual-plan.

Por favor, envíe un correo electrónico a annualplancomments@nycha.nyc.gov si desea revisar los documentos de apoyo del Proyecto de Enmienda Significativa al Plan Anual de la Agencia para el Año Fiscal 2020 y el Proyecto de Plan de la Agencia para el Año Fiscal 2021

COMENTARIOS DEL PÚBLICO



En apoyo de los esfuerzos de la Ciudad para contener la propagación del COVID-19, la Autoridad de Vivienda de la Ciudad de Nueva York celebrará esta reunión pública a **distancia**. Se invita al público a comentar el Proyecto de Enmienda significativa al Plan Anual de la Agencia del Año Fiscal 2020 y el Plan de la Agencia del Año Fiscal 2021 en una audiencia pública el **martes 8 de diciembre de 2020, de 5:30 p.m. a 8:00 p.m.**



Asistencia a la audiencia: Para asistir a la audiencia, por favor regístrese en on.nyc.gov/dec8-public-hearing. Le recomendamos que se registre lo antes posible. Las instrucciones sobre cómo participar, así como los materiales de la reunión, se publicarán en on.nyc.gov/nycha-annual-plan antes de la reunión.

Para ayudar al anfitrión a gestionar la reunión, se invita a aquellos que no tienen la intención de participar activamente a ver la reunión a través de una transmisión en vivo o a ver la grabación que se publicará después de la reunión en el sitio web de NYCHA: on.nyc.gov/nycha-annual-plan.



Regístrese para hablar: Cualquier persona que desee hablar sobre los temas relacionados con el Proyecto de Enmienda significativa al Plan Anual de la Agencia para el Año Fiscal 2020 y el Proyecto del Plan de la Agencia del año fiscal 2021 debe presentar una solicitud para hablar por correo electrónico a annualplancomments@nycha.nyc.gov. Para dar a los demás la oportunidad de hablar se pide a todos los oradores que limiten sus observaciones a tres minutos.

Le animamos a hacer comentarios por escrito sobre la Enmienda Significativa al Plan Anual de la Agencia para el Año Fiscal 2020 y el Proyecto del Plan de la Agencia para el Año Fiscal 2021. Para ser considerado, las comunicaciones deben recibirse mediante correo postal de los Estados Unidos o correo electrónico a más tardar el 9 de diciembre de 2020. Los comentarios pueden enviarse a la siguiente dirección y también se pueden enviar por correo electrónico a annualplancomments@nycha.nyc.gov.

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

Bill de Blasio, alcalde

Gregory Russ, presidente y primer ejecutivo

通知

紐約市房屋局「2020財政年度公共房屋機構年度計劃」重大修正案初稿 及「2021財政年度公共房屋機構年度計劃」初稿

公眾可於2020年10月17日起登陸NYCHA網站：on.nyc.gov/nycha-annual-plan 查閱「2020財政年度機構計劃」重大修正案初稿和「2021財政年度機構計劃」初稿。

如果您想查閱「2020財政年度機構計劃」重大修正案初稿及「2021財政年度機構計劃」附錄，請發送電子郵件至：annualplancomments@nycha.nyc.gov 索取。

公眾意見



為了支持紐約市遏制新冠病毒 (COVID-19) 傳播的行動，紐約市房屋局將遠程召開這次公共諮詢會議。我們誠邀各界人士出席於2020年12月8日，星期二傍晚5時30分至晚上8時舉行的公共聽證會，對「2020 財政年度機構計劃」重大修正案初稿和「2021 財政年度機構計劃」初稿發表意見並提出建議。



參加聽證會：請上網登記報名參加公共聽證會，網址：on.nyc.gov/dec8-public-hearing。我們希望您把握時間儘快登記報名。關於如何參加會議的具體說明和會議資料將於會議召開前在網站公布，網址：on.nyc.gov/nycha-annual-plan。

為了幫助會議主持人管理會議，未打算積極參與會議的民眾可通過直播觀看會議，或者在會議結束後，登錄NYCHA網站：on.nyc.gov/nycha-annual-plan 觀看會議錄像。



報名登記發言：所有希望對「2020財政年度機構計劃」重大修正案初稿和「2021財政年度機構計劃」初稿的相關內容發表意見的公眾應發送電郵至 annualplancomments@nycha.nyc.gov 提出發言請求。為了讓更多與會者獲得發言的機會，所有發言者的發言時間將被限制在三分鐘內。

歡迎各界人士對「2020 財政年度機構計劃」重大修正案初稿和「2021 財政年度機構計劃」初稿發表書面意見。我們僅會接受於2020年12月9日前通過美國郵政服務或電郵方式提交的意見書。意見書可寄至下列地址或通過電郵發送至：annualplancomments@nycha.nyc.gov。

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

百思豪 (Bill de Blasio) · 市長

格雷戈里·羅斯 (Greg Russ) · 主席兼行政總監

通知

紐約市房屋局「2020財政年度公共房屋機構年度計劃」重大修正案初稿 及「2021財政年度公共房屋機構年度計劃」初稿

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公眾意見



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

白思豪 (Bill de Blasio), 市長

格雷戈里·羅斯 (Greg Russ), 主席兼行政總監

УВЕДОМЛЕНИЕ

Проект Значительной поправки Жилищного управления г. Нью-Йорка (New York City Housing Authority, NYCHA) к Годовому плану агентства на 2020 финансовый год и проекту Годового плана агентства на 2021 финансовый год

Настоящим извещаем, что проект Значительной поправки (Significant Amendment) к Годовому плану агентства на 2020 финансовый год (FY) и проекту Годового плана агентства на FY 2021 будут доступны для публичного ознакомления начиная с 17 октября 2020 года на вебсайте NYCHA: on.nyc.gov/nycha-annual-plan.

Пожалуйста, отправьте имейл по адресу: annualplancomments@nycha.nyc.gov для ознакомления с этими и другими сопроводительными документами.

КОММЕНТАРИИ ОБЩЕСТВЕННОСТИ



В поддержку усилий города по сдерживанию распространения COVID-19 NYCHA будет проводить это публичное собрание в дистанционном формате (удаленно). Общество приглашается предоставить комментарии по поводу проекта Значительной поправки к Годовому плану агентства на FY 2020 и проекту Годового плана агентства на FY 2021 на публичном слушании, которое состоится во **вторник, 8 декабря 2020 года с 5:30 р.м. до 8:00 р.м.**



Участие в слушании: чтобы принять участие в слушании, зарегистрируйтесь на сайте on.nyc.gov/dec8-public-hearing. Мы рекомендуем вам зарегистрироваться как можно скорее. Инструкции по участию, а также материалы собрания будут размещены перед его проведением на сайте on.nyc.gov/nycha-annual-plan.

Чтобы помочь в организации собрания, тех, кто не намерен участвовать в нем активно, приглашают посмотреть его в прямом эфире или записи, которая будет размещена после собрания на сайте NYCHA: on.nyc.gov/nycha-annual-plan.



Запрос на выступление: любой желающий выступить по вопросам, связанным с проектом Значительной поправки к Годовому плану агентства на FY 2020 и проектом Годового плана агентства на FY 2021, должен подать запрос на выступление по имейлу annualplancomments@nycha.nyc.gov. Чтобы дать возможность выступить другим, всех выступающих просят ограничить свое выступление тремя минутами.

Письменные отзывы по поводу проекта Значительной поправки к Годовому плану агентства на FY 2020 и проекту Годового плана агентства на FY 2021 приветствуются. Чтобы их учли, они должны быть получены по почте (United States Postal Service mail) не позже 9 декабря 2020 года. Комментарии можно послать по нижеуказанному адресу, а также по электронной почте annualplancomments@nycha.nyc.gov.

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



New York City Housing Authority Draft Significant Amendment to the Fiscal Year (FY) 2020 Agency Annual Plan and the Draft Agency Plan for FY 2021

In support of the City's efforts to contain the spread of COVID-19, the New York City Housing Authority will hold this public meeting **remotely**.

The public is invited to comment on the Draft Significant Amendment to the FY 2020 Agency Annual Plan and the FY 2021 Draft Agency Plan at a public hearing on **Tuesday, December 8, 2020, from 5:30 p.m. to 8:00 p.m.**

To attend the hearing, please register at **on.nyc.gov/dec8-public-hearing**.



Anyone wishing to speak on the items related to Draft Significant Amendment to the FY 2020 Agency Annual Plan and the FY 2021 Draft Agency Plan should submit a request to speak via email to **annualplancomments@nychc.ny.gov**.

To give others an opportunity to speak, all speakers are asked to limit their remarks to three minutes.



Proyecto de Enmienda Significativa de la Autoridad de Vivienda de la Ciudad de Nueva York al Año Fiscal (AF) 2020 Plan Anual de la Agencia y El Proyecto de Plan de la Agencia para el AF 2021

En apoyo de los esfuerzos de la Ciudad para contener la propagación del COVID-19, la Autoridad de Vivienda de la Ciudad de Nueva York celebrará esta reunión pública a **distancia**.

Se invita al público a comentar el Proyecto de Enmienda significativa al Plan Anual de la Agencia del año Fiscal 2020 y el Proyecto del Plan de la Agencia del año Fiscal 2021 en una audiencia pública **el martes 8 de diciembre de 2020, de 5:30 p.m. a 8:00 p.m.**

Para asistir a la audiencia, por favor regístrese en **on.nyc.gov/dec8-public-hearing**.



Cualquier persona que desee hablar sobre los temas relacionados con el Proyecto de Enmienda significativa al Plan Anual de la Agencia para el año Fiscal 2020 y el Proyecto del Plan de la Agencia del año fiscal 2021 debe presentar una solicitud para hablar por correo electrónico a **annualplancomments@nycha.nyc.gov**.

Para dar a los demás la oportunidad de hablar se pide a todos los oradores que limiten sus observaciones a tres minutos.



纽约市房屋局「2020财政年度机构年度计划」重大修正案初稿
及「2021财政年度机构年度计划」初稿

**为全力配合纽约市遏制新冠病毒
(COVID-19) 的传播，纽约市房屋局将以
视频形式召开这次公共咨询会议。**

我们诚邀各界人士出席于2020年12月8日(星期二) 傍晚5
时30分至晚上8时举行的公共听证会，对「2020财政年度
机构计划」重大修正案初稿和「2021财政年度机构计划」
初稿发表意见并提出建议。

请上网登记报名参加公共听证会，网址
on.nyc.gov/dec8-public-hearing.



所有希望对「2020财政年度机构计划」重大修正案初稿和
「2021财政年度机构计划」初稿发表意见的公众应发送电邮至：
annualplancomments@nycha.nyc.gov. 提出发言请求。

为确保其他与会者获得发言的机会，所有发言者的发言时间将被限制在三分钟内。



紐約市房屋局「2020財政年度機構年度計劃」重大修正案初稿
及「2021財政年度機構年度計劃」初稿

為全力配合紐約市遏制新冠病毒
(COVID-19) 的傳播，紐約市房屋局將以視
訊形式召開這次公共諮詢會議。

我們誠邀各界人士出席於2020年12月8日(星期二) 傍
晚5時30分至晚上8時舉行的公共聽證會，對「2020
財政年度機構計劃」重大修正案初稿和「2021財政年
度機構計劃」初稿發表意見並提出建議。

請上網登記報名參加公共聽證會，網址：
on.nyc.gov/dec8-public-hearing.



所有希望對「2020財政年度機構計劃」重大修正案初稿和
「2021財政年度機構計劃」初稿發表意見的公眾應發送電郵至：
annualplancomments@nycha.nyc.gov 提出發言請求。

提出發言請求。為確保其他與會者獲得發言的機會，所有發言者的發言時間
將被限制在三分鐘內。



Проект Значительной поправки Жилищного управления г. Нью-Йорка к Годовому плану агентства на 2020 финансовый год (FY) и проект Годового плана агентства на FY 2021

В поддержку усилий города по сдерживанию распространения COVID-19 Жилищное управление г. Нью-Йорка (New York City Housing Authority, NYCHA) будет проводить это публичное собрание в дистанционном формате (удаленно).

Общественность приглашается предоставить комментарии по поводу проекта Значительной поправки к Годовому плану агентства на FY 2020 и проекту Годового плана агентства на FY 2021 на публичном слушании, которое состоится во вторник, 8 декабря 2020 года с 5:30 р.м. до 8:00 р.м.

Чтобы принять участие в слушании, зарегистрируйтесь на сайте on.nyc.gov/dec8-public-hearing.



Любой желающий выступить по вопросам, связанным с проектом Значительной поправки к Годовому плану агентства на FY 2020 и проектом Годового плана агентства на FY 2021, должен подать запрос на выступление по имейлу annualplancomments@nycha.nyc.gov.

Чтобы дать возможность выступить другим, всех выступающих просят ограничить свое выступление тремя минутами.

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Executive Summary

NYCHA's Final Amendment to the Annual PHA Plan for FY 2020

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 2020 (the "Final Amendment") is available for public review on NYCHA's website: <http://www1.nyc.gov/site/nycha/about/annual-plan-financial-information.page>. NYCHA will also provide a copy of the Final Significant Amendment to each development's Resident Association President.

NYCHA held a virtual public hearing on December 8, 2020 and accepted written comments on the Draft Agency Plan through December 9, 2020. Please see the Notice on page 2. NYCHA met with the Resident Advisory Board (RAB) members for their comments in 10 meetings between April and December 2020.

PACT/Unfunded Units (LLC II)

In July 2017, NYCHA announced that it was expanding PACT to protect the Authority's unfunded units 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 upwards of \$23 million per 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.

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 project-based funding. 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.

Converting all of the units to Section 8 funding 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 December 3, 2017, HUD approved NYCHA for a retention action pursuant to 2 CFR Part 200 for one non-dwelling building and 13 buildings with 722 apartments at Baychester Houses 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 permanent takeout loan by the New York City

Housing Development Corporation. Total renovation work for the project will be approximately \$88 million. Repairs are planned for completion by 2021.

As part of an 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. In the second quarter of 2019, NYCHA selected a development team complete this project consisting of The Arker Companies, Omni New York LLC, Dabar Development Partners and Bedford Stuyvesant Restoration Corporation. The project closed in February 2020.

NYCHA submitted an Amendment to the FY 2019 Annual Plan on March 21, 2019 to request HUD approval for a retention action pursuant to 2 CFR Part 200 for the remaining four developments in the LLC II portfolio, namely 344 East 28th Street, Wise Towers, Linden, and Boulevard. 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.

HUD approved NYCHA's Significant Amendment to the FY 2019 Annual Plan for the retention action for these developments on June 19, 2019. NYCHA selected a development team comprised of The Community Preservation Corporation (CPC), the Community Development Trust (CDT), Monadnock Development, Kalel Holdings, Lemor Development Group, Community League of the Heights (CLOTH) and Cornell Pace Inc. (CPI) to finance, rehabilitate, and manage the Manhattan developments of 344 East 28th Street and Wise Towers, and converted the properties in November 2020. NYCHA also selected development teams in February 2020 for the remaining Brooklyn developments at Linden and Boulevard and anticipates completing conversion of the complete portfolio of unfunded units by the end of 2021.

Rental Assistance Demonstration Program ("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 to Section 8.

In the Significant Amendment to the FY 2020 Annual Plan, NYCHA is requesting HUD approval to convert Belmont-Sutter Area and Fiorentino Plaza through RAD, as an addition to the previously announced and approved PACT project at Boulevard Houses. NYCHA is also requesting HUD approval to convert Pennsylvania Ave-Wortman Ave through RAD, as an addition to the previously announced and approved PACT project at Linden Houses. Through this action, all units in the developments will be operated outside the federal public housing program and existing authorized public housing households at these developments will be converted to Section 8 assistance and will be allowed to remain in place, paying no more than 30% of their adjusted gross income towards rent.

Capital Improvements – FY 2020 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Action Plan

On April 30, 2020 and December 9, 2020, NYCHA presented an overview of the Authority's Capital Planning Program and the FY 2020 Capital Plan and 5-Year Action Plan to the Resident Advisory Board (RAB).

NYCHA's FY 2020 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Capital Plan are included in the Amendment in Attachment C, on pages 23 through 53.

NYCHA's FY 2020 Capital Plan continues to focus investment to address the key issues outlined in the HUD Agreement: (1) investment in roofs, facades and plumbing components to help address mold, (2) investment in heating and elevator systems to address boiler and elevators deficiencies, (3) investments in waste management plan to control pest issues, and (4) safety and security investments in fire alarms, new entrances and CCTV systems. In addition, to address sites with a (i) high incidence of mold complaints and/or (ii) potential lead paint risks, NYCHA will be undertaking comprehensive modernization efforts with a variety of funding sources including the Capital Fund Program (CFP).

The Capital Fund Program Action Plan is complemented by similar investments, including roofs, heating plants, elevators, waste management and comprehensive modernization projects, that will be funded with City and State resources.

ATTACHMENT A
PHA PLAN UPDATE

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

- PACT for Unfunded Units
- Rental Assistance Demonstration (RAD) Program
- Capital Improvements

B) Identify the specific locations where the public may obtain copies of the Amendment to the FY 2020 Annual PHA Plan

Due to current COVID-19 restrictions, NYCHA is encouraging residents to access all materials online. The public is advised that the *Significant Amendment to the FY 2020 Agency Annual Plan* is available for public inspection on NYCHA's webpage, which is located at:

<http://www1.nyc.gov/site/nycha/about/annual-plan-financial-information.page>.

ATTACHMENT B
PACT FOR UNFUNDED UNITS AND RENTAL ASSISTANCE DEMONSTRATION
(RAD)

PACT for Unfunded Units

In July 2017, NYCHA announced that it was expanding PACT to protect the Authority's unfunded units 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 upwards of \$23 million per 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.

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 project-based funding. 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.

Converting all of the units to Section 8 funding 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 December 3, 2017, HUD approved NYCHA for a retention action pursuant to 2 CFR Part 200 for one non-dwelling building and 13 buildings with 722 apartments at Baychester Houses 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 permanent takeout loan by the New York City Housing Development Corporation. Total renovation work for the project will be approximately \$88 million. Repairs are planned for completion by 2021.

As part of an 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. In the second quarter of 2019, NYCHA selected a development team to complete this project consisting of The Arker Companies, Omni New York LLC, Dabar Development Partners and Bedford Stuyvesant Restoration Corporation. The project closed in February 2020.

NYCHA submitted an Amendment to the FY 2019 Annual Plan on March 21, 2019 to request HUD approval for a retention action pursuant to 2 CFR Part 200 for the remaining four developments in the LLC II portfolio, namely 344 East 28th Street, Wise Towers, Linden, and Boulevard. 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.

HUD approved NYCHA’s Significant Amendment to the FY 2019 Annual Plan for the retention action for these developments on June 19, 2019. NYCHA selected a development team comprised of The Community Preservation Corporation (CPC), the Community Development Trust (CDT), Monadnock Development, Kalel Holdings, Lemor Development Group, Community League of the Heights (CLOTH) and Cornell Pace Inc. (CPI) to finance, rehabilitate, and manage the Manhattan developments of 344 East 28th Street and Wise Towers, and converted the properties in November 2020. NYCHA also selected development teams in February 2020 for the remaining Brooklyn developments at Linden and Boulevard and anticipates completing conversion of the complete portfolio of unfunded units by the end of 2021.

The remaining LLC II developments are listed below:

AMP Number	Development Name	Total Units	Number of Units to be Converted to Section 8	Number of Units Converted by 9/4/20
NY005020460	BOULEVARD	1,441	1,424	462
NY005020950	LINDEN	1,586	1,586	494
Total		3,651	3,027	3,010

Rental Assistance Demonstration Program (“RAD”)

First PACT/RAD Conversion 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 project-based Section 8 funding. NYCHA entered into a public-private partnership with MDG Construction + Design (developer and general contractor), The Wavecrest Management Team (property management company), Catholic Charities of Brooklyn and Queens (social services provider), and Ocean Bay Community Development Corporation (resident outreach and engagement team). The project was financed with Superstorm Sandy recovery funds from 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 was \$560 million, including the FEMA-funded resiliency work. Funds were 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 occurred with tenants-in-place; no residents are being relocated or displaced as a result of the conversion. RAD repairs were completed in 2018, the remaining FEMA work concluded in 2019.

PACT/RAD Apartments Under Construction

Between October 2018 and February 2020, NYCHA closed on six PACT/RAD conversions as outlined below. Extensive capital improvements are under construction at all 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 permanently relocated or displaced.

- **Twin Parks West** consists of one building with 312 apartments (including 1 superintendent unit) in the Fordham Heights neighborhood of the Bronx. 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 are planned for completion by 2021.
- **Betances Houses** consists of 40 buildings across 10 developments with 1,088 apartments (including 4 superintendent units) in the Mott Haven neighborhood of the Bronx. 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 are planned for completion by the end of 2020 or early 2021.
- **Highbridge-Franklin** consists of 14 buildings with 336 apartments (including 4 superintendent units) in the Highbridge and Claremont neighborhoods of the Bronx. 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 are planned for completion by 2021.
- The **Hope Gardens** conversion in Brooklyn's Bushwick neighborhood consists of 60 buildings and one non-dwelling building with a total of 1,321 apartments (including four superintendent units and two residential units that will be created post-conversion). NYCHA entered into a public-private partnership with Pennrose LLC (developer) and Acacia Network (social services). The project was financed with a combination of as-of-right 4% Low Income Tax Credits and recycled tax-exempt bonds from the New York State Housing Finance Agency. Total repair work for the project will be approximately \$215 million. Repairs are planned for completion by 2021.
- **Brooklyn PACT** included 38 buildings in the Brooklyn neighborhoods of Bedford-Stuyvesant, Boerum Hill, Crown Heights, and South Williamsburg. The conversion included 38 buildings with 2,625 apartments (including nine superintendent units). NYCHA entered into a public-private partnership with the Arker Companies, Omni New York LLC, Dabar Development Partners, and Bedford Stuyvesant Restoration Corporation (developer joint venture), Chateau GC and Renewal Construction Services LLC (general contractor), and Progressive Management (property manager). Social services are being provided by Bedford Stuyvesant Restoration Corporation, El Puente, ParCare, NAN Tech World, and United Jewish Organizations of Williamsburg and North Brooklyn. The project is being financed with a first-priority mortgage loan and bond proceeds from the New York City Housing Development Corporation ("HDC"). Total repair work for the project will be approximately \$370 million. Repairs are planned for completion by 2023.
- **Manhattan PACT** consists of 1,718 apartments in 33 buildings across 16 developments located in Manhattan. NYCHA entered into a public-private partnership with PACT Renaissance Collaborative LLC, a joint venture between Monadnock Development LLC, and Lemor Development Group (developers), Community Preservation Corporation, Community Development Trust, Kalel Holdings (investors), Cornell Pace (property manager), and Community League of the Heights (social services).

This project is being financed with more than \$359 million of taxable or tax-exempt bonds issued by New York City Housing Development Corporation (“HDC”). Total repair work for the project will be approximately \$271 million. Repairs are planned for completion by 2023.

In the Significant Amendment to the FY 2020 Annual Plan, NYCHA is requesting HUD approval to convert Belmont-Sutter Area and Fiorentino Plaza through RAD, as an addition to the previously announced and approved PACT project at Boulevard Houses. NYCHA is also requesting HUD approval to convert Pennsylvania Ave-Wortman Ave through RAD, as an addition to the previously announced and approved PACT project at Linden Houses. Through this action, all units in the developments will be operated outside the federal public housing program and existing authorized public housing households at these developments will be converted to Section 8 assistance and will be allowed to remain in place, paying no more than 30% of their adjusted gross income towards rent.

1. 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.

Name of Public Housing Development: BELMONT-SUTTER AREA	PIC Development ID: NY005010460	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) \$581,768,336/169,820 x 72 = \$246,657
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	0	0	0
One Bedroom	14	14	0
Two Bedroom	36	36	0
Three Bedroom	18	18	0
Four Bedroom	4	4	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: FIORENTINO PLAZA	PIC Development ID: NY005012610	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: 160	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) \$581,768,336/169,820 x 160 = \$548,127
Bedroom Type	Number of Units Pre-Conversion: 160	Number of Units Post-Conversion: 160	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	28	28	0
Two Bedroom	57	57	0
Three Bedroom	47	47	0
Four Bedroom	28	28	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: PENNSYLVANIA-WORTMAN AVE	PIC Development ID: NY005011940	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: 336	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) \$581,768,336/169,820 x 336 = \$1,151,067
Bedroom Type	Number of Units Pre-Conversion: 336	Number of Units Post-Conversion: 336	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction,

			Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	87	87	0
One Bedroom	88	88	0
Two Bedroom	86	86	0
Three Bedroom	60	60	0
Four Bedroom	12	12	0
Five Bedroom	0	0	0
Six Bedroom	0	0	0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		

ATTACHMENT C

CAPITAL IMPROVEMENTS FY 2020 CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT AND 5-YEAR ACTION PLAN

On April 30, 2020 and December 9, 2020, NYCHA presented an overview of the Authority's Capital Planning Program and the FY 2020 Capital Plan and 5-Year Action Plan to the Resident Advisory Board (RAB).

NYCHA's FY 2020 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Capital Plan are included in the Amendment in Attachment C, on pages 24 through 52.

Capital Fund Five - Year Action Plan*						
Part I: Summary						
PHA Name	X Original 5-Year Plan					
New York City Housing Authority	Revision No:					
Development Number and Name	Work Statement for Year 1 FFY Grant: FY20	Work Statement for Year 2 FFY Grant: FY21	Work Statement for Year 3 FFY Grant: FY22	Work Statement for Year 4 FFY Grant: FY23	Work Statement for Year 5 FFY Grant: FY24	
Physical Improvements	338,359,563	320,008,278	320,008,278	320,008,278	320,008,278	320,008,278
Management Improvements	2,900,000	5,278,750	3,024,850	5,076,500	3,849,000	
PHA-Wide Non-dwelling Structures and Equipment	4,592,331	437,100	2,691,000	621,000	555,000	
Administration	58,176,834	55,174,875	55,174,875	55,174,875	55,174,875	
Other	1,612,441	726,499	726,844	746,708	2,040,207	
Operations	116,353,667	110,349,751	110,349,751	110,349,751	110,349,751	
Demolition	0	0	0	0	0	
Development	0	0	0	0	0	
Capital Fund Financing - Debt Service	59,773,501	59,773,501	59,773,157	59,771,643	59,771,643	
Total CFP Funds	581,768,336	551,748,754	551,748,754	551,748,754	551,748,754	551,748,754
Total Non-CFP Funds	0	0	0	0	0	0
Grand Total	581,768,336	551,748,754	551,748,754	551,748,754	551,748,754	551,748,754

Capital Fund Five - Year Action Plan*

Part I: Summary

PHA Name	X Original 5-Year Plan Revision No:
New York City Housing Authority	

Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
1010 EAST 178TH ST (NY005011330P)		0	2,013,439	0	0
131 SAINT NICHOLAS AVE (NY005010970P)		1,800,000	0	0	0
154 WEST 84TH ST (DOME SITE) (NY005013590P)		0	0	0	3,335,603
303 VERNON AVE (NY005010730P)		1,325,000	0	0	0
45 ALLEN ST (NY005011000P)		0	1,140,200	0	0
830 AMSTERDAM AVE (NY005010820P)		0	0	69,712	0
ADAMS (NY005001180P)		0	0	4,287,000	2,317,235
AMSTERDAM (NY005010220P)		0	0	0	1,726,074
ASTORIA (NY005000260P)		0	3,600,000	4,026,877	0
BAILEY AVE - WEST 193rd ST (NY005012020P)		0	0	0	1,322,164
BAISLEY PARK (NY005010910P)		0	0	0	359,599
BARUCH (NY005010600P)		0	185,000	0	5,249,513
BARUCH HOUSES ADDITION (NY005010600P)		0	0	0	71,920
BEDFORD - STUYVESANT REHAB (NY005010730P)		0	0	1,281,571	0
BELMONT - SUTTER AREA (NY005010460P)		0	3,574,200	0	0
BERRY (NY005000520P)		0	1,080,058	0	1,322,164
BLAND (NY005011860P)		0	0	6,040,316	1,322,164
BORINQUEN PLAZA I (NY005012430P)		0	0	2,315,804	0

*Year five of this Five Year Plan submission is based on the last year of NYCHA's current Board Approved FY2016 Five Year Capital Plan. Subsequent Board Approved Capital Plans will provide updated information on planned projects.

Capital Fund Five - Year Action Plan*

Part I: Summary

PHA Name

New York City Housing Authority

X Original 5-Year Plan

Revision No:

Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
BORINQUEN PLAZA II (NY005012430P)		0	0	1,281,571	503,438
BOSTON SECOR (NY005011380P)		0	0	8,053,755	0
BOYNTON AVE REHAB (NY005010320P)		1,200,386	0	0	0
BRACEITI PLAZA (NY005012920P)		1,800,000	0	0	0
BREVOORT (NY005000650P)		0	0	18,158,710	0
BRONX RIVER (NY005010320P)		10,489,054	2,183,869	0	0
BRONX RIVER ADDITION (NY005010320P)		0	1,240,978	0	0
BROWNSVILLE (NY005000160P)		185,000	0	0	0
BUTLER (NY005001130P)		1,398,541	12,586,865	0	0
CAMPOS PLAZA II (NY005012570P)		0	0	2,013,439	0
CARVER (NY005000580P)		10,017,000	0	0	3,240,387
CHELSEA ADDITION (NY005011340P)		0	1,000,000	0	3,335,603
CLAREMONT PARKWAY - FRANKLIN AVE (NY005013420P)		0	0	2,013,439	1,322,164
CLAREMONT REHAB GROUP 3 (NY005013080P)		0	0	4,026,877	0
CLINTON (NY005001230P)		3,991,773	3,600,000	0	0
CONEY ISLAND (NY005011700P)		0	0	0	1,322,164
CONEY ISLAND (SITE 8) (NY005011720P)		0	0	0	1,322,164
CONEY ISLAND I (SITES 4 & 5) (NY005011700P)		0	0	0	2,013,439

*Year five of this Five Year Plan submission is based on the last year of NYCHA's current Board Approved FY2016 Five Year Capital Plan. Subsequent Board Approved Capital Plans will provide updated information on planned projects.

Capital Fund Five - Year Action Plan*
Part I: Summary
PHA Name
New York City Housing Authority

X Original 5-Year Plan
Revision No:

Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
CONLON LIHFE TOWERS (NY005010910P)	0	0	0	0	2,013,439
COOPER PARK (NY005000690P)	0	0	1,702,424	0	0
CORSI HOUSES (NY005010640P)	0	0	0	2,013,439	0
CROWN HEIGHTS (NY005013510P)	0	0	0	2,013,439	0
DAVIDSON (NY005013420P)	0	0	0	0	1,322,164
DE HOSTOS APTS (NY005011270P)	65,296	0	0	0	3,335,603
DOUGLASS ADDITION (NY005010820P)	6,300,000	6,300,000	6,300,000	0	830,531
DOUGLASS II (BLDGS 1-3,13-15) (NY005010820P)	4,500,000	5,242,540	5,242,540	185,000	0
DYCKMAN (NY005000410P)	21,081,704	0	0	1,185,000	830,531
EAGLE AVE - EAST 163RD ST (NY005000590P)	0	0	50,049	69,712	1,322,164
EAST 165TH ST - BRYANT AVENUE (NY005015300P)	0	0	0	0	1,322,164
EAST 180TH ST - MONTEREY AVE (NY005012270P)	50,049	50,049	2,013,439	0	0
EAST RIVER (NY005010090P)	8,391,240	8,391,240	0	185,000	0
EASTCHESTER GARDENS (NY005010340P)	0	0	0	4,026,877	0
EDENWALD (NY005000570P)	185,000	185,000	0	0	0
ELLIOTT (NY005011340P)	1,200,386	1,200,386	0	0	0
FARRAGUT (NY005000290P)	9,483,145	9,483,145	0	0	0
FIORNTINO PLAZA (NY005012610P)	0	0	1,240,978	0	0

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Capital Fund Five - Year Action Plan*
Part I: Summary
PHA Name
New York City Housing Authority

X Original 5-Year Plan
Revision No:

Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
FOREST (NY005000590P)	0	2,163,869	0	0	2,013,439
FT INDEPENDENCE ST - HEATH AVE (NY005012020P)	1,005,590	9,100,216	8,177,885	4,922,164	
FULTON (NY005001360P)	2,700,000	2,700,000	1,000,000	1,366,475	
GARVEY (GROUP A) (NY005012520P)	0	0	8,707,477	0	
GLENMORE PLAZA (NY005011690P)	0	1,240,978	0	2,013,439	
GLENWOOD (NY005000440P)	0	0	0	2,876,790	
GOMPERS (NY005011000P)	0	0	1,281,571	0	
GRANT (NY005000870P)	1,398,541	14,106,865	13,680,000	2,797,064	
GRAVESEND (NY005011720P)	0	0	0	1,078,796	
GUN HILL (NY005010470P)	185,000	0	0	0	
HABER (NY005011660P)	195,887	0	0	0	
HAMMEL (NY005010750P)	0	0	2,013,439	1,813,797	
HARBORVIEW TERRACE (NY005010220P)	0	0	0	1,322,164	
HERNANDEZ (NY005011000P)	0	0	1,281,571	0	
HIGHBRIDGE GARDENS (NY005000780P)	0	0	0	3,145,500	
HOLMES TOWERS (NY005011390P)	0	0	1,000,000	0	
HOWARD (NY005000720P)	0	0	0	14,187,797	
HUGHES APTS (NY005011680P)	0	0	0	215,759	

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Capital Fund Five - Year Action Plan*

Part I: Summary

PHA Name	X Original 5-Year Plan Revision No:
New York City Housing Authority	

Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
HYLAN (NY005010860P)	0	0	0	1,281,571	0
INTERNATIONAL TOWER (NY005010910P)	0	0	0	2,083,151	0
JACKIE ROBINSON (NY005012410P)	0	0	2,013,439	0	1,645,400
JACKSON (NY005012670P)	0	0	0	0	13,894,429
JEFFERSON (NY005010640P)	4,730,712	17,668,474	2,711,189	0	0
JOHNSON (NY005000170P)	1,110,025	0	1,758,110	0	0
JUSTICE SOTOMAYOR (NY005010670P)	22,087,485	0	0	0	0
KING TOWERS (NY005010300P)	652,956	0	805,032	0	0
KINGSBOROUGH (NY005010100P)	1,385,386	0	0	0	0
KINGSBOROUGH EXT (NY005010100P)	0	1,240,978	0	0	0
LAFAYETTE (NY005001220P)	11,197,360	8,391,243	8,053,755	830,531	0
LEAVITT ST - 34TH AVE (NY005011860P)	0	25,024	0	0	0
LEHMAN (NY005001010P)	0	0	2,450,000	2,450,000	2,450,000
LINCOLN (NY005000200P)	0	0	0	0	5,840,674
LONG ISLAND BAPTIST HOUSES (NY005012610P)	1,200,386	0	0	0	0
LOW HOUSES (NY005011690P)	5,134,600	0	1,281,571	0	0
LOWER EAST SIDE I INFILL (NY005011000P)	0	0	0	0	1,322,164
LOWER EAST SIDE III (NY005013590P)	0	0	0	0	1,322,164

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Capital Fund Five - Year Action Plan*
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New York City Housing Authority

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Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
MARCY (NY005000210P)		185,000	0	0	0
MCKINLEY (NY005000590P)		0	0	6,791,707	5,033,597
MELTZER TOWER (NY005011000P)		0	0	2,013,439	1,322,164
METRO NORTH PLAZA (NY005010090P)		0	0	0	215,759
MILL BROOK (NY005010840P)		0	0	0	6,870,847
MILL BROOK EXTENSION (NY005010840P)		0	0	0	1,394,084
MITCHEL (NY005011450P)		6,864,721	28,782,487	20,440,575	25,996,868
MONROE (NY005000880P)		1,278,785	11,509,062	3,012,921	0
MOORE (NY005010930P)		0	0	1,281,571	0
MORRIS I (NY005011020P)		16,200,000	0	0	0
MORRIS PARK SENIOR CITIZENS' HOME (NY005012410P)		65,296	0	1,281,571	0
MORRISANIA (NY005011410P)		0	0	0	1,322,164
MORRISANIA AIR RIGHTS (NY005012670P)		932,360	9,170,776	0	0
MOTT HAVEN (NY005001210P)		0	0	4,026,877	0
NOSTRAND (NY005010360P)		0	0	1,281,571	0
O'DWYER GARDENS (NY005011720P)		0	0	0	7,642,800
OCEAN HILL APTS (NY005011620P)		0	6,040,316	0	0
PARKSIDE (NY005010470P)		0	0	185,000	0

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Capital Fund Five - Year Action Plan*

Part I: Summary

PHA Name		X Original 5-Year Plan Revision No:				
New York City Housing Authority						
Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24	

PELHAM PARKWAY (NY005010390P)	0	0	0	185,000	0
PENNSYLVANIA AVE - WORTMAN AVE (NY005011940P)	0	4,026,878	209,135	0	0
PHA WIDE - CAPITAL PROJECTS	3,215,625	3,215,625	0	0	0
PHA WIDE - GENERAL MANAGER	16,700,000	16,700,000	0	0	0
PHA WIDE - OPERATIONS	6,000,000	0	0	0	0
PINK (NY005000890P)	185,000	600,000	17,517,552	29,168,331	0
POLO GROUNDS TOWER (NY005001490P)	0	15,048,000	0	0	0
POMONOK (NY005000530P)	1,600,000	14,400,000	3,187,728	0	0
QUEENSBRIDGE NORTH (NY0050005050P)	0	0	0	0	830,531
QUEENSBRIDGE SOUTH (NY005000050P)	0	0	0	0	830,531
RANGEL (NY005000370P)	0	0	627,405	0	0
RAVENSWOOD (NY005000480P)	0	0	2,711,189	3,236,389	0
RED HOOK WEST (NY005000790P)	0	600,000	6,478,038	0	0
REHAB PROGRAM (COLLEGE POINT) (NY005011860P)	0	0	1,281,571	0	0
REHAB PROGRAM (DOUGLASS) (NY005013170P)	0	0	0	0	1,322,164
REID APTS (NY005011670P)	185,000	0	0	0	0
REVEREND BROWN (NY005012520P)	0	75,073	0	0	0
RIISI (NY005010180P)	754,034	0	0	0	0

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Capital Fund Five - Year Action Plan*
Part I: Summary
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New York City Housing Authority

X Original 5-Year Plan
Revision No:

Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
ROBBINS PLAZA (NY005011390P)		1,200,386	0	1,000,000	0
ROOSEVELT I (NY005011350P)		0	0	2,013,439	0
SAINT NICHOLAS (NY005000380P)		12,586,865	0	1,000,000	1,006,877
SEDGWICK (NY005010450P)		0	0	3,860,000	0
SEWARD PARK EXT (NY005011000P)		75,073	0	0	0
SHEEPSHEAD BAY (NY005010360P)		0	3,086,759	0	0
SHELTON HOUSE (NY005010910P)		1,000,000	0	0	0
SOUTH BEACH (NY005010350P)		650,000	6,500,000	0	4,026,877
STRAUS (NY005011530P)		1,200,386	0	0	143,840
STUYVESANT GARDENS I (NY005012210P)		0	100,098	0	0
SUMNER (NY005010730P)		10,489,054	0	0	0
SURFIDE GARDENS (NY005011700P)		0	2,000,000	0	0
TAFT (NY005010970P)		0	1,215,065	5,026,877	2,843,970
TAYLOR ST - WYTHE AVE (NY005012340P)		185,000	0	0	0
THOMAS APTS (NY005011270P)		1,800,000	0	0	0
THROGGS NECK (NY005010630P)		0	0	185,000	0
TODT HILL (NY005000520P)		185,000	0	0	3,335,603
TOMPKINS (NY005011310P)		185,000	0	0	0

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Capital Fund Five - Year Action Plan*

Part I: Summary

PHA Name

New York City Housing Authority

Development Number / Name / HA-Wide

X Original 5-Year Plan

Revision No:

Work Statement for Year 1 (See Annual Statement)

Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21

Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22

Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23

Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24

TWIN PARKS EAST (SITE 9) (NY005012270P)	1,800,000	0	0	0	1,322,164
TWO BRIDGES URA (SITE 7) (NY005010760P)	0	0	0	0	2,013,439
UNITY PLAZA (SITES 17, 24, 25A) (NY005012610P)	0	0	0	0	1,322,164
UNITY PLAZA (SITES 4,5A,6,7,9,11,12,27) (NY005012610P)	0	0	0	1,281,571	0
UNIVERSITY AVE REHAB (NY005013410P)	2,700,000	2,700,000	0	0	0
VAN DYKE I (NY005000610P)	7,677,883	2,700,000	185,000	0	0
VANDALIA AVENUE (NY005011940P)	0	50,049	0	0	0
VLADECK I (NY005010060P)	0	1,240,978	1,000,000	0	0
W S U R (BROWNSTONES) (NY005011270P)	5,400,000	0	0	0	0
W S U R (SITE A) 120 WEST 94TH ST (NY005011270P)	0	0	0	69,712	0
W S U R (SITE B) 74 WEST 92ND STREET (NY005011270P)	0	0	0	69,712	0
W S U R (SITE C) 589 AMSTERDAM AVENUE (NY005011270P)	0	0	0	69,712	2,013,439
WALD (NY005000230P)	0	0	2,013,439	0	0
WASHINGTON (NY005010620P)	7,200,000	7,200,000	0	0	0
WEBSTER (NY005011410P)	0	0	0	6,376,600	0
WEST BRIGHTON I (NY005010130P)	0	0	0	557,694	0
WEST TREMONT REHAB (GROUP 1) (NY005013410P)	0	0	0	2,013,439	0
WHITE (NY005010090P)	1,200,386	0	0	0	0

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Capital Fund Five - Year Action Plan*

Part I: Summary

PHA Name		X Original 5-Year Plan Revision No:			
New York City Housing Authority					
Development Number / Name / HA-Wide	Work Statement for Year 1 (See Annual Statement)	Work Statement for Year 2 FFY Grant: FY21 PHA FY: FY21	Work Statement for Year 3 FFY Grant: FY22 PHA FY: FY22	Work Statement for Year 4 FFY Grant: FY23 PHA FY: FY23	Work Statement for Year 5 FFY Grant: FY24 PHA FY: FY24
WHITMAN (NY005005140P)		0	0	1,185,000	10,000,000
WILSON (NY005010090P)		3,795,887	0	0	0
WOODSIDE (NY005000330P)		0	0	0	16,107,510
WOODSON (NY005011680P)		1,800,000	0	0	0
WYCKOFF GARDENS (NY005011630P)		0	0	2,209,135	0
PHA WIDE ITEM - WT_Energy		6,398,800	7,296,746	12,000,000	0
PHA WIDE ITEM - WT_IT Hardware and Software		5,715,850	5,715,850	5,697,500	4,404,000
PHA WIDE ITEM - WT_Electrical_Lighting		3,479,968	3,479,968	3,479,968	3,479,968
PHA WIDE ITEM - WT_Elevators		13,037,000	13,037,000	0	0
PHA WIDE ITEM - WT_Section 504		0	500,000	0	0
PHA WIDE ITEM - WT_Contingency		726,499	726,844	746,708	2,040,207
PHA WIDE ITEM - WT_Debt Service		59,773,501	59,773,157	59,771,643	59,771,643
PHA WIDE ITEM - WT_Management Fees		55,174,875	55,174,875	55,174,875	55,174,875
PHA WIDE ITEM - WT_Reimb To Operate		110,349,751	110,349,751	110,349,751	110,349,751
PHA WIDE ITEM - WT_General Construction		45,348,272	51,348,272	81,085,272	81,085,272
TOTALS		551,748,754	551,748,754	551,748,754	551,748,754

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Capital Fund Program Five-Year Action Plan*
Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for				
	Year 1 (See Annual Statement)	Year 2 FFY Grant: FY21 PHA FY: FY21	Year 3 FFY Grant: FY22 PHA FY: FY22	Year 4 FFY Grant: FY23 PHA FY: FY23	Year 5 FFY Grant: FY24 PHA FY: FY24
1010 EAST 178TH ST (NY005011330P) WT_Brickwork		0	2,013,439	0	0
131 SAINT NICHOLAS AVE (NY005010970P) WT_Brickwork		1,800,000	0	0	0
154 WEST 84TH ST (DOME SITE) (NY005013590P) WT_Exterior Compactors		0	0	0	1,322,164
WT_Brickwork		0	0	0	2,013,439
303 VERNON AVE (NY005010730P) WT_Elevators		1,325,000	0	0	0
45 ALLEN ST (NY005011000P) WT_CCTV_Layered Access		0	1,140,200	0	0
930 AMSTERDAM AVE (NY005010820P) WT_Interior Compactors		0	0	69,712	0
ADAMS (NY005001180P) WT_Plumbing		0	0	4,287,000	0
WT_Exterior Compactors		0	0	0	1,813,797
WT_Interior Compactors		0	0	0	503,438
AMSTERDAM (NY005010220P) WT_Interior Compactors		0	0	0	1,726,074
ASTORIA (NY005000280P) WT_Brickwork		0	3,600,000	4,026,877	0
BAILEY AVE - WEST 193rd ST (NY005012020P) WT_Exterior Compactors		0	0	0	1,322,164
BAISLEY PARK (NY005010910P) WT_Interior Compactors		0	0	0	359,599
BARUCH (NY005010600P) WT_Fire Alarm		0	185,000	0	0
WT_Interior Compactors		0	0	0	1,222,636
WT_Brickwork		0	0	0	4,026,877
BARUCH HOUSES ADDITION (NY005010600P) WT_Interior Compactors		0	0	0	71,920
BEDFORD - STUYVESANT REHAB (NY005010730P) WT_Exterior Compactors		0	0	1,281,571	0
BELMONT - SUTTER AREA (NY005010460P) WT_CCTV_Layered Access		0	3,574,200	0	0
BERRY (NY005000520P) WT_Exterior Compactors		0	0	0	1,322,164
WT_Interior Compactors		0	1,080,058	0	0
BLAND (NY005011860P) WT_Exterior Compactors		0	0	0	1,322,164
WT_Brickwork		0	0	6,040,316	0
BORINQUEN PLAZA I (NY005012430P) WT_Interior Compactors		0	0	2,315,804	0

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Capital Fund Program Five-Year Action Plan*
Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)		Activities for Year 2		Activities for Year 3		Activities for Year 4		Activities for Year 5	
	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY24 PHA FY: FY24
BORINQUEN PLAZA II (NY005012430P)	WT_ Exterior Compactors	0	0	0	1,281,571	0	0	0	0	0
	WT_ Interior Compactors	0	0	0	0	0	0	0	503,438	0
BOSTON SECOR (NY005011380P)	WT_ Brickwork	0	0	0	8,053,755	0	0	0	0	0
BOYNTON AVE REHAB (NY005010320P)	WT_ Exterior Compactors	1,200,386	0	0	0	0	0	0	0	0
BRACETTI PLAZA (NY005012920P)	WT_ Brickwork	1,800,000	0	0	0	0	0	0	0	0
BREVOORT (NY005000650P)	WT_ Interior Compactors	0	0	0	1,758,110	0	0	0	0	0
	WT_ CCTV_Layered Access	0	0	0	16,400,600	0	0	0	0	0
BRONX RIVER (NY005010320P)	WT_ Boilers	10,489,054	0	0	0	0	0	0	0	0
	WT_ Interior Compactors	0	0	2,163,869	0	0	0	0	0	0
BRONX RIVER ADDITION (NY005010320P)	WT_ Interior Compactors	0	0	1,240,978	0	0	0	0	0	0
BROWNSVILLE (NY005000160P)	WT_ Fire Alarm	185,000	0	0	0	0	0	0	0	0
BUTLER (NY005001130P)	WT_ Boilers	1,398,541	12,586,865	0	0	0	0	0	0	0
CAMPOS PLAZA II (NY005012570P)	WT_ Roofs	0	0	0	2,013,439	0	0	0	0	0
CARVER (NY005000580P)	WT_ Boilers	10,017,000	0	0	0	0	0	0	0	0
	WT_ Exterior Compactors	0	0	0	0	0	0	2,305,430	0	0
	WT_ Interior Compactors	0	0	0	0	0	0	0	934,957	0
CHELSEA ADDITION (NY005011340P)	WT_ Plumbing	0	1,000,000	0	0	0	0	0	0	0
	WT_ Exterior Compactors	0	0	0	0	0	0	0	1,322,164	0
	WT_ Brickwork	0	0	0	0	0	0	0	2,013,439	0
CLAREMONT PARKWAY - FRANKLIN AVE (NY005013420P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	1,322,164	0
	WT_ Brickwork	0	0	0	0	0	0	0	0	0
CLAREMONT REHAB GROUP 3 (NY005013080P)	WT_ Brickwork	0	0	0	4,026,877	0	0	0	0	0
CLINTON (NY005001230P)	WT_ Interior Compactors	391,773	0	0	0	0	0	0	0	0
	WT_ Brickwork	3,600,000	3,600,000	0	0	0	0	0	0	0
CONEY ISLAND (NY005011700P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	1,322,164	0

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Capital Fund Program Five-Year Action Plan*
Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)		Activities for Year 2		Activities for Year 3		Activities for Year 4		Activities for Year 5	
	FFY Grant: FY21	PHA FY: FY21	FFY Grant: FY21	PHA FY: FY21	FFY Grant: FY22	PHA FY: FY22	FFY Grant: FY23	PHA FY: FY23	FFY Grant: FY24	PHA FY: FY24
CONEY ISLAND (SITE 8) (NY005011720P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
CONEY ISLAND I (SITES 4 & 5) (NY005011700P)	WT_ Brickwork	0	0	0	0	0	0	0	0	2,013,439
CONLON LIHFE TOWERS (NY005010910P)	WT_ Brickwork	0	0	0	0	0	0	0	0	2,013,439
COOPER PARK (NY005000690P)	WT_ Exterior Compactors	0	0	1,702,424	0	0	0	0	0	0
CORSI HOUSES (NY005010640P)	WT_ Brickwork	0	0	0	0	0	2,013,439	0	0	0
CROWN HEIGHTS (NY005013510P)	WT_ Brickwork	0	0	0	0	0	2,013,439	0	0	0
DAVIDSON (NY005013420P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
DE HOSTOS APTS (NY005011270P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
	WT_ Interior Compactors	65,296	0	0	0	0	0	0	0	0
	WT_ Brickwork	0	0	0	0	0	0	0	0	2,013,439
DOUGLASS ADDITION (NY005010820P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	0	830,531
	WT_ Brickwork	6,300,000	6,300,000	6,300,000	0	0	0	0	0	0
DOUGLASS II (BLDGS 1-3,13-15) (NY005010820P)	WT_ Fire Alarm	0	0	0	0	185,000	0	0	0	0
	WT_ Interior Compactors	0	0	742,540	0	0	0	0	0	0
	WT_ Brickwork	4,500,000	4,500,000	4,500,000	0	0	0	0	0	0
DYCKMAN (NY005000410P)	WT_ Boilers	10,489,054	0	0	0	0	0	0	0	0
	WT_ Heating	6,362,650	0	0	0	0	0	0	0	0
	WT_ Elevators	4,230,000	0	0	0	0	0	0	0	0
	WT_ Exterior Compactors	0	0	0	0	0	0	0	0	830,531
	WT_ Fire Alarm	0	0	0	0	185,000	0	0	0	0
	WT_ Foundations	0	0	0	0	1,000,000	0	0	0	0
EAGLE AVE - EAST 163RD ST (NY005000590P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
	WT_ Interior Compactors	0	0	0	0	0	69,712	0	0	0
EAST 165TH ST - BRYANT AVENUE (NY005015300P)	WT_ General Construction	0	0	50,049	0	0	0	0	0	0
	WT_ Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164

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Capital Fund Program Five-Year Action Plan*
Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 Year 1 (See Annual Statement)		Activities for Year 2 FFY Grant: FY21 PHA FY: FY21		Activities for Year 3 FFY Grant: FY22 PHA FY: FY22		Activities for Year 4 FFY Grant: FY23 PHA FY: FY23		Activities for Year 5 FFY Grant: FY24 PHA FY: FY24	
EAST 180TH ST - MONTEREY AVE (NY005012270P)	WT_Brickwork		0	2,013,439	0	0	0	0	0	0
	WT_General Construction		50,049		0	0	0	0	0	0
EAST RIVER (NY005010090P)	WT_Boilers		8,391,240		0	0	0	0	0	0
	WT_Fire Alarm		0	185,000	0	0	185,000	0	0	0
EASTCHESTER GARDENS (NY005010340P)	WT_Brickwork		0	4,026,877	0	0	0	0	0	0
EDENWALD (NY005000570P)	WT_Fire Alarm		185,000	0	0	0	0	0	0	0
ELLIOTT (NY005011340P)	WT_Exterior Compactors		1,200,386		0	0	0	0	0	0
FARRAGUT (NY005000290P)	WT_Boilers		7,390,057		0	0	0	0	0	0
	WT_Exterior Compactors		2,093,088		0	0	0	0	0	0
FIORNTINO PLAZA (NY005012610P)	WT_Exterior Compactors		0	1,240,978	0	0	0	0	0	0
FOREST (NY005000590P)	WT_Exterior Compactors		0	2,163,869	0	0	0	0	0	0
	WT_Brickwork		0	0	0	0	0	0	0	2,013,439
FT INDEPENDENCE ST - HEATH AVE (NY005012020P)	WT_Heating		1,005,590	9,100,216	7,777,885	0	0	0	0	0
	WT_Elevators		0	400,000	3,600,000	0	0	0	0	0
	WT_Exterior Compactors		0	0	1,322,164	0	0	0	0	0
FULTON (NY005001360P)	WT_Interior Compactors		0	0	0	0	0	0	0	1,366,475
	WT_Brickwork		2,700,000	2,700,000	0	0	0	0	0	0
	WT_Foundations		0	0	1,000,000	0	0	0	0	0
GARVEY (GROUP A) (NY005012520P)	WT_CCTV_Layered Access		0	4,680,600	0	0	0	0	0	0
	WT_Brickwork		0	4,026,877	0	0	0	0	0	0
GLENMORE PLAZA (NY005011690P)	WT_Exterior Compactors		0	1,240,978	0	0	0	0	0	0
	WT_Brickwork		0	0	0	0	0	0	0	2,013,439
GLENWOOD (NY005000440P)	WT_Interior Compactors		0	0	0	0	0	0	0	2,876,790
GOMPERS (NY005011000P)	WT_Exterior Compactors		0	0	1,281,571	0	0	0	0	0
GRANT (NY005000870P)	WT_Boilers		1,398,541	12,586,865	0	0	0	0	0	0

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Capital Fund Program Five-Year Action Plan*
Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 Year 1 (See Annual Statement)		Activities for Year 2 FFY Grant: FY21 PHA FY: FY21		Activities for Year 3 FFY Grant: FY22 PHA FY: FY22		Activities for Year 4 FFY Grant: FY23 PHA FY: FY23		Activities for Year 5 FFY Grant: FY24 PHA FY: FY24	
WT_Elevators		0	1,520,000	13,680,000	0	0	0	0	0	0
WT_Exterior Compactors		0	0	0	0	0	0	0	0	2,797,064
WT_Interior Compactors		0	0	0	0	0	0	0	0	1,078,796
GRAVESEND (NY005011720P)		185,000								0
GUN HILL (NY005010470P)		195,887								0
HABER (NY005011660P)		0	0	0	0	0	0	0	0	0
HAMMEL (NY005010750P)		0	0	0	0	0	0	0	0	1,813,797
WT_Brickwork		0	0	0	0	0	0	0	0	0
HARBORVIEW TERRACE (NY005010220P)		0	0	0	0	0	0	0	0	1,322,164
WT_Exterior Compactors		0	0	0	0	0	0	0	0	0
HERNANDEZ (NY005011000P)		0	0	0	0	0	0	0	0	0
WT_Exterior Compactors		0	0	0	0	0	0	0	0	1,281,571
HIGHBRIDGE GARDENS (NY005000780P)		0	0	0	0	0	0	0	0	0
WT_Bathrooms		0	0	0	0	0	0	0	0	3,145,500
HOLMES TOWERS (NY005011390P)		0	0	0	0	0	0	0	0	0
WT_Foundations		0	0	0	0	0	0	0	0	0
HOWARD (NY005000720P)		0	0	0	0	0	0	0	0	0
WT_Exterior Compactors		0	0	0	0	0	0	0	0	1,813,797
WT_CCTV_Layered Access		0	0	0	0	0	0	0	0	12,374,000
HUGHES APTS (NY005011680P)		0	0	0	0	0	0	0	0	215,759
WT_Interior Compactors		0	0	0	0	0	0	0	0	0
HYLAN (NY005010860P)		0	0	0	0	0	0	0	0	0
WT_Exterior Compactors		0	0	0	0	0	0	0	0	1,281,571
INTERNATIONAL TOWER (NY005010910P)		0	0	0	0	0	0	0	0	0
WT_Interior Compactors		0	0	0	0	0	0	0	0	69,712
WT_Brickwork		0	0	0	0	0	0	0	0	0
JACKIE ROBINSON (NY005012410P)		0	0	0	0	0	0	0	0	0
WT_CCTV_Layered Access		0	0	0	0	0	0	0	0	2,013,439
WT_Brickwork		0	0	0	0	0	0	0	0	0
JACKSON (NY005012670P)		0	0	0	0	0	0	0	0	0
WT_Exterior Compactors		0	0	0	0	0	0	0	0	2,013,439
WT_Brickwork		0	0	0	0	0	0	0	0	0
JEFFERSON (NY005010640P)		4,730,712	15,373,351	0	0	0	0	0	0	0
WT_Bathrooms		0	0	0	0	0	0	0	0	0
WT_Exterior Compactors		0	0	0	0	0	0	0	0	2,711,189
WT_Interior Compactors		0	0	0	0	0	0	0	0	0
JOHNSON (NY005000170P)		0	0	0	0	0	0	0	0	0
WT_Exterior Compactors		0	0	0	0	0	0	0	0	1,758,110

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Capital Fund Program Five-Year Action Plan*
Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)		Activities for Year 2		Activities for Year 3		Activities for Year 4		Activities for Year 5	
	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24
WT_Interior Compactors		1,110,025		0	0	0	0	0	0	0
JUSTICE SOTOMAYOR (NY005010670P)	WT_Heating	22,087,485		0	0	0	0	0	0	0
KING TOWERS (NY005010300P)	WT_Exterior Compactors	0	0	0	0	805,032				
	WT_Interior Compactors	652,956		0	0	0	0	0	0	0
KINGSBOROUGH (NY005010100P)	WT_Exterior Compactors	1,200,386		0	0	0	0	0	0	0
	WT_Fire Alarm	185,000		0	0	0	0	0	0	0
KINGSBOROUGH EXT (NY005010100P)	WT_Exterior Compactors	0	1,240,978		0	0	0	0	0	0
LAFAYETTE (NY005001220P)	WT_Boilers	932,360	8,391,243		0	0	0	0	0	0
	WT_Elevators	10,080,000		0	0	0	0	0	0	0
	WT_Exterior Compactors	0	0	0	0	0	0	0	0	830,531
	WT_Fire Alarm	185,000		0	0	0	0	0	0	0
	WT_Brickwork	0	0	0	8,053,755					
LEAVITT ST - 34TH AVE (NY005011860P)	WT_Section 504	0	25,024		0	0	0	0	0	0
LEHMAN (NY005001010P)	WT_Plumbing	0	0	2,450,000						2,450,000
LINCOLN (NY005000200P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	1,813,797
	WT_Brickwork	0	0	0	0	0	0	0	0	4,026,877
LONG ISLAND BAPTIST HOUSES (NY005012610P)	WT_Exterior Compactors	1,200,386		0	0	0	0	0	0	0
LOW HOUSES (NY005011690P)	WT_Exterior Compactors	0	0	0	1,281,571					0
	WT_Fire Alarm	185,000		0	0	0	0	0	0	0
	WT CCTV_Layered Access	4,949,600		0	0	0	0	0	0	0
LOWER EAST SIDE I INFILL (NY005011000P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
LOWER EAST SIDE III (NY005013590P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
MARCY (NY005000210P)	WT_Fire Alarm	185,000		0	0	0	0	0	0	0
MCKINLEY (NY005000590P)	WT_Exterior Compactors	0	0	0	1,758,110					0
	WT_Brickwork	0	0	0	5,033,597					5,033,597

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Capital Fund Program Five-Year Action Plan*
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Development Number/Name/HA-Wide	Activities for Year 1 (See Annual State ment)		Activities for Year 2 FFY Grant: FY21 PHA FY: FY21		Activities for Year 3 FFY Grant: FY22 PHA FY: FY22		Activities for Year 4 FFY Grant: FY23 PHA FY: FY23		Activities for Year 5 FFY Grant: FY24 PHA FY: FY24	
MELTZER TOWER (NY005011000P)	WT_ Exterior Compactors		0	0	0	0	0	0	0	1,322,164
	WT_ Brickwork		0	0	0	2,013,439	0	0	0	0
METRO NORTH PLAZA (NY005010090P)	WT_ Interior Compactors		0	0	0	0	0	0	0	215,759
MILL BROOK (NY005010840P)	WT_ Exterior Compactors		0	0	0	0	0	0	0	830,531
	WT_ Brickwork		0	0	0	0	0	0	0	6,040,316
MILL BROOK EXTENSION (NY005010840P)	WT_ Exterior Compactors		0	0	0	0	0	0	0	1,322,164
	WT_ Interior Compactors		0	0	0	0	0	0	0	71,920
MITCHEL (NY005011450P)	WT_ Boilers		1,864,721	16,782,487	0	0	0	0	0	0
	WT_ Plumbing		0	2,000,000	0	0	0	0	0	0
	WT_ Bathrooms		5,000,000	10,000,000	17,729,386	0	0	0	0	25,277,671
	WT_ Exterior Compactors		0	0	0	0	0	0	0	0
	WT_ Interior Compactors		0	0	0	0	0	0	0	719,198
MONROE (NY005000880P)	WT_ Boilers		1,278,785	11,509,062	0	0	0	0	0	0
	WT_ Exterior Compactors		0	0	0	1,758,110	0	0	0	0
	WT_ Interior Compactors		0	0	0	0	1,254,810	0	0	0
MOORE (NY005010930P)	WT_ Exterior Compactors		0	0	0	0	0	0	0	0
MORRIS I (NY005011020P)	WT_ Brickwork		16,200,000	0	0	0	0	0	0	0
MORRIS PARK SENIOR CITIZENS' HOME (NY005012410P)	WT_ Exterior Compactors		0	0	0	0	0	0	0	1,281,571
	WT_ Interior Compactors		65,296	0	0	0	0	0	0	0
MORRISANIA (NY005011410P)	WT_ Exterior Compactors		0	0	0	0	0	0	0	1,322,164
MORRISANIA AIR RIGHTS (NY005012670P)	WT_ Boilers		932,360	8,391,243	0	0	0	0	0	0
	WT_ Exterior Compactors		0	779,533	0	0	0	0	0	0
MOTT HAVEN (NY005001210P)	WT_ Brickwork		0	0	0	0	0	0	0	4,026,877
NOSTRAND (NY005010360P)	WT_ Exterior Compactors		0	0	0	0	0	0	0	1,281,571
O'DWYER GARDENS (NY005011720P)	WT_ CCTV_Layered Access		0	0	0	0	0	0	0	7,642,800

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Capital Fund Program Five-Year Action Plan*
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Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)		Activities for Year 2		Activities for Year 3		Activities for Year 4		Activities for Year 5	
	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24
OCEAN HILL APTS (NY005011620P)	WT_Brickwork	0	6,040,316	0	0	0	0	0	0	0
PARKSIDE (NY005010470P)	WT_Fire Alarm	0	0	0	185,000	0	0	0	0	0
PELHAM PARKWAY (NY005010390P)	WT_Fire Alarm	0	0	0	185,000	0	0	0	0	0
PENNSYLVANIA AVE - WORTMAN AVE (NY005011940P)	WT_Interior Compactors	0	0	0	209,135	0	0	0	0	0
	WT_Brickwork	0	4,026,878	0	0	0	0	0	0	0
PHA WIDE - CAPITAL PROJECTS	WT_CCTV_Layered Access	3,215,625	3,215,625	0	0	0	0	0	0	0
PHA WIDE - GENERAL MANAGER	WT_Heating	16,700,000	16,700,000	0	0	0	0	0	0	0
PHA WIDE - OPERATIONS	WT_Heating	6,000,000	0	0	0	0	0	0	0	0
PINK (NY005000890P)	WT_Plumbing	0	600,000	6,300,000	0	0	0	0	0	0
	WT_Bathrooms	0	0	11,217,552	0	0	0	0	0	28,337,800
	WT_Exterior Compactors	0	0	0	0	0	0	0	0	830,531
	WT_Fire Alarm	185,000	0	0	0	0	0	0	0	0
POLO GROUNDS TOWER (NY005001490P)	WT_Exterior Compactors	0	15,048,000	0	0	0	0	0	0	0
POMONOK (NY005000530P)	WT_Boilers	1,600,000	14,400,000	0	0	0	0	0	0	0
	WT_Exterior Compactors	0	0	0	3,187,728	0	0	0	0	0
QUEENSBRIDGE NORTH (NY005005050P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	830,531
QUEENSBRIDGE SOUTH (NY005000050P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	830,531
RANGEL (NY005000370P)	WT_Interior Compactors	0	0	627,405	0	0	0	0	0	0
RAVENSWOOD (NY005000480P)	WT_Exterior Compactors	0	0	2,711,189	0	0	0	0	0	0
	WT_Interior Compactors	0	0	0	0	0	0	0	0	3,236,389
RED HOOK WEST (NY005000790P)	WT_Plumbing	0	600,000	6,478,038	0	0	0	0	0	0
REHAB PROGRAM (COLLEGE POINT) (NY005011680P)	WT_Exterior Compactors	0	0	1,281,571	0	0	0	0	0	0
REHAB PROGRAM (DOUGLASS) (NY005013170P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
REID APTS (NY005011670P)	WT_Fire Alarm	185,000	0	0	0	0	0	0	0	0
REVEREND BROWN (NY005012520P)	WT_General Construction	0	75,073	0	0	0	0	0	0	0

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	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24
RIIS I (NY005010180P)	WT_ Exterior Compactors	754,034	0	0	0	0	0	0	0	0
ROBBINS PLAZA (NY005011390P)	WT_ Exterior Compactors	1,200,386	0	0	0	0	0	0	0	0
	WT_ Foundations	0	0	0	1,000,000	0	0	0	0	0
ROOSEVELT I (NY005011350P)	WT_ Brickwork	0	0	0	2,013,439	0	0	0	0	0
SAINT NICHOLAS (NY005000380P)	WT_ Boilers	12,586,865	0	0	0	0	0	0	0	0
	WT_ Interior Compactors	0	0	0	0	0	0	0	1,006,877	0
	WT_ Foundations	0	0	0	1,000,000	0	0	0	0	0
SEDGWICK (NY005010450P)	WT_ Plumbing	0	0	0	3,675,000	0	0	0	0	0
	WT_ Fire Alarm	0	0	0	185,000	0	0	0	0	0
SEWARD PARK EXT (NY005011000P)	WT_ General Construction	75,073	0	0	0	0	0	0	0	0
SHEEPSHEAD BAY (NY005010360P)	WT_ Exterior Compactors	0	3,086,759	0	0	0	0	0	0	0
SHELTON HOUSE (NY005010910P)	WT_ Plumbing	1,000,000	0	0	0	0	0	0	0	0
SOUTH BEACH (NY005010350P)	WT_ Boilers	650,000	6,500,000	0	0	0	0	0	0	0
	WT_ Brickwork	0	0	0	0	0	0	0	4,026,877	0
STRAUS (NY005011530P)	WT_ Exterior Compactors	1,200,386	0	0	0	0	0	0	0	0
	WT_ Interior Compactors	0	0	0	0	0	0	0	143,840	0
STUYVESANT GARDENS I (NY005012210P)	WT_ Section 504	0	100,098	0	0	0	0	0	0	0
SUMNER (NY005010730P)	WT_ Boilers	10,489,054	0	0	0	0	0	0	0	0
SURFSIDE GARDENS (NY005011700P)	WT_ Plumbing	0	2,000,000	0	0	0	0	0	0	0
TAFT (NY005010970P)	WT_ Exterior Compactors	0	0	0	0	0	0	0	830,531	0
	WT_ Interior Compactors	0	1,215,065	0	0	0	0	0	0	0
	WT_ Brickwork	0	0	0	4,026,877	0	0	0	2,013,439	0
	WT_ Foundations	0	0	0	1,000,000	0	0	0	0	0
TAYLOR ST - WYTHE AVE (NY005012340P)	WT_ Fire Alarm	185,000	0	0	0	0	0	0	0	0
THOMAS APTS (NY005011270P)	WT_ Brickwork	1,800,000	0	0	0	0	0	0	0	0

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	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY21 PHA FY: FY21	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY22 PHA FY: FY22	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY23 PHA FY: FY23	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY24 PHA FY: FY24	FFY Grant: FY24 PHA FY: FY24
THROGGS NECK (NY005010630P)	WT_Fire Alarm	0	0	0	185,000	0	0	0	0	0
TODT HILL (NY005000620P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
	WT_Fire Alarm	185,000	0	0	0	0	0	0	0	0
	WT_Brickwork	0	0	0	0	0	0	0	0	2,013,439
TOMPKINS (NY005011310P)	WT_Fire Alarm	185,000	0	0	0	0	0	0	0	0
TWIN PARKS EAST (SITE 9)(NY005012270P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
	WT_Brickwork	1,800,000	0	0	0	0	0	0	0	0
TWO BRIDGES URA (SITE 7)(NY005010760P)	WT_Brickwork	0	0	0	0	0	0	0	0	2,013,439
UNITY PLAZA (SITES 17, 24, 25A) (NY005012610P)	WT_Exterior Compactors	0	0	0	0	0	0	0	0	1,322,164
UNITY PLAZA (SITES 4,5A,6,7,9,11,12,27) (NY005012610P)	WT_Exterior Compactors	0	0	0	0	0	1,281,571	0	0	0
UNIVERSITY AVE REHAB (NY005013410P)	WT_Brickwork	2,700,000	2,700,000	2,700,000	0	0	0	0	0	0
VAN DYKE I (NY005000610P)	WT_Plumbing	4,977,883	0	0	0	0	0	0	0	0
	WT_Fire Alarm	0	0	0	0	0	185,000	0	0	0
	WT_Brickwork	2,700,000	2,700,000	2,700,000	0	0	0	0	0	0
VANDALIA AVENUE (NY005011940P)	WT_Section 504	0	0	50,049	0	0	0	0	0	0
VLADECK I (NY005010060P)	WT_Exterior Compactors	0	0	1,240,978	0	0	0	0	0	0
	WT_Foundations	0	0	0	0	0	1,000,000	0	0	0
W S U R (BROWNSTONES) (NY005011270P)	WT_Brickwork	5,400,000	0	0	0	0	0	0	0	0
W S U R (SITE A) 120 WEST 94TH ST (NY005011270P)	WT_Interior Compactors	0	0	0	0	0	69,712	0	0	0
W S U R (SITE B) 74 WEST 92ND STREET (NY005011270P)	WT_Interior Compactors	0	0	0	0	0	69,712	0	0	0
W S U R (SITE C) 589 AMSTERDAM AVENUE (NY005011270P)	WT_Interior Compactors	0	0	0	0	0	69,712	0	0	0
	WT_Brickwork	0	0	0	0	0	0	0	0	2,013,439
WALD (NY005000230P)	WT_Brickwork	0	0	0	0	0	2,013,439	0	0	0
WASHINGTON (NY005010620P)	WT_Brickwork	7,200,000	7,200,000	7,200,000	0	0	0	0	0	0
WEBSTER (NY005011410P)	WT_CCTV_Layered Access	0	0	0	0	0	6,376,600	0	0	0

*Year five of this Five Year Plan submission is based on the last year of NYCHA's current Board Approved FY2016 Five Year Capital Plan. Subsequent Board Approved Capital Plans will provide updated information on planned projects.

Capital Fund Program Five-Year Action Plan*
Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)		Activities for Year 2		Activities for Year 3		Activities for Year 4		Activities for Year 5	
	FFY Grant: FY21	PHA FY: FY21	FFY Grant: FY21	PHA FY: FY21	FFY Grant: FY22	PHA FY: FY22	FFY Grant: FY23	PHA FY: FY23	FFY Grant: FY24	PHA FY: FY24
WEST BRIGHTON I (NY005010130P)	WT_Interior Compactors	0	0	0	0	0	557,694	0	0	0
WEST TREMONT REHAB (GROUP 1) (NY005013410P)	WT_Brickwork	0	0	0	0	0	2,013,439	0	0	0
WHITE (NY005010090P)	WT_Exterior Compactors	1,200,386	0	0	0	0	0	0	0	0
WHITMAN (NY005005140P)	WT_Plumbing	0	0	0	0	0	1,000,000	0	0	10,000,000
	WT_Fire Alarm	0	0	0	0	0	185,000	0	0	0
WILSON (NY005010090P)	WT_Interior Compactors	195,887	0	0	0	0	0	0	0	0
	WT_Brickwork	3,600,000	0	0	0	0	0	0	0	0
WOODSIDE (NY005000330P)	WT_Brickwork	0	0	0	0	0	0	0	0	16,107,510
WOODSON (NY005011680P)	WT_Brickwork	1,800,000	0	0	0	0	0	0	0	0
WYCKOFF GARDENS (NY005011630P)	WT_Plumbing	0	0	0	0	0	2,000,000	0	0	0
	WT_Interior Compactors	0	0	0	0	0	209,135	0	0	0
PHA WIDE ITEM	WT_Energy	6,398,800	7,296,746	12,000,000	0	0	0	0	0	0
	WT_IT Hardware and Software	5,715,850	5,715,850	3,479,968	5,697,500	3,479,968	5,697,500	3,479,968	4,404,000	3,479,968
	WT_Electrical Lighting	13,037,000	13,037,000	500,000	0	0	0	0	0	0
	WT_Elevators	0	0	0	0	0	0	0	0	0
	WT_Section 504	726,499	726,844	746,708	59,771,643	55,174,875	55,174,875	55,174,875	55,174,875	55,174,875
	WT_Contingency	59,773,501	59,773,157	59,771,643	59,771,643	59,771,643	59,771,643	59,771,643	59,771,643	59,771,643
	WT_Debt Service	55,174,875	55,174,875	55,174,875	55,174,875	55,174,875	55,174,875	55,174,875	55,174,875	55,174,875
	WT_Management Fees	110,349,751	110,349,751	110,349,751	110,349,751	110,349,751	110,349,751	110,349,751	110,349,751	110,349,751
	WT_Reimb To Operate	45,348,272	51,348,272	81,085,272	81,085,272	81,085,272	81,085,272	81,085,272	81,085,272	81,085,272
	WT_General Construction	551,748,754	551,748,754	551,748,754	551,748,754	551,748,754	551,748,754	551,748,754	551,748,754	551,748,754
TOTAL										

*Year five of this Five Year Plan submission is based on the last year of NYCHA's current Board Approved FY2016 Five Year Capital Plan. Subsequent Board Approved Capital Plans will provide updated information on planned projects.

Part I: Summary		Grant Type and Number		FFY of Grant:	
PHIA Name:		Replacement Housing Factor Grant No.:		FFY 2020	
New York City Housing Authority		Capital Fund Program Grant No: NY36P00550120		FFY of Grant Approval:	
		CF2020 Capital Fund 2020		FFY 2020	
Type of Grant		Date of CFFP:		Revised Annual Statement (revision no:)	
Original Annual Statement		Reserve for Disasters/ Emergencies		Final Performance and Evaluation Report	
Performance and Evaluation for Period Ending:		Total Estimated Cost		Total Actual Cost	
Line	Summary by Development Account	Original	Revised	Obligated	Expended
1	Total non-CFP Funds	0.00	0.00	0.00	0.00
2	1406 Operations (may not exceed 20% of line 11)	116,353,667.00	0.00	0.00	0.00
3	1408 Management Improvements	2,900,000.00	0.00	0.00	0.00
4	1410 Administration (may not exceed 10% of line 11)	58,176,833.60	0.00	0.00	0.00
5	1480 General Capital Activity	344,564,334.90	0.00	0.00	0.00
6	1500 FY 94 and Prior Yr. Grant	0.00	0.00	0.00	0.00
7	1501 Collateralization or Debt	0.00	0.00	0.00	0.00
8	1503 RAD	0.00	0.00	0.00	0.00
9	9000 Debt Reserves	0.00	0.00	0.00	0.00
10	9001 Bond Debt Obligation	59,773,500.50	0.00	0.00	0.00
11	Amount of Annual Grant: (sum of line 2-19)	581,768,336.00	0.00	0.00	0.00
12	Amount of line 11 Related to LBP Activities	0.00	0.00	0.00	0.00
13	Amount of line 11 Related to Section 504 Compliance	500,000.00	0.00	0.00	0.00
14	Amount of line 11 Related to Security - Hard Costs	7,482,225.00	0.00	0.00	0.00
15	Amount of line 11 Related to Energy Conservation Measures	3,857,999.00	0.00	0.00	0.00

Signature of Executive Director	Date	Signature of Public Housing Director	Date

Obligation and expenditure end dated can only be revised with HUD approval pursuant to Section 9) of the U.S. Housing Act of 1937, as amended.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program Replacement Housing Factor and Capital
 Fund Financing Programs

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires on 4/30/2011

Part II: Supporting Pages										
PHA Name: New York City Housing Authority		Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			CF2020_Capital Fund 2020 NY36P00550120		CFPP (Yes/No): No		Federal FFY of Grant: FFY_2020	
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Original	Revised ¹	Funds Obligated ²	Funds Expended ³	Total Actual Cost	Status of Work
303 VERNON AVE (NY005010730P)	WT_ Exterior Competitors	FR_010557								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	1,159,792.78		0.00	0.00	0.00	0.00	Pending
BARUCH (NY005010600P)	WT_ Boilers	FR_007625								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	7,199,017.17		0.00	0.00	0.00	0.00	Pending
	WT_ Plumbing	FR_009479								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	5,574,800.00		0.00	0.00	0.00	0.00	Pending
BARUCH HOUSES ADDITION (NY005010600P)	WT_ General Construction	FR_010440								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	200,192.50		0.00	0.00	0.00	0.00	Pending
BERRY (NY005006520P)	WT_ Fire Alarm	FR_009741								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	185,000.00		0.00	0.00	0.00	0.00	Pending
BREVOORT (NY005000650P)	WT_ Heating	FR_010698								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	46,532.00		0.00	0.00	0.00	0.00	Pending
BRONX RIVER (NY005010320P)	WT_ Plumbing	FR_010418								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	2,000,000.00		0.00	0.00	0.00	0.00	Pending
	WT_ Boilers	FR_010399								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	1,165,450.46		0.00	0.00	0.00	0.00	Pending
	WT_ Heating	FR_010434								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	9,998,450.00		0.00	0.00	0.00	0.00	Pending
BRONX RIVER ADDITION (NY005010320P)	WT_ Roofs	FR_010113								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	34,627.00		0.00	0.00	0.00	0.00	Pending
CARVER (NY005006580P)	WT_ Boilers	FR_009958								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	1,113,000.00		0.00	0.00	0.00	0.00	Pending
CONEY ISLAND I (SITE IB) (NY005011660P)	WT_ Plumbing	FR_010422								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	1,000,000.00		0.00	0.00	0.00	0.00	Pending
CONLON LIHFE TOWERS (NY005010910P)	WT_ Plumbing	FR_010424								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	1,000,000.00		0.00	0.00	0.00	0.00	Pending
COOPER PARK (NY005000690P)	WT_ Fire Alarm	FR_009596								Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC	185,000.00		0.00	0.00	0.00	0.00	Pending
DYCKMAN (NY005000410P)	WT_ Major Renovation	FR_007685								Pending

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²To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital
 Fund Financing Programs

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires on 4/30/2011

Part II: Supporting Pages											
PHA Name: New York City Housing Authority			Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:			CF2020_Capital Fund 2020 NY36P00550120		CFPP (Yes/No): No		Federal FFY of Grant: FFY_2020	
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	Original	Revised ¹	Funds Obligated ²	Funds Expended ³	Total Actual Cost	Status of Work	
		1480 GENERAL CAPITAL ACTIVITY EPIC		24,654,504.00		0.00	0.00	0.00	0.00	Pending	
	WT_Elevators	PE_009954								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		470,000.00		0.00	0.00	0.00	0.00	Pending	
	WT_Boilers	PE_010464								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		1,165,450.40		0.00	0.00	0.00	0.00	Pending	
	WT_Exterior Computers	PE_010559								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		1,129,792.78		0.00	0.00	0.00	0.00	Pending	
	WT_Plumbing	PE_009964								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		1,000,000.00		0.00	0.00	0.00	0.00	Pending	
	WT_Boilers	PE_010406								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		932,360.00		0.00	0.00	0.00	0.00	Pending	
	WT_Roofs	PE_009266								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		6,664,999.00		0.00	0.00	0.00	0.00	Pending	
	WT_Fire Alarm	PE_009537								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00		0.00	0.00	0.00	0.00	Pending	
	WT_Fire Alarm	PE_009594								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00		0.00	0.00	0.00	0.00	Pending	
	WT_Boilers	PE_009960								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		818,055.00		0.00	0.00	0.00	0.00	Pending	
	WT_Heating	PE_010071								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		482,111.17		0.00	0.00	0.00	0.00	Pending	
	WT_Heating	PE_010697								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		93,576.00		0.00	0.00	0.00	0.00	Pending	
	WT_Fire Alarm	PE_009621								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00		0.00	0.00	0.00	0.00	Pending	
	WT_Fire Alarm	PE_009608								Pending	
		1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00		0.00	0.00	0.00	0.00	Pending	
	WT_Plumbing	PE_009962								Pending	

EAST 180TH ST -
 MONTEREY AVE
 (NY005012270P)

EAST BYLER
 (NY005010090P)

EASTCHESTER
 GARDENS
 (NY005010340P)

FARRAGUT
 (NY005000290P)

FT INDEPENDENCE ST -
 HEATH AVE
 (NY005012020P)

FULTON (NY005001360P)

GARVEY (GROUP A)
 (NY005012520P)

GLENWOOD
 (NY005000440P)

GOMPERS
 (NY005011000P)

¹To be completed for the Performance and Evaluation Report or a Revised annual Statement.
²To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital
 Fund Financing Programs

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires on 4/30/2011

Part II: Supporting Pages										
PHA Name: New York City Housing Authority										
CF2020_Capital Fund 2020 NY36F00550120										
Federal FFY of Grant: FFY_2020										
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories	Grant Type and Number Capital Fund Program Grant No: Replacement Housing Factor Grant No:	Development Account No.	Quantity	Total Estimated Cost		CFPP (Yes/No): No	Funds Obligated ¹	Total Actual Cost	Status of Work
					Original	Revised ²				
GOWANUS (NY00500250P)	WT_Fire Alarm	FR_009613	1480 GENERAL CAPITAL ACTIVITY EPIC		1,000,000.00	0.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00	0.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC		2,800,983.00	0.00	0.00	0.00	0.00	Pending
HABER (NY065011660P)	WT_Fire Alarm	FR_009628	1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00	0.00	0.00	0.00	0.00	Pending
HERNANDEZ (NY005011000P)	WT_General Construction	FR_010442	1480 GENERAL CAPITAL ACTIVITY EPIC		50,048.88	0.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC		1,291,400.00	0.00	0.00	0.00	0.00	Pending
HOWARD (NY00500720P)	WT_Fire Alarm	FR_009627	1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00	0.00	0.00	0.00	0.00	Pending
HUGHES APTS (NY005011680P)	WT_Fire Alarm	FR_009588	1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00	0.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC		185,000.00	0.00	0.00	0.00	0.00	Pending
INGERSOLL (NY005000140P)	WT_Plumbing	FR_010426	1480 GENERAL CAPITAL ACTIVITY EPIC		1,000,000.00	0.00	0.00	0.00	0.00	Pending
JACKIE ROBINSON (NY005012410P)	WT_General Construction	FR_010438	1480 GENERAL CAPITAL ACTIVITY EPIC		25,024.44	0.00	0.00	0.00	0.00	Pending
JACKSON (NY005012670P)	WT_Section 504	FR_009469	1480 GENERAL CAPITAL ACTIVITY EPIC		500,000.00	0.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC		7,000,000.00	0.00	0.00	0.00	0.00	Pending
JEFFERSON (NY005010640P)	WT_Bathrooms	FR_009256	1480 GENERAL CAPITAL ACTIVITY EPIC		15,830,751.19	0.00	0.00	0.00	0.00	Pending
JUSTICE SOTOMAYOR (NY005010670P)	WT_Major Renovation	FR_007286	1480 GENERAL CAPITAL ACTIVITY EPIC		13,985,544.00	0.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC		4,864,199.00	0.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EPIC							Pending

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Part II: Supporting Pages		New York City Housing Authority		CF2020_Capital Fund 2020		FFY_2020		
Development Number / PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost	CFFP (Yes/No); No	Funds Obligated	Funds Expended	Status of Work
PHA Name:		Capital Fund Program Grant No: Replacement Housing Factor Grant No:		Original				
LA GUARDIA (NY005010760P)	WT_ Exterior Compactors	FR_010549	1480 GENERAL CAPITAL ACTIVITY EFC	2,454,165.00	0.00	0.00	0.00	Pending
LAFAYETTE (NY005001220P)	WT_ Elevators	FR_010396	1480 GENERAL CAPITAL ACTIVITY EFC	1,591,050.02	0.00	0.00	0.00	Pending
LOWER EAST SIDE REHAB (GROUP 5) (NY005012920P)	WT_ Brickwork	FR_010025	1480 GENERAL CAPITAL ACTIVITY EFC	1,120,000.00	0.00	0.00	0.00	Pending
MARCY (NY005000210P)	WT_ Exterior Compactors	FR_010458	1480 GENERAL CAPITAL ACTIVITY EFC	1,800,000.00	0.00	0.00	0.00	Pending
MCKINLEY (NY005000590P)	WT_ Elevators	FR_009439	1480 GENERAL CAPITAL ACTIVITY EFC	728,535.54	0.00	0.00	0.00	Pending
MELROSE (NY005010280P)	WT_ Roofs	FR_009279	1480 GENERAL CAPITAL ACTIVITY EFC	5,000,000.00	0.00	0.00	0.00	Pending
MILL BROOK (NY005010840P)	WT_ Plumbing	FR_010428	1480 GENERAL CAPITAL ACTIVITY EFC	3,146,261.00	0.00	0.00	0.00	Pending
MITCHELL (NY005011460P)	WT_ Bathrooms	FR_009743	1480 GENERAL CAPITAL ACTIVITY EFC	2,000,000.00	0.00	0.00	0.00	Pending
MORRIS II (NY005011020P)	WT_ Exterior Compactors	FR_010532	1480 GENERAL CAPITAL ACTIVITY EFC	20,000,000.00	0.00	0.00	0.00	Pending
MORRISANIA AIR RIGHTS (NY005012670P)	WT_ Elevators	FR_009441	1480 GENERAL CAPITAL ACTIVITY EFC	1,591,050.02	0.00	0.00	0.00	Pending
PATTERSON (NY005000240P)	WT_ Brickwork_Roofs	FR_008786	1480 GENERAL CAPITAL ACTIVITY EFC	8,270,558.00	0.00	0.00	0.00	Pending
PHA WIDE - CAPITAL PROJECTS	WT_ CCTV_Leased Access	FR_009843	1480 GENERAL CAPITAL ACTIVITY EFC	16,000,000.00	0.00	0.00	0.00	Pending
PHA WIDE - GENERAL MANAGER	WT_ Heating	FR_010604	1480 GENERAL CAPITAL ACTIVITY EFC	3,215,625.00	0.00	0.00	0.00	Pending
			1480 GENERAL CAPITAL ACTIVITY EFC	16,600,000.00	0.00	0.00	0.00	Pending

*To be completed for the Performance and Evaluation Report or a Revised Annual Statement.
 *To be completed for the Performance and Evaluation Report.
 Smith
 10-07-2020

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital
 Fund Financing Programs

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires on 4/30/2011

Part II: Supporting Pages		New York City Housing Authority		CF2020_Capital Fund 2020		FFY_2020	
PHA Name:		Grant Type and Number		CF2020_Capital Fund 2020		FFY_2020	
Development Number Name / PHA-Wide Activities		Capital Fund Program Grant No:		NY36P-00550120		FFY_2020	
General Description of Major Work Categories		Replacement Housing Factor Grant No:		CFFP (Yes/No):		FFY_2020	
		Development Account No.		Original		Revised ¹	
		Quantity		Total Estimated Cost		Total Actual Cost	
				Funds Obligated ²		Funds Expended ³	
						Status of Work	
PHAWIDE- OPERATIONS	FR_010607	1480 GENERAL CAPITAL ACTIVITY EPIC	2,192,000.00	0.00	0.00	0.00	Pending
QUEENSBIDGE SOUTH (NY005000650P)	FR_009191	1480 GENERAL CAPITAL ACTIVITY EPIC	31,566,000.00	0.00	0.00	0.00	Pending
REHAB PROGRAM (DOUGLASS) (NY005013170P)	FR_010090	1480 GENERAL CAPITAL ACTIVITY EPIC	1,800,000.00	0.00	0.00	0.00	Pending
SAINT NICHOLAS (NY005000380P)	FR_010412	1480 GENERAL CAPITAL ACTIVITY EPIC	1,393,540.54	0.00	0.00	0.00	Pending
SHEEPSHEAD BAY (NY005010360P)	FR_010699	1480 GENERAL CAPITAL ACTIVITY EPIC	908,244.00	0.00	0.00	0.00	Pending
SMITH (NY005000270P)	FR_009480	1480 GENERAL CAPITAL ACTIVITY EPIC	3,000,000.00	0.00	0.00	0.00	Pending
SUMNER (NY005010730P)	FR_010413	1480 GENERAL CAPITAL ACTIVITY EPIC	1,165,450.46	0.00	0.00	0.00	Pending
TAFT (NY005010970P)	FR_009252	1480 GENERAL CAPITAL ACTIVITY EPIC	6,300,000.00	0.00	0.00	0.00	Pending
TELLER AVE - EAST 166TH ST (NY005013080P)	FR_010372	1480 GENERAL CAPITAL ACTIVITY EPIC	1,800,000.00	0.00	0.00	0.00	Pending
UPACA URBAN RENEWAL (SITE 5) (NY005011410P)	FR_010441	1480 GENERAL CAPITAL ACTIVITY EPIC	25,024.44	0.00	0.00	0.00	Pending
UPACA URBAN RENEWAL (SITE 6) (NY005012410P)	FR_010437	1480 GENERAL CAPITAL ACTIVITY EPIC	25,024.44	0.00	0.00	0.00	Pending
VAN DYKE I (NY005000610P)	FR_009481	1480 GENERAL CAPITAL ACTIVITY EPIC	2,500,000.00	0.00	0.00	0.00	Pending
VANDALIA AVENUE (NY005011940P)	FR_010141	1480 GENERAL CAPITAL ACTIVITY EPIC	3,600,000.00	0.00	0.00	0.00	Pending
WEBSTER (NY005011410P)	FR_009257	1480 GENERAL CAPITAL ACTIVITY EPIC	1,726,872.00	0.00	0.00	0.00	Pending

¹To be completed for the Performance and Evaluation Report or a Revised annual Statement.
²To be completed for the Performance and Evaluation Report.

Part II: Supporting Pages										
PHIA Name: New York City Housing Authority										
CF2020_Capital Fund 2020 NY36P00550120										
Federal FFY of Grant: FFY_2020										
CFPP (Yes/No): No										
Replacement Housing Factor Grant No:										
Development Account No.										
Quantity										
Original										
Revised ¹										
Total Estimated Cost										
Total Actual Cost										
Funds Obligated ²										
Funds Expended ³										
Status of Work										
WT_ Exterior Compactors	FR_ 010540									Pending
1480 GENERAL CAPITAL ACTIVITY EFC										
				1,591,050.02		0.00				0.00
WHITMAN (NY005005140P)										
WT_ Heating	FR_ 010700									Pending
1480 GENERAL CAPITAL ACTIVITY EFC										
				42,415.00		0.00				0.00
WT_ Plumbing	FR_ 010433									Pending
1480 GENERAL CAPITAL ACTIVITY EFC										
				1,000,000.00		0.00				0.00
WILSON (NY005010090P)										
WT_ Plumbing	FR_ 010262									Pending
1480 GENERAL CAPITAL ACTIVITY EFC										
				1,000,000.00		0.00				0.00
WT_ General Construction	FR_ 010439									Pending
1480 GENERAL CAPITAL ACTIVITY EFC										
				100,097.75		0.00				0.00
WT_ CCTV Layered Access	FR_ 010576									Pending
1480 GENERAL CAPITAL ACTIVITY EFC										
				2,975,200.00		0.00				0.00
WOODSON (NY005011680P)										

¹To be completed for the Performance and Evaluation Report or a Revised annual Statement.
²To be completed for the Performance and Evaluation Report.

Annual Statement/Performance and Evaluation Report
 Capital Fund Program, Capital Fund Program Replacement Housing Factor and Capital
 Fund Financing Programs

U.S. Department of Housing and Urban Development
 Office of Public and Indian Housing
 Expires on 4/30/2011

Part II: Supporting Pages		Grant Type and Number			CF2020_Capital Fund 2020			Federal FFY of Grant:				
PHA Name: New York City Housing Authority		Capital Fund Program Grant No:			NY36P00550120			FFY_2020				
Development Number Name/ PHA- Wide Activities	General Description of Major Work Categories	Replacement Housing Factor	Grant No:	Development Account No.	Quantity	Total Estimated Cost		CFFP (Yes/No):	Revised ¹	Total Actual Cost		Status of Work
						Original	No			Funds Obligated ²	Funds Expended ³	
PHA WIDE ITEM (FR 003482)	WT_Management Fees						58,176,884			0	0	Pending.
PHA WIDE ITEM (FR 003921)	WT_Contingency		1410 ADMINISTRATIVE SALARIES EPIC-FINANCE ORG				1,612,441			0	0	Pending.
PHA WIDE ITEM (FR 009460)	WT_Debt Service		1480 GENERAL CAPITAL ACTIVITY EPIC-FINANCE ORG				59,773,501			0	0	Pending.
PHA WIDE ITEM (FR 006859)	WT_Reimb To Operate		9001 BOND DEBT OBLIGATION EPIC-FINANCE ORG				116,253,667			0	0	Pending.
PHA WIDE ITEM (FR 009272)	WT_Roofs		1406 OPERATIONS EPIC-FINANCE ORG				2,540,497			0	0	Pending.
PHA WIDE ITEM (FR 010233)	WT_IT Hardware and Software		1480 GENERAL CAPITAL ACTIVITY EPIC-ORG BRONX RIVER				4,592,331			0	0	Pending.
PHA WIDE ITEM (FR 010243)	WT_IT Hardware and Software		1480 GENERAL CAPITAL ACTIVITY EPIC-CIO ORG				2,900,000			0	0	Pending.
PHA WIDE ITEM (FR 010369)	WT_Energy		1408 MGMT IMPROVEMENT PROGRAMS EPIC-CIO ORG				1,664,138			0	0	Pending.
PHA WIDE ITEM (FR 010330)	WT_Energy		1480 GENERAL CAPITAL ACTIVITY EPIC-ORG WAGNER ROAD PLAZA				500,000			0	0	Pending.
PHA WIDE ITEM (FR 010341)	WT_Energy		1480 GENERAL CAPITAL ACTIVITY EPIC-ORG DOUGLASS II (ELDCS 1-3,13-15)				1,693,861			0	0	Pending.
PHA WIDE ITEM (FR 010605)	WT_Electrical Lighting		1480 GENERAL CAPITAL ACTIVITY EPIC-OPERATIONS ORG				3,479,968			0	0	Pending.
PHA WIDE ITEM (FR 010609)	WT_Elevators		1480 GENERAL CAPITAL ACTIVITY EPIC-OPERATIONS ORG				13,031,000			0	0	Pending.
PHA WIDE ITEM (FR 010609)	WT_General Construction		1480 GENERAL CAPITAL ACTIVITY EPIC-OPERATIONS ORG				48,320,272			0	0	Pending.
Award Total:										581,768,336	0	0

¹To be completed for the Performance and Evaluation Report or a Revised annual Statement.
²To be completed for the Performance and Evaluation Report.

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

Public Housing Resident Advisory Board (RAB) Members

RAB DELEGATES/ALTERNATES 2020

	Delegate Name	Development	District	Delegate/ Alternate
1	Lozano, Lilithe	Parkside	Bronx North	Delegate/CCOP
2	Simmons Gil	E. 180 th St./Monterey	Bronx North	Delegate
3	Hall, Robert	Gun Hill	Bronx North	Delegate
4	Edwards, Maurice	Marble Hill	Bronx North	Delegate
5	Butler, Harvey	Sack Wern	Bronx North	Delegate
6	Lauray, Barbara	Fort Independence	Bronx North	Delegate
7	Jamerson, Princella	Millbrook	Bronx South	Delegate
8	Peterson, Miguel	Teller Avenue	Bronx South	Delegate
9	Henry, Audrey	Findlay Avenue	Bronx South	Delegate
10	Walker, Daniel Barber	Jackson	Bronx South	Delegate/CCOP
11	Topping, Ronald	Adams	Bronx South	Delegate
12	Tull, Gloria	Claremont Parkway	Bronx South	Delegate
13	Primus, Gwendolyn	Webster/Morrisania	Bronx South	Delegate
14	Bowman, Reginald	Seth Low	Brooklyn East	Delegate/CCOP
15	Johnson, Naomi	Howard	Brooklyn East	Delegate
16	Clifton, Rose	Howard Ave Rehab	Brooklyn East	Delegate
17	Green, Desiree	Crown Heights Rehab	Brooklyn East	Delegate
18	Boone, Marie	Tilden	Brooklyn East	Delegate
19	Whitaker, Cynthia	Unity Plaza	Brooklyn East	Delegate
20	Caldwell, Karen	Pink	Brooklyn East	Delegate
21	Marshall, Lillie	Red Hook West	Brooklyn South	Delegate/CCOP
22	Feliciano, Wanda	Unity Tower	Brooklyn South	Delegate
23	Brown, Frances	Red Hook East	Brooklyn South	Delegate
24	Boyce, Sheryl	Bayview	Brooklyn South	Delegate
25	Burgess, Darold	Ingersoll	Brooklyn West	Delegate
26	Harrell, Cassandra	Bed Stuy Rehab	Brooklyn West	Delegate
27	Colon, Naomi	Marcy	Brooklyn West	Delegate
28	Shipman, Lohoma	Bushwick	Brooklyn West	Delegate
29	Bradham, Vernona	Roosevelt	Brooklyn West	Delegate/CCOP
30	Velez, Ethel	Johnson	Manhattan North	Delegate/CCOP
31	Green, Nathaniel	Dyckman	Manhattan North	Delegate
32	Coaxum, Henry	Thurgood Marshall	Manhattan North	Delegate
33	McNear, Bernadette	Rangel	Manhattan North	Delegate
34	Javier, Abigail	Jefferson	Manhattan North	Delegate

35	Gordon, Felicia	Hernandez	Manhattan South	Delegate
36	Quinones, Carmen	Douglass	Manhattan South	Delegate
37	Morris, Ann Cotton	Woodside	Queens	Delegate/CCOP
38	Anglero, Karen	Latimer Gardens	Queens	Delegate
39	Coger, Claudia	Astoria	Queens	Delegate
40	Wilkins, Carol	Ravenswood	Queens	Delegate
41	Harris, Brenda	Cassidy/Lafayette	Staten Island	Delegate/CCOP
42	Butler, Shekina	West Brighton I & II	Staten Island	Delegate
43	Lewis-Clinton, Scherisce	South Beach	Staten Island	Delegate
44	Charles, Brenda	Mariners Harbor	Staten Island	Delegate
45	Brown, Lorraine	334 East 92nd St.	Section 8	Delegate

ATTACHMENT F

Agendas of Meetings Held with NYCHA's Resident Advisory Board (RAB)

March 26, 2020 Agenda

- PACT Overview
- Site Selection
- Progress to Date
- Pipeline Planning Discussion
- Next Steps

April 16, 2020 Agenda

- Roll Call/Introductions
- COVID-19 Statutory and Regulatory Waivers
- Department of Public Safety Update
 - CCTV Unit
 - Layered Access
 - Resident Watch
 - Quality of Life/Intel Reporting and 24-Hour Anonymous Tip Line

April 30, 2020 Agenda

- Introductions
- Agreement Focus
- Investment Strategy
- Funding Sources – Federal, State and City
 - State and City – Predefined scope-based allocations
- FY 2020 Federal Capital
 - Funding scopes
- Comments and Questions

May 21, 2020 Agenda

- PACT Planning & Resident Engagement Updates
- PACT Planning Discussion (Q&A)
- HUD Waiver Overview
- HUD Waiver Discussion (Q&A)

June 25, 2020 Agenda

- Goals & Guiding Principles
- Resident Advisor – revisited
- Community Planning Process – more detail
- Engagement & Social Distancing

- Discussion

July 16, 2020 Agenda

- Overview of Initiatives
- NYCHA Transformation Plan
- NYCHA Preservation Ideas

August 20, 2020 Agenda

- NYCHA's Portfolio Planning Team
- PACT: Background, Progress to Date, and Active Projects
- Guiding Question
- Core Criteria
- Discussion

October 15, 2020 Agenda

- FY2021 Flat Rent Schedule
- What is PACT?
- How Does PACT Work?
- PACT Investment & Improvement
- PACT Resident Protections
- PACT Conversions
- PACT: Progress to Date
- PACT: Active Projects
- PACT Core Criteria
- PACT Round 8
- PACT: Round 9
- Resident Engagement – Round 9 Overview
- Resident Engagement – PACT Curriculum
- Resident Engagement – PACT Partner Guidance
- Resident Engagement – Planning Fund
- Transfer to Preserve – Updates

November 12, 2020 Agenda

- FY2021 Flat Rent Schedule
- What is PACT?
- How Does PACT Work?
- PACT Investment & Improvement
- PACT Resident Protections
- PACT Conversions
- PACT: Progress to Date

- PACT: Active Projects
- PACT Core Criteria
- PACT Round 8
- PACT Round 9
- Resident Engagement – Round 9 Overview
- Resident Engagement – PACT Curriculum
- Resident Engagement – PACT Partner Guidance
- Resident Engagement – Planning Fund
- Transfer to Preserve – Updates

December 9, 2020 Agenda

- FY2021 Capital Grant and 5-Year Plan (2021-2025)
 - Introductions
 - Agreement focus
 - Investment Strategy
 - Funding Sources – Federal, State and City
 - State and City – Predefined scope-based allocations
 - FY 2021 Proposed Federal Capital
 - Funding scopes
 - Comments and Questions
- FY2021 Flat Rent Schedule
- PACT Pipeline Planning Updates
 - What is PACT?
 - How does PACT Work?
 - PACT Investment & Improvement
 - PACT Resident Protections
 - PACT Conversions
 - PACT: Progress to Date
 - PACT: Active Projects
 - PACT Core Criteria
 - PACT Round 8
 - PACT Round 9
 - Transfer to Preserve - Updates

ATTACHMENT G

Comments from the Resident Advisory Board (RAB)

Capital Projects

- A resident of Bay View Houses wants to know if the funding for Mixed Finance developments, such as Bay View, is different from other NYCHA developments and if these developments receive any capital funding.

Mixed Finance developments are not eligible for Federal Capital funding. However, they are eligible and have received some investments from City and State Capital funding. If a Mixed Finance development needs major construction work, NYCHA strategizes to include funding for these developments in the City and State plans.

- Hernandez Houses is scheduled to have capital work begin in May 2020 on the exterior grounds. Will this work continue as scheduled or has the funding been reallocated due to COVID-19?

Beginning May 1st, 2020, the City mandated a 6-month moratorium on City funded capital projects due to the COVID-19 pandemic. All City funded projects were put on hold, including the exterior grounds project at Hernandez Houses. NYCHA received the go-ahead to restart these projects in November 2020. However, exterior projects such as groundwork are also dependent on seasonal conditions and cannot begin until the spring. This project will continue but the groundbreaking will occur in spring 2021.

- What is NYCHA doing to secure more federal funding to complete more capital repairs?

NYCHA is working closely with resident leaders, elected officials, and advocates to continue to work to receive federal, city, and state funding. The capital needs are great, and it should be noted that this administration is spending more on capital projects at NYCHA than any previous mayoral administration in recent history. Funding from elected officials (state and city) are usually directed to quality of life projects such as playgrounds, CCTV/Layered Access Control, site lighting and community center upgrades. The remaining city, state and federal funds are directed to systems and items outlined in the HUD Agreement, such as heating plants, roofs, elevators, and other infrastructure. The Blueprint for Change introduces additional innovative ways to address NYCHA buildings' capital needs through new investments moving from single systems to comprehensive rehabilitation, including apartment kitchens and bathrooms.

- Given the unprecedented situation with COVID-19, is NYCHA's funding for capital repairs at risk of being cut and if so, will the Capital Plan be revised?

NYCHA's Capital Projects Division utilizes funding from a diversity of sources, including the federal, state, and city governments and elected officials. NYCHA is currently working with our partners across City agencies to leverage funding that needs to be utilized for COVID-19 expenses. NYCHA's funding streams are subject to change based on any new legislation, but NYCHA forecasts the amount of funding that can be expected each year based on analyses of historical allocations. NYCHA works to forecast these allocations as accurately as possible, as capital projects are often planned in phases. For example, NYCHA will start the design phase for a heating plant project in one year knowing that the project will be going to bid and funded in the following year. This process has been in place before COVID-19.

- Were tenant association leaders included in a walk through as part of the determination of which developments and projects would be receiving capital work as part of the Capital Plan?

NYCHA utilizes an asset management program to determine which projects will be funded in the Capital Plan. Historically, NYCHA did complete walk throughs at developments as part of the determination process. However, the process has changed as NYCHA found that capital work was not evenly distributed across NYCHA's portfolio under the previous system. NYCHA's asset management program looks at data from a variety of sources including work orders, the most recent Physical Needs Assessment (PNA), and input from NYCHA development

staff to establish a rating system that is then used to determine the most efficient and effective use of NYCHA's capital funds.

- A resident of West Brighton Houses wants to know why the bathrooms have not been upgraded or repaired. The original bathrooms are still in place.

NYCHA typically replaces bathrooms when chase walls need to be repaired to address plumbing issues that cause mold and mildew conditions. NYCHA continues to prioritize chase walls in the bathrooms, rather than in kitchens, when addressing plumbing issues in order to provide bathroom upgrades as part of these larger repair projects.

- A resident of Bushwick Houses states that the elevators at Bushwick need to be repaired and would like to know if they are scheduled for any improvements.

The Bushwick Houses elevators are not scheduled for replacement by the Capital Projects Division in the current Five-Year Capital Plan. Capital Projects Division prioritizes elevator replacements by the useful life duration of the asset and funding availability.

- As part of the redesign of NYCHA's lobby doors, will any protections be put in place so that NYCHA can have these doors repaired even if damage is caused due to vandalism?

NYCHA is working on establishing warranties and/or guarantees to make sure if something happens to a lobby door the issue can be fixed. Warranties are typically voided if damage occurs as a result of vandalism. NYCHA is working to design new entrances that are less costly to repair and more durable to resist damage. A pilot program for entrances, introduced at the last RAB Meeting, is underway and in the design phase. Given the high expense of replacing the current entrances when they are broken and vandalized, the new entrances being piloted were specifically geared to be ready made and available – making it less expensive to repair if vandalized. Therefore, the available funding will cover more doors.

- What types of warranties and/or guarantees will NYCHA require for the new lobby doors? Will the warranties cover vandalism?

Warranties and guarantees do not cover vandalism. The new design standards call for cameras to be located on the inside and outside of the entrance doors to deter this type of behavior.

- A resident of Johnson Houses stated that there is an issue at their development about an incomplete entrance door project that has been ongoing for 3 years.

Yes, due to an ongoing lawsuit, elements of this project were delayed. NYCHA Capital Projects Division has since secured the doors, completed the electrical work related to the doors and is currently doing interior remedial work such as tile replacement, handrail repair, and painting. Given the need to coordinate with tenants in these public spaces, it is estimated this work will be completed by September 2021.

- The Resident Advisory Board would like to see examples of the completed exterior design of the doors before they are finalized. NYCHA residents need to be at the table for all stages of the process for the new lobby doors, including more technical and design phases.

The doors are currently in the design phase. The CCOP President is coordinating a group of resident advisors to assist with reviewing the design. Capital Projects proposed construction of entrances with the new standards at two developments (moderate and high use). These sites would be used to test the new design and to provide an opportunity to receive feedback from the residents and NYCHA's Operations Department.

- It is important to replace lobby doors, but apartments need to have capital repairs made as well. Is the focus mainly going to be on exteriors, including lobby doors, from now on?

Capital Projects follows a logical building sequence when planning work to protect the investments made. This sequence starts with sealing the building envelope --roofs and masonry work-- then turning to building systems, interior renovations and grounds. We have made significant investments in roofing and the focus of federal funds is on exterior repairs and building systems such as heat and hot water. The current federal capital plan was presented at the RAB meetings held on April 30, 2020 and December 9, 2020. NYCHA released the Blueprint for Change with additional innovative ways to address NYCHA buildings' capital needs including apartment kitchens and bathrooms.

- NYCHA needs to provide information about where Section 3 resident owned businesses are utilized on capital repair projects.

NYCHA is working to increase involvement with Section 3 resident owned businesses and Section 3 contracts by diversifying the size of projects that can be bid on so that firms of smaller scale can successfully bid on NYCHA's projects and then hire workers under Section 3.

- West Brighton needs plumbing work and roof repairs. Where is West Brighton in the RAD pipeline?

NYCHA's Real Estate Development and Capital Projects departments work together very closely to best address the capital needs at each NYCHA development. NYCHA's Capital Projects department allocates funding for roof repairs, but plumbing and interior work are typically addressed through a mechanism for more comprehensive repairs, such as a RAD/PACT conversion. West Brighton is not in the RAD/PACT pipeline at this time.

As detailed in the most recent Capital Plan, West Brighton will receive waste management infrastructure improvements, including a new waste yard with exterior compactors, as well as interior compactors, and CCTV/Layered Access improvements.

- NYCHA needs to clarify how the Agreement funds will be allocated once they are approved by the Federal Monitor.

The Agreement Funds from the City of New York require an approved action plan that must detail how and where the funds will be used. NYCHA has proposed to allocate 39% of those city funds for lead paint testing and lead abatement, 28% for a waste management plan, 23% to fully address the lead, mold, heat, elevator and pests along with other deferred maintenance at high-need sites and 10% for heating and elevators.

- NYCHA needs to explain what funding sources are considered City funding.

Funding sources that are considered City funding are those funds allocated to NYCHA by the Mayor, City Council, or Borough Presidents' offices.

- The RAB would like to know if the amount of money in the Capital Plan is the amount of money that is projected to be received or the amount of money that is needed to do all capital work.

The amount of funding in the 5- year Capital Plan is the amount of funds HUD estimates NYCHA will receive over the next 5 years. The amount of money that NYCHA needs to do all Capital work is estimated at \$40 Billion as of 2020.

- NYCHA needs to clarify if \$248M per year from 2021-2025 spread out throughout the five years or if \$248M is the annual amount that NYCHA will receive.

The Capital Projects Division receives on average \$248 million annually as part of the Federal grant.

- Is it accurate to say that NYCHA does not receive enough money from the Federal Government to complete all needed capital repairs?

It is accurate to say that NYCHA does not receive enough money to complete all needed capital repairs.

- NYCHA needs to explain if the tenant association presidents were involved at the initial stages when NYCHA did the respective inspections at various developments to determine their capital needs. The tenant leaders are the ones who know when the boiler goes out, when the roofs leak, etc. The RAB has requested repeatedly that resident leaders be involved from the very beginning, middle and end.

NYCHA will take this recommendation under advisement.

- NYCHA needs to include, in writing, the names of tenant association leaders and the days and times that they participated in walk through inspections when determining capital needs at developments.

Historically, tenant leaders have not regularly attended the field inspections. NYCHA will take this recommendation under advisement.

- A RAB member would like to know what Local Law 11 funding refers to.

“Local Law 11”, as it is commonly known, refers to the NYC Façade Inspection Safety Program (FISP). FISP requires buildings 6 stories or taller to have their exterior facades inspected once during each five-year filing cycle. In order to be in compliance with the NYC Municipal Code, funds are needed to inspect buildings, report on the findings, and provide sidewalk protection sheds where unsafe conditions are found. Funding for remedying those unsafe conditions is in excess of \$3 Billion and is not eligible for city capital funding. NYCHA is working with the city to develop a plan to remove restrictions that limits use of city capital dollars for façade repairs.

- Is it accurate to say that Local Law 11 funding is being allocated to start eliminating those problems that make sidewalk sheds necessary?

The current Local Law 11 funding is allocated for code required emergency inspections and sidewalk shed installation to protect the public and residents. The Local Law 11 program cost is an excess of \$3 Billion to repair deficiencies identified in the emergency inspections. Due to funding rules mentioned above, NYCHA may only use Federal dollars to repair the facades. NYCHA does not have enough Federal funding to repair the deficiencies identified in the inspections. Only after the deficiencies are fixed will the Department of Buildings allow for the removal of sidewalk shedding.

- NYCHA needs to explain if Local Law 11 funding means that the union automatically gets that work.

Union employees must complete Local Law 11 repairs, as well as installation of the sidewalk protection sheds because all the Requirement contracts have a Project Labor Agreement (PLA). Additional information about the PLA is available here: <https://www1.nyc.gov/assets/nycha/downloads/pdf/project-labor-agreement-faq.pdf>

- Is there anything in the Annual Plan that makes sure that eventually all interiors, exteriors, and all components of each development will be standardized across the board, so that there is standardization across the entire portfolio?

The varying building typologies and existing conditions means standardization is impossible across the NYCHA portfolio. We strive to provide comparable quality across the board. NYCHA has design standards for certain components that are installed across the portfolio. An example of this is the Mayoral Roofing Initiative that standardized energy performance and roofing material.

At present, the funding in the capital plan represents a small fraction of the total needs for all NYCHA developments and does not currently allow for the entire portfolio to be modernized and standardized. NYCHA’s Transformation Plan will enable NYCHA to secure significant capital to invest in and stabilize NYCHA’s portfolio.

- The RAB is concerned that NYCHA does not have a road map in place to finalize the construction and repairs that need to be done to get the entire portfolio up to scale. Capital planning is good but there needs to be a road map to achieving results.

NYCHA's road map to bring all buildings to a good state of repair is NYCHA's Transformation Plan. The plan will enable NYCHA to secure the level of funding required.

- The RAB would like a list of all planned CCTV projects by development and by building, with the number of interior and exterior cameras to be installed and the funding information also included if possible.

Please see list below. The final detailed scope of work and camera locations will be determined and signed-off on during the site walkthrough with the Resident Association leaders, Elected Official or designee (Sponsor), Management, the Capital Projects Department and the Office of Safety and Security-CCTV Unit, in design phase.

#	Funding Year	Developments	Borough	Project Budget Amount	Preliminary SOW
1	FY 19	Bailey Ave. - W. 193rd Street	Bronx	\$500,000.00	CCTV
2	FY 19	Marble Hill	Bronx	\$ 75,000.00	CCTV
3	FY 19	East 152nd St. - Courtland Ave.	Bronx	\$225,000.00	CCTV
4	FY 19	Howard	Brooklyn	\$ 1,400,000.00	CCTV
5	FY 19	Pink	Brooklyn	\$3,000,000.00	CCTV
6	FY 19	Elliott	Manhattan	\$250,000.00	CCTV
7	FY 19	Fulton	Manhattan	\$250,000.00	CCTV
8	FY 19	La Guardia Addition	Manhattan	\$170,000.00	CCTV
9	FY 19	Rangel	Manhattan	\$ 423,000.00	CCTV
10	FY 19	Astoria	Queens	\$100,000.00	CCTV
11	FY20	Millbrook Houses	Bronx	\$ 550,000.00	CCTV
12	FY20	Monroe	Bronx	\$2,506,000.00	CCTV
13	FY20	Sedgwick	Bronx	\$ 880,000.00	CCTV & LAC
14	FY20	Hughes	Brooklyn	\$500,000.00	CCTV
15	FY20	Gowanus	Brooklyn	\$150,000.00	CCTV & Lighting
16	FY20	Woodson	Brooklyn	\$800,000.00	CCTV
17	FY20	LES Infill I	Manhattan	\$675,000.00	CCTV & LAC
18	FY20	Chelsea-Elliott	Manhattan	\$600,000.00	CCTV
19	FY20	Baisley Park	Queens	\$1,500,000.00	CCTV & LAC
20	FY20	Latimer Gardens	Queens	\$200,000.00	CCTV
21	FY20	Berry	Staten Island	\$200,000.00	CCTV & LAC
		Total		\$14,954,000.00	

- A RAB member from Howard Houses would like to know when the CCTV cameras will be installed, as they were allocated funding for cameras several months ago.

The project is currently in the planning phase. Due to the COVID-19 Pandemic and the OMB 6-month funding moratorium, the project start date has been delayed. After design and public procurement, the anticipated construction start is May 5, 2023.

Real Estate Development (PACT/RAD)

- NYCHA needs to provide a written summary that details how PACT affects resident leadership in converted buildings.

NYCHA supports and encourages the formation of tenant associations at PACT developments. Development partners are required to provide tenant associations with an annual budget of \$25/unit, and any unspent Tenant Participation Activity (TPA) funding at the time of conversion is transferred to the development partner for use by tenant associations. NYCHA provides training to development partners and resident leadership; after conversion, development partners are responsible for managing elections, and NYCHA is available to provide assistance where needed.

- NYCHA should create a subcommittee to oversee resident leadership at PACT developments. Resident leaders living in developments that have undergone conversion feel abandoned and neglected by the new property managers.

NYCHA supports CCOP's desire to keep the resident leadership at PACT/RAD developments informed and included. In order to effectuate that, NYCHA recommends CCOP amend Article VIII of their bylaws to establish a PACT/RAD committee.

- The RAB would like to know if developments that undergo a RAD conversion will still have a Tenant Association and access to Tenant Participation Activity (TPA) funds. If not, how will resident associations at these developments obtain education and training opportunities without access to TPA funds?

Post RAD-conversion, Tenant Associations will remain in place. Tenant Association funds are administered by the developer post-conversion. Prior to the conversion taking place, NYCHA's Real Estate Development Department meets with the developer to explain the TPA distribution process.

- As it stands now, residents do not receive the full \$25 per apartment for TPA funding, as NYCHA takes a large percentage of that. Upon conversion to PACT, would residents still receive TPA funding? Would they receive the full \$25?

At converted PACT developments, NYCHA's partners are required to provide \$25 per occupied unit per year for tenant participation uses, of which at least \$15 per occupied unit per year shall be provided to the legitimate resident organization to be used for resident education, organizing around tenancy issues, and training activities.

- The RAB wants to know if Tenant Associations for developments that have gone through a RAD-conversion can still advocate for and procure money from elected officials for work at their development.

Yes. If your tenant association receives external funding, your association will work with the developer (instead of NYCHA) to implement the project at your development.

- NYCHA needs to provide more support to resident leaders living in developments that have undergone PACT conversions.

NYCHA is available to support resident leaders at PACT developments. If assistance is needed, resident leaders can reach out directly to NYCHA's Community Development or Real Estate teams or submit questions or complaints via the new hotline. Residents with questions about their Section 8 contract should reach out directly to NYCHA's Leased Housing Department.

- NYCHA needs to clarify how developments are selected for PACT.

At the RAB's request, NYCHA presented a new approach for selecting sites for inclusion in the PACT program on 9/1/2020. NYCHA also distributed detailed portfolio data that is being used to determine which developments are the most physically and financially distressed, which is one of the criteria for inclusion in the PACT program.

- NYCHA needs to make clear what the meaning of “opportunity” is when referring to the selection of developments to include in the PACT program.

In the context of NYCHA's new approach to selecting sites for PACT, the term “opportunity” is used to refer to developments where NYCHA can tap into the real estate market to raise money for repairs. This includes opportunities for new development or the sale of development rights.

- NYCHA needs to explain what the indicators are that are used to rate developments for the PACT program. NYCHA should also explain how NYCHA determined which indicators and variables to include in the calculation of the development rankings.

NYCHA shared the list of indicators and asked the RAB for feedback during a presentation on 9/1/2020. The selection of indicators was conducted in coordination with a number of departments with NYCHA, but we always welcome feedback from residents and would be happy to discuss other indicators that residents feel are important to consider.

- NYCHA must provide the physical needs assessment information that is being used in the determination of developments chosen for PACT.

High-level PNA information for each development was included in the dataset that was distributed to RAB members on 9/9/2020. The full PNA is also publicly available on NYCHA's website:

<https://www1.nyc.gov/assets/nycha/downloads/pdf/PNA%202017.pdf>

- NYCHA needs to release the numeric ratings for each development and building as rated for PACT. NYCHA should also provide an estimate of the cost of maintaining each development and building.

This information was included in the dataset that was distributed to RAB members on 9/9/2020.

- NYCHA needs to release which NYCHA developments have the worst conditions according to the rating system for PACT.

This information was included in the dataset that was distributed to RAB members on 9/9/2020.

- NYCHA should factor in the neglect and deterioration of certain properties as part of the work order analysis that is one of the elements of the PACT rating system.

Thank you for the feedback. We are factoring in these elements as part of this work.

- How are work orders related to pests and elevators included in the equation when determining which developments will be selected for PACT?

Work orders for pests and elevator outage data are being factored into the data analysis to understand which developments have the greatest levels of physical and financial distress.

- NYCHA's ranking system for PACT conversions is not accurate because NYCHA's work order data is not accurate. The number of work orders that are called in is not accurate to what is occurring at NYCHA developments.

Thank you for the feedback. We recognize that many work orders are complaint-driven and may not accurately represent the physical needs of every development. For this reason, we are also including other factors such as PNA and operating expenses. It is also important to note that the data model is only one tool that NYCHA is using to identify sites for the PACT program.

- How have residents been involved in the equation of determining the rankings of developments for the PACT program? NYCHA should include resident leaders at all stages of the PACT process, including during the calculation of the development rankings.

We agree. For this reason, NYCHA presented our new approach to the RAB for feedback on 9/1/2020. As we engage with tenant leaders at each development, we are also sharing data about physical conditions and other factors in order to explain why NYCHA is including their development in the PACT program.

- NYCHA should disclose the ranking given to Holmes Towers as part of the PACT rating system.

This information was included in the dataset that was distributed to RAB members on 9/9/2020.

- NYCHA needs to explain what the current status of the Holmes Towers project is and what the involvement with resident leaders has been.

NYCHA is still working with the selected development partner on a mixed-income development proposal that will generate significant revenue to make repairs at the development. NYCHA will include resident leaders in these conversations and provide updates to the RAB in the future.

- NYCHA needs to provide a list of the developments that will be impacted in the next round of PACT. It is not fair to residents to have to wait to know when they will be impacted.

The developments impacted in the next round of PACT will be shared with the RAB prior to submitting the FY 2022 Annual Plan. Once a development is selected for the PACT program, NYCHA strives to give residents and resident leadership an accurate overview of the project timeline.

- A RAB member would like to know if Murphy Houses will be part of the upcoming PACT conversions and when complete ownership will be taking over the development.

NYCHA closed on the PACT conversion at Baychester and Murphy Houses in December 2018 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. Repairs are underway and planned for completion by 2021.

- Will Bayview be undergoing a PACT conversion?

We are still in the process of assessing which NYCHA developments are best suited for the PACT program. Any decision about Bayview will first be discussed with resident leadership at that development.

- West Brighton needs plumbing work and roof repairs. Where is West Brighton in the RAD pipeline?

NYCHA's Real Estate Development and Capital Projects departments work together very closely to best address the capital needs at each NYCHA development. NYCHA's Capital Projects department allocates funding for roof repairs, but plumbing and interior work are typically addressed through more comprehensive repairs, which can be achieved using the PACT program.

- NYCHA needs to explain what the status of the development rights project at Chelsea is, as the last information that was available stated that NYCHA wanted to demolish 2 – 3 buildings for their air rights

NYCHA has not proposed demolishing any buildings for their development rights (“air rights”). A working group comprised of residents, elected officials, community representatives, and housing organizations has been meeting since the fall of 2019 to produce community-driven recommendations to address the future of the Chelsea, Chelsea Addition, Elliot, and Fulton developments. While working group meetings were paused due to COVID, members began meeting again this summer. The working group is aiming to publish a report with their recommendations in early 2021, which will inform an RFP to be issued by NYCHA to select development partners. The working group is currently contemplating a mix of PACT, infill development, and development rights (“air rights”) sales in order to finance approximately \$366 million in comprehensive repairs at these developments.

- When will construction begin at Union Avenue Consolidated?

NYCHA hopes to begin renovations at Union Avenue Consolidated in mid-2022.

- When will construction begin at the developments mentioned in the Significant Amendment?

Renovations are expected to begin at Belmont-Sutter Area, Fiorentino Plaza, and Pennsylvania Avenue-Wortman Avenue in mid-2021.

- NYCHA cannot pay community-based organizations to be Resident Advisors and expect them to be an impartial resource for the residents. There needs to be separation between NYCHA and any organization receiving funding in the role of Resident Advisor.

We are excited to be able to fund the provision of technical assistance and legal services to residents, where desired, and will work to ensure that any consultants or community-based organizations engaged to provide these services are offering objective, accurate information to residents. We will also engage with resident leadership to select organizations that they trust and will not force any residents to work with consultants or community organizations that they do not wish to work with.

- Who is the third-party administrator for the planning fund?

As of December 2020, NYCHA has not yet identified the third-party administrator. NYCHA plans to release an RFP soon to solicit proposals from prospective candidates.

- NYCHA has deep relationships with local political figures and 501c3s in New York City. The RAB is concerned that they will be representing NYCHA and not the residents. Will residents have the option to retain organizations or individuals from out of state?

Yes, but experience in New York City is preferable.

- Do the Resident Advisors need to be NYC-based CBOs?

No, but experience in New York City is preferable.

- NYCHA should provide a list of attorneys who are available to work in the Resident Advisor role so that residents can do their due diligence and determine the best representation for the issues they’d like to address.

NYCHA will take this recommendation under advisement.

- The Resident Advisor program should emphasize utilizing the funds to hire attorneys and unbiased advisors.

NYCHA will take this recommendation under advisement.

- Can a resident leader fill the “Resident Advisor” (community organization) position in the real estate development stakeholders’ group? Why should a Resident Advisor or community organization be involved? What will NYCHA do if a community group that has a complicated history with NYCHA residents and wants to be the Resident Advisor and the residents do not want their involvement? NYCHA residents should be able to choose who the Resident Advisor group is because the whole point of the relationship is for NYCHA residents to trust the group in this role.

The concept behind the Resident Advisor is that it is a trusted and impartial third-party organization with ties to the local community. NYCHA will not assign Resident Advisors. We agree that residents should have the opportunity to decide whether they want to work with an outside organization, and if so, residents will be able to select the organization(s).

- Many residents have had negative experiences with Legal Aid. In addition, organizations like Legal Aid are closely aligned with NYCHA and may not be able to accurately counsel residents. How will residents be able to utilize the legal counsel they want?

NYCHA’s goal is to make objective legal counseling available to residents in connection with the signing of the Section 8 leases. Most recently, NYCHA’s Real Estate Development Department has coordinated with Legal Aid to provide this service. However, through the Resident Planning Fund, if resident leadership would like to retain counsel to provide guidance on the project more generally or to review key legal documents, they will have the opportunity to work with a wider range of legal service providers.

- What is NYCHA’s percentage of public ownership of a PACT development, and how involved is NYCHA in the decision-making in the day to day operations of a PACT development once the development has been converted?

NYCHA retains ownership over the land and buildings after a PACT conversion and will have approval rights over the on-going operation of the property through various PACT transaction documents. As a general matter, after conversion, the PACT developer will make day-to-day decisions over the operation of the property, but NYCHA retains oversight and the right to remove the PACT developer/property manager if there are significant issues with the day-to-day operation of the PACT development. Additionally, NYCHA Leased Housing Department administers the Section 8 program at the PACT developments and as a result remains closely involved in the day-to-day Section 8 administration.

- NYCHA needs to create a contract which details NYCHA’s responsibilities to residents after PACT conversions are completed.

All stakeholder rights and responsibilities—including for NYCHA, residents, and PACT development partners—are detailed in the various legal documents that are signed at the time of conversion. Samples of these legal documents are available on NYCHA’s website and include the Control Agreement, Ground Lease, and Regulatory Agreement: [on.nycha.gov/nycha-pact](https://www.nycha.gov/nycha-pact)

- Where, in writing, are the rights of residents living in RAD developments codified?

Resident rights are codified in a number of places, including, but not limited to, legal documents that are signed at the time of conversion. These include the latest RAD Notice (Notice H 2019-09 PIH 2019-23 (September 5, 2019) Rev 4) which is effectuated by the RAD Use Agreement; the RAD Roundtable Principles that were crafted between NYCHA, resident leaders, and housing advocates and is included in the Control Agreement; and the PACT Residential Apartment Lease. The RAD Use Agreement, Control Agreement, and PACT Residential Apartment Lease, in addition to a number of standard PACT legal agreements, can be found on our website: [on.nyc.gov/nycha-pact](https://www.nyc.gov/nycha-pact).

- Will developments that have undergone a PACT conversion follow HUD regulations?

Yes, developments that have undergone a PACT conversion will follow HUD regulations.

- How does the management team change in PACT developments?

As part of the PACT program, a new private or non-profit property management company takes over from NYCHA as the on-site property manager. This transition happens at the time the property converts to Section 8. NYCHA continues to own the land and buildings, administers the Section 8 subsidy, and monitors conditions at the development and the performance of the new property manager. Residents can also continue to contact NYCHA directly regarding any repair or other issues not being addressed by the property manager.

- What happens to the current NYCHA staff at developments that have undergone a PACT conversion?

Once the property is converted, employees will be redeployed through a process coordinated by NYCHA's Human Resources Department.

- It is concerning that NYCHA is so focused on raising money through these new initiatives. NYCHA also needs to focus on changing some of NYCHA's employees. If NYCHA does not make changes to staff that do not do their job correctly, it seems defeatist to discuss any change for the better.

Thank you for this feedback. NYCHA's Transformation Plan is focused on these and many other issues.

- NYCHA needs to clearly outline how Section 3 resident owned businesses will be included in future PACT development RFPs and NYCHA needs to clearly explain where resident leaders are involved in the RFP process.

PACT development partners must comply with Section 3 requirements. As part of the planning process, NYCHA requires development partners to do outreach and conduct trainings to ensure residents and resident-owned business are aware and able to apply for all available job or contracting opportunities. Going forward, NYCHA plans to better integrate resident leadership into the RFP process to select development partners. We plan to share more information about this approach in the coming months.

- NYCHA needs to integrate Section 8 resident owned business into their plans for developments converting through the PACT program.

PACT development partners must comply with Section 3 requirements. As part of the planning process, NYCHA requires development partners to do outreach and conduct trainings to ensure residents and resident-owned business are aware and able to apply for all available job or contracting opportunities.

- What will the relationship be between the NYPD and developments that have undergone a PACT conversion? Will the PSA and/or Housing Bureau still be present?

As of December 2020, this is a topic that NYCHA is still discussing with the NYPD.

- Will all developments receive the same type of renovations upon their conversion to PACT?

PACT partners work with residents to craft rehabilitation plans that are specific to each project based on the needs and priorities of that development and community.

- In the past, converted developments may have been promised money for renovations to take place as part of the RAD conversion process, but post-conversion, the renovations that have taken place are not significant and are mainly superficial fixes with materials that appear cheap. Why is this the case?

PACT development partners work closely with NYCHA to inspect every unit in developments undergoing PACT conversion. This is also an opportunity to consult with residents to understand the types of improvements and renovations they need in their homes. Prior to closing, the development partners prepare a scope of work document detailing every investment they plan to make as part of the project. Resident participation is critical

here to ensure all planned renovations are appropriate and desired. Following conversion, residents should reach out to NYCHA and the development partner if any apartment improvements are unsatisfactory.

- Should repairs in a PACT building cost less than the funds allocated, can the balance be spent on additional repairs in the development, rather than going to the property manager? Is it possible that this can be written into the contract?

PACT budgets are crafted carefully to ensure the full scope of repair needs can be addressed. Unused funding is not paid to the property manager.

- Will there be a cap of what capital will be available as a part of the Technical Assistance Funding for PACT converted buildings? How will this be calculated?

NYCHA is still working on the details of this but we anticipate providing a base level of funding for each development plus additional funds per apartment. Larger developments with more apartments will likely have more funding allocated.

- Can a development become a resident-managed development?

NYCHA is open to all potential models and will take this idea into consideration.

- NYCHA should provide an opportunity for Resident Management Corporations (RMC) to be a part of the PACT program.

Resident Management Corporations (RMCs) are permitted under both the Section 9 and Section 8 programs. NYCHA is not prohibiting the establishment of RMCs in connection with PACT projects.

- Is it a fair statement to state that NYCHA is moving towards Section 8 and away from public housing? NYCHA needs to be honest with residents that public housing is being phased out.

You are correct in that both the Blueprint for Change and PACT programs rely on the federal Section 8 program to raise funding for repairs. However, we are not moving away from the core tenets of public housing. For example, under the Blueprint, the resident rights and protections are consistent with those of Section 9. The units will still serve low-, very low-, and extremely-low income families with restricted rents in perpetuity. The workforce that manages and maintains the buildings is still public workforce in the Blueprint for Change. The public still owns the properties and land. These are all core elements of public housing, and they are elements that are maintained under the Blueprint and Trust model. So, while NYCHA will be relying on the more stable, valuable Section 8 subsidy, these plans are designed to preserve public housing for generations to come.

- Once a development undergoes a RAD conversion, is it still considered part of the public housing portfolio?

PACT developments convert from the Section 9 (public housing) program to the Section 8 program. NYCHA continues to own the land and buildings but leases the property to development partners for a period of 99 years. NYCHA also retains oversight and the right to remove the PACT developer/property manager if there are significant issues with the day-to-day operation of the PACT development. Additionally, NYCHA's Leased Housing Department administers the Section 8 program at the PACT developments and as a result remains closely involved in the day-to-day Section 8 administration.

- NYCHA should use underutilized spaces on development campuses and use them to generate revenue streams.

Thank you for this feedback. This is an approach we are currently exploring at a number of developments.

- A RAD conversion has debt. What happens if Congress stops funding the voucher program?

The same risk exists for the Section 9 program. However, in contrast to the Section 9 program, the Section 8 program has historically enjoyed significant bipartisan support in Congress, and funding levels have steadily increased over time.

- What will happen if the government stops allocating funding for the Section 8 housing program and a development has gone through a RAD conversion?

For NYCHA's federal funding, NYCHA is dependent on Congressional allocations for both the Section 9 (public housing) program and the Section 8 housing portfolio. As part of a RAD conversion, NYCHA signs the Housing Assistance Payment (HAP) contract over to the developer, and the money NYCHA receives from the Federal government is then given to the developer in order to operate the property. Section 8 HAP contracts are required by law to be renewed by HUD every 20 years.

- How is NYCHA funding the developments slated for PACT conversion when the bill referenced in the Blueprint to form the NYCHA Trust has not yet been passed?

PACT conversions are distinct from the NYCHA Trust conversions. Funding for PACT projects comes from a variety of sources, including the NYC Housing Development Corporation, developer equity, and other public and private financing programs.

- NYCHA uses too many acronyms (RAD, PACT, etc.) and should have one name and abbreviation to avoid confusion.

NYCHA will take this recommendation under advisement.

- NYCHA should present the information about upcoming real estate transactions that was presented to the RAB at district meetings if RAB members request their attendance.

Thank you for this feedback. NYCHA's Real Estate Development Department would be happy to present at district meetings.

- As of October 2020, there is a building undergoing a RAD conversion where there are signs that inform residents not to sign the lease they were provided because they have no legal representation. Why are residents asked to sign new leases when renovations have not occurred yet and they don't know what the new management will be like?

Leases must be signed in connection with the conversion, as required by HUD. The tenant leases are important because they unlock the federal subsidy stream and preserve many important resident rights and protections.

- NYCHA should have informed residents and the RAB earlier that in order to convert to the Section 8 program as part of a PACT conversion and for renovations to be made, residents must first sign new leases. It is unfair to residents to sign a binding contract when we already do not have trust with the agency and legally, if NYCHA doesn't honor their promises, there is nothing residents can do because they've signed over new leases.

Thank you for this feedback. We understand the trust issue, which is why we enlisted the help of an independent third-party, The Legal Aid Society, to provide free legal counseling and advice to residents who have concerns about the lease or any circumstances that residents fear may jeopardize their housing stability.

- At Campos Plaza, the fine print of the contract states that after 25 years, the developer will have the right to stop the NYCHA waiting list. With developments in the PACT program, will there be similar language included in those contracts?

NYCHA's Leased Housing Department establishes and maintains site-based waiting lists for all PACT developments in order to re-tenant vacant units. As long as there is an active Project-Based Housing Assistance Payments (HAP) contract with NYCHA as the administrator, NYCHA will be maintaining a site-based waitlist.

- In City Limits (the website), there was an article that said the eviction rate at Ocean Bay (Bayside), a RAD development, has increased by 26%. Is this accurate?

The 2019 City Limits article inaccurately states the number of evictions at Ocean Bay Houses. In the first 26 months after the property converted through RAD, there were 50 evictions at Ocean Bay Houses. The majority of the evictions (63%) were for unauthorized residents, households refusing to sign leases or abandoned apartments.

In the last four years, NYCHA has continued to improve its PACT program to increase housing retention, including the provision of legal, technical, and social services for PACT residents. The eviction rate at PACT properties in 2019 was 0.18% - nearly half that of the NYCHA eviction rate and far below the citywide eviction rate.

- Whenever a conversion is thought about for the PACT program, the first thing NYCHA should do is reach out to the resident leader at the respective development. The resident leaders need to be at the table at the beginning, middle, and end of the process.

NYCHA is committed to engaging with resident leadership at the very beginning of the PACT process and working with leadership throughout the project to ensure resident goals and priorities are incorporated into our rehabilitation plans and other investments.

- NYCHA must include resident leaders in the development process from beginning to end. There should be an option for the CCOP and/or RAB to be involved in the development stakeholders' group.

NYCHA is committed to meeting regularly with resident leadership at PACT developments and ensuring they are able to meaningfully participate in the planning process for their communities. CCOP and/or RAB members are also being invited to these conversations as a standard practice going forward.

- Is there any way for residents and/or resident associations to be part of the decision-making process when developers and/or management companies are being selected for RAD conversion?

Yes. Going forward, NYCHA intends to consult with resident leadership prior to the selection of development partners and property management organizations.

- In the PACT development partner selection process, can any interested resident leader be involved, or only those resident leaders from the developments that you are converting to PACT?

As of December 2020, we are currently anticipating that only tenant association leaders from the converting development would be involved.

- As of October 2020, there is not a CCOP Chair for Manhattan South. As a result, there are a lot of developments that would not have representation in meetings for the PACT development partner selection process. How will this be resolved?

Thank you for this feedback. We are happy to involve any interested CCOP or RAB members from this part of the city in conversations about the PACT program. Regarding the developer selection process, we seek to incorporate resident feedback and priorities into our plans and use this information to inform the selection of development partners.

- Residents living in developments that have already undergone a PACT conversion had very little involvement with the selection of their property managers. Some of these companies do not have a good track record, yet

NYCHA chose to partner with them. What is the vetting process when NYCHA is selecting a property manager for a PACT site? It is supposed to be a fair process, but it seems like certain property management companies are repeatedly being selected.

NYCHA uses a range of competitive selection criteria, including development experience and capacity; property management experience and plan; financial proposal; quality of proposed rehabilitation; and resident engagement plan. More information about our evaluation criteria can be found in our most recent RFEI, which is available here: <https://www1.nyc.gov/assets/nycha/downloads/pdf/PACT%20Round%209%20RFEI.pdf>

- Is it the standard that NYCHA always goes with the lowest bidder when choosing a company to be the property manager of a PACT development?

No, NYCHA uses a broader set of criteria in selecting partners for PACT projects. More information about our evaluation criteria can be found in our most recent RFEI, which is available here: <https://www1.nyc.gov/assets/nycha/downloads/pdf/PACT%20Round%209%20RFEI.pdf>

- NYCHA should provide the RAB with the list of questions or criteria that are asked of the candidates applying to become property managers of converted PACT developments.

NYCHA uses a range of competitive selection criteria, including development experience and capacity; property management experience and plan; financial proposal; quality of proposed rehabilitation; and resident engagement plan. More information about our evaluation criteria can be found in our most recent RFEI, which is available here: <https://www1.nyc.gov/assets/nycha/downloads/pdf/PACT%20Round%209%20RFEI.pdf>

- Are the development partners that are selected for PACT conversions private contractors?

On PACT projects, NYCHA partners with private and non-profit developers, general contractors, property managers, and social service providers.

- What is a Request for Expressions of Interest (RFEI)? How does it compare to the function of a Request for Proposals (RFP)?

More information about the RFEI can be found on our website: [on.nyc.gov/nycha-pact](https://www1.nyc.gov/assets/nycha-pact). An RFEI and RFP are functionally very similar procurement documents.

- Some vendors may look down on public housing residents and not perform their job as well as they would for privately managed buildings. When selecting vendors and management companies, NYCHA must look past their resumes and consider how they work with people from diverse backgrounds.

Thank you for this feedback. We absolutely agree. Experience managing similarly sized affordable housing properties, including Section 8 developments, is a key factor in our evaluation of prospective PACT partners.

- If NYCHA has residents involved at the beginning, the middle, and the end of the PACT process, especially when there are RFP or the RFEI briefings where the scope of work is reviewed, bidders/vendors would have the opportunity to work directly with NYCHA residents and know that they are a major part of the whole process. Residents should also be involved in the tour of the property and be able to discuss the issues that are going on at developments. This will help create a culture of respect between vendors and residents.

NYCHA takes this recommendation under advisement.

- Will NYCHA and the new property managers in developments slated for PACT conversions engage residents in order to determine the unique infrastructural and other needs for each development and building? All buildings are aging and have massive infrastructure problems. NYCHA seems to be following a blueprint for renovations at

each development, but every building is different. Having a “one-size fits all” process is not realistic. How will residents who live in each building be engaged and able to provide feedback about what their building’s needs are?

We absolutely agree on the need to engage with residents in crafting rehabilitation plans. We work with development partners to facilitate a series of meetings with residents to drill down on the specific repairs that need to be completed at each development. In addition, development partners will conduct walkthroughs of every apartment and meet with residents one-on-one to understand the needs inside their homes.

- A RAB member would like to know if NYCHA can stop working with specific private management companies that residents are not happy with and that residents have reported being mistreated by.

NYCHA takes all reports of disrespect and mistreatment seriously and will investigate any specific issues with management companies in order to improve the quality of life for residents.

- For converted PACT developments, what is the procedure for changing to a new management company property manager if residents aren’t satisfied with the original property manager chosen for their development?

NYCHA’s right to remove and replace a non-performing property manager is set forth in both the Ground Lease and the Control Agreement. NYCHA retains the right to remove a property manager in the event of any breach or failure to comply with the HUD Program Requirements or the Management Agreement.

- NYCHA needs to provide clarity regarding the difference between Section 8 and Section 9, in terms of income thresholds and the maximum rent being 30% of family income. How will a household’s rent be impacted once they go through a PACT conversion?

All authorized residents converting to project-based Section 8 through the PACT have the right to remain with no additional screening. Once converted to the Section 8 program, all residents will pay 30% of their adjusted gross household income towards rent. Residents who currently pay the flat rent that is less than 30% of their adjusted gross income will see their rent increase to 30% of their adjusted gross household income, with such increase phased-in over the course of five years if such increase is more than the greater of 10% or \$25.00.

- How does NYCHA ensure the long-term affordability of units after they are converted to Section 8 through RAD / PACT? Will they remain truly affordable?

It is a federal requirement that the units stay permanently affordable for the 20-year term of the Section 8 contract, which automatically renews in perpetuity so long as the Section 8 program exists. There are recorded use restrictions and restrictive covenants running with the land, preserving the land for use as affordable housing for 99-years. There are also a number of legal documents entered into among NYCHA, HUD, and the PACT development partner at conversion that also codify this requirement.

- Does a household living in a development that undergoes a PACT conversion receive a HAP contract? Do they receive the Housing Choice Voucher in writing as part of the lease?

When a development converts through PACT, there is only one master Project-Based Voucher Program (PBV) HAP contract that covers all eligible Section 8 units for that development. The PBV HAP contract is between HUD and the new property manager. Public housing residents who convert to Section 8 through PACT do not receive a Housing Choice Voucher as part of the conversion. However, any household that has lived for at least one year in a converted development has the option to apply for a tenant-based Housing Choice Voucher (HCV). Households that qualify for the HCV program will receive a voucher when it becomes available that can be used in the private housing market.

- Initially, residents were told that they could transfer out of converted PACT developments with mobile vouchers after remaining in their units for one year. RAB members have heard conflicting information about the ability to

transfer. What is the specific type of vouchers that residents receive who undergo a PACT conversion? Are they “sticky” vouchers? Are they vouchers that can only be used for their unit and not transferred?

Through the PACT program, residents transition to Project-Based Section 8 Vouchers that are attached to their apartment. One year after conversion, residents can apply for a tenant-based Housing Choice Voucher (HCV).

- Can NYCHA insist that residents who currently reside in developments being converted through the PACT program be given mobile vouchers rather than project-based vouchers? Most residents desire mobile vouchers. If residents had mobile vouchers, they would be able to apply to live in NYC lottery buildings that accept Section 8 vouchers. If it is not possible to give residents a mobile voucher upon PACT conversion, what is the reasoning? Is it a funding issue? If the initial residents living in a unit in a development that underwent a PACT conversion moved, wouldn't there always be demand for someone else to move into that unit? It seems like it would be fair that current residents who are part of a PACT conversion would have the option to move out after a year. Is this something that is negotiable?

HUD regulations do not allow NYCHA to provide residents with a Choice Mobility Voucher at conversion.

- The RAB should be given a virtual tour or the opportunity to speak to resident leaders at converted PACT developments to hear how the experience has been from their point of view.

Thank you for the feedback. We plan to resume coordinating tours after the pandemic, when we can safely meet in person. In the interim, we will reach out to resident leaders at converted PACT developments to see if they would be available to join an upcoming RAB or CCOP meeting.

- The RAB would like TA presidents living in developments that have successfully converted to PACT and/or RAD units to speak at an upcoming meeting.

We would be happy to organize this.

- Does the flat rent schedule apply to households who are living in developments that then undergo a RAD conversion and become part of the Section 8 program?

No, all resident at converted developments will pay 30% of their adjusted gross household income towards rent. Any resident who is considered “over-income” and paying the flat rent at the time of conversion will see their rent increase to 30% of income, but it will be phased in over the course of five years.

- If a tenant is living on a fixed income making \$10,000 or \$20,000 a year in the Section 9 program and pays 30% of their income for rent, will they be paying the same amount if their development undergoes a PACT conversion and they are then part of the Section 8 program?

Yes.

- NYCHA needs to provide additional information about the Family Self Sufficiency (FSS) Program.

More information can be found here: <http://opportunitynycha.org/about-financial-empowerment/fss/>

- What types of engagement and involvement has the Real Estate Development Department had with the CCOP?

NYCHA's Resident Engagement Department has presented to the RAB numerous times this year, in addition to separate briefings with the CCOP collectively and CCOP members individually.

- NYCHA's current plan is trying to make residents lose their homes.

Our goal is to prevent displacement by making the necessary repairs while preserving affordability and ensuring resident rights are protected.

- NYCHA needs to explain what air rights are. Are most of the developments with air rights are in Manhattan.

'Air rights', also known as "development rights", refers to unused zoning floor area at NYCHA properties. These development rights can be sold to developers who can then use them for new construction, raising financing for investing in improvement of NYCHA developments. Some of the highest-value air rights are located in Manhattan, but air rights sales can take place anywhere across the city so long as the transactions are in accordance with the provisions of New York City's Zoning Resolution.

- For developments that do not have a resident association, such as Belmont-Sutter Area, how are the residents at those developments being engaged and informed about their upcoming PACT conversions?

At developments where there is no tenant association, NYCHA's Resident Engagement Department distributes information to residents. NYCHA also coordinates with the DCOP and local elected officials.

- Will all upcoming meetings for PACT conversions be held via Zoom?

For the time being, as of December 2020, NYCHA is relying on Zoom for all large public meetings.

- NYCHA should inform District Chairs about all upcoming PACT activities that are occurring or planned for developments that fall within their district.

Thank you for this feedback. NYCHA's Resident Engagement Department strives to keep DCOP Chairs informed but will redouble our efforts to ensure leaders have advance notice about upcoming or planned meetings.

ATTACHMENT H

Comments from the Public

Capital Projects

- NYCHA should collaborate with the Department of Housing and Urban Development, the State of New York, and the City of New York on aligning procurement and capital eligibility rules so that projects can be completed in their entirety and more quickly.

“Capital eligibility” is related to the City’s rules associated with the capital bonds and what types of work can be funded by the bonds. Each capital project that is City-funded is reviewed for capital eligibility – this is not a new requirement or one that affects NYCHA alone. To ensure capital projects are completed in their entirety, NYCHA is in conversation with OMB about eligible items and leverages funds accordingly. This does not affect the speed of a project.

NYCHA is working with our partners at the federal, state, and local level to advocate for the resources and regulatory relief needed to rehabilitate the public housing stock in New York City in a timely manner. Specifically, the Blueprint for Change and creation of the NYC Public Housing Preservation Trust outlines a plan for an improved procurement structure to expedite comprehensive capital projects.

- Who calculated the cost of the funds needed for NYCHA to complete needed capital repairs?

NYCHA’s stated \$40 billion capital need is based on the five-year Physical Needs Assessment (\$32 billion) plus estimates to address full lead abatement, asbestos, and Section 504 compliance. The 2017 PNA total is based on extensive field inspections by NYCHA’s third-party subject matter experts covering all five boroughs and supplemented by operational data related to the systems and equipment including work order tickets, boiler and elevator outages, operational rankings, frequency and cost of repairs. Furthermore, development superintendents and managers were involved in walkthroughs and physical inspections. The collected data were then independently evaluated through an intensive quality control/quality assurance process and costed using an expanded and updated unit cost library.

- In Breukelen Houses, where will residents stay when Capital is redoing roofs and now remodeling?

The roofing project at Breukelen Houses which consists of the restoration and roofing replacement of the development’s thirty-two buildings, is well underway. Residents have remained (and will continue to remain) in their apartments for the duration of this project – no residential units are affected by the work.

- NYCHA must work with individual developments to better understand needs and priorities. As of now, there is no exchange of ideas or conversation around what residents think should be prioritized in each development. What is needed in Brownsville or the Bronx may be different than what need in Red Hook. For example, while Red Hook has bathroom windows which help with mold and ventilation, other developments are waiting for roof fans.

Leveraging development-specific information captured through the PNA process as well as operational data at each development, CPD applies a logical building sequence when planning work to protect and sustain investments made within developments. This sequence starts with sealing the building envelope –roofs and masonry work–then turning to building systems, interior renovations and grounds. This sequence is important to leverage the limited funds we receive and ensure improvements can preserve NYCHA’s housing stock for the long term.

- NYCHA must give residents and resident associations a better understanding of what the capital budget is, and how it is being spent on a local level so that residents can project their voices out to CCOP, HUD, and then up to elected officials. That is the way the process should work, otherwise there will never be any consensus in public housing that creates the power base that residents should have.

For the last two years, the Capital Projects Department has been engaging with the Resident Advisory Board on the capital project pipeline. The five-year Capital Plan has been presented in detail, by development, in an effort to emphasize transparency. Furthermore, in line with its Connected Communities guidebook and program (available here: <https://www1.nyc.gov/assets/nycha/downloads/pdf/Connected-Communities-Guidebook.pdf>), NYCHA and CPD are committed to a more participatory and community-based approach to inform future top-to-bottom renovations at the start of projects. In one example, this year, a new standard for entryways was launched with a virtual webinar with several tenant association presidents for resident input at the outset. A study of NYCHA Building Entrances and recommendations for modern, readily available systems which meet current and future energy code standards, as well as improve aesthetics, was discussed. The recommendations are currently being piloted at three sites and will inform future entryway design standards. The Capital Projects Department is scheduling a follow-up webinar with the tenant association presidents from the 3 developments where the pilots are installed and will coordinate site visits with elected officials. Additionally, once completed, other resident leaders will be invited to check out the installations.

- NYCHA needs to address what is happening behind the walls, including the plumbing, sub-flooring, electric upgrades, etc. As it is now, these repairs are not going to be addressed through RAD/PACT.

The PACT program addresses the 20-year capital needs at a development. PACT partners work closely with NYCHA to inspect every building in developments undergoing a PACT conversion to create a customized rehabilitation scope of work. Prior to closing, PACT partners provide detailed plans for the rehabilitation of the project, which will vary by development but may include repairs and upgrades to plumbing, subflooring, and electrical systems. Plans must address the entirety of the 20-year capital needs assessment and are approved by HUD. Plans vary by development, but typically include the repair or replacement of plumbing, subflooring, and electrical systems where necessary.

- NYCHA needs to explain how it plans to handle complex, major repairs such as removing windows, bathrooms kitchens, etc., as a part of PACT/RAD when it has been unable to complete general repairs as public housing.

NYCHA has not had sufficient funding to complete the same kinds of comprehensive repairs that are being made as part of the PACT program. PACT conversions facilitate the financing of improvements and enable funds to be raised to address needed repairs. NYCHA selects the development team that is best positioned to address the physical and operational needs of each development and enters into partnerships with these teams to ensure long-term affordability and the protection of resident rights under PACT.

- NYCHA is deliberately wasting money on scaffolding. Some public housing developments have two layers of chain-link fencing intentionally to waste money.

NYCHA is mandated to provide protection sheds for buildings found to have unsafe conditions during a Façade Safety Inspection. The design, layout, and installation of any protection sheds and chain-link fencing is strictly dictated by NYC Department of Buildings regulations. There are instances within 30 feet from the entrances where there are unsafe conditions in the lawn areas on both side of the sidewalk sheds. There, fencing may be found on both sides of the scaffolding to keep unauthorized entry into the Unsafe lawn areas.

NYCHA is working with DOB on its compliance with the Façade Safety Inspection program.

- The intercoms at Van Dyke I were replaced in 2015 but the intercoms are still not working. Vandalism is constantly happening as a result.

NYCHA is aware of the issues occurring with the intercoms at Van Dyke I and is working with the vendor to schedule the necessary repairs.

Real Estate Development (PACT/RAD)

- Will tenants be able to transfer from state to state if they are converted to Section 8 through the PACT program?

Through the PACT program, residents transition to project-based Section 8 vouchers. One year after conversion, income-eligible residents can request a “Choice Mobility” tenant-based voucher. If NYCHA has available funding, it will issue a voucher that can be used in the private housing market anywhere in the United States where a public housing authority operates a voucher program.

- The PACT program relies on private investment and calls for moving residents out of Section 9 legislation and into Section 8 legislation, permanently with no opportunity to ever return. This opens the resident's housing units to private investors and ties tenants' futures and right to housing to their profit interests and market fluctuations.

Through PACT, developments are included in the federal Rental Assistance Demonstration (RAD) and convert to a more stable, federally funded program called Project-Based Section 8. This allows NYCHA to unlock funding to complete comprehensive repairs, while also ensuring homes remain affordable and residents have similar basic rights as they possess in the public housing program. Affordability requirements are mandated by HUD and are included in legal agreements with developers. Resident rights are included in agreements with developers as well. We have made many of these legal documents available on our website: on.nyc.gov/nycha-pact.

- What are the requirements for eligibility for the Section 8 vouchers, and what happens to a tenant who is not eligible for a voucher?

Through PACT, all authorized existing public housing residents living in a converting development have the right to remain without any additional screening and will convert to project-based Section 8 vouchers.

- What if a tenant refuses to accept the Section 8 voucher when their development is selected to undergo a PACT conversion?

Residents are required to sign the PACT lease. Failure to do so can result in proceedings in Housing Court against a resident.

- Any disposition of property must be done with the express agreement of residents at a development. Rental Assistance Demonstration (RAD), or PACT, is severely flawed even though NYCHA continues to employ it. Tenant leaders must be viewed as equal partners at every step of the process – ultimately, the tenants should have a binding vote.

Resident engagement is a critical component of PACT. NYCHA works in consultation with elected Resident Association leadership at converting developments to provide numerous engagement opportunities prior to disposition.

- Tenants should have a binding vote for transfers of air rights. NYCHA tenants at Campos Plaza II have clearly demanded the sale of air rights go towards the development of off-site affordable housing units. Resident leaders have not been contacted about any next steps, valuations, or plans for off-site affordable housing using such air rights. Lack of communication and unilateral decision-making is unacceptable, and transfers should be removed from NYCHA's financial plan until residents have worked with the Authority on a satisfactory outcome.

Thank you for raising this concern. NYCHA is still in the process of communicating with the various parties involved in this potential transaction. We plan to re-engage with the tenant association and residents at Campos Plaza II as soon as we have more information.

- NYCHA's practice of beginning resident consultation only after NYCHA has determined where the development or disposition will occur does not allow for resident control and should be eliminated.

We agree about the importance of reaching residents early in the process and have made some process improvements to that end. NYCHA recently revised its approach to site selection and consulted the RAB and CCOP about the criteria being used to select sites for the PACT program. We are also hosting PACT informational sessions that are now available to all residents and currently expanding our outreach about those resources.

- NYCHA’s choice to repeatedly proclaim that the Trust or RAD are not processes of privatization is a form of gaslighting. The transfer of management and/or ownership to private entities is a form of taking public housing out of the realm of public provision of public good and services.

PACT relies on partnerships with private and non-profit organizations; in fact, NYCHA relies on partnerships with third-parties to manage and repair its public housing stock, as well. Developments included in the PACT program remain under public control. NYCHA continues to own the land and buildings and administer the Section 8 program. Where needed, NYCHA can step in to resolve any issues that may arise between residents and the new property management team. NYCHA also retains the right under its Lease and other transactional documents to require the removal and replacement of a non-performing property manager, in the event of any breach or failure to comply with the HUD Program Requirements, the Management Agreement, the Ground Lease, or the NYCHA Control Agreement setting forth various programmatic requirements.

The Trust, when created, will be a public entity. Transfers to the trust will be from one public entity to another. NYCHA will continue to manage the developments transferred to the Trust.

- The Draft Plan clearly states that HUD is “considering” NYCHA’s applications for Section 8 conversion for 8 specific campuses, yet earlier this year, NYCHA had already announced that these campuses would be converted and named the developers it would be working with. This undermines the spirit of HUD oversight. This lack of alignment with the federal law, and the seeking of permission for something that NYCHA proclaims is a done deal, makes the prospect of putting faith into the NYCHA community engagement process untenable.

PACT projects typically take 12 to 18 months from the date of announcement to final conversion because there are multiple steps that HUD requires before it will approve and issue a formal conversion commitment. NYCHA is required to engage with residents and document the proposal in its Annual Plan while it works with PACT partners to secure financing and prepare its plans for rehabilitation. Under RAD, meetings with residents are required prior to the application and at several other points in the process.

- NYCHA’s air rights strategy has been floated by NYCHA for numerous years. With a limited number of air rights at each development, this proposal fails to create a dedicated revenue stream for future repairs while selling off one of NYCHA’s greatest assets. Additionally, the sale of air rights could negatively impact the surrounding community as well as NYCHA tenants unless the City creates parameters for the transaction. For example, as a condition for receiving air rights from NYCHA, developers should be required to provide a community benefit and affordable housing, while adhering to current zoning regulations. NYCHA must also ensure that the income raised from the sale benefits the development where the funding originated. NYCHA must issue a comprehensive list of each development’s total air rights, total income each sale would generate, and a list of needed repairs at each site.

The proceeds from any transfer of air rights under NYCHA 2.0 will be used to deliver renovations at the generating development. Our resident engagement process involves early and continued briefings of TA leadership and area elected officials; ongoing discussions with residents on how best to use the proceeds generated from a sale; and dialogues with prospective purchasers on how the design and construction of their proposed projects will address the quality of life and safety concerns of NYCHA residents.

- It is unfair for NYCHA to go forward with any RAD or infill plans during a pandemic, especially when residents don’t have the devices, Wi-Fi, or hotspots needed in order to engage.

Thank you for sharing this concern. The health and safety of our residents is of the utmost importance. During the pandemic, we have continued to engage with residents in accordance with COVID-19 guidelines to maintain the health and safety of residents and NYCHA staff. We have utilized a range of strategies to engage with residents during the pandemic, including virtual meetings, conference calls, phone banking, flyer, digital and paper surveys, and recorded videos, among others.

In general, we seen high rates of participation in our virtual meetings. In advance of meeting, we distribute hard copies of presentation materials to households, and residents who do not have internet access or a device can still participate by calling in on their phones and following along in their preferred language with hard copy materials. We also call households directly in advance of virtual meetings in order to share meeting information and answer questions one-on-one. While we are using all of the tools at our disposal, we welcome any feedback you may have on how to improve our engagement approach.

- The residents of Wykoff Gardens say no to infill and RAD.

Thank you for this feedback. We will take this comment under advisement.

- NYCHA needs to explain how certain individuals and developers will not use infill or RAD to line their pockets.

To ensure developments are used for their intended purpose, there is always public oversight built into our projects. For PACT properties, NYCHA administers the Section 8 subsidy and oversees the calculation of the family's share and the total contract rents per HUD's requirements. For our affordable housing infill projects, there is public oversight of marketing and lease up to ensure rents do not exceed those specified in the regulatory agreement. Both types of projects will have use restrictions recorded against the land that will limit the use of the project to certain affordability limits. In addition, in the transactional documents, such as the ground lease and regulatory agreement(s) for example, the property will have to be operated for affordable purposes, usually for at least the term of the 99-year after which the project goes back to NYCHA.

- NYCHA must not sell publicly owned NYCHA buildings and turn them into a public/private partnership.

Through PACT, NYCHA continues to own the land and buildings but leases the property to partners who make repairs and manage the property.

- NYCHA must not participate in infill and RAD, particularly until there is a study that shows that tenants' rights are protected.

Thank you for this feedback. Please note that PACT residents' rights are protected under the agreements between NYCHA and PACT developers.

- When a PACT conversion occurs, how will NYCHA handle residents who don't want to stay in their apartments during renovations? How will NYCHA assist those that are older, with vulnerabilities and disabilities?

While most PACT repairs have been completed with residents-in-place, the PACT partners work with each household to understand their needs and to ensure adequate accommodations are provided if they are required to leave their apartments until repairs are completed.

- Where will residents be placed as repairs are being made to their apartments? What is the guarantee that these residents will be placed back in their apartments, upon completion of repairs?

Most PACT repairs can be completed with residents in place. In some cases, depending on the severity of repairs needed or due to health concerns, residents will be temporarily relocated. They will have a right to return to their home as soon as construction is completed; this is a HUD requirement.

- For developments undergoing a PACT conversion, do tenants need to leave their apartments even if they do not want renovations? If vacating the apartment is mandatory, how long will tenants be displaced?

Residents can discuss any concerns about renovations with NYCHA and the PACT partner; however, if a renovation is required to meet Housing Quality Standards or to ensure the proper function of a building-wide system, then the resident cannot refuse such repair. See above response about how repairs are completed. RAD requires certain protections if you must be relocated to complete repairs, including that any temporary housing is decent, safe and sanitary and that you would be reimbursed for all reasonable out of pocket expenses. Your moving expense would be covered. You would have the right to return to your development.

- NYCHA developments can be very unsafe, with lots of people living in the stairwell, and lots of activity in the lobby. When a PACT conversion occurs, how will that be handled?

Part of the requirements of our PACT partners is to create a robust security plan, in consultation with residents, that prioritizes the health and safety of PACT residents.

- NYCHA must make clear that for residents in a PACT/RAD building, there is a 1-year probation for paying rent on time, in order to be considered for a tenant-based voucher.

There is no probation for PACT households that are requesting a tenant-based voucher. One year after conversion, income-eligible residents can request a "Choice Mobility" tenant-based voucher, which NYCHA will issue if available.

- NYCHA must make clear that, for buildings that have converted to PACT/RAD, residents must now recertify twice for both New York Housing and for PACT.

Residents in PACT developments are assisted under the Section 8 program. All Section 8 participants must submit annual recertifications. A household may request an interim recertification because of a change in family composition, income, assets, or expenses.

- When repairs are being completed in PACT/RAD buildings, residents are moved out and will be brought back to their apartment upon completion. Why are residents being displaced?

Although we anticipate that most work can be completed while residents remain in place, there may be situations in which residents have to relocate temporarily for their health and safety while the work is in progress. Residents can discuss any concerns about renovations with NYCHA and the PACT partner.

- How would RAD impact individuals in homeless shelters? NYCHA needs to improve the selection process, as there are many individuals on the waiting list, especially in shelters.

All Public Housing applicants, including the homeless, can place their names on the site-based Section 8 waiting lists created for PACT developments. If there is a vacancy at a PACT property, NYCHA will fill the vacancy from its site-based Section 8 waiting list for the development. As part of the Highbridge-Franklin project, there is a preference for in the leasing of the vacant units to eligible Homeless Tenants receiving Section 8.

- NYCHA needs to create home ownership programs and opportunities for individuals so that they can move out of NYCHA apartments, instead of remaining in their apartments for generations because there is no opportunity to live anywhere else.

NYCHA has provided hundreds of opportunities for homeownership to low- and moderate-income families through its FHA Homes program and some of its infill development projects. NYCHA's Office of Resident Economic Empowerment and Sustainability (REES) also coordinates access to home-buying education and opportunities for NYCHA public housing and Section 8 residents in collaboration with HUD-certified homebuyer education partners.

- NYCHA should create a way or program for residents to learn how to preserve their apartment. That way, there would be fewer issues with the apartments.

NYCHA will take this idea into consideration.

- Will there be any rent increases, or is Chelsea / Elliot scheduled to undergo a PACT conversion?

Under PACT, rents will be set at 30% of a household's adjusted gross income. Residents who currently pay less than 30% of income will experience a rent increase, phased in over 5 years.

- NYCHA needs to clarify why a household's rent may increase when they undergo a PACT conversion.

Under PACT, rents will be set at 30% of a household's adjusted gross income. Residents who currently pay less than 30% of income will experience a rent increase, phased in over 5 years. In public housing, a resident pays 30% of adjusted gross income or the flat rent, whichever is lower. There is no flat rent under PACT, so some residents currently paying flat rent in public housing will experience a phased-in rent increase when they pay 30% of adjusted gross income under PACT.

- NYCHA needs to explain if rent will still be income-based after renovations are received at developments that undergo PACT conversions.

Yes. Under PACT, rents will be set at 30% of a household's adjusted gross income.

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.