

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 2018



Date: August 23, 2018

NOTICE

New York City Housing Authority Significant Amendment to the FY 2018 Agency Annual Plan and the Draft Agency Plan for FY 2019

The public is advised that the *Significant Amendment to the FY 2018 Agency Annual Plan and the FY 2019 Draft Agency Annual Plan* will be available for public inspection at NYCHA's principal office, located at 250 Broadway, New York, NY, starting April 6, 2018 between the hours of 9:30 a.m. to 4:30 p.m. Please call (212) 306-3701 to make an appointment to review the *Significant Amendment to the FY 2018 Agency Annual Plan and the FY 2019 Agency Annual Plan* and supporting documents. The *Significant Amendment to the FY 2018 Agency Annual Plan and the FY 2019 Draft Agency Annual Plan* will also be available at the following locations:

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

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

The public is invited to comment on the *Significant Amendment to the FY 2018 Agency Annual Plan and the FY 2019 Draft Agency Annual Plan* at a public hearing to be held on **Tuesday, May 22, 2018** from 5:30 p.m. to 8:00 p.m. at:

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

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

Written comments regarding the *Significant Amendment to the FY 2018 Agency Annual Plan and the FY 2019 Draft Agency Annual Plan* are encouraged. To be considered, **submissions must be received via United States Postal mail or fax no later than May 23, 2018**. Faxed submissions will be accepted at (212) 306-7905. Comments may be sent to the following address and comments may also be emailed to annualplancomments@nycha.nyc.gov.

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

Bill de Blasio, Mayor

Shola Olatoye, Chair and Chief Executive Officer

AVISO

Enmienda Significativa de la Autoridad de Vivienda de la Ciudad de Nueva York al Plan anual de la agencia para el Año fiscal 2018 y al Proyecto de plan de la agencia para el Año fiscal 2019

Se anuncia al público que la Enmienda significativa propuesta al Plan anual de la agencia para el año fiscal 2018 y el Proyecto de plan de la agencia para el Año fiscal 2019 estará disponible para su inspección pública en la oficina central de NYCHA ubicada en 250 Broadway, New York, NY, a partir del 6 de abril de 2018 entre las 9:30 a.m. y las 4:30 p.m. Por favor llame al (212) 306-3701 para concertar una cita para revisar la Enmienda significativa propuesta al Plan anual de la agencia para el año fiscal 2018 y el Proyecto de plan de la agencia para el Año fiscal 2019 y los documentos de respaldo. La Enmienda significativa al Plan anual de la Agencia para el año fiscal 2018 y el Proyecto de plan de la agencia para el Año fiscal 2019 también estarán disponibles en los siguientes lugares:

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

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

COMENTARIOS DEL PÚBLICO

Se invita al público a comentar sobre la Enmienda significativa al Plan anual de la Agencia para el Año fiscal 2018 y el Proyecto de plan de la agencia para el Año fiscal 2019 en una audiencia pública que se celebrará el martes, 22 de mayo del 2018, de 5:30 p.m. a 8:00 p.m. en:

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

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

Le animamos a hacer comentarios por escrito sobre la Enmienda significativa al Plan anual de la Agencia para el año fiscal 2018 y el Proyecto de plan de la agencia para el Año fiscal 2019. Para ser considerados, **los comentarios deben recibirse mediante correo postal de los Estados Unidos o fax a más tardar el 23 de mayo de 2018.** Los comentarios escritos pueden enviarse por fax al (212) 306-7905. Los comentarios pueden enviarse a la siguiente dirección y los comentarios también pueden ser enviados por correo electrónico a annualplancomments@nycha.nyc.gov.

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

Bill de Blasio, Alcalde

Shola Olatoye, Presidenta y Primera Ejecutiva

通知

紐約市房屋局「2018 財政年度公共房屋機構年度計劃」重大修正案及 「2019 財政年度公共房屋機構計劃」初稿

從2018年4月6日起，民眾可於上午9時30分至下午4時30分前往紐約市房屋局辦公總樓查閱「2018財政年度機構計劃」重大修正案和「2019財政年度機構計劃」初稿，地址：紐約市曼哈頓百老匯大道250號(250 Broadway, New York, NY)。請致電 (212) 306-3701 預約時間查閱「2018財政年度機構計劃」重大修正案和「2019財政年度機構計劃」初稿及相關證明文件。

民眾還可通過下列方式索取或下載「2018 財政年度機構計劃」重大修正案和「2019財政年度機構計劃」初稿：

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

<p>Manhattan Family Partnerships 曼哈頓維爾家庭合作部 區域辦公室 45 Allen Street New York, New York</p> <p>Taft Senior Center 塔美特公房長者中心 1365 5th Avenue New York, New York</p> <p>Sedgwick Senior Center 塞奇威克公房長者中心 1553 University Avenue Bronx, New York</p>	<p>Soundview Houses Senior Center 桑維爾公房長者中心 1674 Seward Avenue Bronx, New York</p> <p>Queens Community Development / Family Partnerships 皇后區社區發展/家庭合作部辦公室 區域辦公室 70-30 Parsons Blvd Flushing, New York</p>	<p>Staten Island Community Operations Borough Office 史坦頓島家庭合作部 區域辦公室 90 Lafayette Avenue Staten Island, New York</p> <p>Brownsville Senior Center 布朗斯維爾公房長者中心 528 Mother Gaston Boulevard Brooklyn, New York</p>
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公眾意見

我們還誠邀各界人士出席於2018年5月22日，星期二，下午 5時30分至晚上8時舉行的公共聽證會，對「2018 財政年度機構計劃」重大修正案和「2019財政年度機構計劃」初稿發表意見並提出建議。

地點如下：

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

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

歡迎各界人士對「2018 財政年度機構計劃」重大修正案和「2019財政年度機構計劃」初稿發表書面意見。我們僅會考慮於2018年5月23日前以傳真或平郵方式提交的意見書。傳真號碼：(212) 306-7905。意見書可寄至下列地址或發送電郵至：annualplancomments@nycha.nyc.gov。

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

百思豪 (Bill de Blasio), 市長

索拉·奧拉托耶, (Shola Olatoye), 主席兼行政總監

УВЕДОМЛЕНИЕ

Значительная поправка Жилищного управления г. Нью-Йорка (New York City Housing Authority, NYCHA) к Годовому плану агентства на 2018 финансовый год и проект Годового плана агентства на 2019 финансовый год

Настоящим извещаем, что *Значительная поправка (Significant Amendment)* к Годовому плану агентства на 2018 финансовый год (FY 2018) и проект Годового плана агентства на FY 2019 будут доступны для публичного ознакомления в главном офисе NYCHA, который находится по адресу: 250 Broadway, New York, NY, начиная с 6 апреля 2018 года с 9:30 a.m. до 4:30 p.m. Для ознакомления с этими и другими сопроводительными документами позвоните по тел. (212) 306-3701 и назначьте встречу. Также эти документы можно найти:

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

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

Общественность также приглашается предоставить комментарии по поводу *Значительной поправки к Годовому плану агентства на FY 2018 и проекту Годового плана агентства на FY 2019* на публичном слушании, которое состоится **во вторник, 22 мая 2018 года с 5:30 p.m. до 8:00 p.m.** по адресу:

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

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

Письменные отзывы по поводу *Значительной поправки к Годовому плану агентства на FY 2018 и проекту Годового плана агентства на FY 2019* приветствуются. Чтобы их учли, **они должны быть получены по почте (United States Postal mail) не позже 23 мая 2018 года.** Комментарии по факсу будут приниматься по номеру (212) 306-7905. Отзывы также можно выслать по адресам: annualplancomments@nycha.nyc.gov. и

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

Bill de Blasio, мэр

Shola Olatoye, председатель и исп. директор



Public Hearing on the Significant Amendment to the Fiscal Year 2018 Agency Annual Plan and the Draft Fiscal Year 2019 Annual Plan



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

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

on.nyc.gov/nycha-fy19



Public Hearing

**Tuesday, May 22, 2018
5:30 pm to 8:00 pm**

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

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

**La traducción de este documento está disponible en su oficina de administración y en
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(網址:www.nyc.gov/nycha) 備有文件譯本可供索取**

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



Requests for reasonable accommodation for this event should be relayed to the NYCHA Public Accessibility Services Coordinator, Paola Vernelly, by May 14, 2018, at 212-306-4617 or by email at Paola.Vernelly@nycha.nyc.gov.



**AUDIENCIA PÚBLICA SOBRE LA ENMIENDA SIGNIFICATIVA AL
PLAN ANUAL DE LA AGENCIA DEL AÑO FISCAL 2018 Y EL
PROYECTO DE PLAN ANUAL DEL AÑO FISCAL 2019**



**Únase a la conversación e
infórmese sobre los temas
que impactan a su hogar y su
comunidad.**

**¿No puede asistir en
persona? Vea la transmisión
de vídeo en directo y lea los
aspectos más destacados de
la presentación de la reunión
en:**

on.nyc.gov/nycha-fy19



Audiencia Pública

**Martes 22 de mayo de 2018
5:30 p.m. a 4:00 p.m.**

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

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Internet en www.nyc.gov/nycha**

所居公房管理處和房屋局網站

(網址: www.nyc.gov/nycha) 備有文件譯本可供索取

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



Las solicitudes de alojamiento razonable para este evento deben ser transmitidas a la Coordinadora de Servicios de Accesibilidad Pública de NYCHA, Paola Vernelly, hasta el 14 de mayo de 2018, al 212-306-4617 o por correo electrónico a Paola.Vernelly@nycha.nyc.gov.



「2018 財政年度公共房屋機構年度計劃」 重大修正案及「2019 財政年度公共房屋 機構年度計劃」初稿公眾聽證會



踴躍參與，共同討論，
關注住房和社區發展動
向。

無法親自出席會議？歡迎
上網觀看會議現場直播並
查看諮詢會議的簡報重
點，網址：

on.nyc.gov/nycha-fy19



公眾聽證會

2018 年 5 月 22 日，星期二
下午 5 時 30 分至
晚上 8 時

Borough of Manhattan
Community College
紐約市立大學曼哈頓
社區學院
199 Chambers Street New
York, NY 10007



如對這次會議活動有任何合理便利措施的要求，請於 2018 年 5 月 14 日前聯繫紐約市房屋局公共無障礙服務專員 Paola Vernelly，電話: 212-306-4617 或電郵: Paola.Vernelly@nycha.nyc.gov。



Публичное слушание по поводу Значительной
поправки к Годовому плану агентства на FY 2018 и
проекту Годового плана агентства на FY 2019



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

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

on.nyc.gov/nycha-fy19



Публичное слушание
Вторник, 22 мая 2018 г.
с 5:30 pm до 8:00 pm

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

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

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

所居公房管理處和房屋局網站
(網址: www.nyc.gov/nycha) 備有文件譯本可供索取

Перевод этого документа находится в Офисе управления Вашего жилищного
комплекса и на интернете www.nyc.gov/nycha



Запросы на приемлемую модификацию (reasonable accommodation) во время этого мероприятия должны
быть переданы координатору общественных услуг NYCHA Paola Vernelly до 14 мая 2018 года по тел. 212-306-
4617 или электронной почтой по адресу Paola.Vernelly@nycha.nyc.gov.

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Executive Summary

NYCHA's Final Amendment to the Annual PHA Plan for FY 2018

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 2018 (the "Draft Amendment") is available for public review at NYCHA's Central Office and at each development's management office, as well as on NYCHA's web page (www.nyc.gov/nycha). NYCHA also provided a copy of the Final Amendment to each public housing Resident Association President and members of the Resident Advisory Board ("RAB").

NYCHA held a public hearing at the Borough of Manhattan Community College ("BMCC") in Manhattan on May 22, 2018 and accepted written comments on the Draft Amendment through May 23, 2018. Please see the Notice on page 2. NYCHA met with the Resident Advisory Board ("RAB") members for their comments in six meetings between January and May 2018 and held two meetings in May for their final comments before the Amendment was submitted to HUD for approval on August 23, 2018.

Housing New York 2.0

Since Mayor de Blasio launched the Housing New York Plan in 2014, New York City has accelerated the construction and preservation of affordable housing to levels not seen in 30 years.

The City is on track to secure more affordable housing in the first four years of the Administration than in any comparable period since 1978. The City has tripled the share of affordable housing for households earning less than \$25,000. Funding for housing construction and preservation has doubled, as have the number of homes in the City's affordable housing lotteries each year. Hundreds of once-vacant lots have affordable homes rising on them today. Reforms to zoning and tax programs are not just incentivizing, but mandating affordable apartments—paid for by the private sector—in new development.

NextGeneration NYCHA – 100% Affordable Housing and Seniors First

The Authority provides underutilized land for the creation of 10,000 affordable housing units, including a mix of commercial and community uses to provide additional amenities to residents and the surrounding community. The plan to create 100 percent affordable senior and multifamily housing on available NYCHA property was developed in response to resident and advocate calls for more affordable housing options in their communities.

Since the release of the NextGeneration NYCHA plan, NYCHA and the New York City Department of Housing Preservation and Development (HPD) have announced plans for 100% Affordable Housing and Seniors First developments at twelve sites which will result in approximately eighteen hundred new units of senior and multifamily housing. In the summer of 2017 construction began on the first two of these projects at Ingersoll Houses in the Fort Greene neighborhood of Brooklyn and at Mill Brook Houses in the Mott Haven neighborhood in the Bronx.

All NextGeneration NYCHA 100% Affordable Housing and Seniors First developments will advance the goals of Mayor de Blasio's Housing 2.0 plan and help achieve NYCHA's commitment to contribute 10,000 of those affordable units within the decade as part of NextGeneration NYCHA, the Authority's 10-year strategic plan.

The Final Significant Amendment to the FY 2018 Annual Plan includes the following Senior First developments: Baruch, Bushwick II CDA (Group E) and Sotomayor Houses.

NextGeneration NYCHA – NextGeneration Neighborhoods (50/50)

Centered on resident and community stakeholder engagement, the NextGen Neighborhoods program enables NYCHA to generate revenue to reinvest back into our development sites and across NYCHA by leveraging a 50-50 split of market-rate and affordable housing units.

In 2017, NYCHA and HPD announced selection of a development team at Holmes Towers in Manhattan and in 2018 at Wyckoff Gardens in Brooklyn. Prior to selection, between September 2015 and May 2016, over 1,300 residents participated in meetings, visioning sessions, and charrettes at both developments. All proposals received in response to the Request for Proposals were reviewed by a NYCHA resident members of the Stakeholder Committees prior to selection. NYCHA will continue to engage its residents through the Stakeholder Committees throughout development and construction. The Stakeholder Committees are also working directly with the selected developer by representing the interests and concerns of NYCHA residents, neighbors, and the community. Construction is expected to begin at Holmes Towers in 2019 and at Wyckoff Gardens in 2019 or 2020. NYCHA expects to receive approximately \$62 million collectively for the long-term leasing of these two development sites.

Two additional NextGen Neighborhoods sites were announced in 2017, at La Guardia Houses in Manhattan and at Cooper Park in Brooklyn. A RFP for La Guardia Houses was released in March 2018 and release of a RFP for Cooper Park is anticipated in 2018. Resident engagement began for both sites in 2017.

The Final Significant Amendment to the FY 2018 Annual Plan includes the proposed development at Cooper Park.

NextGeneration NYCHA - Permanent Affordability Commitment Together (PACT)

NYCHA will use every tool available to protect the affordability of New York City's housing stock and strengthen public housing for this and future generations of New Yorkers. NYCHA's preservation work – called Permanent Affordability Commitment Together (PACT) – centers on converting public housing units to Section 8 with tenants-in-place via federal pathways such as the United States Department of Housing and Urban Development's (HUD) Rental Assistance Demonstration (RAD) and adjacent programs. PACT is NYCHA's initiative to facilitate major improvements to developments while preserving long-term affordability and maintaining strong resident rights through effective public-private partnerships. By leveraging these federal programs and tools, NYCHA will help improve the quality of life for residents, ensuring their apartments and buildings receive much-needed repairs and upgrades while preserving affordability and tenant protections. PACT is a component of NextGeneration NYCHA's 10-year strategic plan to preserve public housing and become a more effective and efficient landlord. Under PACT, NYCHA seeks to shift a public housing development's funding source to Project-Based Section 8 to provide a more stable flow of federal subsidy and to allow NYCHA and its development partners to raise external financing to address the development's capital repair needs.

As the subsidy for a PACT development transitions from either unfunded status or public housing (Section 9) to the Housing Choice Voucher program (Section 8), NYCHA retains ownership and continues to play a key role in decision making and oversight of the development, specifically as the beneficial owner and Section 8 contract administrator. Under PACT rules, all units in the converted development must remain permanently affordable (rent cannot exceed 30% of resident income), which NYCHA will enforce through continued ownership of the land and legal agreements with the development partner. Residents will continue to have the same succession opportunities and grievance procedures under PACT that currently exist for NYCHA's public housing tenants. Residents will retain the right to establish and operate a resident organization and receive funding for that group. Finally, development partners will be required to train and hire NYCHA residents, and proactively engage residents on a regular basis as the project moves forward.

RAD at Scattered Sites in the Bronx and Brooklyn

In January 2017, NYCHA received HUD approval to convert approximately 1,700 units in the Bronx and Brooklyn from public housing to Section 8 Project-Based Vouchers (PBVs). In May 2017, NYCHA issued a Request for Proposals (RFP) to identify development partners to facilitate the conversion of funding, raise financing, perform the required capital rehabilitation, undertake property management, and deliver social services at the 17 affected scattered site developments, which are broken up into three bundles as follows:

1. Bundle 1 (the Bronx): Twin Parks West (Sites 1 & 2); Franklin Avenue I Conventional; Franklin Avenue II Conventional; Franklin Avenue III Conventional; Highbridge Rehabs (Anderson Avenue); Highbridge Rehabs (Nelson Avenue)
2. Bundle 2 (the Bronx): Betances II, 9A; Betances II, 13; Betances II, 18; Betances III, 9A; Betances III, 13; Betances III, 18; Betances V (partial); Betances VI (partial)
3. Bundle 3 (Brooklyn): Bushwick II (Groups A & C); Bushwick II CDA (Group E); Palmetto Gardens

In January 2018, NYCHA selected development partners for all three bundles. Construction is expected to begin at the developments in Bundles 1 and 2 in 2018 and at the developments in Bundle 3 in 2019. The Final Significant Amendment to the FY 2018 Annual Plan includes the proposal to add additional units from nearby developments to Bundle 2 as follows: Betances I, Betances IV, and the remainder of Betances V and VI, and to Bundle 3 as follows: Bushwick II (Groups B & D) and Hope Gardens.

PACT/Unfunded Units (LLC II)

In July 2017, NYCHA announced that it is expanding PACT to protect the Authority's unfunded unit portfolio. This portfolio consists of eight (8) conventional public housing developments known as the "LLC II developments" and currently receive no public housing funding. Previously, NYCHA's PACT program was synonymous with RAD. To make significant repairs, more effectively manage the developments, and strategically deploy NYCHA's limited financial resources, NYCHA is expanding PACT to create additional public-private partnerships and actively bring the unfunded units into the Authority's Housing Choice Voucher (Section 8) 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 costs NYCHA more than \$23 million a year. Additionally, the eight developments require \$1.4 billion in capital repairs, but while they remain unfunded, the buildings continue to deteriorate.

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

On September 11, 2008, HUD approved NYCHA's plan to transition the unfunded public housing units to Section 8 assistance. Currently, when a resident vacates their apartment in an LLC II development, the Authority converts the unit to Section 8. Through this process, 1,804 units in the eight developments became part of Section 8 between 2008 and 2018. Through PACT, the remaining 3,890 unfunded units will convert to Section 8. This PACT strategy is an unprecedented financing model to support these apartments, prevent them from falling into complete disrepair, and protect their affordability and residents' rights.

Community engagement and resident conversion began at Baychester and Murphy Houses in the Bronx in August 2017. In September 2017, NYCHA released a Request for Proposals (RFP) to identify development partners to raise financing, perform capital rehabilitation, undertake property management, and, where appropriate, deliver social services at the eight affected developments, starting with the Bronx sites.

On December 3, 2017, HUD approved NYCHA for a retention action pursuant to 2 CFR Part 200 for Baychester and Murphy. 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 June 25, 2018, NYCHA announced the new private management and construction teams to oversee renovations for Baychester and Murphy. Construction is expected to begin in 2019. As of July 31 2018, 98% of residents at Baychester and 97% of residents at Murphy have been converted to Section 8.

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

As part of the Final Amendment to the FY 2018 Annual Plan, NYCHA is requesting HUD approval for a retention action pursuant to 2 CFR Part 200 for Independence and Williams Plaza in Brooklyn. NYCHA began community engagement and resident conversion activities at these developments in March 2018.

Capital Improvements – FINAL FY 2018 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Action Plan

On January 25, 2018, NYCHA presented an overview of the Authority's Capital Planning Program and the FY 2018 Capital Plan and 5-Year Action Plan to the Resident Advisory Board (RAB).

NYCHA's Final FY 2018 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Capital Plan are included in the Amendment in Attachment I, on pages 84 through 115.

ATTACHMENT A
PHA PLAN UPDATE

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

- Rental Assistance Demonstration (RAD) Program
- Demolition and Disposition
- PACT Program for Unfunded Units
- Smoke Free Housing Statement
- Capital Improvements

B) Identify the specific locations where the public may obtain copies of the Final Amendment to the FY 2018 Annual PHA Plan

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

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

Manhattan Family Partnership Center 45 Allen Street New York, New York Taft Senior Center 1365 5th Avenue New York, New York Sedgwick Senior Center 1553 University Avenue Bronx, New York	Soundview Houses Senior Center 1674 Seward Avenue Bronx, New York Queens Community Development Office 70-30 Parsons Boulevard Flushing , New York	Staten Island Family Partnership Office 90 Lafayette Avenue Staten Island, New York Brownsville Senior Center 528 Mother Gaston Boulevard Brooklyn, New York
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ATTACHMENT B
**RENTAL ASSISTANCE DEMONSTRATION (RAD), DEMOLITION AND/OR
DISPOSITION AND PACT PROGRAM FOR UNFUNDED UNITS**

1) RENTAL ASSISTANCE DEMONSTRATION (RAD)

The New York City Housing Authority (“NYCHA”) is amending its Annual PHA Plan because it was a successful applicant in the Rental Assistance Demonstration (“RAD”) program. As a result, NYCHA will be converting to Project Based Vouchers under the guidelines of PIH Notice 2012-32, REV-3 and any successor Notices. Upon conversion to Project Based Vouchers, NYCHA will adopt the resident rights, participation, waiting list, and grievance procedures listed in Section 1.6 of PIH Notice 2012-32, REV-3 and PIH Notice 2016-17-Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions. These resident rights, participation, waiting list, and grievance procedures are summarized on pages 20 through 28 of this Amendment. NYCHA certifies that it is currently compliant with all fair housing and civil rights requirements, including those imposed under a Voluntary Compliance Agreement with HUD concerning accessibility of developments for individuals with mobility impairments, and other consent decrees, consent orders, final judicial rulings and administrative decisions (collectively, “VCA and related agreements”). RAD conversion at the NYCHA developments listed below will not have a negative impact on NYCHA’s compliance with these existing VCA and related agreements.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing public housing authorities with access to private sources of capital to repair and preserve its affordable housing assets. Please be aware that upon conversion, NYCHA’s Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of RAD, and that NYCHA may also borrow funds to address its capital needs. NYCHA currently has debt under the Capital Fund Financing Program and will be working with the New York City Housing Development Corporation to address outstanding debt issues, which may result in additional reductions of Capital Funds.

Below, please find specific information related to the Public Housing Development(s) that were approved for RAD conversion by HUD in June 2018:

Name of Public Housing Development: BETANCES I	PIC Development ID: NY005012110	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: 309	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.) Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723

			x 115 = \$630,527
Bedroom Type	Number of Units Pre-Conversion 309	Number of Units Post-Conversion 309	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	28	28	0
One Bedroom	61	61	0
Two Bedroom	113	113	0
Three Bedroom	77	77	0
Four Bedroom	30	30	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: BETANCES V (partial conversion)	PIC Development ID: NY005012110	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 48	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 48 = \$97,946
Bedroom Type	Number of Units Pre-Conversion 48	Number of Units Post-Conversion 48	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	2	2	0
One Bedroom	16	16	0
Two Bedroom	21	21	0
Three Bedroom	9	9	0
Four Bedroom			0
Five Bedroom			0
Six Bedroom			0

(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: BETANCES VI (partial conversion)	PIC Development ID: NY005012110	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: 106	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 106 = \$216,297
Bedroom Type	Number of Units Pre-Conversion 106	Number of Units Post-Conversion 106	Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.)
Studio/Efficiency	3	3	0
One Bedroom	28	28	0
Two Bedroom	62	62	0
Three Bedroom	61	61	0
Four Bedroom	1	1	0
Five Bedroom			0
Six Bedroom			0
(If performing a Transfer of Assistance):	(Explain how transferring waiting list) N/A		
Name of Public Housing Development: BUSHWICK II (GROUPS B & D)	PIC Development ID: NY005012470	Conversion type (i.e., PBV or PBRA): PBV	Transfer of Assistance: (if yes, please put the location if known, and # of units transferring) No
Total Units: 300	Pre- RAD Unit Type (i.e., Family, Senior, etc.): Family	Post-RAD Unit Type if different (i.e., Family, Senior, etc.): Family	Capital Fund allocation of Development: (Annual Capital Fund Grant, divided by total number of public housing units in PHA, multiplied by total number of units in project) \$346,326,398/ 169,723 x 300 = \$612,162

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

RAD Resident Rights, Participation, Waiting List and Grievance Procedures

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

- 1. No Rescreening of Tenants upon Conversion.** Pursuant to the RAD Statute¹, at conversion, current households cannot be excluded from occupancy at the Covered Project² based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project³ will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.⁴ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to Project Based Voucher (“PBV”) requirements regarding continued occupancy unless explicitly modified in HUD Notice PIH-2012-32 (HA) H-2017-03, REV-3 (the “Notice”) (e.g., rent phase-in provisions). For example, a unit with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting of tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. Moving to Work (“MTW”) agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, this provision shall apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD Project Based Rental Assistance (“PBRA”) units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR § 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.⁵
- 2. Right to Return.** See section 1.4.A.5(ii) of the Notice reference below and the RAD Fair Housing, Civil Rights, and Relocation Notice (as defined below) regarding a resident’s right to return.
 - i. RAD Fair Housing, Civil Rights, and Relocation Notice.** Relocation requirements related to public housing conversions under RAD are described in Notice H 2016-17; PIH 2016-17, as may be amended from time to time (“RAD Fair Housing, Civil Rights, and Relocation

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

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

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

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

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

Notice”).⁶ The RAD Fair Housing, Civil Rights, and Relocation Notice provides PHAs and their development partners with information and resources on RAD program requirements and Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) requirements when planning for or implementing resident moves in connection with a RAD conversion under the First Component of RAD. Specifically, the RAD Fair Housing, Civil Rights, and Relocation Notice provides guidance on relocation planning, resident right to return, relocation assistance, resident notification, initiation of relocation, and the fair housing and civil rights requirements applicable to these activities.

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

- ii. **Right to Return.** Any resident that may need to be temporarily relocated to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered Project once rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project’s conversion of assistance, including, but not limited to, as a result of a change in bedroom distribution, a de minimis reduction of units, the reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery. Where the transfer of assistance to a new site is warranted and approved (see Section 1.4.A.12 of the Notice), residents of the Converting Project will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete. For more information on how to implement these provisions see the RAD Fair Housing, Civil Rights, and Relocation Notice.
- iii. **Ineligibility of Tenant Protection Vouchers.** Conversion of assistance is not an event that triggers the issuance of Tenant Protection Vouchers to residents of public housing projects going through a RAD conversion.⁷

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

⁶ “Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions”

http://portal.hud.gov/hudportal/documents/huddoc?id=RAD_Notice2.pdf. For properties being redeveloped with funding under a Choice Neighborhoods Implementation (CNI) grant, the RAD Fair Housing, Civil Rights, and Relocation Notice is superseded by guidance regarding relocation included in the CNI NOFA.

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

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

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

Three Year Phase-in:

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

Five Year Phase in:

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

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

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

5. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service

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

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

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

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities.

6. Resident Participation and Funding. In accordance with Attachment 1B of the Notice, residents of Covered Projects with assistance converted to PBV will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.

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

7. Resident Procedural Rights. The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.

- i. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter) the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be :
 - a. A reasonable period of time, but not to exceed 30 days:
 - i. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
 - b. Not less than 14 days in the case of nonpayment of rent; and
 - c. Not less than 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
- ii. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

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

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi),¹⁰ an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
 - i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
 - ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.
- c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- d. The Project Owner provides opportunity for an informal hearing before an eviction.

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

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

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

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

- 9. Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant relocation and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project.
- 10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180 days because the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent)) (24 CFR § 983.258). Since the rent limitation under this Section of the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project prior to conversion and who will return to the Covered Project after conversion, HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP Contract when TTP equals or exceeds the Gross Rent. Further, HUD is establishing the alternative requirement that until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. When the family's TTP falls below the gross rent, normal PBV rules shall apply. As necessary to implement this alternative provision, HUD is waiving the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR § 983.301 as modified by Section 1.6.B.5 of this Notice.¹¹ In such cases, the resident is considered a participant under

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

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

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

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

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

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

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

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

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

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

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

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

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

If as a result of participation in RAD a significant percentage of the PHA's HCV program becomes PBV assistance, it is possible for most or all of a PHA's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility. While HUD is committed to ensuring mobility remains a

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

cornerstone of RAD policy, HUD recognizes that it remains important for the PHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP Contract administered by the PHA exceeds 20 percent of the PHA's authorized units under its HCV ACC with HUD.

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

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

IV - Relocation Plans

NYCHA is pursuing a preservation plan that will allow for tenant-in-place rehabilitation, which will require no relocation. If a resident must be temporarily relocated due to medical reasons and/or reasonable accommodation, the temporary relocation will be performed at no expense to the resident. The resident may be able to relocate to a vacant unit in the same development, a vacant unit in another NYCHA development or a vacant unit in the selected developer's housing stock. Specific temporary relocation options will be finalized after a development partner is selected for each affected development. NYCHA will submit an Accessibility and Relocation Checklist to HUD with its financing plan as required by PIH Notice 2012-32 (HA), REV-3 and will comply with the relocation requirements under the RAD program as stated in PIH Notice 2016-17-Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions. Please see Attachment J on page 82 for the full text of this PIH Notice.

V – Site Selection and Neighborhood Standards

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

VI – Voluntary Compliance Agreement, Consent Order or Consent Decree

NYCHA certifies that it is currently compliant with all fair housing and civil rights requirements and is under a Voluntary Compliance Agreement and consent decrees. RAD conversion at the NYCHA developments listed on pages 16 – 19 will not have a negative impact on NYCHA's compliance with existing voluntary compliance agreements or consent decrees.

2) Demolition and/or Disposition

[24 CFR Part 903.7 9 (h)]

Applicability of component 8: Section 8 only PHAs are not required to complete this section.

1. ☒ Yes ☐ No: Does the PHA plan to conduct any demolition or disposition activities (pursuant to section 18 of the U.S. Housing Act of 1937 (42 U.S.C. 1437p)) in the plan Fiscal Year? (If “No”, skip to component 9; if “yes”, complete one activity description for each development.)

2. Activity Description

- ☐ Yes ☒ No: Has the PHA provided the activities description information in the **optional** Public Housing Asset Management Table? (If “yes”, skip to component 9. If “No”, complete the Activity Description table below.)

NextGen Neighborhoods Affordable and Market-Rate Housing Initiatives

Cooper Park, Brooklyn – NYCHA intends to lease a parcel of approximately 36,000 square feet on Block 2867, Lot 1 with approximately 185,000 square feet of residential development rights for market rate and affordable housing development as part of the NextGen Neighborhoods Program. NYCHA in collaboration with HPD will issue an RFP in 2018.

NextGen 100% Affordable Housing Initiatives

Baruch Houses, Manhattan – NYCHA intends to lease a parcel of approximately 6,800 square feet on Block 323, Lot 1 for construction of a senior housing development. NYCHA in collaboration with HPD issued a RFP in 2017. A developer designation is anticipated in 2018.

Bushwick II CDA (Group E), Brooklyn – NYCHA intends to lease a parcel of approximately 7,800 square feet on Block 3325, Lot 1 for construction of a senior housing development. NYCHA in collaboration with HPD issued a RFP in 2017. A developer designation is anticipated in 2018.

Justice Sonya Sotomayor Houses, Bronx – NYCHA intends to lease a parcel of approximately 9,400 square feet on Block 3730, Lot 1 for construction of a senior housing development. NYCHA in collaboration with HPD issued a RFP in 2017. A developer designation is anticipated in 2018.

Other Development Activities

Transfer of Development Rights (“TDR”) - NYCHA is exploring potential transactions to transfer development rights (TDRs) in order to raise revenue for the Authority and facilitate the development of additional affordable housing. NYCHA will follow HUD’s direction as to any required process, notifications and engagement with respect to TDRs.

Ingersoll, Brooklyn – NYCHA intends to dispose of a parcel of approximately 6,000 square feet (part of Block 2050, Lot 1) along with an additional 90,634 square feet of surplus development rights. The parcel had previously been leased to an adjacent, privately held warehouse which will be demolished for a proposed development. The proposed disposition will generate revenue for NYCHA as well as facilitate the development of new affordable housing units in accordance with the NYC Mandatory Inclusionary Housing (“MIH”) policy. NYCHA intends to submit a Section 18 application in 2018. The proposed transaction is planned for 2018 or 2019.

Robert Fulton, Manhattan – NYCHA intends to dispose of approximately 30,000 square feet of surplus development rights for commercial office development through a zoning lot merger. The proposed TDR will generate revenue for NYCHA. NYCHA intends to submit a Section 18 application in 2018. The proposed TDR transaction is planned for 2018 or 2019.

College Avenue – East 165 Street, Bronx – NYCHA intends to dispose of approximately 12,000 square feet of surplus development rights through a zoning lot merger. The proposed TDR will facilitate an affordable housing development and generate revenue for NYCHA. NYCHA intends to submit a Section 18 application in 2018. The proposed TDR transaction is planned for 2018 or 2019.

Howard Houses, Brooklyn – NYCHA intends to dispose of approximately 15,000 square feet of surplus development rights through a zoning lot merger. The proposed TDR will facilitate an affordable housing development and generate revenue for NYCHA. NYCHA intends to submit a Section 18 application in 2018. The proposed TDR transaction is planned for 2018 or 2019.

Demolition/Disposition Activity Description
1a. Development name: Cooper Park
1b. Development (project) number: NY005000690
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> <i>Lease of approximately 36,000-square foot parcel on a portion of Block 2867, Lot 1, with approximately 185,000 square feet of residential development rights for market rate and affordable housing development as part of the NextGen Neighborhoods Program.</i>
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date original application approved, submitted, or planned for submission: 2019
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2023
Demolition/Disposition Activity Description
1a. Development name: Baruch Houses
1b. Development (project) number: NY005010600
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Lease of approximately 6,800-square foot parcel on a portion of Block 323, Lot 1, for development of affordable senior housing.
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date original application approved, submitted, or planned for submission: 2019
5. Number of units affected: 0
6. Coverage of action (select one)

<input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2023
Demolition/Disposition Activity Description
1a. Development name: Bushwick II CDA (Group E) 1b. Development (project) number: NY005012470
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Lease of approximately 7,800-square foot parcel on a portion of Block 3325, Lot 1, for development of affordable senior housing.
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date original application approved, submitted, or planned for submission: 2019
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2023
Demolition/Disposition Activity Description
1a. Development name: Sotomayor Houses 1b. Development (project) number: NY005010670
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Lease of approximately 9,400-square foot parcel on a portion of Block 3730, Lot 1, for development of affordable senior housing.
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date original application approved, submitted, or planned for submission: 2019
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2023
Demolition/Disposition Activity Description
1a. Development name: Ingersoll Houses 1b. Development (project) number: NY005000140
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Transfer of a 6,000 square foot parcel and approximately 91,000 square feet of surplus development rights to an adjacent housing development site at Tillary Street and Prince Street (Block 2050 Lot 100) which has been rezoned with requirements for affordable housing.
3. Application status (select one)

Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 2018
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2020
Demolition/Disposition Activity Description
1a. Development name: Robert Fulton Houses 1b. Development (project) number: NY005001360
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Transfer of surplus development rights to an adjacent development site for commercial development.
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 2018
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2021
Demolition/Disposition Activity Description
1a. Development name: College Avenue–East 165 Street 1b. Development (project) number: NY005013080
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Transfer of surplus development rights to an adjacent housing development site for affordable housing.
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 2018
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2021
Demolition/Disposition Activity Description
1a. Development name: Howard Houses

1b. Development (project) number: NY005000720
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Transfer of surplus development rights to an adjacent housing development site for affordable housing.
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 2018
5. Number of units affected: 0
6. Coverage of action (select one) <input checked="" type="checkbox"/> Part of the development <input type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2017 b. Projected end date of activity: 2021
Demolition/Disposition Activity Description
1a. Development name: Betances IV 1b. Development (project) number: NY005012110
2. Activity type: Demolition <input type="checkbox"/> Disposition <input checked="" type="checkbox"/> Ground-lease disposition of eight residential buildings with 282 units with the following addresses: 480 East 143rd Street, Bronx, NY 10454; 417, 419, 421, 423, 425, 427, 429, 431, 433, 435, 437, 439, 441, 455, 510, 511, 512, 513, 527, 528, 530, 537, 545, and 547 East 146th Street, Bronx, NY 10455
3. Application status (select one) Approved <input type="checkbox"/> Submitted, pending approval <input type="checkbox"/> Planned application <input checked="" type="checkbox"/>
4. Date application approved, submitted, or planned for submission: 2018
5. Number of units affected: 282
6. Coverage of action (select one) <input type="checkbox"/> Part of the development <input checked="" type="checkbox"/> Total development
7. Timeline for activity: a. Actual or projected start date of activity: 2018 b. Projected end date of activity: 2018

3. PACT Program for Unfunded Units

On December 3, 2017, HUD approved NYCHA for a retention action pursuant to 2 CFR Part 200 for Baychester and Murphy. 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 June 25, 2018, NYCHA announced the new private management and construction teams to oversee renovations for Baychester and Murphy. Construction is expected to begin in 2019. As of July 31 2018, 98% of residents at Baychester and 97% of residents at Murphy have been converted to Section 8.

NYCHA plans to pursue similar HUD approvals for the remaining six developments in the LLC II portfolio. Through this action, all units in the developments will be operated outside of the federal public housing program. Families will be transitioned to Section 8 assistance. Families ineligible for Section 8 assistance will

be allowed to remain in place and pay no more than 30% of their income for rent. Completion of the full PACT conversion is expected by 2026.

As part of this Amendment to the FY 2018 Annual Plan, NYCHA is requesting HUD approval for a retention action pursuant to 2 CFR Part 200 for Independence and Williams Plaza in Brooklyn. NYCHA has started community engagement and resident conversion activities at these developments.

The 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 1/26/18 (Tenant Based and Project Based/ Occupied and Vacant)
NY005021260	BAYCHESTER	441	441	320
NY005021330	MURPHY	281	281	206
NY005021850	344 EAST 28TH STREET	225	225	68
NY005021400	INDEPENDENCE TOWERS	744	744	139
NY005021280	WILLIAMS PLAZA	577	577	98
NY005021270	WISE TOWERS	399	399	96
NY005020460	BOULEVARD	1,441	1,424	420
NY005020950	LINDEN	1,586	1,586	457
Total		5,694	5,677	1,804

ATTACHMENT C

SMOKE FREE HOUSING STATEMENT

NYCHA's smoke-free policy is in effect as of July 30, 2018. The policy prohibits the smoking of tobacco products inside public housing apartments; in all indoor common areas; and within twenty-five (25) feet of public housing buildings or to NYCHA's property boundary if less than twenty-five (25) feet from a NYCHA building. A prohibited tobacco product is any item that involves the ignition and burning of tobacco leaves, including cigarettes, cigars, pipes, and water pipes (hookahs). Details about the smoke-free policy are available on NYCHA's website at <https://www1.nyc.gov/site/nycha/residents/smoke-free.page>.

NYCHA has amended its public housing lease to include smoke-free provisions and has mailed its residents a lease addendum containing smoke-free provisions. NYCHA continues to engage residents about the smoke-free policy.

Partnering with Residents, the NYC Health Department and Other Leaders

Since the release of the HUD Rule, NYCHA has engaged residents, staff, city agencies, experts in smoking cessation, and others in dialogue about smoking and health. Smoke-free housing policy is fundamentally about promoting healthy living and working environments, and NYCHA will continue to work collaboratively to develop strategies and resources to educate residents about the health risks of exposure to secondhand smoke and to connect residents to cessation services for those who want to quit.

Highlights of Engagement and Partnership Activities to Date:

- In spring 2017, NYCHA and the NYC Health Department hosted community meetings on smoking and health that generated hundreds of initial ideas from residents on the new initiative.
- The NYCHA Advisory Group on Smoking and Health, formed in June 2017 and comprised of residents and partner members, helped guide the development of policy, engagement and partnership strategies.
- Over 1,500 residents at 54 NYCHA developments participated in Smoke-Free NYCHA Family Day interactive activities in 2017.
- The Smoke-Free NYCHA web page was launched in January 2018 featuring fact sheets, public notices, links to critical information, and other resources.
- In 2018, NYCHA is leading over 50 Smoke-Free NYCHA community meetings with residents at their developments.
- NYC Smoke-Free (part of Public Health Solutions) led the development of a video profiling Smoke-Free NYCHA produced by and featuring public housing alumni and youth leaders. NYCHA will promote the video to raise awareness about the new policy and the process of implementing the HUD Rule.
- Through partnership with Green City Force, young adult NYCHA residents have received training and led outreach and engagement at developments across the City. Two of the young adult residents trained were hired to lead targeted engagement and education efforts throughout spring 2018.

- The New York City Health Department developed customized educational materials for Smoke-Free NYCHA, facilitated a training of community health workers, and is leading smoking cessation support groups in select developments.

NYCHA will work to advance Smoke-Free NYCHA implementation in alignment with other agency initiatives to achieve safe, clean, and connected communities. In any residential context smoke-free policy is an important component to healthy and sustainable housing, particularly for children, seniors, and residents of all ages with vulnerable health conditions.

ATTACHMENT D

SIGNIFICANT AMENDMENT AND SUBSTANTIAL DEVIATION OR MODIFICATION OF THE AGENCY PLAN

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

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

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

ATTACHMENT E

RESIDENT ADVISORY BOARD MEMBERS

	Delegate Name	Development	District	Delegate/ Alternate
1	Lozano, Lilithe	Parkside	Bronx North	Delegate/CCOP
2	Hawkins, Iona	Parkside	Bronx North	Delegate
3	Hall, Robert	Gun Hill	Bronx North	Delegate
4	Clayton, Marie	Gun Hill	Bronx North	Delegate
5	Williams, Jacqueline	Twin Parks West	Bronx North	Delegate
6	Butler, Harvey	Sackwern	Bronx North	Delegate
7	Daughtry, Maxine	Soundview	Bronx North	Alternate
8	Jamerson, Princella	Millbrook	Bronx South	Delegate
9	Peterson, Miguel	Teller Avenue	Bronx South	Delegate
10	Serrano, Ray	Stebbins Hewitt	Bronx South	Delegate
11	Walker, Daniel Barber	Jackson	Bronx South	Delegate/CCOP
12	Bowman, Reginald	Seth Low	Brooklyn East	Delegate/CCOP
13	Johnson, Naomi	Howard	Brooklyn East	Delegate
14	Clifton, Rose	Howard Ave Rehab	Brooklyn East	Delegate
15	Green, Desiree	Crown Heights Rehab	Brooklyn East	Delegate
16	Prince, John	Rutland Towers	Brooklyn East	Delegate
17	Marshall, Lillie	Red Hook West	Brooklyn South	Delegate/CCOP
18	Feliciano, Wanda	Unity Tower	Brooklyn South	Delegate
19	Godfrey, Vonnette	Penn Wortman	Brooklyn South	Delegate
20	Carter, Deborah	Gravesend	Brooklyn South	Delegate
21	Brown, Frances	Red Hook East	Brooklyn South	Delegate
22	Boyce, Sheryl	Bayview	Brooklyn South	Delegate
23	Ballard, Raymond	Sumner	Brooklyn West	Delegate/CCOP
24	Keith, Leora	Tompkins	Brooklyn West	Delegate
25	Harrell, Cassandra	Bed Stuy Rehab	Brooklyn West	Delegate
26	Knox, Doretha	Berry Street South 9th	Brooklyn West	Alternate
27	Shipman, Lohoma	Bushwick	Brooklyn West	Delegate
28	Bradham, Vernona	Roosevelt	Brooklyn West	Delegate
29	Velez, Ethel	Johnson	Manhattan North	Delegate/CCOP
30	Green, Nathaniel	Dyckman	Manhattan North	Delegate
31	Herman, Patricia	Lincoln	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	Bergin, Rose	Isaacs	Manhattan South	Delegate
36	Gordon, Felicia	Hernandez	Manhattan South	Delegate
37	Quinones, Carmen	Douglass	Manhattan South	Delegate
38	Morris, Ann Cotton	Woodside	Queens	Delegate/CCOP
39	Anglero, Karen	Latimer Gardens	Queens	Delegate
40	Simpson, April	Queensbridge	Queens	Delegate
41	Coger, Claudia	Astoria	Queens	Delegate
42	Wilkins, Carol	Ravenswood	Queens	Delegate
43	Harris, Brenda	Cassidy/Lafayette	Staten Island	Delegate/CCOP
44	Parker, Geraldine	Stapleton	Staten Island	Delegate
45	Lewis-Clinton, Scherisce	South Beach	Staten Island	Delegate
46	Cunningham, Sylvia	Todt Hill	Staten Island	Delegate
47	Everette, Beatrice	West Brighton	Staten Island	Delegate
48	Brown, Lorraine	334 East 92nd St.	Section 8	Delegate
49	Munroe, Carlton	75 Martense Street	Section 8	Delegate

ATTACHMENT F

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

January 25, 2018 Agenda

- Roll Call / Introductions
- NYCHA's Capital Planning Program – 15 minutes
- FY 2018 Capital Plan & 5-Year Action Plan – 15 minutes
- Comments and Questions – 60 minutes
- Proposed Significant Amendment/Annual Plan Schedule and RAB Meetings
- Internal RAB Discussions - 30 minutes



ATTACHMENT F

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

Agenda February 8, 2018

- Roll Call/Introductions
- NYCHA’s Smoke-Free Housing Policy – 15 minutes
- Comments and Questions – 60 minutes
- Internal RAB Discussions



ATTACHMENT F

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

March 1, 2018 Agenda

- Roll Call / Introductions
- Assessment of Fair Housing (HPD) – 25 minutes
- Comments and Questions – 60 minutes
- Congress’s Proposed Rent Reform Update
- Internal RAB Discussions - 30 minutes



ATTACHMENT F

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

March 29, 2018 RAB Meeting

Agenda

- **Roll Call / Introductions**
- **Recovery and Resilience- Red Hook East**
- **100% Affordable Sites**
- **NextGen Neighborhoods (50/50)**
- **PACT – RAD**
- **PACT – LLC II/Unfunded Units**
- **FHA Vacant Homes**
- **Comments and Questions**



ATTACHMENT F

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

May 3, 2018 RAB Meeting

May 3, 2018 Agenda

- Roll Call / Introductions
- RAB Comments on the Significant Amendment to the FY 2018 Annual Plan and FY2019 Draft Annual Plan – 60 minutes
- Internal RAB Discussions - 30 minutes



ATTACHMENT F

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

May 17, 2018 RAB Meeting

May 17, 2018 Agenda

- Roll Call / Introductions
- RAB Comments on the Significant Amendment to the FY 2018 Annual Plan and FY2019 Draft Annual Plan – 60 minutes
- Internal RAB Discussions - 30 minutes



ATTACHMENT G

Comments from the Public Housing Resident Advisory Board (RAB)

CAPITAL IMPROVEMENTS

- NYCHA needs to investigate contractors before hiring them and make sure they do not have violations against them or a history of bad performance for work done at NYCHA developments. Why does NYCHA restrict which vendors are allowed even if those vendors do not have the most affordable prices?

NYCHA selects its construction contractors through a competitive bidding process as required by HUD. This process requires NYCHA to select the lowest responsive and responsible bidder. Part of the bid evaluation process is to determine if the bidder is responsive and responsible.

To be responsive, the bidder must have submitted a bid proposal that complies with the terms set forth in the bid solicitation. They must provide the required bonds, signatures, and cannot have altered the terms of the contract. To be responsible, the contractor must show that it has the experience and capacity to perform the contract work. NYCHA checks the financial background of the firm and the principals of the firm. NYCHA also checks references and reviews internal files if the contractor has previously performed work for NYCHA.

Contractors are evaluated by the construction evaluation groups that manage the construction projects in areas including timeliness, completeness, and quality of submissions; actual construction work; schedule, cooperation, and closeout performance in Pre-construction, Construction, and Closeout phases.

If construction is not satisfactory, the contractor will receive a negative evaluation. NYCHA may utilize provisions in its contracts to require correction of defective work. NYCHA also considers a contractor's past performance if the contractor bids on additional contracts in the future.

In addition, NYCHA screens contractors through the Vendor Name Check (VNC) process to ensure that contracts are awarded to responsible contractors, i.e. contractors with the capability in all respects to perform fully the contract requirements and the business integrity to justify the award of public funds. Contractors seeking to do business with NYCHA, for contract awards valued at over \$150k or more, or when the contractor has \$150k or more of NYCHA contracts within the preceding 12-month period, are required to file Vendor/Principle questionnaire disclosures in PASSPort, so that NYCHA can request a VNC Memo from the Office of Inspector General (OIG), review the OIG findings and solely approve for contract award those contractors deemed responsible.

- NYCHA needs to evaluate the work that has been completed at Johnson Houses. The lobby and rear door installation were insufficient and needs to be redone.

Residents should inform property management and provide photos/details if possible if they have concerns about the quality of construction work. That information would then be relayed to the Capital Projects Department ("CPD") for review and additional inspection. CPD would determine if the contractor needs to return to make additional repairs.

With regards to the entrance and exit doors at Johnson Houses, NYCHA defaulted the contractor and is currently working to formulate a corrective action plan.

- Does NYCHA maintain a list of the top 10 best and top 10 worst contractors? Why or why not?

NYCHA maintains a Capital Projects Contractor Evaluation System, a database which manages performance evaluations for capital projects vendors. Information from this database is reviewed when contractor is being considered for award of contract work to determine responsibility and performance.

- NYCHA should establish a rating system for contractors that includes resident leader input as a factor.

NYCHA evaluates all contractors and maintains a database that tracks and manages performance. The information is reviewed when contractor is being considered for award of contract work to determine responsibility and performance. NYCHA will explore opportunities to include resident leader input.

- NYCHA needs to consult with the Resident Association presidents about what capital improvements are needed at their development.

Every five years, NYCHA contracts with a private entity, with architectural and engineering expertise, to conduct a physical needs assessment to evaluate needs across its entire portfolio of properties. In addition, NYCHA's Capital Planning group works very closely with property management operations staff to review needs including skilled trade work orders to prioritize investments given scarce funding resources.

Based on the suggestion above, NYCHA will explore opportunities to review recommended projects via NYCHA's community engagement processes.

- NYCHA should conduct site visits to developments to see what capital repairs are needed before allocating funds for the Capital Plan.

NYCHA staff conduct site visits in advance to assess field conditions that inform fund allocations as part of the scoping phase of capital improvement projects.

- NYCHA should understand that contractors do not want to work with NYCHA because of a history of NYCHA not paying contractors.

NYCHA is required to pay vendors within 30 days of receipt of invoice for work as part of the General Conditions with contractors.

- NYCHA needs to explain the process for how federal funding for the 5-year capital plan is allocated across the NYCHA portfolio.

NYCHA is required by federal law to develop its priorities over a five-year period. As part of that process, NYCHA contracts with an independent entity to conduct a Physical Needs Assessment (PNA) of its entire portfolio to assess capital needs and estimate repair/replacement costs for building components. PNA findings inform NYCHA's allocation of federal resources, as per HUD requirements. Information on NYCHA's PNA can be found at the links below:

<https://www1.nyc.gov/assets/nycha/downloads/pdf/PNA%202017.pdf>
https://www1.nyc.gov/assets/nycha/downloads/pdf/2017%20PNA_Development.pdf

- NYCHA needs to explain what happened to the Energy Performance Contract (EPC) funding in 2014.

NYCHA currently has four active EPCs:

1. \$18 million EPC (2013), 24 developments. EPC subsidies began in 2013, and this project is currently in the 5th year of 13 years.
2. Ameresco A EPC (under construction) 16 developments, \$55.5M
3. Sandy A EPC (under construction) 18 developments, \$43M
4. BQDM EPC (under construction) 23 developments, \$68M

EPC improvements are funded by costs savings generated by the improvements. There is no outlay of HUD capital funds.

- NYCHA needs to explain why Douglass has received funding for brickwork but has had scaffolding in place and work ongoing for years.

Exterior brickwork is continually affected on a yearly basis due to New York's ongoing freeze and thaw cycles. Consequently, various degrees of brick deterioration occur yearly throughout our NYCHA brick buildings. This deterioration of brick requires cyclical repairs for any locations affected. The installation of scaffolding is required under the New York City Building Code to protect NYCHA residents and the public once brickwork deficiencies are identified through the time when the work is completed.

- What is elevator 2-way communications in NYCHA elevators and who is listening?

The 2-way system in NYCHA elevators connect to Verizon lines.

- NYCHA should call the original roofers to make repairs since most roofs come with warranties and NYCHA should not be paying for the repairs.

The original roofers can be called to make repairs if the warranty has not been invalidated and has not expired. Unfortunately, damage to the roof can invalidate the warranty, including having trash damage the roof or satellites installed on the roof.

- NYCHA needs to explain where the Authority receives funding for capital work.

NYCHA's capital work is funded by federal investments and by funds from New York State and New York City elected officials.

- 1471 Watson needs funding to repair building roofs. When will this be included in NYCHA's 5-Year Capital Plan?

This development was not included in the Mayor Roofing Initiative. The estimated cost to replace the roof would be roughly \$2.6M and NYCHA will explore addressing this need.

- In 2016, NYCHA had an opportunity for boiler replacement funding and needs to explain if this funding was secured.

NYCHA is not sure what opportunity for funding this comment is about.

- When will Ravenswood Houses be receiving new boilers?

Replacement of boilers at this development was proposed under the \$250M State Funding Request.

- NYCHA needs to prioritize waste line repairs in capital funding.

NYCHA prioritizes capital investments for exterior work to address critical roofing and brick deficiencies to make the building envelope watertight, and for systems replacements such as boilers and elevators. As these building components are brought to a state of good repair, NYCHA invests in building interiors such as waste lines.

- Does NYCHA use the same rating system as the Boston Housing Authority for the Physical Needs Assessment?

Similar to the Boston Housing Authority, NYCHA's PNA methodology is based on HUD guidelines which require that building components be replaced in priority year based on the expected useful life.

- How are Regional Asset Managers involved with capital project determinations?

Operations and property management staff evaluate the needs at developments and report their findings back to Central Office. The Capital Projects Division takes these recommendations into consideration when determining the capital project funding allocation.

- NYCHA is not compliant with HUD regulations regarding the 5-year Capital Plan because NYCHA is filing a plan that is not addressing all of NYCHA's needs and funding is mismanaged. Capital needs are inadequate to meet the needs on all properties. Suggestion: Restructure capital needs to meet remediation with a completion-oriented time table

NYCHA's aging housing stock requires far more capital investment than has been available from Federal, State, and City grants. Of NYCHA's over 2,400 residential buildings, 75% are more than 40 years old and have over \$16.5 billion in unfunded capital needs. Federal funding available to NYCHA for capital improvements has not only failed to keep pace with needs but has dramatically declined. From 2001 to 2016, annual federal capital grants have declined by 24 % and as a result, NYCHA has experienced a cumulative federal capital grant funding loss of \$1.375 billion since 2001. This chronic funding gap severely constrains NYCHA's ability to make necessary repairs and upgrades to all developments within its portfolio.

- NYCHA says that issues related to heating and waste lines are Operations issues, but at the development, NYCHA staff says that these issues are capital projects. Which department is responsible for these issues?

Collectively, NYCHA's main priority is to resolve issues that arise at developments. Repairs are conducted by Operations staff while comprehensive replacements fall under the purview of Capital Projects.

- Most contracts present a work plan with a warranty. Why can't contractors be held accountable for their work (warranties)? By doing so, hundreds of thousands of dollars would be free to put

elsewhere besides repeating work under warranty. If a warranty has been cancelled, then the Resident Associations need to be notified of such a cancellation.

Contractors are held accountable for work performed under the warranty. Warranties have specific time frames and are maintained at the management office of a development.

- Why is it that the same developments are always a part of the Capital Budget in every plan, while other developments only get on the Capital budget sparingly? (Howard Houses for example).

Capital improvements within NYCHA's portfolio must compete for scarce resources and thus receive funding, based on regulated criteria, which assess the physical and maintenance needs of developments. Under NextGeneration NYCHA, NYCHA has also tapped non-HUD sources of funding such as the NY State Weatherization Assistance Program (WAP) to provide upgrades not represented in the Capital budget. Since 2016, \$4.2 million in WAP grants have been secured for work in more than a dozen NYCHA developments (including Howard Ave Houses and Belmont Sutter Houses in the Park Rock Consolidated). Typical scopes of work include boiler replacement, ventilation upgrades, new energy-efficient refrigerators and lighting, and new windows at some developments.

- What is the comprehensive plan for budgeting funds for Park Rock/Crown Heights?

At Park Rock Rehab, exterior brick repairs in the amount of \$5.26M was recently completed in 2016. At Crown Heights, exterior brick repairs in the amount of \$3.16M completed in 2016.

In terms of planned work, over \$7M will be invested at Park Rock Rehab including:

- *Replacement of fire alarms in 2021, a total of \$100K of federal funds*
 - *Replacement of roofs in 2022, a total of \$6.95M of city funds as part of the Mayor's Roof Initiative*
 - *Replacement of interior compactors in 2022, a total of \$300K of federal funds*
- When will the grounds and benches be improved at Todt Hill Houses?

This capital work is projected to be completed by February 2020.

- NYCHA should detail the inspection process once work is completed by contractors.

Near the end of the construction work, NYCHA staff walk the job with the contractor and create a "Punchlist" of open items that need to be completed before the contractor leaves the site. When the contractor has completed all the work the Certificate of Final Acceptance is signed.

- Who inspects contracted repairs?

For capital-eligible work, contractors submit documentation and/or samples for review by the designer to confirm that the materials installed are the same or equal to the materials specified in the contract. NYCHA employs both in-house and consultant inspectors to monitor the work. For non-capital eligible work, NYCHA specifies the materials. The development Superintendent is responsible for inspecting contracted work.

- Who looks at the materials?

NYCHA conducts quality assurance inspections on a sample of closed work orders in order to verify that the work was completed.

- NYCHA prioritizes capital work at high rise buildings and does nothing to recognize scattered sites.

Given the reality of physical needs of our housing stock outpacing limited funding resources, NYCHA aims, whenever possible, to maximize economies of scale by prioritizing projects that will benefit the most residents.

- There are problems with the floors in Bedford-Stuyvesant Rehab. The floors were just replaced in 2015 and the tiles are cracked. How does NYCHA explain this ongoing issue? The residents request a proper engineering report about why the tiles are continuously breaking and peeling off.

The floors at Bedford-Stuyvesant Rehab have been checked by engineers from NYCHA's Capital Projects division. Although there is some settlement due to the wood structure, it is within allowable guidelines. When floor tiles are replaced, the contractor is required to properly prep the underfloor prior to installing tiles.

- Who inspected the new fire alarm system at 701 Willoughby Avenue at Bedford-Stuyvesant Rehabs?

The fire alarm was installed by Capital Projects and is operational as of July 2018.

RAD, SECTION 18 DEMOLITION/DISPOSITION AND PACT PROGRAM FOR UNFUNDED UNITS

- What is the timeline for the demolition of the building at Red Hook?

Demolition of the building at Red Hook is expected by the end of 2018 and residents will see contractors on site by summer 2018.

- Will any residents be displaced because of the demolition of the building at Red Hook?

There are four households that must be relocated because of the demolition at Red Hook. As of March 2018, all residents have been offered apartments within the Red Hook Houses and either have moved, are in the process of moving, or are awaiting a proper match.

- For apartments that have undergone FEMA renovations, plywood was used instead of concrete for the walls and the cabinets are sliding off the walls. Will NYCHA be repairing these apartments again?

As of May 2018, the FEMA-funded first floor apartment renovation project has repaired 289 apartments that were damaged by Superstorm Sandy, including removal of plaster walls that were at risk for mold. The scope of these repairs varied on an apartment by apartment basis, but in all cases all apartment surfaces were cleaned twice using biocide cleaner. Plaster walls that were damaged were replaced with new gypsum wallboard. None of the renovated apartments had concrete walls. We cannot find a record of any work orders associated with cabinets sliding off the walls from any of the 289 apartments repaired under this program.

- Are Park Rock/Crown Heights Rehab in consideration to be part of a RAD conversion?

Yes, Park Rock/Crown Heights Rehab is currently under consideration for a RAD conversion.

- The Resident Association presidents should attend all RAB meetings where their development is being discussed so that the resident association is properly represented at the meeting.

NYCHA's Resident Engagement Departments extends invitations to Resident Association Presidents to all RAB meetings where their development is being discussed.

- NYCHA should make sure to inform a resident association if their development is up for consideration for a RAD conversion. Community boards should be notified of all developments in their district that are up for consideration as well.

NYCHA's Community Development Department advises and meets with the CCOP and Resident Association boards of the district and development once a development is being considered for a RAD conversion.

- Does Transfer of Development Rights ("TDR") mean that NYCHA is selling developments?

Transfer of Development Rights (TDR) has no effect on existing NYCHA buildings. To NYCHA, TDR means that NYCHA may sell extra square footage not being used for existing NYCHA buildings to neighboring property owners. NYCHA would retain all the land and buildings it currently owns. This program may potentially allow other property owners to develop more affordable housing near existing NYCHA developments and may also provide NYCHA with a much-needed revenue stream.

- Has the potential of transferring development rights been discussed with NYCHA's NextGen Operations and Property Management departments?

The RAB was one of the first presentations that the Real Estate Development Department gave on this potential program. TDR would have no impact on Operations or Property Management at NYCHA developments.

- What are the criteria when NYCHA is determining which developments may be converted under the RAD program?

Under NextGen NYCHA, the Authority is identifying 15,000 units in scattered site and obsolete developments to convert to Section 8. NYCHA uses four criteria to determine which developments may be converted. These criteria are: (1) the development has 400 units or less, (2) the tallest building in the development is no more than 7 stories, (3) the building-to-lot coverage ratio is above 25%, and (4) the development is already privately managed under a NYCHA contract.

- Bedford-Stuyvesant Rehab was recently awarded \$2 million dollars. Will this money go to waste when Bedford-Stuyvesant Rehab is converted to Section 8?

Bedford-Stuyvesant Rehab is not scheduled for conversion as of July 2018. NYCHA is reviewing the financial feasibility of all potential conversions and NYCHA's Real Estate Development Department is working closely with NYCHA's Capital Projects Division to ensure all resources already allocated to developments will be utilized effectively.

- There currently is a backlog of public housing apartments in NYCHA. How does NYCHA justify removing units from the public housing portfolio and converting them under RAD when there is a waiting list?

NYCHA is only converting a portion of its public housing units to Section 8; the majority of NYCHA developments will remain in the public housing system. Furthermore, aside from the public housing waiting list, there is also a NYCHA Section 8 waiting list, and families on that list will move into newly vacated units in the converted RAD developments.

- As of March 2018, is the Section 8 waiting list currently open?

The Section 8 waiting list is not currently open.

- West Brighton has 25 vacant units that have been vacant for decades. What does NYCHA have planned for these units?

NYCHA does not have the funding to rehabilitate these units to make them safe to be inhabited again. NYCHA is exploring potential development scenarios to demolish the vacant units and build new affordable housing. NYCHA will work with the West Brighton Resident Association on all development plans.

- When NYCHA is determining which developments will be included in RAD or have new construction built on a development's campus, does NYCHA call resident leaders to inform them of their potential plans?

NYCHA's Community Development Departments advises and meets with the CCOP & Resident Association boards of the district and development once a development is being considered for a RAD conversion or a new construction project.

- NYCHA should be asking resident leaders to form committees when new development and/or a RAD conversion is taking place at their development.

NYCHA is committed to robust community engagement to ensure resident needs are heard and addressed. As such, beginning in 2016, public housing leaders and representatives of multiple community-based housing advocacy organizations, including Enterprise Community Partners, Legal Aid Society, and Community Service Society (CSS), came together for the very purpose of bringing a voice to PACT residents by forming the New York City Rental Assistance Demonstration Roundtable, known colloquially as the "RAD Roundtable" or "Roundtable." The Roundtable's initial goal was to develop "Guiding Principles" for the Section 8 conversions to ensure that the rights of public housing tenants were protected as NYCHA preserves properties through PACT. Since then, the Roundtable has taken on the role of developing a "RAD Handbook" for residents of converting developments that will provide key information and resources before, during, and after the conversion. The RAD Roundtable has continued to invite resident leaders from all developments slated for RAD conversions to join the Roundtable and serve as a conduit of information to their residents. Additionally, NYCHA engages with Resident Associations and/or Stakeholder Committees for all planned new construction projects.

- What is the difference between low income and affordable housing?

In May 2015, Mayor De Blasio released Housing New York: A Five-Borough, Ten-Year Plan to address New York's affordable housing crisis. In that Plan, a rental unit is considered affordable if a household pays less than 30% of its gross annual income on rent and utilities. A household paying more than 30% of its income on rent is considered "rent-burdened."

In Housing New York: A Five-Borough, Ten-Year Plan, income bands are calculated as a percentage of the Area Median Income ("AMI") and households are classified according to income band as extremely low income, very low income, low income, moderate income, or middle income depending on the definitions associated with particular subsidy program guidelines. For example, typically extremely low-income households are defined as those earning less than 30% AMI, very low-income households are defined as earning 50% AMI or less. For more detailed information about affordable housing in New York City, please visit <https://www1.nyc.gov/site/hpd/renters/find-housing.page>.

- NYCHA needs to explain the differences between RAD, PACT, and Section 18 because they do not have the same regulations, rights, and laws that apply to each program, which affects residents.

NYCHA will be providing FAQs on the PACT-RAD and PACT-Unfunded Units programs to ensure full clarity on the sub-programs.

- The RAB would like to know if NYCHA policies will be applicable for developments that undergo a RAD conversion and if all resident rights are preserved.

The purpose of the PACT initiative is to protect residents' rights while stabilizing the developments financially to facilitate extensive rehabilitation work, and to keep the property permanently affordable. In summary, this means that residents:

- *Have the right to stay in the development without further rescreening;*
 - *Have the right to return if relocation is necessary, although the conversion will involve only tenant-in-place rehabilitation work and no relocation is contemplated to take place;*
 - *Have the right to organize and continue to receive funding for tenant participation activities from the property management budget;*
 - *Retain the right to a hearing to resolve grievances;*
 - *Be protected under the RAD Roundtable Guiding Principles; and*
 - *Generally pay no more than 30 percent of adjusted gross income towards their rent.*
- Will developers be able to impose new rules or regulations on residents living in RAD developments?

Residents in PACT developments will work with their new development partner to revisit the content and enforcement of house rules. In addition, residents will have to execute new leases to reflect the fact that they are Section 8 tenants rather than public housing tenants.

- NYCHA needs to clarify what will happen when people who are living in an apartment but are not on the lease undergo a RAD conversion.

As part of the PACT-RAD conversion process, NYCHA works with Legal Aid to host "lease addition days" where residents can add household members and register appliances on their public housing lease prior to the Section 8 conversion.

- NYCHA has not adhered to the regulations (HUD 24 CFR 970.9) for RAD conversions or for the new builds. Resident leadership has not been permitted the opportunity to participate as is required by this regulation.

RAD conversions are not covered by the 24 CFR Part 970 regulations. However, as noted previously, NYCHA is committed to robust community engagement to ensure resident needs are heard and addressed.

New construction of non-public housing on NYCHA property is usually through a Section 18 disposition application to HUD and is covered under 24 CFR Part 970. NYCHA does engage in the required resident consultation under 24 CFR Section 970.9. In addition, pursuant to 24 CFR Section 970.9(b)(3), NYCHA does not have to offer the property proposed for the new construction to an eligible resident organization if the property is to be used for low-income housing or the property is non-dwelling property. Please see the regulations at 24 CFR Section 970.9(b)(3).

- Is NYCHA or the NYC Department of Housing Preservation and Development (HPD) the lead for the development at Holmes Towers?

NYCHA is the lead agency on this project. However, there are aspects of the project, such as the proposed Area Median Income (AMI) levels associated with the HPD Term Sheets and housing lottery, that are determined by HPD.

- During the early meetings in October and November of 2015, Holmes residents were advised that the proposed Tower would only be 33 floors and the developer would have to pay down all the capital needs [\$33 million at that time] before the developer could start the build or project, if you will. As of March 2018, Holmes capital needs would only receive \$12 million instead of the whole amount. Why has this changed?

NYCHA did not guarantee that the revenue generated from this project would address all of the capital needs at Holmes. Specifically, the November 4, 2015 presentation, states:

How much money will be reinvested into Holmes?

- *Significant portion*
- *Determined by the final scope of project informed by residents*
- *Final numbers depend on competitive bid proposals received*

All proposals were evaluated competitively through the RFP process, which included evaluation of the return to NYCHA. Currently, NYCHA expects to receive at least \$25 million through the ground lease, half of which will go towards repairs at Holmes. We are working with the resident stakeholder committee, the developer, and their contractor to scope and plan repairs. We hope that by completing repairs simultaneously with the construction of the new building that we will be able to reduce price by efficiencies of scale and stretch every dollar we are getting even further.

It is correct that the presentation in November 2015 also stated that the new building would be between 25-33 stories. The proposal that was selected is planned for approximately 50 stories, but is a narrower building, blocking less light to existing NYCHA apartment windows and requiring a smaller building footprint than a shorter, bulkier building.

- Why has NYCHA not presented about the development at Holmes Towers to the Community Board 8 Housing Committee?

Fetner Properties and NYCHA presented to the CB8 Housing Committee on September 14, 2017.

- In August 2017, the resident engagement meeting at Holmes Towers with Fetner Properties stated that Section 3 is not required. Page 5 of the RFP (63877) states the definition of Section 3 24 CFR 135. However, Section 3 is triggered by 24 CFR 963 as well. Will Section 3 be required at Holmes Towers?

Although the Holmes Towers development project is not subject to Section 3 hiring requirements, NYCHA will impose contractual obligations on the developer to work with NYCHA's REES Department to hire NYCHA residents in connection with this development project. The Holmes developer is committed to a robust NYCHA resident hiring plan and working with NYCHA resident-owned and/or local businesses to the extent possible.

- Has NYCHA determined the developer fee that will be given to Fetner Properties? Will the developer fee be 10% or 15%?

Developer fee is allowed on the affordable housing only. HPD term sheets state that total developer fee is not to exceed 15% of improvement costs (excluding developer fee, reserves, and syndication and partnership expenses) and 10% of acquisition costs for tax credit projects. Up to 10% of the fee may be paid during construction.

- Why did the height of the project at Holmes Towers increase from 33 stories to 47 stories?

It is correct that the presentation in November 2015 also stated that the new building would be between 25-33 stories. The proposal that was selected is planned for approximately 50 stories, but is a narrower building, blocking less light to existing NYCHA apartment windows and requiring a smaller building footprint than a shorter, bulkier building.

- Why are the mechanicals not going on the roof at the development at Holmes Towers?

There is a mechanical floor in the middle of the buildings as well as on the roof. This is done for efficiency of the systems (less travel distance for heat to the lower floors).

- Fetner Properties projected equity is between \$45-50 million [construction loan is \$175,000,000] with upfront good faith of \$25,000,000 for 99-year lease. This \$25,000,000 equates to \$83.3 per square foot for 99 years. Does NYCHA believe this was a good deal?

All proposals were evaluated competitively through the RFP process, which included evaluation of the return to NYCHA. Currently, NYCHA expects to receive at least \$25 million through the ground lease, ½ of which will go towards repairs at Holmes. We are working with the resident stakeholder committee, the developer, and their contractor to scope and plan repairs. We hope that by completing repairs simultaneously with the construction of the new building that we will be able to reduce price by efficiencies of scale and stretch every dollar we are getting even further.

- Fetner Properties submitted “infill” plans from Holmes Towers. This plan was in draft form which excluded important information:
 - Actual height of the building
 - Will it require a mayoral zoning override because it does not comply with the underlying zoning? If so, how out of compliance is it?
 - Zoning district is R8 which is currently mapped in only a few places in CB8

- Sky exposure plane forces buildings to the center of the block the taller they get—narrow street [standard sky exposure plane]
- Sky exposure plane is 480 feet tall within three feet of the street line
- Violates initial setback distance which should setback 15 feet at 85 feet
- Allowable floor area ratio [FAR] varies according to the “height factor”
- Large amounts of open space are required for tall buildings
- Sometimes open space can be on top of community facility buildings—has this been considered?
- What are height factor calculations for Block and Lot [1573, Lot 20]?
- What are height factor calculations for total development: New and Existing?
- Will Fetner require a mayoral zoning override for conditions that cannot be met?
- Has there been an environment review [EIR]? If so, please provide.
- What are the public/residents’ benefits that would justify a mayoral zoning override?
- Will other NYCHA infill sites use a similar strategy?
- Should the Mayor waive zoning requirements for a for-profit developer?

All these issues will be included in the submission to the NYC Department of Buildings (“DOB”). DOB ensures compliance with zoning. It is anticipated that a waiver may be sought for some items including penetration of the sky exposure plane. The actual height of the building is planned to be approximately 500 feet. The environmental review is in progress and will be shared once the results are finalized. Any adverse impacts of the new development will be addressed.

- Fetner Properties presented to CB8 Housing Committee on September 14, 2017. Fetner deferred to NYCHA and promised CB8 Housing Committee that we would have the design plans in January of 2018. As of March 2018, the committee has not heard from Fetner nor have we seen a copy of the design plans.

NYCHA is currently focused on the exterior, landscape, and playground planning as those areas will be used directly by NYCHA residents of Holmes Towers. After developing an outreach strategy with the Stakeholder Committee in October and November, NYCHA and Fetner Properties held 3 sessions on February 7, 2018 to discuss open space and playground planning and presented a report back and conducted further engagement at the monthly Resident Association meeting on March 20, 2018. Schematic designs have been presented publicly and did come prior to the detailed discussion on landscape planning. Building plans will be submitted to the DOB at approximately 70% completion in summer 2018 at which time we can share with residents.

- The RFP stipulates that the plans must be submitted within six months. That said, March 2018 is the 11-month and the plans appear to be past due. As a result, the contract/award should be null and void for non-compliance.

Section VI (d) of the RFP, Obligations of the Selected Developer, stipulates the following:

“Within six (6) months of selection the Developer must complete a set of schematic site plans, floor plans, and elevations that include any modifications to the original plans included in the Proposal in response to this RFP, as agreed upon by NYCHA and HPD and the Developer and submit them to NYCHA and HPD for review and approval. Prior to disposition, the Developer must submit a complete set of final site plans, floor plans, elevations, samples of exterior building materials, and detailed specifications to NYCHA and HPD for review.”

Fetner Properties has been providing schematic design documents to both HPD and NYCHA throughout the pre-development process and will provide final documents prior to execution of the ground lease.

SMOKE FREE HOUSING POLICY

- Will language be added to the lease about the repercussions of violating the no-smoking policy?

Yes. New residents will sign a lease containing smoke-free provisions. Existing residents have received a lease addendum with smoke-free provisions.

The smoke-free lease addendum and the public housing lease state the following:

12(dd): To assure that, in compliance with the Landlord's Smoke-Free Policy, the Tenant, any member of the household, a guest, or another person under the Tenant's control, shall not smoke prohibited tobacco products in restricted areas, as described in the Landlord's Smoke-Free Policy. Restricted areas include, but are not limited to, the Leased Premises, all interior areas of the Development or other developments of the Landlord, and areas within 25 feet of development buildings, or to the property boundary where that boundary is less than 25 feet from the property line of a development building. Prohibited tobacco products include, but are not limited to, cigarettes, cigars, pipes, and hookahs (water pipes).

The Landlord's adoption of the requirements in this paragraph 12(dd) does not make the Landlord a guarantor of the Tenant's or any other resident's health or of the smoke-free condition of restricted areas. The Landlord specifically disclaims any implied or express warranties that the Landlord's public housing properties will have higher or improved air quality or will be free from secondhand smoke.

The Landlord will take reasonable steps to enforce the requirements of this paragraph 12(dd) utilizing a graduated enforcement policy, as provided in the Landlord's Smoke-Free Policy.

- What are the repercussions for violating the no-smoking policy? Will the repercussions be legal or criminal? Will residents be evicted if they have a certain number of violations of the no-smoking policy reported? Several RAB members are concerned about what happens once they sign and acknowledge the smoke free policy and what are the repercussions if they don't sign. Will they be evicted?

The goal of NYCHA's smoke-free policy is not to evict people. Smoke-Free NYCHA is designed to create healthier homes for residents and healthier working environments for employees by reducing exposure to secondhand smoke and providing support to residents and employees who smoke and want to quit. The smoke-free provisions in the lease addendum are in effect as of July 30, 2018 regardless of whether the tenant signed the lease addendum.

In consultation with residents and staff, and consistent with HUD guidance, NYCHA has formulated a graduated enforcement approach to address violations of the smoke-free policy. Graduated enforcement means NYCHA will respond to violations with escalated warnings and specific, progressive enforcement remedies while also connecting residents to resources.

Violations will be documented. NYCHA staff observing violations will be able to report them to the Property Management office. Residents may report violations by calling the Customer Contact Center or notifying the Property Management office and providing details of the violation. Property Management staff will not be able to identify every violation of this policy. Failure to enforce any part of this policy does not negate NYCHA's right to enforce the lease and policy at any future time.

Property Management staff will begin an informal resolution process if one or more of the following occurs:

- 1. One documented observation by NYCHA employees who know or reasonably can determine the identity of the violator; of:*
 - a. A household member, guest, or other visitor smoking inside public housing apartments, in all indoor common areas, and within twenty-five (25) feet of public housing buildings or to NYCHA's property boundary if less than twenty-five (25) feet from a NYCHA building ("restricted areas"); or*
 - b. Evidence of use of a prohibited tobacco product in a restricted area. Some examples include: observing an ashtray containing used cigarettes or smelling tobacco smoke emanating from an apartment.*
- 2. Three recorded resident complaints to Property Management staff and/or three calls to the Customer Contact Center regarding:*
 - a. Observing a resident, guest, or other visitor smoking in a restricted area; or*
 - b. Reporting the smell of tobacco smoke emanating from another resident's apartment.*

After a staff member has observed a resident violating the policy, or in response to multiple resident-generated complaints that a resident has violated the policy, Property Management will conduct an informal conference with the resident to discuss the violation or violations. Property Management will provide materials to educate the resident on smoking, the health effects of secondhand smoke, strategies to take the smoking outside the buildings and the 25-foot perimeter, and available smoking cessation resources. During the meeting the lessee will agree in writing to comply with the smoke-free policy and will acknowledge that further violations can result in the commencement of termination of tenancy proceedings.

If the household attends the informal resolution meeting and complies with the smoke-free policy for one year or more from the date of the informal resolution meeting, but violates the smoke-free policy thereafter, staff starts the informal resolution process over again.

Property Management staff will commence termination of tenancy proceedings if one or more of the following occurs:

- 1. The household fails to appear at the informal resolution meeting and does not respond within fourteen (14) calendar days of the scheduled date; or*
- 2. The household participates in the informal resolution meeting and a resident, guest or other visitor violates the smoke-free policy within one year of the date of the informal resolution meeting.*

Violation of the policy will be treated as a civil and not criminal matter.

- How will residents be notified about the changes in the lease for the no-smoking policy?

NYCHA has mailed a lease addendum containing smoke-free provisions to all residents. New residents sign a lease containing smoke-free provisions. Prior to mailing the lease addendum, NYCHA posted a notice of the planned lease change in all buildings. NYCHA also discussed the lease changes during Smoke-Free NYCHA engagement with residents. During the first quarter of 2018 NYCHA:

- 1. Convened 22 Smoke-Free NYCHA “Community Conversations” that engaged residents at 103 developments*
- 2. In partnership with the Health Department, worked with partner Green City Force to engage over 2,000 residents in on-site outreach*
- 3. Shared Smoke-Free NYCHA educational information during door-to-door outreach to over 3,000 senior residents.*

Information on the lease change is also included in Smoke-Free NYCHA fact sheets, available online and in Property Management offices.

- Does the no-smoking policy apply to marijuana? Has NYCHA determined how to address the issues of having medical marijuana and non-medical marijuana in NYCHA developments? While it is illegal, how will NYCHA enforce that residents are not allowed to have it in their homes?

In accordance with HUD guidance and regulations, NYCHA’s smoke-free policy was created to prohibit the use of tobacco products. Regarding marijuana, no combustible forms of marijuana are currently legal in New York City or New York State and marijuana is an illegal controlled substance under federal law. In response to resident and staff feedback NYCHA is exploring additional opportunities to reduce exposure to secondhand marijuana smoke.

- Who will be responsible for approaching people who are smoking within the 25-foot perimeter of the NYCHA buildings?

NYCHA staff observing violations will report them to the Property Management office. Residents may report violations by calling the Customer Contact Center or notifying the Property Management office and providing details of the violation. Property management staff will not be able to identify every violation of this policy. Failure to enforce any part of this policy does not negate NYCHA’s right to enforce the lease and policy at any future time.

- What steps can NYCHA take to prevent smoke from traveling between one room to another and one floor to another?

Secondhand smoke can travel through cracks, ventilation systems and windows. NYCHA will continue to seek new resources for maintenance, repair, and capital upgrades to secure our public housing resources for the next generation of New Yorkers. However, as HUD explains, the best way to help mitigate the impacts of secondhand smoke is to adopt a smoke-free policy. As HUD states: “ventilation and other air filtration technologies cannot eliminate all the health risks caused by secondhand smoke exposure. Smoke-free policies are the only way to prevent exposure to secondhand smoke in multifamily units.” See HUD Guidebook entitled Implementing HUD’s Smoke-Free Policy in Public Housing, at page 5.

NYCHA’s smoke-free policy will help eliminate smoking indoors and close to buildings. In addition, Smoke-Free NYCHA is working with resident leaders and partners to build solid, gradual change, improving air quality across NYCHA developments.

- Will NYCHA be updating the ventilation in apartments to help prevent smoke from traveling between apartments and coming from electrical outlets?

NYCHA agrees that upgrading ventilation systems is one of many needs of our aging housing stock. NYCHA will continue to seek new resources for maintenance, repair, and capital upgrades to secure our public housing resources for the next generation of New Yorkers.

However, as HUD explains, the best way to help mitigate the impacts of secondhand smoke is to adopt a smoke-free policy. As HUD states: “ventilation and other air filtration technologies cannot eliminate all the health risks caused by secondhand smoke exposure. Smoke-free policies are the only way to prevent exposure to secondhand smoke in multifamily units.” See HUD Guidebook entitled Implementing HUD’s Smoke-Free Policy in Public Housing, at page 5.

- Will NYCHA be creating designating smoking spots outside of the 25-foot perimeter?

NYCHA is not currently planning to create designated smoking areas.

- How will NYCHA’s no smoking policy be discussed on Family Days?

In 2017, over 1,500 residents at 54 NYCHA developments participated in Smoke-Free NYCHA Family Day interactive activities. During the first quarter of 2018 NYCHA:

- 1. Convened 22 Smoke-Free NYCHA “Community Conversations” that engaged residents at 103 developments*
- 2. In partnership with the Health Department, worked with partner Green City Force to engage over 2,000 residents in on-site outreach*
- 3. Shared Smoke-Free NYCHA educational information during door-to-door outreach to over 3,000 senior residents.*

NYCHA will continue to work collaboratively to develop strategies and resources to educate residents about the health risks of exposure to secondhand smoke and to connect residents to cessation services for those who want to quit. Information on the policy and available resources will be shared as part of 2018 Family Day engagement.

- Will local PSAs be involved with telling people they are not allowed to smoke within the 25-foot perimeter of NYCHA buildings?

Smoking in prohibited areas is a violation of the lease. It is not a criminal matter. The role of local PSAs regarding NYCHA’s smoke-free policy is currently under discussion.

- How will NYCHA stop people from smoking in apartments and stairwells? Smoking in public places contaminate the hallways.

NYCHA’s smoke-free policy prohibits the smoking of tobacco products in apartments, stairwells and hallways, among other areas. NYCHA is using a graduated enforcement approach to address violations of the smoke-free policy. Graduated enforcement means NYCHA will respond to violations with escalated warnings and specific, progressive enforcement remedies while also connecting residents to resources. The details of NYCHA’s graduated enforcement approach is explained in detail above in response to another comment. NYCHA staff observing violations will be

able to report them to the Property Management office and NYCHA residents will be able to report all violations by calling the Customer Contact Center or notifying the Property Management office.

- A RAB member stated they believe it is unfair to force residents and staff to report people violating the no-smoking policy.

Residents are not required to report violations of the smoke-free policy. NYCHA has established the ability for residents to report to enable NYCHA to be responsive to resident concerns about adherence to the smoke-free policy. NYCHA staff are instructed to report violations to the Property Management office.

Although residents are not required to report violations to Property Management, it is the responsibility of residents to inform their guests and visitors of the smoke-free policy and to ensure guests and visitors do not violate the policy. Residents are accountable for their own violations of the policy, as well as violations of their guests and visitors.

- Will NYCHA be using air monitors to detect if someone has been smoking?

NYCHA will not be installing air monitors to detect smoke at any NYCHA developments for enforcement-related purposes.

- Several RAB members stated it is dangerous to expect residents to report other residents for violating the no-smoking policy.

Residents are not required to report on other residents' behavior but may report smoking in prohibited areas if they wish. NYCHA's policy is designed to facilitate residents supporting the health of their family members and other residents.

- Will there be any investment from New York State to help fund NYCHA's implementation of the no-smoking policy?

NYCHA has not received any direct financial investment from New York State to help fund the implementation of this policy.

- What types of smoking cessation resources are available?

The following available resources are being promoted via educational materials developed by the NYC Health Department:

1. *Talk to your doctor about your medication and counseling options.*
 - a. *Health insurance, including Medicaid, may cover services to help you quit.*
2. *Get a free starter kit of quit-smoking medications or talk to a quit coach.*
 - a. *Visit nysmokefree.com*
 - b. *Call 1-866-NY-QUITS (1-866-697-8487) or 311*
3. *Connect to other resources.*
 - a. *Visit nyc.gov and search "NYC Quits."*
 - b. *Download the new NYC HelpMeQuit app from Apple or Google Play stores.*

The New York City Health Department also developed customized educational materials for Smoke-Free NYCHA, facilitated a training of community health workers, and is leading smoking cessation

support groups in select developments. NYCHA is working with the Health Department and other partners to develop additional cessation resources. In addition, the Smoke-Free NYCHA web page was launched in January 2018 and features fact sheets, public notices, links to critical information, and other resources. NYCHA will work to advance Smoke-Free NYCHA implementation in alignment with other agency initiatives to achieve safe, clean, and connected communities.

- What will happen if a NYCHA resident is smoking on a city sidewalk outside of the NYCHA campus that is within the 25-foot perimeter of the NYCHA building?

The smoke-free policy applies only within NYCHA's property boundaries. The smoke free policy only applies to smoking on NYCHA property.

- NYCHA should sit down with CCOP district chairs and resident associations and boards to discuss the implementation of the no-smoking policy so that resident leaders can help their residents learn about the new policies and procedures.

Partnership with residents and external partners has been a cornerstone of Smoke-Free NYCHA. NYCHA's Department of Health Initiatives works with CCOP chairs and other resident leaders to respond to opportunities for residents to become involved in implementation. To contact Health Initiatives please email smoke-free@nycha.nyc.gov or (212) 306-8282.

- NYCHA needs to get the CCOP and the RAB involved with their partnerships on the no-smoking policy.

NYCHA welcomes partnership with CCOP and RAB on this and other healthy housing topics.

- How will the evaluation of the no-smoking policy be conducted? Will resident leaders be notified of how the evaluation is going and what the findings are?

NYU Langone Health will conduct a study to evaluate the impact of the new smoke-free policy on secondhand smoke (SHS) exposure and health outcomes in NYCHA residents as well as examine implementation of the smoke-free policy. Findings will inform strategies for optimizing implementation and impact in NYCHA and public housing authorities nationally. Resident leaders at developments selected to participate in an evaluation have been notified.

In addition to NYU's research, the NYC Health Department will conduct a citywide phone survey of NYCHA residents to evaluate NYCHA's smoke-free policy. NYCHA will facilitate the sharing of results from the Health Department survey with the RAB and/or CCOP.

- What will NYCHA do to make sure that retailers are not selling cigarettes on NYCHA campuses?

Retail sales of tobacco products are not addressed in NYCHA's smoke-free policy, but NYC has passed new laws that restrict retail sales. On August 28, 2017, New York City Mayor Bill de Blasio signed into law a package of tobacco legislation, which included a cap on the number of tobacco retail outlets in each of the 59 community districts. This new law will reduce the number of tobacco retailers in all NYC neighborhoods.

Residents interested in retail-based tobacco control strategies are also encouraged to contact NYC Smoke-Free at 646-619-6400 or: nycsmokefree@healthsolutions.org.

- A RAB member recommended if residents are having issues with people smoking in public places in the building, they should contact their NCO for assistance.

NYCHA's smoke-free policy provides a process for residents and staff to report violations. Residents may report violations by calling the Customer Contact Center or notifying the Property Management office and providing details of the violation.

- Will NYCHA upgrade ventilation systems or install new ventilation because of the smoke-free policy?

NYCHA agrees that upgrading ventilation systems is one of many needs of our aging housing stock. NYCHA will continue to seek new resources for maintenance, repair, and capital upgrades to secure our public housing resources for the next generation of New Yorkers.

However, as HUD explains, the best way to help mitigate the impacts of secondhand smoke is to adopt a smoke-free policy. As HUD states: "ventilation and other air filtration technologies cannot eliminate all the health risks caused by secondhand smoke exposure. Smoke-free policies are the only way to prevent exposure to secondhand smoke in multifamily units." See HUD Guidebook entitled Implementing HUD's Smoke-Free Policy in Public Housing, at page 5.

- A RAB member wants to know about the repercussion for residents who burn frankincense oil for religious observance. How are they affected with the smoke free ban?

Burning frankincense oil is not covered in the smoke-free policy.

- A RAB member recommends the graduated enforcement of the smoke free policy.

NYCHA agrees with this recommendation and has incorporated a graduated and escalated approach in enforcing the smoke-free policy.

- The Dallas Housing Authority installed gazebos where smokers can smoke. Will NYCHA eventually construct any similar designated smoking areas?

NYCHA is not currently planning to create designated smoking areas. If financial resources were provided to create designated smoking areas NYCHA would consider the opportunity.

- Is NYCHA working with the American Lung Association and other associations for the development of cessation programs? When will cessation programs be implemented?

NYCHA continues to engage partners to discuss opportunities to advance smoking cessation programs. The NYCHA Journal recently highlighted the American Lung Association Freedom From Smoking cessation support groups offered by the Harlem Health Advocacy Partners (HHAP) Program. NYCHA is in discussions with other partners interested in providing individual and group level support to residents who smoke and want to quit. NYCHA also worked with the NYC Department of Health to develop customized Smoke-Free NYCHA palm cards that provide comprehensive information on available cessation support. The article from the NYCHA Journal is available here: <https://www.nychajournal.nyc/quit-smoking-it-takes-village>

- NYCHA needs to explain why residents are receiving termination letters if they do not complete the smoking policy lease addendum.

NYCHA has not sent termination letters to residents based on a failure to sign the lease addendum containing the smoke-free policy provisions.

- What will happen to NYCHA employees who are smoking when the smoke free policy is in effect?

NYCHA is promoting employee adherence to the policy through staff training, employee communication and other means. NYCHA is also amending the Human Resources manual to reflect the new policy and staff that violate the policy may be subject to disciplinary action.

ATTACHMENT H

COMMENTS FROM THE PUBLIC

CAPITAL IMPROVEMENTS

- NYCHA should immediately release a plan to upgrade its boiler systems for inclusion in the final FY2019 Annual Plan to be submitted to HUD.

Currently, NYCHA's 2018-2022 Capital Plan is available online here:

<https://www1.nyc.gov/assets/nycha/downloads/pdf/capital-plan-narrative-2018.pdf>. This Plan includes a summary of how \$200M in funding provided by the Mayor will address heating issues at 20 developments impacting approximately 45,000 residents. Under this plan, 39 boilers will be installed at 10 developments to alleviate outages.

- NYCHA needs to do something about the boilers at Dyckman Houses and Marble Hill Houses.

Dyckman Houses is included in the 2018-2022 Federal Capital Plan to receive \$10.5M to implement full heating plant replacement across all buildings within the development. Design for this work is underway as of July 2018.

Marble Hill Houses was included in NYCHA's \$250M proposal to the State to receive \$20M to implement heating plant upgrades. Further planning awaits the release of funds from the State.

- Saint Nicholas is in dire need of plumbing and repairs. In May 2018, water was cut off for 4 days due to an electrical explosion.

There was no electrical explosion at Saint Nicholas. The building experienced low water pressure for several days in May 2018 due to issues in the kitchens in lines B and C at 2406 8th Avenue. NYCHA is aware of the need for plumbing upgrades at the development.

- The lobby doors are broken and even though Saint Nicholas is part of the MAP program, there are no intercoms and the elevator door drags. When will the lobby doors at Saint Nicholas be replaced?

Saint Nicholas Houses recently had lobby doors and key fobs installed. If a resident notices that a door has been vandalized, the resident should call the Customer Contact Center at 718-707-7771. If a key fob does not work, the resident should notify property management.

- The Harborview Terrace and Corsi Houses community rooms are in complete disarray and should be repaired.

The community center at Corsi Houses (the LaGuardia Community Center), is slated for two projects under city funding. In 2019, an upgrade to the community center is planned for \$4.068 million. A \$300,000 project for renovating the grounds for the sitting area for seniors at the LaGuardia Community Center is currently in the Procurement phase.

At Harborview Terrace Senior Center, there are upgrades currently underway on a \$2.056 million project that is projected to be completed by late December 2018.

- The windows at PS 139 need to be repaired.

NYCHA will take this recommendation under advisement. This past May, NYCHA installed new window balances in 121 of the 125 apartments in PS 139.

- Why was the boiler replacement at Soundview Houses removed from the Capital Plan?

Soundview is included in the 2018-2022 Federal Capital Plan to receive \$10.9M to implement a full heating plant replacement across all buildings within the development. Design for this work is underway and the projected completion date is by the end of 2021. This development is also slated to receive additional funding under the Mayor's \$200M investment toward heating upgrades at NYCHA developments.

- Why has scaffolding been in place for 3 years at Fulton Houses?

Sheds were up to protect the public until NYCHA could perform facade and roof repairs. Façade repairs have been completed at two buildings, but NYCHA is also performing roof work at some of the buildings. New York City's Department of Buildings will not allow NYCHA to remove the sheds until all the construction, including roof work, is completed at each building.

- There is a water problem at Castle Hill Houses where some apartments have no water and other apartments have water coming out of the ground.

The water issue at Castle Hill was resolved following repairs made to the house pumps in April 2018.

- NYCHA needs to clarify where the money went at Van Dyke Houses. NYCHA was supposed to get \$56 million and Van Dyke Houses only received \$1.8 million for the parking lots.

Van Dyke was included in NYCHA's \$250M proposal to the State to receive \$24M to implement heating plant upgrades. Further planning awaits the release of funds from the State.

- NYCHA needs to explain the roof work and plastic on the roofs at Smith Houses.

Roof work was completed at buildings 1, 2, 4 and 5 at Smith Houses as of December 2017.

- NYCHA does not currently include an arborist to oversee the protection of trees within NYCHA properties while construction takes place. Specifically, resiliency projects at Smith Houses have been underway for months now without an adequate plan in place to protect the trees. Residents are concerned about the future of the trees given that some of them may have been damaged due to construction. NYCHA should take a more aggressive approach to safeguard Smith's trees and explore the possibility of employing an arborist.

NYCHA has retained an arborist for this project. The arborist has completed a substantive report that has been shared with the concerned parties and NYCHA is awaiting a walkthrough of the site to go tree by tree on the recommended remediation and mitigation efforts for each tree. NYCHA has had a tree protection plan in place for the entirety of the contract and has accepted further recommendations from the concerned parties that have been implemented on the project.

- Resident leaders at Smith Houses and Two Bridges are concerned about communication and lack of engagement with tenants during repairs. Construction disrupts the quality of life for residents and NYCHA should place a greater emphasis on communicating with tenants during construction.

Because of NYCHA's historic \$3billion grant for Superstorm Sandy Recovery, NYCHA created a specific Sandy Community Outreach team composed of 20 individuals, of which half are NYCHA residents. This team attends meetings, provides project updates, canvasses the developments, acts as a liaison between residents and the contractors, alerts residents of critical information related to construction impacts, and keeps the community at large informed. Every week the team calls each Resident Association (RA) president of each Sandy impacted development and attends every RA meeting monthly.

At Smith Houses, the team has made over 7,315 phone calls to residents concerning the project, posted over 10,850 flyers in relation to construction, impacts to residents, or career opportunities and attended or presented at 141 community meetings/events. At Two Bridges, the team has made over 1,780 phone calls to residents concerning the project, posted over 1,287 flyers in relation to construction, impacts to residents, or career opportunities, and attended or presented at 98 community meetings/events.

For further information, visit the Sandy Recovery webpage at:

<https://www1.nyc.gov/site/nycha/about/recovery-resiliency.page>, or reach out to the team directly: at disaster.recovery@nycha.nyc.gov or 212-306-8532.

RAD, SECTION 18 DEMOLITION/DISPOSITION AND PACT PROGRAM FOR UNFUNDED UNITS

- Residents of Williams Plaza and Independence Towers do not want to be rushed to place a hold on the RFP from NYCHA until a legal and detailed Memorandum of Understanding (MOU) is in place concerning the rights of the residents of both developments, describing the benefits that will come with the conversion, and detailing the guidelines and the changes that will be a byproduct of this conversion.

NYCHA will take this recommendation under advisement. Regarding the Memorandum of Understanding (MOU), it is NYCHA's understanding that residents would like to follow the MOU model that Baltimore public housing residents adopted during their Rental Assistance Demonstration (RAD) conversion process. Please note that that MOU was executed between the residents and the new property manager – not the public housing authority. It is also NYCHA's understanding that the RAD Roundtable is working on a similar MOU to be executed in New York City for the Permanent Affordability Commitment Together (PACT)-RAD conversions. NYCHA welcomes having a similar MOU for the PACT-Unfunded Units conversions (which include Independence and Williams Plaza) and will wait for the Roundtable to issue one.

- NYCHA needs to record the PACT Roundtable Guiding Principles on Resident Rights Memorandum of Understanding (MOU), laying out an agreement with residents concerning the work to be done and the community benefits that will come with conversion, as well as protections with HUD so that they become part of all the blended conversion transactions conducted under the PACT program.

NYCHA will take this recommendation under advisement and needs to coordinate with the Roundtable since the Guiding Principles belong to them and do not belong to NYCHA.

- The residents of Williams Plaza and Independence Towers Houses are requesting a Physical Need Assessment (PNA) to ascertain the needs of both developments.

The Physical Needs Assessments (PNAs) are an exhibit to the Request for Proposal (RFP). Information on the results of the recent PNA for NYCHA can be found online:

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

- To prevent arbitrary rent increase at Williams Plaza Houses and Independence Towers, will rents in the converted developments be subject to rent regulation under existing rent stabilization laws?

As long as the unit is under a Section 8 Housing Assistance Payment (HAP) Contract, rent stabilization should not determine the amount of rent the resident will pay. Regardless of the contract rent, families will generally continue to pay 30 percent of their adjusted gross income.

- Residents of developments undergoing conversions in the Unfunded Units program, such as Williams Plaza and Independence Towers, need more assurance, clarity, and transparency on how the program will operate.

In July 2017, NYCHA had our first meeting with resident leaders from the seven developments in NYCHA's PACT-Unfunded Units portfolio. During our meeting, NYCHA discussed how entering the PACT program would potentially impact residents and their neighbors, answered questions about resident rights, and provided project timelines.

In March 2018, NYCHA met with resident leaders, elected officials, and community leaders to kick off the PACT conversions at Williams Plaza and Independence Towers. As of June 2018, NYCHA has had one general resident meeting thus far and will continue to host meetings to discuss the process with residents where NYCHA can receive feedback. In summer 2018, NYCHA will be scheduling site visits with RFP respondents to walk the developments and gather a clearer understanding of the physical needs of the buildings.

NYCHA anticipates that a development partner will be selected in the fall of 2018. At that time, the development partner will join NYCHA with the resident engagement process and will co-host all meetings. Topics to be covered include the property management transition, job opportunities, social service needs, and the rehab scope of work, for which NYCHA will need resident input to finalize. NYCHA is excited to work with residents to achieve a true transformation at these developments that will address capital, operational, and social service delivery gaps.

- Under PACT, what will happen if a resident decides that he/she does not want to become a project-based Section 8 voucher holder? Would the resident be given the option to stay living in Williams Plaza and Independence Towers developments or transfer to another public housing development?

This is a mandatory conversion for all residents of Independence Towers and Williams Plaza to Section 8 if they have not done so already. Please note that the federal government does not provide direct capital and operating funding for these units, which thus creates a multi-million-dollar annual operating deficit. Any resident who wishes to remain in the public housing program may request a transfer, but the transfer must be for a valid reason, such as that the apartment is uninhabitable due to a fire or flood, the tenant has a special need due to a disability, or the apartment is under- or over-occupied. There are currently more than 264,000 families on NYCHA's public housing waitlist, of which more than 12,600 families are awaiting a transfer.

Once a family converts to Section 8, the only way for them to re-enter the public housing system is to re-apply and be put on the public housing waitlist. However, one year after conversion to project-based Section 8, every family will be eligible to apply for a Section 8 tenant-based voucher to move to private housing, subject funding availability for such vouchers. Tenants will also have the ability to utilize the

portability option to transfer outside of New York City to anywhere in the United States, including Alaska, Hawaii, and Puerto Rico, where tenant-based vouchers are accepted.

- Under PACT, what will happen to residents with excess income that won't qualify for project-based Section 8 if they remain living at Williams Plaza? Some residents at Williams Plaza have total annual incomes higher than 80% of the area median income. Will their rent become 50% of the area median income or will their rent be 30% of their gross income?

If at the time of conversion a household's income exceeds 80 percent of Area Median Income (AMI), the family will generally still pay 30 percent of their adjusted gross income towards rent, the apartment will not be added to the Section 8 HAP contract, and no subsidy will be provided.

- Under PACT, if a resident decides to accept the project-based Section 8 voucher and then after one year decides that the program is not good for their family, can the family reject the project-based Section 8 voucher and move to a public housing building?

Once a family converts to Section 8, the only way for them to re-enter the public housing system is to re-apply and be put on the public housing waitlist. One year after conversion to project-based Section 8, every family will be eligible to apply for a Section 8 tenant-based voucher to move to private housing, subject to funding. Tenants will also have the ability to utilize the portability option to transfer outside of New York City to anywhere in the United States, including Alaska, Hawaii, and Puerto Rico, where tenant-based vouchers are accepted.

- Under PACT, are the occupancy standards for project-based Section 8 the same as for tenant-based Section 8 or public housing?

Public housing occupancy standards will remain in effect for existing residents after conversion. However, the Section 8 occupancy standards will apply to new applicants who rent vacant units at the developments post-conversion.

- What explicit commitments is NYCHA making to residents regarding ongoing rights and protections of Williams Plaza Houses and Independence Towers? There is no parallel infrastructure of regulations or guidance for the proposed conversion of the unfunded units. Several questions emerge: The PACT should come with a set of required resident protections and guideline principles:
 - Including the right to stay without further screening,
 - The right to return if relocation is necessary,
 - The right to organize, and continued funding of tenant participation activities.
 - Will overcrowded, or severely overcrowded families be given priority to transfer to the correct size apartment?
 - Residents have the option to request reasonable accommodations for medical reasons?
 - If a family income increases and they stop receiving subsidy for the apartment, will the subsidy be given back if the income decreases in the future?
 - How will under-occupied and severely under-occupied residents who are seniors and/or disabled will be affected after the PACT conversion and under the project-based Section 8? Will they be forced to downsize?
 - To enhance resident rights, NYCHA encouraged the formation of the PACT Roundtable on Resident Rights and Protections – resident leaders, housing advocates, to augment federal laws and regulations by developing 'guideline principles' to be observed by NYCHA and the PACT developers in Independence Towers and Williams Plaza Houses conversions.

- HUD Part 964 Tenant Participation regulations governing the formation of a duly-elected resident organization, and its recognition by the new owner as the sole organization representing residents, need to be continued and incorporated.
- Appropriate HUD and OSHA environmental regulations need to be adopted to protect residents from environmental hazards during renovations.
- NYCHA PACT guidelines should also encourage the new owner to agree to a Memorandum of Understanding (MOU), laying out an agreement with residents concerning the work to be done and the community benefits that will come with conversion.
- Smaller, scattered site developments undergoing RAD conversion may not have sufficient TPA resources to provide the technical assistance they need. Special allocations of TPA or other funds should be made available to meet their needs.
- Residents in PACT-converted developments should be assured of continued access to central NYCHA services, such as job programs.
- NYCHA needs to record the PACT Roundtable Guiding Principles on Resident Rights Memorandum of Understanding (MOU), laying out an agreement with residents concerning the work to be done and the community benefits that will come with conversion. And protection with HUD so that they become part of all the blended conversion transactions conducted under the PACT program.
- The converted buildings should be placed under rent stabilization.
- NYCHA should adopt the PACT infrastructure – federal laws and regulations, as well as local guideline principles – as applicable to the eight designated developments undergoing conversion of unfunded units.

The purpose of the PACT initiative is to protect residents' rights while stabilizing the developments financially to facilitate extensive rehabilitation work, and to keep the property permanently affordable. In summary, this means that residents:

- *Have the right to stay in the development without further rescreening;*
- *Have the right to return if relocation is necessary, although the conversion will involve only tenant-in-place rehabilitation work and no relocation is contemplated to take place;*
- *Have the right to organize and continue to receive funding for tenant participation activities from the property management budget;*
- *Retain the right to a hearing to resolve grievances;*
- *Be protected under the RAD Roundtable Guiding Principles; and*
- *Generally pay no more than 30 percent of adjusted gross income towards their rent.*

Further details about resident rights are as follows:

- *All residents will generally be required to pay no more than 30 percent of their adjusted gross income toward rent.*
 - *As long as the unit is under a Section 8 Housing Assistance Payment (HAP) Contract, rent stabilization should not determine the amount of rent the resident will pay. Regardless of the contract rent, families will generally continue to pay 30 percent of their adjusted gross income.*
 - *If at the time of conversion a household's income exceeds 80 percent of Area Median Income (AMI), the family will generally still pay 30 percent of their adjusted gross income towards rent, the apartment will not be added to the Section 8 HAP contract, and no subsidy will be provided.*
- *Public housing occupancy standards will remain in effect for existing residents after conversion. However, the Section 8 occupancy standards will apply to new applicants who rent vacant units at the developments post-conversion.*

- *Succession rights for public housing residents will be grandfathered in, but only for authorized household members with permanent status.*
 - *Authorized household members with permanent status may claim remaining family member rights upon the passing of the tenant of record.*
 - *If the tenant of record vacates the unit and/or utilizes their transfer option, all household members will be required to vacate as well.*
- *Over-crowded and severely overcrowded families will be given priority to transfer to an appropriate-sized unit when one becomes available in the developments.*
- *Families living in under-occupied units will remain in place until an appropriate-sized unit becomes available in the developments, at which time they will be required to move to that unit.*
- *Residents will have the right to request reasonable accommodations for medical reasons.*
- *Residents will have continued recognition of and funding for legitimate resident organizations. NYCHA will ensure that the development partner sets aside funding to be accessed by the resident association for eligible activities per the same guidelines as in public housing. The tenant association should remain democratically elected and follow its bylaws post-conversion to Section 8. NYCHA will no longer be the fiscal conduit for City Council or any other contributions received by the association from outside entities.*
- *NYCHA facilitates access to social services through a partnership-based model. Residents at PACT sites can still access the services of local providers within NYCHA's partner network post-conversion. Furthermore, residents will have the added benefit of dedicated social services as defined during the predevelopment process. Certain programs which are limited to conventional public housing residents will remain as such (e.g. NYCHA Resident Training Academy). However, most programs are available to both Section 8 and non-Section 8 residents.*
- *All rehab work that will be performed by the development partner is subject to all applicable federal, state, and local environmental laws and regulations. Compliance with such environmental laws and regulations by the development partner will be made a requirement in the appropriate legal agreements between NYCHA and the partner.*
- NYCHA needs to be transparent about the proposed structure of the conversion transactions, explain the different approval processes and how it will ensure that residents will not be treated differently whether they are converted under RAD or Section 18.

All residents in PACT developments will undergo a seamless conversion experience as outlined in NYCHA's closing documents with its development partners.

- NYCHA needs to record the RAD Roundtable Guiding Principles on Resident Rights and Protections with HUD so that they become part of all the blended conversion transactions conducted under the PACT program.

The Guiding Principles are already an exhibit to NYCHA's closing document with its development partners and are a part of all PACT conversions.

- The NYCHA plan projects it will engage residents in the 8 developments during the summer of 2017. (In contrast, RAD requires at least 2 consultations before an application can be submitted to HUD.) Did NYCHA engage residents prior to including the conversion program in its draft Plan?

Yes. NYCHA began community engagement and resident conversion activities at Independence and Williams Plaza in March 2018.

- What standards will be applied, governing the extent of rehabilitation to be carried out under conversion? (For instance, under RAD, the new owner must meet the 20-year capital need; required renewal of 20-year rent assistance contracts assures ongoing affordability; the resident association will continue to receive tenant participation funding.)

The extent of rehabilitation will be the same under all PACT sub-programs – NYCHA and its development partners will address the 20-year capital needs of the developments.

- To prevent arbitrary rent increases, will rents in the converted developments be subject to rent regulation under existing rent stabilization laws?

As long as the unit is under a Section 8 Housing Assistance Payment (HAP) Contract, rent stabilization should not determine the amount of rent the resident will pay. Regardless of the contract rent, families will generally continue to pay 30 percent of their adjusted gross income.

- Should 4,000 vouchers be lost to the voucher pool for Section 8 waiting list households to make up for city and state disinvestment? Waiting list families will bear the costs of preservation for state and city abandonment of this stock.

As their landlord, NYCHA's first responsibility is to its existing residents. Unfortunately, the eight developments in the unfunded unit portfolio are creating a \$23 million annual operating deficit and require \$1.4 billion in capital repairs. Thus, continuing to leave the units in an unfunded status is unsustainable.

- NYCHA should adopt the RAD infrastructure—federal laws and regulations, as well as local guideline principles—as applicable to the eight designated developments undergoing conversion of unfunded units.

NYCHA has already adopted the RAD infrastructure described above.

- The converted buildings should be placed under rent stabilization.

As long as the unit is under a Section 8 Housing Assistance Payment (HAP) Contract, rent stabilization should not determine the amount of rent the resident will pay. Regardless of the contract rent, families will generally continue to pay 30 percent of their adjusted gross income.

- NYCHA should directly involve NYCHA residents in selecting which campuses will be targeted for development, and which program will be used at each development (fully affordable, half-affordable, half-market, or a new option of resident's choosing). We believe that NYCHA residents should have an opportunity to vote YES or NO on each new development on their own campuses. NYCHA should offer residents meaningful information about the universe of possibilities so that they can choose the program and affordability mix – if any – that fits their campus's needs. NYCHA must be sensitive to the needs of its tenants and establish a protracted community outreach program incorporating feedback into its decision-making. This is critical to the planning process, as well as project construction and operation. While NYCHA has held community visioning sessions, tenants stated that these meetings are not fully transparent, conducive to open and fair dialogue, and not advertised to residents in the surrounding neighborhood. NYCHA needs to improve communication between NYCHA and its tenants.

New construction and preservation projects under the NextGeneration Plan include a multi-year engagement process to inform residents of planned developments and to incorporate resident preference and concerns into those projects. Once a potential development site is selected for a NextGeneration project, Community Development and Intergovernmental staff employ extensive outreach to inform elected officials, resident leadership, and residents of the proposed project. NYCHA residents of the development site are provided information through flier distribution, door-to-door canvassing, and informational meetings.

For all NextGeneration Neighborhoods' projects, visioning workshops are led by Community Development staff to help NYCHA residents and participating community members identify priorities and concerns regarding the new development. The results of the visioning workshops are summarized in a Community Vision that is published with the Request for Proposals. Proposals that align with the priorities of the community are evaluated favorably during the developer selection phase.

After a developer is selected, the development team will continue the public engagement process and present their plans to NYCHA residents and their elected leaders. The development team will also work with NYCHA's Office of Resident Economic Empowerment and Sustainability to connect NYCHA residents to job opportunities before construction begins.

- NYCHA should increase the financial benefit to impacted NYCHA campuses by: (a) setting a price “floor”- the minimum amount required to proceed – that more accurately reflects the value of a 99-year lease in the “hot” markets where 50/50 projects are being proposed. At minimum, this should be sufficient to address current capital repair needs at each impacted campus, (b) requiring developers to make annual revenue contributions to support future capital needs at the impacted developments and (c) ensuring that a greater share of the financial benefit from each project is directed toward the impacted campus, as residents of these campuses will bear the full cost of the new developments.

Responses to the Request for Proposals are evaluated on various criteria including return to NYCHA. NYCHA has requested that applicants provide an upfront payment for the value of the ground lease so that NYCHA is able to address critical capital needs.

- NYCHA needs to meaningfully consider proposed infill projects in the context of other neighborhood conditions, including (a) ongoing impacts from Superstorm Sandy, and environmental hazards more generally and (b) other active construction proposals in the neighborhood.

All new construction projects on NYCHA land are subject to environmental review per the National Environmental Policy Act (NEPA), the State Environmental Quality Review Act (SEQR), and the New York City Environmental Quality Review (CEQR). Mitigation measures will be applied where any on-site or nearby toxic, hazardous, or radioactive substances are found that could affect the health and safety of project occupants or conflict with the intended use of the property.

- NYCHA needs to create transparent, enforceable, and meaningful opportunities for resident oversight and decision-making in the implementation of NextGen Neighborhoods projects, including by: (a) establishing separate accounts with an independent auditing system to ensure that all funds earmarked for impacted NYCHA campuses are received by, and expended at, these campuses; (b) creating a clear structure through which NYCHA residents can weigh in on expenditure of funds received through these projects.

NYCHA is committed to transparency for all funds received through the NextGen Neighborhoods program and is working with stakeholder committees at each project site to ensure resident participation on expenditure of funds.

- NYCHA should extend its outreach program to the Community Boards in each area affected by proposed infill development. Public engagement should include invitations to public hearings as well as presentations to the various Community Boards during the planning of proposed developments.

NYCHA has reached out to Community Boards and will continue to present to and otherwise engage Community Boards as requested.

- The impacts of the new developments must be well-served by public infrastructure and amenities. New residential developments on NYCHA campuses must not overburden local schools and open space. Furthermore, no infill projects on NYCHA campuses should result in a net decrease in the amount of recreational facilities or other amenities.

All new construction projects on NYCHA land are subject to environmental review per the National Environmental Policy Act (NEPA), the State Environmental Quality Review Act (SEQR), and the New York City Environmental Quality Review (CEQR). Further, many new construction projects include improvements to open space, recreation facilities, landscaping, and other site improvements.

- NYCHA should not bypass or circumvent zoning regulations in the planning and construction of new developments. The City's Zoning Resolution is intended to preserve safety and neighborhood character and ensure to predictability of proposed development. Residents on NYCHA campuses and in the adjoining neighborhoods deserve these protections. NYCHA should not use vehicles such as a Mayoral Zoning Override (MZO) considered for the John Haynes Holmes Towers in the Yorkville section of Manhattan.

All new construction projects are required to comply with the New York City Zoning Resolution, the NYC Construction Code, as well as additional guidelines. Where appropriate, Mayoral Zoning Overrides are at times requested. All Mayoral Zoning Overrides are reviewed by the Department of City Planning as well as other appropriate NYC agencies.

- Why are the only developers that are being selected private developers who have given large sums of money towards Mayor De Blasio's campaign and who are also qualifying for millions in taxpayer subsidies?

All developers are selected through open and competitive Request for Proposals process.

- Why isn't NYCHA asking for annual payments in addition to the upfront ground lease payments?

NYCHA has requested that applicants provide an upfront payment for the value of the ground lease so that NYCHA is able to address critical capital needs. This represents the present value of payments that would otherwise be made over time and may not be available for addressing capital needs immediately. Additional annual payments would reduce the value of the upfront payment.

- Why are local community not-for-profit organizations not allowed to submit their proposals for NextGen projects?

Not-for-profit organizations are encouraged to apply for all NextGen Requests for Proposals.

- With the recent changes in NYCHA leadership, all development projects should be reviewed by the new leadership and NYCHA board.

All ground leases are subject to NYCHA Board and US Department of Housing and Urban Development approval pursuant to Section 18 or otherwise.

- NYCHA needs to explain the doomsday clause that is in effect for RAD developments.

NYCHA is not aware of any doomsday clause.

- As the process of converting developments to RAD moves forward, it is imperative that NYCHA continue an open dialogue with residents. Furthermore, elected officials must remain informed and engaged so that they are able to work together with their tenants to figure out what is best for them.

NYCHA goes to great lengths to conduct in-depth and extensive engagement with its residents, elected officials, and community stakeholders on all of its development programs, including PACT-RAD.

- If NYCHA does go forward with this project to build a new building at LaGuardia Houses, the following recommendations should be taken. First, anything built must be 100 percent permanently affordable. Second, if there is already a proposed retail space, NYCHA should seriously consider adding an affordable grocery store in that space. While NYCHA has cited some zoning limitations preventing a grocery store from being built in that space, the suggestion warrants further analysis. Lastly, revenue generated from this project at LaGuardia Houses should go back to LaGuardia first; the remaining funds should then be distributed among neighboring NYCHA developments on the Lower East Side. This is in lieu of the funding being split fifty-fifty between LaGuardia Houses and the general NYCHA pot.

The established affordability levels will remain for the duration of the 99-year ground lease. The existing zoning restricts the program of the new building to residential and community facility uses. Inclusion of a grocery store would require a change in zoning subject to Uniform Land Use Review Procedure. We will be reviewing responses to the Request for Proposals with the stakeholder committee at La Guardia and will discuss the proposed as-of-right ground floor uses in the context of affordable food access. It is currently proposed that fifty percent of the revenue generated will go into capital repairs at La Guardia so that the additional revenue can be used elsewhere on NYCHA developments that could not benefit from this program otherwise.

- How many units, in numbers not percentages, will there be in each income range that would allow NYCHA residents to permanently respond to – 30% of their annual income?

The total unit count is not yet known and therefore the number of affordable units is not yet known. NYCHA is continuing to explore opportunities for the development site. NYCHA will use the resident input collected during the visioning workshops to understand the desired affordability levels and unit distribution for the new building. Those priorities will be captured in the Community Vision Summary which will be published with the Request for Proposal (RFP). Proposals that align with the priorities of the community will be evaluated favorably. NYCHA residents will receive a preference for twenty-five percent (25%) of the new affordable units created.

- Will supportive services (Section 202/Elderly Program, Section 811/Supportive Housing for Persons with Disabilities Program, or Section 8) be in place as anything higher than 30% of one's income may be appropriate only for seniors/disabled/homeless/low income families who have these services in place? There should be programs that offer means of accommodating our needs, more specifically HUD programs where NYCHA would remain the landlord.

NYCHA will use the resident input collected during the visioning workshops to understand the desired programs and target populations for the new building. Those priorities will be captured in the Community Vision Summary which will be published with the Request for Proposal (RFP). Proposals that align with the priorities of the community will be evaluated favorably.

- In dollars and cents, what would be the income range that both the “affordable” and market rate units go for? Low income families are being disqualified from even applying for these “affordable” housing units.

Affordable unit rents are set per US Department of Housing and Urban Development guidelines. Rents for 2018 are available on NYC Housing Preservation and Development Department's website here: <https://www1.nyc.gov/site/hpd/renters/find-housing.page>.

As an example (using 2018 rents) an affordable two-bedroom apartment at 60% AMI would be \$1,280 per month while an affordable studio apartment at 30% AMI would be \$367 per month. There are no limits on rents for the market rate apartments.

- Will there be any federal requirements regarding how many families below 30% of the area median income (AMI) can apply and occupy these units? If NYCHA is not including income ranges that low-income families or single people can respond to, will NYCHA amend this to include a range that all incomes can respond to as this is a need in this development?

NYCHA will use the resident input collected during the visioning workshops to understand the desired affordability levels and unit distribution for the new building. Those priorities will be captured in the Community Vision Summary which will be published with the Request for Proposal (RFP). Proposals that align with the priorities of the community will be evaluated favorably.

- Will all “affordable” units created at Cooper Park continue to be “affordable” for the life of the building and/or property (not building because at some point and for whatever reason the building can come down)? Will there be legal remedies in place to enforce this?

The established affordability levels will remain permanently affordable.

- Will “affordable” units be designed just like market-rate units?

Affordable units must meet NYC Housing Preservation and Development Department's Design Guidelines for New Construction and Substantial Rehabilitation. Affordable and market rate will be distributed throughout a majority of the floors in the building. All building services, amenities, entrances, and views must be open to residents of both the affordable and market rate units. There may be some differences between and among market rate and affordable units.

- Are there appropriate agencies in place that have been conducting the necessary environmental testing and reviews at Cooper Park? With what NYCHA is proposing now, can NYCHA without reservations

say that building 250 units at Cooper Park's parking lot will not have a negative detrimental impact on the residents living here and is what you'd receive from the leasing compensate for the deterioration and possibly loss of residents' lives due to their inability to have access to the sun?

All new construction projects on NYCHA land are subject to environmental review per the National Environmental Policy Act (NEPA), the State Environmental Quality Review Act (SEQR), and the New York City Environmental Quality Review (CEQR). These analyses determine the environmental areas of concern that must be mitigated prior to the undertaking of a proposed action. The finalization of the mitigation plans involves expert guidance from other participating city, state, and federal agencies.

- Are flood plan analyses, which would determine possibilities for flood on the proposed lot at Cooper Park, being conducted before an RFP is issued?

A desktop review of flood risk was completed during the planning process of the NextGen Neighborhoods project at Cooper Park. The development site is not located within the Federal Emergency Management Agency's (FEMA) Special Flood Hazard Areas or the Department of State's coastal zone boundaries.

- What studies are being performed to determine the air quality at Cooper Park?

The proposed development at Cooper Park must conform with the Clean Air Act (National Ambient Air Quality Standards (NAAQS)) requirements so that it does not constitute a significant new source of air pollution.

- Why are local community not-for-profit organizations that have a history of providing housing and services within the Cooper Park community being left out of the development process? Will NYCHA consider a neighborhood not-for-profit organization and/or community sponsors that would better ensure that the development at Cooper Park responds to this community's needs? NYCHA should lease the community center space at Cooper Park and replace it with a multi-use building. It is recommended that NYCHA gives the Boys and Girls Club of America a land lease in which they could build and manage a state of the arts facility. Above the Boys and Girls Club, NYCHA could also include a post office.

The NextGen Neighborhoods project at Cooper Park is currently in the resident visioning phase. At this time, it is anticipated that a portion of the ground floor space of the new building will be reserved for community facility uses. NYCHA encourages residents and community members to participate in the visioning workshops to provide recommendations for uses (i.e. daycare center, youth center, post office, etc.) NYCHA encourages local organizations to participate in the visioning workshops and to respond to the Request for Proposals once it is released.

- There is a need for early childhood programs at Cooper Park. NYCHA could enhance Cooper Park's Child Care Center's program by including 3-year olds and additional "affordable" units can be built above it.

Cooper Park's buildings 3 and 4 are currently mixed-use buildings with community facility uses at the ground floor funded by Department of Youth and Community Development, Administration for Children's Services, and Department for the Aging. Currently, the Cooper Park Child Care Center serves children ages 2 to 4 years old, up to children going on 5 years old.

- Has NYCHA insisted that potential developers of Cooper Park provide sufficient parking spaces underground in their plans for those residents already parking on this lot? Will there be an underground parking lot at Cooper Park? Will the developers be required to provide sufficient parking spaces for NYCHA residents who now park in this lot at the same cost residents pay now?

All current resident permit holders will retain parking permits. Residents permit holders will be relocated to existing spaces and/or replacement parking will be created if necessary.

- How many spaces have been leased on Cooper Park's parking lot? What is the number of parking stickers that NYCHA has sold for the last 5 years in each of the 3 Cooper Park parking lots? How many spaces are there in each of the lots? How many stickers have been purchased from each lot?

Cooper Park Houses has four parking lots with a total of 112 parking spaces for non-NYCHA staff. The development is a non-reserved location and permits are not issued by specific lot and/or space. Currently, Cooper Park has 56 resident permit holders and 27 non-resident permit holders for a total of 83 permit holders. The number of issued parking permits at Cooper Park has increased over the last 5 years, from 55 in 2014 to 83 at the present time.

The development site is proposed on a 76-space parking lot and will likely require the relocation of approximately 20 spaces. NYCHA has studied potential at-grade locations to build new parking spaces for current resident permit holders. If new replacement parking is required, information on the potential sites will be presented at future resident engagement meetings. If required, the new parking spaces will be sited and developed in consultation with resident leadership and will include sufficient spaces for handicap permit holders.

- What has NYCHA done to mitigate the number of parking spaces not occupied? Has any advertising to neighboring businesses been notified that their car owners could lease a space? Is this an oversight on NYCHA's behalf, laziness, or simply an underhanded plan? What outreach has NYCHA done?

In general, the outreach for permit lease-up includes contacting potential applicants on the waitlist. There has been no advertisement to the neighboring businesses of the availability of parking spaces since there was an existing waitlist.

- How will the "affordable" units be affected if the developer is responsible for picking up the cost of replacing the existing parking spaces?

All current resident permit holders will retain parking permits. Residents permit holders will be relocated to existing spaces and/or replacement parking will be created if necessary. The need to provide replacement parking should not affect affordable units.

- The language on the NextGen at Cooper Park Fast Fact sheet is frightening. NYCHA Ownership stated, "NYCHA maintains full ownership of the land ensuring long-term affordability." The last sentence is concerning because it says "long-term" not "permanent". Is NYCHA going to maintain full ownership of this lot permanently or can there be plans to sell this land which may mean that developers can opt out after a certain number of years of receiving funding and then get private money to maintain this proposed building? If NYCHA says they are leasing the land for 100 years, does this mean that NYCHA is literally proposing to lease this land for 100 years? Is this 100 years of leasing "life without possibility of parole" or "will there be a release after a decade or more has passed"?

NYCHA intends to remain the owner of the land. Units will remain permanently affordable.

- In the current proposal at Cooper Park, how long is “leasing land” and “affordable”? How long will those set aside 50% affordable units remain “affordable”? Is it NYCHA’s intention for the 50% affordable units at Cooper Park to remain “affordable” as long as NYCHA ‘retains’ or continues to own this property?

NYCHA intends to remain the owner of the land. Units will remain permanently affordable.

- Under what conditions will NYCHA not “retain an interest” in the Cooper Park parking lot? Would it be after the developers seek private funding allowing them to do as they please with the proposed building? How will NYCHA legally and in writing intend to prevent this from happening and NYCHA can remain the owner of this land? How will NYCHA keep control of the land? Will NYCHA use any type of “regulatory property control” which can exclude everyone from purchasing this land or from using this building in another way other than what is originally agreed upon? What are the parameters that NYCHA is setting by which potential developers must respond to? Does the proposal include things such as but not limited to agreements, deed restrictions, resale restrictions for the life of the building, and other requirements which may be necessary?

NYCHA intends to remain the owner of the land. The percentage of units designated as affordable will remain permanently affordable. Terms and conditions will be defined in the transaction documents.

- Is NYCHA’s short/long term plan to sell the lot at Cooper Park? This was stated in an article on October 2, 2017 “Public Housing Will Host Private Development in East Williamsburg” it was stated that “...the city will start accepting bids next spring for the latest installment of NextGen Neighborhoods, the controversial plan launched in 2015 that entrails selling off chunks of NYCHA land to private developers in order to put a dent in the Authority’s multi-billion-dollar deficit.” How will NYCHA have a ground lease on the proposed building at Cooper Park and for what reasons could this change?

NYCHA intends to remain the owner of the land. Units will remain permanently affordable.

- If private developers were selected to build on the Cooper Park site, will the City have a monitoring component specifying the maximum rent and explaining specifically how everything is to be carried out?

Regulatory Agreements recorded against the site should specify the rent restrictions and levels. These are generally administered by HPD and the Housing Development Corporation (HDC).

- Why aren’t any of the units at Cooper Park being set aside for NYCHA residents who are underutilizing their units or who are overcrowded? With what NYCHA is proposing, why hasn’t NYCHA proposed setting aside a percentage of those 1-bedroom units and not studio apartments for those residents who are underutilizing their current apartments so that NYCHA can generate additional income by renting those now vacant apartments?

NYCHA residents will receive a preference for 25% of the affordable units.

- What amount is necessary to fix problems at Cooper Park Houses? In the article on October 2, 2017 “Public Housing Will Host Private Development in East Williamsburg” it was stated that there are currently \$59 million in unmet capital needs. With Holmes Towers receiving \$12.5 million from money generated from this program, is NYCHA expecting anything close to this amount (\$59 million) for the

proposed plan at Cooper Park? What is the estimated dollar amount the Cooper Park will receive towards repairs/capital improvements from the proposed building?

NYCHA intends to use a portion of the funds generated from the Project on capital improvements at Cooper Park. Once a developer is selected, the return to NYCHA will be known and shared publicly.

- Will Cooper Park still receive funding from NYCHA's Capital Plan and how much does it equate to in dollars and cents? How would it affect the \$60 million needed?

Cooper Park will remain eligible for funding through the Capital Plan. There is not a formula to predict funding for a given site; funding is based upon the physical needs in the context of needs across the portfolio.

Currently, there are two planned federally funded projects at Cooper Park. Fire alarm replacement is planned for FY2020 and improving elevator two-way communications is planned for FY2022. Cooper Park was also included in NYCHA's \$250M proposal to the State to receive \$20M to implement heating plant upgrades. Further planning awaits the release of funds from the State.

- Has NYCHA considered receiving additional funds in annual payments, instead of a one-shot deal that doesn't resolve anything? Will those annual payments continue to be given to Cooper Park? If not, why not? NYCHA should be asking for annual "leasing" payments in addition to the lump sum.

NYCHA has requested that applicants provide an upfront payment for the value of the ground lease so that NYCHA is able to address critical capital needs. Additional annual payments would reduce the value of the upfront payment.

- Will proposed developer's proposals for Cooper Park be judged on appropriate programs that suit the needs of our community, and not merely the highest bidder?

During the developer selection phase of the project, proposals from developers will be evaluated competitively according to the following criteria (subject to change prior to the release of the Request for Proposals):

- *Financial Return to NYCHA*
- *Financial Feasibility of Development Proposal*
- *Quality of Building & Urban Design*
- *Program*
- *Development Experience, Management, & Capacity*

Proposals that align with the Community Visioning Summary will be scored favorably.

- Does NYCHA have preventative measures in place that vermin living underground will not venture into the playground and apartments at Cooper Park? What are they? Who will be responsible for assessments and preventative measures to adjacent properties and NYCHA buildings at Cooper Park? When the idea to build at Cooper Park was first developed in 2005/2007, at that time homeowners reported that their foundations were being undermined by work because contractors failed to simply do the required underpinnings. If there is foundation damage, where will the money come from to correct those damages? Will it come from the meager proposed amount that Cooper Park will receive? Who will be responsible for the time-to-time assessments and preventative measures to the properties adjacent to

Cooper Park? Who will be responsible for making sure that the time-to-time assessments and preventative measures are taking place?

The proposed development will be subject to all requirements set forth by NYC's Department of Buildings (DOB). DOB enforces compliance with these regulations and promotes worker and public safety through its review and approval of building plans, permitting and licensing functions, and inspections. Permits are required for most excavation work, including underpinning. The work must meet the approved plans and include precautions such as regularly checking nearby walls for cracks, bulges, and spalling.

The selected developer will be required to carry insurance according to the requirements outlined in the ground lease. The developer will be liable for any injuries or damages caused during or as a result of the construction.

The development team and their contractor will also meet regularly with the resident association leadership throughout construction to directly address any concerns or issues that arise.

- Has anyone at NYCHA considered the negative health impacts that the proposed building at Cooper Park may have on residents' quality of life?

NYCHA is concerned about the negative health impacts of housing on its residents. The NextGen Neighborhoods project is hoping to address many of the current impacts at Cooper Park through capital repairs on the existing buildings. Once a proposed design for the new building is selected, an environmental review will determine whether it meets federal, state, and local environmental standards. The proposed development will be subject to all requirements set forth by NYC's Department of Buildings. The new building must comply with required distances between new and existing buildings for fire separation, natural light and ventilation.

- Prior to any construction, what investigation will be performed to determine if there is any presence and nature of contamination (pipes underground that are connected to the imploded tanks/grave site) at Cooper Park? Prior to any construction, what are the proper remedial and/or health and safety measures that will be employed at Cooper Park? NYCHA should not construct the development at Cooper Park because as a project that may very well take up an entire block (between Debevoise & Morgan Aves), it far exceeds the footprint and scale of the adjacent buildings. Secondly, developing this narrow corridor blocks air, people, and would appear (emergency) vehicles from access to the center of the Cooper Houses. NYCHA should be concerned about the negative effects as it relates to health issues to residents of all ages, sex and race if the proposed building at Cooper Park is built in the parking lot, as blocking sunlight will cause residents to be sunlight deficient.

NYCHA is concerned about the negative health impacts of housing on its residents. The NextGen Neighborhoods project is hoping to address many of the current impacts at Cooper Park through capital repairs on the existing buildings. Once a proposed design for the new building is selected, an environmental review will determine whether it meets federal, state, and local environmental standards. The proposed development will be subject to all requirements set forth by the NYC Department of Buildings. The new building must comply with required distances between new and existing buildings for fire separation, natural light and ventilation.

- What is NYCHA's definition of "underutilized?"

The term "underutilized" means the land is not fulfilling its highest and best use.

- At Cooper Park, can developers apply for low-income housing tax credits through the state?

Applicants to the RFP may propose use of Low Income Housing Tax Credits.

ATTACHMENT I

CAPITAL IMPROVEMENTS FINAL - FY 2018 CAPITAL FUND ANNUAL STATEMENT/PERFORMANCE AND EVALUATION REPORT AND 5-YEAR ACTION PLAN

On January 25, 2018, NYCHA presented an overview of the Authority's Capital Planning Program and the FY 2018 Capital Plan and 5-Year Action Plan to the Resident Advisory Board (RAB).

NYCHA's Final FY 2018 Capital Fund Annual Statement/Performance and Evaluation Report and 5-Year Capital Plan are included in the Amendment in Attachment I, on pages 84 through 115.

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: FY18	Work Statement for Year 2 FFY Grant: FY19	Work Statement for Year 3 FFY Grant: FY20	Work Statement for Year 4 FFY Grant: FY21	Work Statement for Year 5 FFY Grant: FY22
Physical Improvements	228,907,736	233,361,267	233,361,267	235,443,038	235,443,038
Management Improvements	12,251,152	7,797,621	7,797,621	5,715,850	5,715,850
PHA-Wide Non-dwelling Structures and Equipment	0	0	0	0	0
Administration	0	0	0	0	0
Other	725,432	732,458	732,458	726,844	728,358
Operations	4,697,200	4,697,200	4,697,200	4,697,200	4,697,200
Demolition	0	0	0	0	0
Development	0	0	0	0	0
Capital Fund Financing - Debt Service	59,774,569	59,767,543	59,767,543	59,773,157	59,771,643

Total CFP Funds	306,356,088	306,356,088	306,356,088	306,356,088	306,356,088
Total Non-CFP Funds	0	0	0	0	0
Grand Total	306,356,088	306,356,088	306,356,088	306,356,088	306,356,088

Part I: Summary		Part I: Summary		Part I: Summary	
PHA Name:		Grant Type and Number		FFY of Grant:	
New York City Housing Authority		Capital Fund Program Grant No: NY36P00550118		FFY 2018	
Date of CFFP:		Reserve for Disasters/ Emergencies		FFY of Grant Approval:	
Original Annual Statement		Revised Annual Statement (revision no:)		FFY 2018	
Performance and Evaluation for Period Ending:		Final Performance and Evaluation Report			
Type of Grant	Summary by Development Account	Total Estimated Cost	Total Estimated Cost	Obligated	Expended
Line		Original	Revised		
1	Total non-CFF Funds	0.00	0.00	0.00	0.00
2	1406 OPERATIONS TOTAL	4,697,200.00	0.00	0.00	0.00
3	1408 MGMT IMPROVEMENT PROGRAMS TOTAL	12,251,152.00	0.00	0.00	0.00
4	1410 ADMINISTRATIVE SALARIES TOTAL	0.00	0.00	0.00	0.00
7	1430 FEES AND COSTS TOTAL	120,060.00	0.00	0.00	0.00
8	1440 SITE ACQUISITION TOTAL	0.00	0.00	0.00	0.00
9	1450 SITE IMPROVEMENT TOTAL	0.00	0.00	0.00	0.00
10	1460 DWELLING STRUCTURES TOTAL	228,787,676.00	0.00	0.00	0.00
11	1465.1 DWELLING EQUIPMENT TOTAL	0.00	0.00	0.00	0.00
12	1470 NONDWELLING STRUCTURES TOTAL	0.00	0.00	0.00	0.00
13	1475 NONDWELLING EQUIPMENT TOTAL	0.00	0.00	0.00	0.00
14	1485 ABATEMENT TOTAL	0.00	0.00	0.00	0.00
16	1495.1 RELOCATION COSTS TOTAL	0.00	0.00	0.00	0.00
17	1499 DEVELOPMENT ACTIVITY TOTAL	0.00	0.00	0.00	0.00
??	1500 FY 94 and Prior Yr. Grant Total	0.00	0.00	0.00	0.00
18a	1501 COLLATERALIZATION OR DEBT TOTAL	0.00	0.00	0.00	0.00
18b	9000 DEBT RESERVES TOTAL	0.00	0.00	0.00	0.00
18c	9001 BOND DEBT OBLIGATION TOTAL	59,774,568.50	0.00	0.00	0.00
19	1502 CONTINGENCY TOTAL	725,431.50	0.00	0.00	0.00
19	1503 RAD TOTAL	0.00	0.00	0.00	0.00

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

Part I: Summary		Part I: Summary	
PHA Name: New York City Housing Authority		Grant Type and Number Capital Fund Program Grant No: NY36P00550118	FFY of Grant: FFY 2018
Type of Grant Original Annual Statement Performance and Evaluation for Period Ending:		Revised Annual Statement (revision no:) Final Performance and Evaluation Report	
Line	Summary by Development Account	Total Estimated Cost Original	Total Actual Cost Obligated Expended
20	Amount of Annual Grant: (sum of line 2-19)	306,356,088.00	0.00
21	Amount of line 20 Related to LBP Activities	0.00	0.00
22	Amount of line 20 Related to Section 504 Compliance	1,000,000.00	0.00
23	Amount of line 20 Related to Security - Hard Costs	0.00	0.00
24	Amount of line 20 Related to Energy Conservation Measures	0.00	0.00
Signature of Executive Director		Signature of Public Housing Director	
Date		Date	

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

Smith
 03-20-2018

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form HUD-50075.1

Part II: Supporting Pages		AW_CFF2018		CFFP (Yes/No)		Federal FFY of Grant		Status of Work
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories	Capital Fund Program Grant No:	Replacement Housing Factor Grant No:	Development Account No:	Quantity	Total Estimated Cost	Revised	
					Original Budget	Original		
							Funds Obligated	Funds Expended
303 VERNON AVE (NY005010730P)								
WT_Plumbing	PR_009472	1460 DWELLING STRUCTURES				400,000	0	0
830 AM STERDAM AVE (NY005010820P)								
WT_Plumbing	PR_009471	1460 DWELLING STRUCTURES				400,000	0	0
ASTORIA (NY005000260P)								
WT_Plumbing	PR_009554	1460 DWELLING STRUCTURES				520,000	0	0
WT_Heating	PR_009559	1460 DWELLING STRUCTURES				200,000	0	0
ATLANTIC TERMINAL SITE 4B (NY005011630P)								
WT_Elevators	PR_009161	1460 DWELLING STRUCTURES				1,775,000	0	0
AUDUBON (NY005010630P)								
WT_Plumbing	PR_009553	1460 DWELLING STRUCTURES				520,000	0	0
WT_Heating	PR_009558	1460 DWELLING STRUCTURES				200,000	0	0
BARUCH (NY005010600P)								
WT_Boilers	PR_007625	1460 DWELLING STRUCTURES				1,500,000	0	0
WT_Garbage Disposal	PR_009448	1460 DWELLING STRUCTURES				200,000	0	0
WT_Plumbing	PR_009479	1460 DWELLING STRUCTURES				1,000,000	0	0
BETHUNE GARDENS (NY005010030P)								
WT_General Construction	PR_009729	1460 DWELLING STRUCTURES				1,250,000	0	0
BLAND (NY005011860P)								
WT_Heating	PR_009502	1460 DWELLING STRUCTURES				400,000	0	0
BOSTON ROAD PLAZA (NY005010390P)								
WT_Elevators	PR_009162	1460 DWELLING STRUCTURES				900,000	0	0
BREUKELN (NY005000560P)								
WT_Plumbing	PR_009552	1460 DWELLING STRUCTURES				520,000	0	0
WT_Heating	PR_009557	1460 DWELLING STRUCTURES				200,000	0	0
WT_Brickwork Roofs	PR_007525	1460 DWELLING STRUCTURES				16,900,500	0	0

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.

Part II: Supporting Pages		Grant Type and Number Capital Fund Program Grant No. Replacement Housing Factor Grant No. Development/Account No.	AW_C2018 NY36P0050118	CFFP (Yes/No)		Federal FFY of Grant			Status of Work
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories			Quantity	Total Estimated Cost	Revised	Funds Obligated	Funds Expended	
				Original Budget	Original				
	WT Bathrooms	PR_009304	1460 DWELLING STRUCTURES		31,000,000	0	0	0	Planned
BROWNSVILLE (NY005000160P)									
	WT Plumbing	PR_009555	1460 DWELLING STRUCTURES	1,338					Planned
	WT Heating	PR_009560	1460 DWELLING STRUCTURES		520,000	0	0	0	Planned
			1460 DWELLING STRUCTURES		200,000	0	0	0	Planned
BUSHWICK II (GROUPS A&C) (NY005012470P)									
	WT Garbage Disposal	PR_009465	1460 DWELLING STRUCTURES	1,315					Planned
CARLETON MANOR (NY005010750P)									
	WT Garbage Disposal	PR_009457	1460 DWELLING STRUCTURES	886					Planned
			1460 DWELLING STRUCTURES		200,000	0	0	0	Planned
CARVER (NY005000580P)									
	WT General Construction	PR_009717	1460 DWELLING STRUCTURES	1,246					Planned
			1460 DWELLING STRUCTURES		1,250,000	0	0	0	Planned
CLAREMONT REHAB GROUP 2 (NY005013080P)									
	WT Fire Safety	PR_009639	1460 DWELLING STRUCTURES	758					Planned
			1460 DWELLING STRUCTURES		350,000	0	0	0	Planned
CLINTON (NY005001230P)									
	WT General Construction	PR_009718	1460 DWELLING STRUCTURES	749					Planned
			1460 DWELLING STRUCTURES		1,250,000	0	0	0	Planned
CONEY ISLAND I (SITE 1B) (NY005011660P)									
	WT Elevators	PR_009605	1460 DWELLING STRUCTURES	1,256					Planned
			1460 DWELLING STRUCTURES		1,800,000	0	0	0	Planned
DOUGLASS II (BLDGS 1-3,13-15) (NY005010820P)									
	WT Garbage Disposal	PR_009404	1460 DWELLING STRUCTURES	2,352					Planned
			1460 DWELLING STRUCTURES		200,000	0	0	0	Planned
	WT General Construction	PR_009719	1460 DWELLING STRUCTURES						Planned
			1460 DWELLING STRUCTURES		1,250,000	0	0	0	Planned
DYCKMAN (NY005000410P)									
	WT Major Renovation	PR_007665	1460 DWELLING STRUCTURES	1,167					Planned
			1460 DWELLING STRUCTURES		2,500,000	0	0	0	Planned
EAGLE AVE - EAST 163RD ST (NY005000590P)									
	WT Section 504	PR_009509	1460 DWELLING STRUCTURES	2,035					Planned
			1460 DWELLING STRUCTURES		250,000	0	0	0	Planned
EAST RIVER (NY005010090P)									
	WT Garbage Disposal	PR_009455	1460 DWELLING STRUCTURES	2,091					Planned
			1460 DWELLING STRUCTURES		400,000	0	0	0	Planned
EDENWALD (NY005000570P)									
	WT Plumbing	PR_009551	1460 DWELLING STRUCTURES	2,039					Planned
			1460 DWELLING STRUCTURES		520,000	0	0	0	Planned

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

Part II: Supporting Pages		Grant Type and Number Capital Fund Program Grant No. Replacement Housing Factor Grant No. Development/Account No.	AW_C2018 NY39P00550118	C-FPP (Yes/No): No		Federal FFY of Grant			Status of Work
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories			Quantity	Total Estimated Cost	Revised	Funds Obligated	Funds Expended	
				Original Budget	Original				
WT Heating									
	PR_009556	1460 DWELLING STRUCTURES			200,000		0	0	Planned
FIORENTINO PLAZA (NY005012610P)									
	WT Elevators	PR_009244		1,021					Planned
GLEBE AVE - WESTCHESTER AVE (NY005010670P)									
	WT Fire Safety	PR_009526		1,725					Planned
GOWANUS (NY005000250P)									
	WT Boilers	PR_008424		1,139					Planned
GRANT (NY005000870P)									
	WT Plumbing	PR_009245		1,940					Planned
	WT Fire Safety	PR_009540			8,200,000		0	0	Planned
					400,500		0	0	Planned
HARLEM RIVER (NY005010030P)									
	WT Plumbing	PR_009251		1,251					Planned
					1,200,000		0	0	Planned
INGERSOLL (NY005000140P)									
	WT Brickwork Roofs	PR_007506		1,840					Planned
					20,000,000		0	0	Planned
JUSTICE SOTOMAYOR (NY005010670P)									
	WT Major Renovation	PR_007286		1,725					Planned
					35,622,176		0	0	Planned
KING TOWERS (NY005010300P)									
	WT Fire Safety	PR_009533		1,872					Planned
					400,500		0	0	Planned
MARCY (NY005000210P)									
	WT Heating	PR_009549		1,717					Planned
					350,000		0	0	Planned
	WT Boilers	PR_007538			1,000,000		0	0	Planned
	WT Heating	PR_009760			500,000		0	0	Planned
MCKINLEY (NY005000590P)									
	WT Heating	PR_009548		2,035					Planned
					350,000		0	0	Planned
	WT Elevators	PR_009439			100,000		0	0	Planned
	WT Plumbing	PR_009521			2,835,500		0	0	Planned

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

Part II: Supporting Pages		Grant Type and Number Capital Fund Program Grant No. Replacement Housing Factor Grant No. Development/Account No.	AW_C2018 NY39P0050118	C-FPP (Yes/No): No		Federal FFY of Grant			Status of Work
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories			Quantity	Total Estimated Cost	Revised	Funds Obligated	Total Actual Cost FFY_2018 Funds Expended	
				Original Budget	Original				Planned
MELROSE (NY005010260P)									
WT Heating	PR_009536	1460 DWELLING STRUCTURES			600,000	0	0	0	Planned
WT Section 504	PR_009511	1460 DWELLING STRUCTURES		1,244					Planned
WT Fire Safety	PR_009546	1460 DWELLING STRUCTURES			250,000	0	0	0	Planned
		1460 DWELLING STRUCTURES			400,500	0	0	0	Planned
MELTZER TOWER (NY005011000P)									
WT Garbage Disposal	PR_009468	1460 DWELLING STRUCTURES		1,510					Planned
		1460 DWELLING STRUCTURES			100,000	0	0	0	Planned
MITCHEL (NY005011450P)									
WT Elevators	PR_009189	1460 DWELLING STRUCTURES		1,829					Planned
WT Plumbing	PR_009523	1460 DWELLING STRUCTURES			10,000,000	0	0	0	Planned
		1460 DWELLING STRUCTURES		1,711	6,125,000	0	0	0	Planned
MORRISANIA AIR RIGHTS (NY005012670P)									
WT Fire Safety	PR_009544	1460 DWELLING STRUCTURES		726	400,500	0	0	0	Planned
		1460 DWELLING STRUCTURES			100,000	0	0	0	Planned
PARK AVE - EAST 123RD STREETS (NY005012410P)									
WT Garbage Disposal	PR_009470	1460 DWELLING STRUCTURES		1,791					Planned
WT Brickwork, Roofs	PR_008786	1460 DWELLING STRUCTURES			1,500,000	0	0	0	Planned
WT Plumbing	PR_009246	1460 DWELLING STRUCTURES			7,600,000	0	0	0	Planned
WT Bathrooms	PR_009255	1460 DWELLING STRUCTURES		1,501	2,500,000	0	0	0	Planned
PELHAM PARKWAY (NY005010390P)									
WT Heating	PR_009547	1460 DWELLING STRUCTURES			350,000	0	0	0	Planned
WT Boilers	PR_007636	1460 DWELLING STRUCTURES		1,500	17,000,000	0	0	0	Planned
WT Boilers	PR_008971	1460 DWELLING STRUCTURES		1,614	12,000,000	0	0	0	Planned
PINK (NY005000890P)									
WT Heating	PR_009550	1460 DWELLING STRUCTURES			350,000	0	0	0	Planned
WT Plumbing	PR_009248	1460 DWELLING STRUCTURES			600,000	0	0	0	Planned
WT Heating	PR_009516	1460 DWELLING STRUCTURES							Planned

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

Part II. Supporting Pages		Grant Type and Number		AW_CF2018		CFFP (Yes/No)		Federal FFY of Grant	
PHA Name: New York City Housing Authority		Capital Fund Program Grant No:		NY38P00550118		No			
Development Number Name / PHA-wide Activities	General Description of Major Work Categories	Replacement Housing Factor Grant No:	Development Account No.	Quantity	Total Estimated Cost	Revised	FFY_2018		Status of Work
							Original Budget	Original	
			1460 DWELLING STRUCTURES	2,071	900,000	0	0	0	
POMONOK (NY005000530P)		PR_009254	1460 DWELLING STRUCTURES		3,000,000	0	0	0	Planned
RANDOLPH (NY005010300P)		PR_009465	1460 DWELLING STRUCTURES	1,372	1,500,000	0	0	0	Planned
SMITH (NY005000270P)		PR_009460	1460 DWELLING STRUCTURES	1,935	1,000,000	0	0	0	Planned
SOUNDVIEW (NY005000710P)		PR_009453	1460 DWELLING STRUCTURES	1,259	1,050,000	0	0	0	Planned
TAFT (NY005010970P)		PR_009252	1460 DWELLING STRUCTURES	1,650	700,000	0	0	0	Planned
THURGOOD MARSHALL PLAZA (NY005010030P)		PR_009631	1460 DWELLING STRUCTURES	1,251	190,000	0	0	0	Planned
TILDEN (NY005000720P)		PR_008659	1460 DWELLING STRUCTURES	1,313	800,000	0	0	0	Planned
VAN DYKE I (NY005000610P)		PR_009750	1460 DWELLING STRUCTURES	1,603	6,737,500	0	0	0	Planned
WHITMAN (NY005005140P)		PR_007601	1460 DWELLING STRUCTURES	1,659	10,000,000	0	0	0	Planned

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.

Part III. Supporting Pages		Grant Type and Number			AW_CF2018 NY36P00550118		FFYR (Yes/No)		Federal FFY of Grant		Status of Work				
PHA Name: New York City Housing Authority		Capital Fund Program Grant No.			Development Account No.		Quantity		Total Estimated Cost			FFY 2018			
Development Number Name / PHA-Wide Activities		General Description of Major Work Categories							Original			Revised			
												Funds Obligated		Funds Expended	
PHA WIDE ITEM (PR_003838)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		1,863,000		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_003840)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		1,863,000		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					207,000		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_003846)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		207,000		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					1,000,000		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					1,000,000		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_003921)		WT Contingency			1502 CONTINGENCY		725,432		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_005437)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		425,364		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					425,364		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_006162)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		1,014,300		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					1,014,300		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_006460)		WT Debt Service			3001 BOND DEBT OBLIGATION		59,774,569		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_006763)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		186,300		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					186,300		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_006785)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		1,000,000		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					1,000,000		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_006859)		WT Reimb To Operate			1406 OPERATIONS		4,597,200		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_006922)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		1,694,000		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					1,694,000		0		0		0		Planned
															Planned
PHA WIDE ITEM (PR_007224)		WT IT Hardware and Software			1408 MGMT IMPROVEMENT PROGRAMS		197,478		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					197,478		0		0		0		Planned
															Planned
		1408 MGMT IMPROVEMENT PROGRAMS					197,478		0		0		0		Planned

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.

Part II: Supporting Pages		Grant Type and Number		AWL CFY2018		FFY of Grant		Status of Work	
PHA Name: New York City Housing Authority		Capital Fund Program Grant No:		NY38P00550118		CFFP (Yes/No):		FFY 2018	
Development Number Name / PHA-Wide Activities	General Description of Major Work Categories	Development Account No.	Quantity	Total Estimated Cost		Original	Revised	Total Actual Cost	
								Funds Expended	
								Funds Obligated	
PHA WIDE ITEM (PR_007430)	WT IT Hardware and Software	1408 MGMT IMPROVEMENT PROGRAMS		869,400		0	0	0	Planned
		1408 MGMT IMPROVEMENT PROGRAMS		869,400		0	0	0	Planned
PHA WIDE ITEM (PR_008174)	WT IT Hardware and Software	1408 MGMT IMPROVEMENT PROGRAMS		1,500,000		0	0	0	Planned
		1408 MGMT IMPROVEMENT PROGRAMS		1,500,000		0	0	0	Planned
PHA WIDE ITEM (PR_008178)	WT IT Hardware and Software	1430 FEES AND COSTS		120,060		0	0	0	Planned
		1430 FEES AND COSTS		120,060		0	0	0	Planned
PHA WIDE ITEM (PR_008179)	WT IT Hardware and Software	1408 MGMT IMPROVEMENT PROGRAMS		300,000		0	0	0	Planned
		1408 MGMT IMPROVEMENT PROGRAMS		300,000		0	0	0	Planned
PHA WIDE ITEM (PR_008180)	WT IT Hardware and Software	1408 MGMT IMPROVEMENT PROGRAMS		207,000		0	0	0	Planned
		1408 MGMT IMPROVEMENT PROGRAMS		207,000		0	0	0	Planned
PHA WIDE ITEM (PR_008183)	WT IT Hardware and Software	1408 MGMT IMPROVEMENT PROGRAMS		1,724,310		0	0	0	Planned
		1408 MGMT IMPROVEMENT PROGRAMS		1,724,310		0	0	0	Planned
PHA WIDE ITEM (PR_008581)	WT IT Hardware and Software	1408 MGMT IMPROVEMENT PROGRAMS		63,000		0	0	0	Planned
		1408 MGMT IMPROVEMENT PROGRAMS		63,000		0	0	0	Planned
Award Total:				308,355,088		0	0	0	0

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.

Capital Fund Five - Year Action Plan*					
Part I: Summary					
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New York City Housing Authority					
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1162-1176 WASHINGTON AVE (NY005013030P)		40,000	0	0	0
ADAMS (NY005001180P)		100,000	0	4,287,000	0
ALBANY (NY005010310P)		380,000	0	2,000,000	25,295,200
AMSTERDAM (NY005010220P)		350,000	0	0	0
ASTORIA (NY005000260P)		0	1,000,000	850,000	42,260,800
BAILEY AVE - WEST 193rd ST (NY005012020P)		0	0	0	2,000,000
BAISLEY PARK (NY005010910P)		0	0	600,000	0
BARUCH (NY005010600P)		5,000,000	14,574,800	1,830,755	380,000
BEACH 41ST ST - BEACH CHANNEL DRIVE (NY005001650P)		0	0	0	196,800
BELMONT - SUTTER AREA (NY005010460P)		300,000	0	0	0
BERRY (NY005000520P)		150,000	100,000	0	262,400
BETANCES IV (NY005012110P)		200,000	0	0	0
BETANCES VI (NY005012110P)		100,000	0	0	0
BLAND (NY005011860P)		350,000	0	0	0
BORINQUEN PLAZA I (NY005012430P)		0	0	0	229,600
BOSTON ROAD PLAZA (NY005010390P)		0	0	325,000	0
BOSTON SECOR (NY005011380P)		0	350,000	0	1,000,000
BOYNTON AVE REHAB (NY005010320P)		0	200,000	380,000	0

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BREUKELLEN (NY0050000560P)		31,000,000	250,000	0	0
BREVOORT (NY0050000650P)		0	0	426,400	0
BRONX RIVER (NY005010320P)		350,000	0	0	1,311,600
BRONX RIVER ADDITION (NY005010320P)		600,000	0	0	0
BROWNSVILLE (NY0050000160P)		0	100,000	442,800	0
BUSHWICK II (GROUPS B&D) (NY005012470P)		0	1,000,000	0	0
CARVER (NY0050000580P)		0	0	0	360,800
CASSIDY - LAFAYETTE (NY005011170P)		0	0	200,000	0
COLLEGE AVE - EAST 165TH ST (NY005013080P)		0	500,000	0	0
COOPER PARK (NY0050000690P)		0	200,000	0	213,200
CYPRESS HILLS (NY005010700P)		720,000	100,000	492,000	0
DOUGLASS ADDITION (NY005010820P)		0	0	0	100,000
DYCKMAN (NY0050000410P)		15,000,000	10,000,000	1,000,000	200,000
EAST 152ND ST - COURTLAND AVE (NY005010280P)		100,000	0	0	0
EAST RIVER (NY005010090P)		0	350,000	574,000	100,000
EASTCHESTER GARDENS (NY005010340P)		0	200,000	350,000	746,000
EDENWALD (NY0050000570P)		200,000	0	5,093,600	0
ELLIOTT (NY005011340P)		380,000	0	0	0

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FARRAGUT (NY005000290P)		0	100,000	0	311,600
FIORENTINO PLAZA (NY005012610P)		400,000	6,000,000	100,000	280,000
FOREST (NY005000590P)		100,000	0	842,000	1,600,000
FT. WASHINGTON AVENUE REHAB (NY005013090P)		0	0	1,000,000	0
FULTON (NY005001360P)		0	0	1,410,000	0
GLEBE AVE - WEST CHESTER AVE (NY005010670P)		0	100,000	0	0
GLENWOOD (NY005000440P)		350,000	200,000	656,000	0
GOWANUS (NY005000250P)		10,000,000	100,000	426,400	0
GRANT (NY005000870P)		0	0	0	1,111,600
GRAVESEND (NY005011720P)		0	0	0	246,000
GUN HILL (NY005010470P)		200,000	0	100,000	213,200
HABER (NY005011660P)		0	100,000	0	0
HAMMEL (NY005010750P)		0	0	0	229,600
HARBORVIEW TERRACE (NY005010220P)		80,000	0	0	0
HARLEM RIVER (NY005010030P)		35,500,000	22,000,000	0	0
HIGHBRIDGE GARDENS (NY005000780P)		0	720,000	442,800	0
HOLMES TOWERS (NY005011390P)		0	0	1,000,000	0
HOPE GARDENS (NY005012470P)		0	720,000	0	0

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HOWARD (NY005000720P)		0	200,000	0	0	328,000
HUGHES APTS (NY005011680P)		0	100,000	0	0	0
INDEPENDENCE (NY005021400P)		0	0	0	0	200,000
INGERSOLL (NY005000140P)		0	0	1,605,600	0	0
ISAACS (NY005011390P)	1,970,000	0	0	0	0	0
JACKIE ROBINSON (NY005012410P)	1,250,000	0	0	0	0	0
JACKSON (NY005012670P)	600,000	5,500,000	1,150,000	0	0	0
JEFFERSON (NY005010640P)	20,720,000	20,200,000	885,600	0	0	0
JOHNSON (NY005000170P)	1,250,000	0	475,600	0	0	0
JUSTICE SOTOMAYOR (NY005010670P)	18,202,607	13,000,000	30,475,600	30,000,000		
KING TOWERS (NY005010300P)	1,250,000	0	0	344,400		
KINGSBOROUGH (NY005010100P)	0	0	574,000	0	0	0
KINGSBOROUGH EXT (NY005010100P)	0	0	200,000	0	0	0
LA GUARDIA (NY005010760P)	0	0	0	295,200		
LAFAYETTE (NY005001220P)	0	0	0	229,600		
LATIMER GARDENS (NY005011860P)	720,000	0	0	0	0	0
LEHMAN (NY005001010P)	0	0	0	2,450,000		
EXINGTON (NY005010620P)	0	1,250,000	0	0	0	0

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PHA Name	<div> <div>Original 5-Year Plan</div> <div>Revision No:</div> </div>				
New York City Housing Authority					
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LINCOLN (NY005000200P)		0	0	459,200	0
LOW HOUSES (NY005011690P)		0	350,000	200,000	0
LOWER EAST SIDE I INFILL (NY005011000P)		0	2,500,000	0	0
MARCY (NY005000210P)		5,000,000	8,500,000	1,289,200	0
MARKHAM GARDENS (NY005010130P)		0	100,000	2,000,000	18,280,000
MCKINLEY (NY005000590P)		5,900,000	10,000,000	0	0
MIDDLETOWN PLAZA (NY005010340P)		0	40,000	0	0
MILL BROOK (NY005010840P)		0	0	0	295,200
MILL BROOK EXTENSION (NY005010840P)		100,000	0	0	0
MITCHEL (NY005011450P)		0	20,000,000	25,000,000	0
MONROE (NY005000880P)		0	0	0	393,600
MOORE (NY005010930P)		100,000	0	0	0
MORRIS I (NY005011020P)		100,000	0	0	328,000
MORRIS II (NY005011020P)		0	0	0	229,600
MORRISANIA AIR RIGHTS (NY005012670P)		0	0	0	7,000,000
MOTT HAVEN (NY005001210P)		100,000	720,000	0	262,400
NOSTRAND (NY005010360P)		0	0	524,800	0
O'DWYER GARDENS (NY005011720P)		0	0	0	933,200

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New York City Housing Authority					
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OCEAN BAY (BAYSIDE) FORMERLY EDGEEMERE (NY005010980P)		0	0	459,200	0
OCEAN BAY (OCEANSIDE) FORMERLY ARVERNE (NY005010980P)		0	0	0	229,600
PARK ROCK REHAB (NY005013510P)		0	0	100,000	300,000
PARKSIDE (NY005010470P)		0	0	0	477,200
PATTERSON (NY005000240P)		15,050,000	39,000,000	24,326,800	0
PELHAM PARKWAY (NY005010390P)		0	0	1,823,200	200,000
PINK (NY005000890P)		0	0	700,000	6,660,800
POLO GROUNDS TOWER (NY005001490P)		8,200,000	0	0	455,200
POMONOK (NY005000530P)		0	25,720,000	26,902,000	15,000,000
PROSPECT PLAZA (NY005002440P)		80,000	100,000	0	0
QUEENSBRIDGE NORTH (NY005005050P)		19,000,000	0	0	0
QUEENSBRIDGE SOUTH (NY005000050P)		0	0	19,000,000	0
RANDALL AVE - BALCOM AVE (NY005010630P)		180,000	0	0	0
RANGEL (NY005000370P)		0	1,970,000	0	0
RED HOOK EAST (NY005000040P)		0	0	787,200	2,280,000
RED HOOK WEST (NY005000790P)		0	0	1,321,600	6,758,038
REID APTS (NY005011670P)		0	0	100,000	0
REVEREND BROWN (NY005012520P)		0	0	0	100,000

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Capital Fund Five - Year Action Plan*					
Part I: Summary					
PHA Name		X Original 5-Year Plan Revision No:			
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RICHMOND TERRACE (NY005011170P)		0	0	720,000	0
RIIS I (NY005010180P)		0	0	426,400	196,800
ROBBINS PLAZA (NY005011390P)		0	0	720,000	1,000,000
RUTLAND TOWERS (NY005011670P)		0	0	250,000	2,100,000
SACK WERN (NY005012800P)		250,000	0	0	0
SAINT NICHOLAS (NY005000380P)		0	1,000,000	0	28,000,000
SEDGWICK (NY005010450P)		0	0	4,395,000	329,600
SHEEPSHEAD BAY (NY005010360P)		0	0	590,400	0
SHELTON HOUSE (NY005010910P)		0	0	325,000	0
SMITH (NY005000270P)		8,677,000	100,000	350,000	393,600
SOUNDVIEW (NY005000710P)		9,850,500	0	426,400	720,000
SOUTH BEACH (NY005010350P)		0	0	650,000	6,762,400
SOUTH JAMAICA I (NY005010080P)		50,000	0	0	0
SOUTH JAMAICA II (NY005010080P)		50,000	0	0	0
STANTON STREET (NY005013590P)		175,000	0	0	0
STUYVESANT GARDENS I (NY005012210P)		0	0	200,000	0
STUYVESANT GARDENS II (NY005012210P)		0	0	0	40,000
SUMNER (NY005010730P)		600,000	0	200,000	1,325,000

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SUTTER AVE - UNION ST (NY005011670P)		0	0	300,000	0
TAFT (NY005010970P)		0	6,300,000	0	1,295,200
TAPSCOTT ST REHAB (NY005011670P)		0	0	0	400,000
TAYLOR ST - WYTHE AVE (NY005012340P)		0	0	100,000	200,000
TELLER AVE - EAST 166TH ST (NY005013080P)		250,000	0	0	0
THROGGS NECK (NY005010630P)		0	7,300,000	28,500,000	100,000
THROGGS NECK ADDITION (NY005010630P)		100,000	0	0	0
TILDEN (NY005000720P)		0	5,201,757	0	262,400
TODT HILL (NY005000520P)		0	0	0	1,149,600
TOMPKINS (NY005011310P)		0	0	493,600	0
TWIN PARKS WEST (SITES 1 & 2) (NY005012270P)		100,000	0	0	0
VAN DYKE I (NY005000610P)		7,737,500	5,000,000	3,254,283	100,000
VLADECK I (NY005010060P)		0	0	754,400	1,000,000
W S U R (BROWNSTONES) (NY005011270P)		0	0	0	4,350,000
WAGNER (NY005010740P)		3,200,000	0	24,500,000	720,000
WALD (NY005000230P)		520,000	0	524,800	720,000
WASHINGTON (NY005010620P)		0	0	0	1,000,000
WHITMAN (NY005005140P)		0	0	1,656,000	10,100,000

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WILLIAMSBURG (NY005000020P)		0	350,000	0	0	0
WOODSIDE (NY005000330P)		0	0	918,400	0	0
PHA WIDE ITEM - WT_Heating		0	200,000	0	0	0
PHA WIDE ITEM - WT_IT Hardware and Software		7,876,281	7,492,331	5,715,850	5,715,850	5,715,850
PHA WIDE ITEM - WT_Contingency		732,458	726,500	726,844	728,358	728,358
PHA WIDE ITEM - WT_Debt Service		59,767,543	59,773,501	59,773,157	59,771,643	59,771,643
PHA WIDE ITEM - WT_Reimb To Operate		4,697,200	4,697,200	4,697,200	4,697,200	4,697,200
PHA WIDE ITEM - WT_General Construction		0	0	0	500,000	500,000
TOTALS		306,356,088	306,356,088	306,356,088	306,356,088	306,356,088

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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 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
1162-1176 WASHINGTON AVE (NY005013080P) WT_Garbage Disposal		40,000	0	0	0
ADAMS (NY005001180P) WT_Plumbing		0	0	4,287,000	0
WT_Fire Safety		100,000	0	0	0
ALBANY (NY005010310P) WT_Plumbing		380,000	0	0	0
WT_Bathrooms		0	0	2,000,000	25,000,000
WT_Elevators		0	0	0	295,200
WT_Heating		350,000	0	0	0
AMSTERDAM (NY005010220P) WT_Boilers		0	0	850,000	8,400,000
ASTORIA (NY005000260P) WT_Bathrooms		0	1,000,000	0	33,500,000
WT_Elevators		0	0	0	360,800
BAILEY AVE - WEST 193rd ST (NY005012020P) WT_Elevators		0	0	0	2,000,000
BAISLEY PARK (NY005010910P) WT_Garbage Disposal		0	0	600,000	0
BARUCH (NY005010600P) WT_Boilers		0	10,000,000	0	0
WT_Heating		0	0	1,273,155	280,000
WT_Plumbing		5,000,000	4,574,800	0	0
WT_Elevators		0	0	557,600	0
WT_Fire Safety		0	0	0	100,000
BEACH 41ST ST - BEACH CHANNEL DRIVE (NY005001650P) WT_Elevators		0	0	0	196,800
BELMONT - SUTTER AREA (NY005010460P) WT_Fire Safety		300,000	0	0	0
BERRY (NY005000520P) WT_Elevators		0	0	0	262,400
WT_Fire Safety		150,000	100,000	0	0
BETANCES IV (NY005012110P) WT_Fire Safety		200,000	0	0	0
BETANCES VI (NY005012110P) WT_Fire Safety		100,000	0	0	0
BLAND (NY005011660P) WT_Heating		350,000	0	0	0
BORINOQUEN PLAZA I (NY005012430P) WT_Elevators		0	0	0	229,600

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Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)	Activities for Year 2 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
BOSTON ROAD PLAZA (NY005010390P)	WT_Plumbing	0	0	325,000	0
BOSTON SECOR (NY005011380P)	WT_Heating	0	350,000	0	1,000,000
BOYNTON AVE REHAB (NY005010320P)	WT_Fire Safety	0	200,000	0	0
	WT_Garbage Disposal	0	0	380,000	0
BREUKELLEN (NY005000560P)	WT_Boilers	0	50,000	0	0
	WT_Bathrooms	31,000,000	0	0	0
	WT_Fire Safety	0	200,000	0	0
BREVOORT (NY005000650P)	WT_Elevators	0	0	426,400	0
BRONX RIVER (NY005010320P)	WT_Heating	350,000	0	0	1,000,000
	WT_Elevators	0	0	0	311,600
BRONX RIVER ADDITION (NY005010320P)	WT_Garbage Disposal	600,000	0	0	0
BROWNSVILLE (NY005000160P)	WT_Elevators	0	0	442,800	0
	WT_Fire Safety	0	100,000	0	0
BUSHWICK II (GROUPS B&D) (NY005012470P)	WT_Garbage Disposal	0	1,000,000	0	0
CARVER (NY005000680P)	WT_Elevators	0	0	0	360,800
CASSIDY - LAFAYETTE (NY005011170P)	WT_Fire Safety	0	0	200,000	0
COLLEGE AVE - EAST 165TH ST (NY005013080P)	WT_Section 504	0	500,000	0	0
COOPER PARK (NY005000690P)	WT_Elevators	0	0	0	213,200
	WT_Fire Safety	0	200,000	0	0
CYPRESS HILLS (NY005010700P)	WT_Heating	200,000	0	0	0
	WT_Plumbing	520,000	0	0	0
	WT_Elevators	0	0	492,000	0
	WT_Fire Safety	0	100,000	0	0
DOUGLASS ADDITION (NY005010820P)	WT_Fire Safety	0	0	0	100,000
DYCKMAN (NY005000410P)	WT_Fire Safety	0	0	0	200,000

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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 State ment)	Activities for Year 2 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
WT_General Construction		0	0	1,000,000	0
WT_Major Renovation		15,000,000	10,000,000	0	0
EAST 152ND ST - COURTLAND AVE (NY005010280P)		100,000	0	0	0
WT_Fire Safety					
EAST RIVER (NY005010090P)		0	350,000	0	0
WT_Heating					
WT_Elevators		0	0	574,000	0
WT_Fire Safety		0	0	0	100,000
WT_Heating		0	0	350,000	500,000
WT_Elevators		0	0	0	248,000
WT_Fire Safety		0	200,000	0	0
WT_Elevators		0	0	393,600	0
WT_Fire Safety		0	0	200,000	0
WT_Roofs		200,000	0	4,500,000	0
WT_Plumbing		380,000	0	0	0
WT_Elevators		0	0	0	311,600
WT_Fire Safety		0	100,000	0	0
WT_Heating		0	0	0	280,000
WT_Elevators		0	6,000,000	0	0
WT_Fire Safety		0	0	100,000	0
WT_Garbage Disposal		400,000	0	0	0
WT_Heating		0	0	350,000	1,000,000
WT_Elevators		0	0	492,000	0
WT_Fire Safety		100,000	0	0	0
WT_Garbage Disposal		0	0	0	600,000
WT_General Construction		0	0	1,000,000	0
FULTON (NY005001360P)		0	0	410,000	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: FY19 PHA FY: FY19	FFY Grant: FY20 PHA FY: FY20	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: FY25 PHA FY: FY25	FFY Grant: FY26 PHA FY: FY26
GLEBE AVE - WESTCHESTER AVE (NY005010670P)	WT_General Construction	0	0	0	1,000,000	0	0	0	0
	WT_Fire Safety	0	100,000	0	0	0	0	0	0
GLENWOOD (NY005000440P)	WT_Heating	350,000	0	0	0	0	0	0	0
	WT_Elevators	0	0	0	656,000	0	0	0	0
	WT_Fire Safety	0	200,000	0	0	0	0	0	0
GOWANUS (NY005000250P)	WT_Boilers	10,000,000	0	0	0	0	0	0	0
	WT_Elevators	0	0	0	426,400	0	0	0	0
	WT_Fire Safety	0	100,000	0	0	0	0	0	0
GRANT (NY005000870P)	WT_Elevators	0	0	0	0	0	0	311,600	0
	WT_Garbage Disposal	0	0	0	0	0	0	800,000	0
GRAVESEND (NY005011720P)	WT_Elevators	0	0	0	0	0	0	246,000	0
SUN HILL (NY005010470P)	WT_Heating	200,000	0	0	0	0	0	0	0
	WT_Elevators	0	0	0	0	0	0	213,200	0
	WT_Fire Safety	0	0	0	100,000	0	0	0	0
HABER (NY005011660P)	WT_Fire Safety	0	100,000	0	0	0	0	0	0
HAMMEL (NY005010750P)	WT_Elevators	0	0	0	0	0	0	229,600	0
HARBORVIEW TERRACE (NY005010220P)	WT_Garbage Disposal	80,000	0	0	0	0	0	0	0
HARLEM RIVER (NY005010030P)	WT_Plumbing	13,500,000	0	0	0	0	0	0	0
	WT_Major Renovation	22,000,000	22,000,000	0	0	0	0	0	0
HIGHBRIDGE GARDENS (NY005000780P)	WT_Heating	0	200,000	0	0	0	0	0	0
	WT_Plumbing	0	520,000	0	0	0	0	0	0
	WT_Elevators	0	0	0	442,800	0	0	0	0
HOLMES TOWERS (NY005011390P)	WT_General Construction	0	0	0	1,000,000	0	0	0	0
HOPE GARDENS (NY005012470P)	WT_Plumbing	0	520,000	0	0	0	0	0	0
	WT_Fire Safety	0	100,000	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 (See Annual Statement)	Activities for Year 2 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
WT_Garbage Disposal		0	100,000	0	0
HOWARD (NY005000720P)		0	0	0	328,000
WT_Elevators					
WT_Fire Safety		0	200,000	0	0
WT_Fire Safety		0	100,000	0	0
HUGHES APTS (NY005011680P)					
WT_Fire Safety		0	100,000	0	0
INDEPENDENCE (NY005021400P)		0	0	0	200,000
WT_Garbage Disposal					
INGERSOLL (NY005000140P)		0	0	200,000	0
WT_Heating					
WT_Plumbing		0	0	520,000	0
WT_Elevators		0	0	885,600	0
WT_Heating		200,000	0	0	0
ISAACS (NY005011390P)					
WT_Plumbing		520,000	0	0	0
WT_General Construction		1,250,000	0	0	0
JACKIE ROBINSON (NY005012410P)		1,250,000	0	0	0
WT_General Construction					
JACKSON (NY005012670P)		600,000	5,500,000	0	0
WT_Boilers					
WT_Plumbing		0	0	650,000	0
WT_Section 504		0	0	500,000	0
JEFFERSON (NY005010640P)		200,000	0	0	0
WT_Heating					
WT_Plumbing		520,000	0	0	0
WT_Bathrooms		20,000,000	20,000,000	0	0
WT_Elevators		0	0	885,600	0
WT_Garbage Disposal		0	200,000	0	0
WT_Elevators		0	0	475,600	0
JOHNSON (NY005000170P)		1,250,000	0	0	0
WT_General Construction					
JUSTICE SOTOMAYOR (NY005010670P)		0	0	475,600	0
WT_Elevators					
WT_Fire Safety		170,000	0	0	0
WT_Major Renovation		18,032,607	13,000,000	30,000,000	30,000,000

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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: FY19 PHA FY: FY19	FFY Grant: FY20 PHA FY: FY20	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: FY25 PHA FY: FY25	FFY Grant: FY26 PHA FY: FY26
KING TOWERS (NY005010300P)	WT_Elevators		0	0	0	0	0	0	344,400
	WT_General Construction	1,250,000	0	0	0	0	0	0	0
KINGSBOROUGH (NY005010100P)	WT_Elevators	0	0	0	0	574,000	0	0	0
KINGSBOROUGH EXT (NY005010100P)	WT_Fire Safety	0	0	0	0	200,000	0	0	0
LA GUARDIA (NY005010760P)	WT_Elevators	0	0	0	0	0	0	0	295,200
LAFAYETTE (NY005001220P)	WT_Elevators	0	0	0	0	0	0	0	229,600
LATIMER GARDENS (NY005011860P)	WT_Heating	200,000	0	0	0	0	0	0	0
	WT_Plumbing	520,000	0	0	0	0	0	0	0
LEHMAN (NY005001010P)	WT_Plumbing	0	0	0	0	0	0	0	2,450,000
LEXINGTON (NY005010620P)	WT_General Construction	0	0	1,250,000	0	0	0	0	0
LINCOLN (NY005000200P)	WT_Elevators	0	0	0	0	459,200	0	0	0
LOW HOUSES (NY005011690P)	WT_Heating	0	0	350,000	0	0	0	0	0
	WT_Fire Safety	0	0	0	0	200,000	0	0	0
LOWER EAST SIDE I INFILL (NY005011000P)	WT_General Construction	0	0	2,500,000	0	0	0	0	0
MARCY (NY005000210P)	WT_Boilers	5,000,000	8,000,000	8,000,000	0	0	0	0	0
	WT_Elevators	0	500,000	500,000	1,189,200	0	0	0	0
	WT_Fire Safety	0	0	0	100,000	0	0	0	0
MARKHAM GARDENS (NY005010130P)	WT_Heating	0	0	0	0	0	0	0	280,000
	WT_Bathrooms	0	0	0	2,000,000	0	0	0	15,000,000
	WT_Elevators	0	0	0	0	0	0	0	3,000,000
	WT_Fire Safety	0	100,000	100,000	0	0	0	0	0
MCKINLEY (NY005000590P)	WT_Boilers	800,000	5,000,000	5,000,000	0	0	0	0	0
	WT_Elevators	5,000,000	5,000,000	5,000,000	0	0	0	0	0
	WT_Fire Safety	100,000	0	0	0	0	0	0	0
MIDDLETOWN PLAZA (NY005010340P)	WT_Garbage Disposal	0	0	40,000	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 (See Annual Statement)	Activities for Year 2		Activities for Year 3		Activities for Year 4		Activities for Year 5	
		FFY Grant: FY19 PHA FY: FY19	FFY Grant: FY20 PHA FY: FY20	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: FY25 PHA FY: FY25	FFY Grant: FY26 PHA FY: FY26
MILL BROOK (NY005010840P)	WT_Elevators	0	0	0	0	0	0	0	295,200
MILL BROOK EXTENSION (NY005010840P)	WT_Fire Safety	100,000	0	0	0	0	0	0	0
MITCHEL (NY005011450P)	WT_Bathrooms	0	20,000,000	25,000,000	0	0	0	0	0
MONROE (NY005000880P)	WT_Elevators	0	0	0	0	0	0	0	393,600
MOORE (NY005010930P)	WT_Fire Safety	100,000	0	0	0	0	0	0	0
MORRIS I (NY005011020P)	WT_Elevators	0	0	0	0	0	0	0	328,000
	WT_Fire Safety	100,000	0	0	0	0	0	0	0
MORRIS II (NY005011020P)	WT_Elevators	0	0	0	0	0	0	0	229,600
MORRISANIA AIR RIGHTS (NY005012670P)	WT_Elevators	0	0	0	0	0	0	0	7,000,000
MOTT HAVEN (NY005001210P)	WT_Heating	0	200,000	0	0	0	0	0	0
	WT_Plumbing	0	520,000	0	0	0	0	0	0
	WT_Elevators	0	0	0	0	0	0	0	262,400
	WT_Fire Safety	100,000	0	0	0	0	0	0	0
NOSTRAND (NY005010360P)	WT_Elevators	0	0	0	524,800	0	0	0	0
O'DWYER GARDENS (NY005011720P)	WT_Heating	0	0	0	0	0	0	0	200,000
	WT_Plumbing	0	0	0	0	0	0	0	520,000
	WT_Elevators	0	0	0	0	0	0	0	213,200
OCEAN BAY (BAYSIDE) FORMERLY EDGEMERE (NY005010980P)	WT_Elevators	0	0	0	459,200	0	0	0	0
OCEAN BAY (OCEANSIDE) FORMERLY ARVERNE (NY005010980P)	WT_Elevators	0	0	0	0	0	0	0	229,600
PARK ROCK REHAB (NY005013510P)	WT_Fire Safety	0	0	0	100,000	0	0	0	0
	WT_Garbage Disposal	0	0	0	0	0	0	0	300,000
PARKSIDE (NY005010470P)	WT_Elevators	0	0	0	0	0	0	0	377,200
	WT_Fire Safety	0	0	0	0	0	0	0	100,000
PATTERSON (NY005000240P)	WT_Boilers	50,000	0	0	0	0	0	0	0
	WT_Heating	0	0	0	200,000	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 (See Annual Statement)	Activities for Year 2 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
WT_Plumbing		0	0	520,000	0
WT_Bathrooms		0	23,000,000	23,000,000	0
WT_Elevators		0	0	606,800	0
WT_Brickwork_Roofs		15,000,000	16,000,000	0	0
WT_Heating		0	0	1,200,000	0
WT_Elevators		0	0	623,200	0
WT_Fire Safety		0	0	0	200,000
WT_Plumbing		0	0	600,000	6,300,000
WT_Elevators		0	0	0	360,800
WT_Fire Safety		0	0	100,000	0
WT_Plumbing		8,000,000	0	0	0
WT_Elevators		0	0	0	455,200
WT_Garbage Disposal		200,000	0	0	0
WT_Boilers		0	0	1,000,000	15,000,000
WT_Heating		0	200,000	0	0
WT_Plumbing		0	520,000	0	0
WT_Bathrooms		0	25,000,000	25,000,000	0
WT_Elevators		0	0	902,000	0
WT_Fire Safety		80,000	100,000	0	0
WT_Elevators		19,000,000	0	0	0
WT_Elevators		0	0	19,000,000	0
WT_Fire Safety		180,000	0	0	0
WT_Heating		0	200,000	0	0
WT_Plumbing		0	520,000	0	0
WT_General Construction		0	1,250,000	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 (See Annual Statement)	Activities for Year 2 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
RED HOOK EAST (NY005000040P)	WT_Heating	0	0	0	2,280,000
	WT_Elevators	0	0	787,200	0
RED HOOK WEST (NY0050000790P)	WT_Heating	0	0	0	280,000
	WT_Plumbing	0	0	600,000	6,478,038
	WT_Elevators	0	0	721,600	0
REID APTS (NY005011870P)	WT_Fire Safety	0	0	100,000	0
REVEREND BROWN (NY005012520P)	WT_Garbage Disposal	0	0	0	100,000
RICHMOND TERRACE (NY005011170P)	WT_Heating	0	0	200,000	0
	WT_Plumbing	0	0	520,000	0
RUIS I (NY005010180P)	WT_Elevators	0	0	426,400	196,800
ROBBINS PLAZA (NY005011390P)	WT_Heating	0	0	200,000	0
	WT_Plumbing	0	0	520,000	0
	WT_General Construction	0	0	0	1,000,000
RUTLAND TOWERS (NY005011670P)	WT_Boilers	0	0	250,000	2,100,000
SACK WERN (NY005012800P)	WT_Section 504	250,000	0	0	0
SAINT NICHOLAS (NY005000380P)	WT_Bathrooms	0	1,000,000	0	27,000,000
	WT_General Construction	0	0	0	1,000,000
SEDGWICK (NY005010450P)	WT_Heating	0	0	200,000	0
	WT_Plumbing	0	0	4,195,000	0
	WT_Elevators	0	0	0	229,600
	WT_Fire Safety	0	0	0	100,000
SHEEPSHEAD BAY (NY005010360P)	WT_Elevators	0	0	590,400	0
SHELTON HOUSE (NY005010910P)	WT_Plumbing	0	0	325,000	0
SMITH (NY005000270P)	WT_Heating	550,000	0	350,000	0
	WT_Plumbing	8,127,000	0	0	0

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Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)	Activities for Year 2 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
WT_Elevators		0	0	0	393,600
WT_Garbage Disposal		0	100,000	0	0
SOUNDVIEW (NY005000710P)		9,850,500	0	0	0
WT_Boilers					
WT_Heating		0	0	0	200,000
WT_Plumbing		0	0	0	520,000
WT_Elevators		0	0	426,400	0
WT_Boilers		0	0	650,000	6,500,000
WT_Elevators		0	0	0	262,400
WT_Boilers		50,000	0	0	0
SOUTH JAMAICA I (NY005010080P)		50,000	0	0	0
SOUTH JAMAICA II (NY005010080P)		175,000	0	0	0
STANTON STREET (NY005013590P)		0	0	200,000	0
STUYVESANT GARDENS I (NY005012210P)		0	0	0	0
STUYVESANT GARDENS II (NY005012210P)		0	0	0	40,000
WT_Garbage Disposal		0	0	0	1,325,000
WT_Elevators		0	0	200,000	0
WT_Fire Safety		600,000	0	0	0
WT_Garbage Disposal		0	0	0	0
SUTTER AVE - UNION ST (NY005011670P)		0	0	300,000	0
WT_Fire Safety		0	6,300,000	0	0
WT_Heating		0	0	0	295,200
WT_Elevators		0	0	0	1,000,000
WT_General Construction		0	0	0	0
TAPSCOTT ST REHAB (NY005011670P)		0	0	0	400,000
WT_Garbage Disposal		0	0	100,000	0
TAYLOR ST - WYTHE AVE (NY005012340P)		0	0	0	0
WT_Fire Safety		0	0	0	200,000
WT_Garbage Disposal		250,000	0	0	0
TELLER AVE - EAST 166TH ST (NY005013080P)\WT_Section 504		0	0	0	100,000
THROGGS NECK (NY005010630P)		0	0	0	0
WT_Fire Safety		0	0	0	0

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Part II: Supporting Pages -- Work Activities

Development Number/Name/HA-Wide	Activities for Year 1 (See Annual Statement)	Activities for Year 2 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
WT_Brickwork_Roofs		0	7,300,000	28,500,000	0
THROGGS NECK ADDITION (NY005010630P)		100,000	0	0	0
TILDEN (NY005000720P)		0	5,201,757	0	0
WT_Elevators		0	0	0	262,400
WT_Heating		0	0	0	200,000
TODT HILL (NY005000520P)		0	0	0	520,000
WT_Plumbing		0	0	0	229,600
WT_Elevators		0	0	0	200,000
WT_Fire Safety		0	0	0	0
WT_Elevators		0	0	393,600	0
TWIN PARKS WEST (SITES 1 & 2) (NY005012270P)		100,000	0	100,000	0
VAN DYKE I (NY005000610P)		0	0	350,000	0
WT_Plumbing		7,737,500	5,000,000	2,477,883	0
WT_Elevators		0	0	426,400	0
WT_Fire Safety		0	0	0	100,000
VLADECK I (NY005010060P)		0	0	754,400	0
WT_General Construction		0	0	0	1,000,000
W S U R (BROWNSTONES) (NY005011270P)		0	0	0	4,350,000
WT_Heating		0	0	0	200,000
WT_Plumbing		0	0	0	520,000
WT_Bathrooms		3,000,000	0	24,500,000	0
WT_Garbage Disposal		200,000	0	0	0
WALD (NY005000230P)		0	0	0	200,000
WT_Plumbing		520,000	0	0	520,000
WT_Elevators		0	0	524,800	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 FFY Grant: FY19 PHA FY: FY19	Activities for Year 3 FFY Grant: FY20 PHA FY: FY20	Activities for Year 4 FFY Grant: FY21 PHA FY: FY21	Activities for Year 5 FFY Grant: FY22 PHA FY: FY22
WASHINGTON (NY005010620P)	WT_General Construction	0	0	0	1,000,000
WHITMAN (NY005005140P)	WT_Plumbing	0	0	1,000,000	10,000,000
	WT_Elevators	0	0	656,000	0
	WT_Fire Safety	0	0	0	100,000
WILLIAMSBURG (NY005000020P)	WT_Heating	0	350,000	0	0
WOODSIDE (NY005000330P)	WT_Elevators	0	0	918,400	0
PHA WIDE ITEM	WT_Heating	0	200,000	0	0
	WT_IT Hardware and Software	7,876,281	7,492,331	5,715,850	5,715,850
	WT_Contingency	732,458	726,500	726,844	726,358
	WT_Debt Service	59,767,543	59,773,501	59,773,157	59,771,643
	WT_Reimb To Operate	4,697,200	4,697,200	4,697,200	4,697,200
	WT_General Construction	0	0	0	500,000
TOTAL		306,356,088	306,356,088	306,356,088	306,356,088

*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.

ATTACHMENT J

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