



RESIDENT HANDBOOK: A GUIDE TO NYCHA **RAD** CONVERSION

RENTAL ASSISTANCE DEMONSTRATION



ACKNOWLEDGEMENTS

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The Legal Aid Society



Thank you to the people and groups below for their contributions in shaping this Handbook. The people and organizations named below participated in the process of creating the RAD Handbook, but they do not necessarily endorse the content, for which the authors are responsible.

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SECTION I: PURPOSE OF THIS HANDBOOK

This handbook is a guide for NYCHA residents in public housing developments that may be converted to Section 8 under the HUD Rental Assistance Demonstration (RAD).

You should use this handbook if:

- If your development has been selected by NYCHA for RAD conversion...
- If your development has already been converted...
- If you want to learn more about the RAD...

This handbook will help you understand:

- Your potential benefits and risks under RAD conversion.
- What your rights and protections as residents are.
- What you need to do to make your voices heard in the process.
- Where you can find more information and assistance.

Keep an eye out for these icons throughout the handbook:



CALL TO ACTION

A step you can take to ensure the conversion goes smoothly



RESOURCE

Tools to help you actively engage in the conversion process

Please note: the glossary in the Appendix of this handbook defines key terms discussed throughout this document.

SECTION 2:

RAD AT A GLANCE

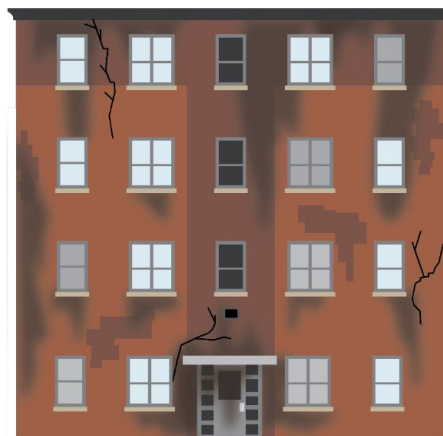
RAD stands for the HUD **R**ental **A**ssistance **D**emonstration. In 2011 it “was created in order to give public housing authorities a powerful tool to preserve and improve public housing properties.” (www.hud.gov)

What is a **NYCHA RAD Conversion?**

PRE-RAD

Deterioration, disrepair, difficulty in getting repairs.

Rents up to 30% of income



OWNER:
NYCHA



MANAGEMENT:
NYCHA or Current Private Manager (Kraus or BMA)



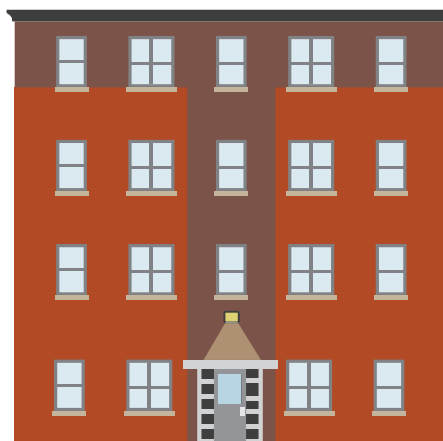
FUNDING:
Public Housing (Section 9)
Starvation federal funding



RAD

Major renovations in 2 years. Inspections every 2 years to assure federal quality standards are met.

Rents set at 30% of income*



OWNER:
Public-Private Entity**



MANAGEMENT:
New Private Manager



FUNDING:
Section 8 Housing
New capital from private investors and lenders



*As of 2018, NYCHA anticipates all rent to be phased to 30%.

**NYCHA continues to own and leases land and buildings to the public-private entity.

KEY FEATURES OF RAD

Permanent affordability—rents set at 30 percent of household income

Transfer to alternative ownership and management

Funding for major improvements up to the 20-year need

Transfer from the HUD public housing program to the section 8 program

What does NYCHA RAD Conversion involve?



NEW OWNERSHIP AND MANAGEMENT ARRANGEMENTS

Your development will be leased by NYCHA to a public-private development team entity over a long-term lease period (most likely 99 years).

The **development team** will be selected by NYCHA through a competitive Request for Proposals (RFP). The developer will be in charge of improvements to buildings, apartments, and the site. A private manager will be in charge of day-to-day management of your development. A service provider will provide on-site services that are responsive to resident needs.

As a partner in the new ownership entity, NYCHA will continue to be involved. It will administer the waiting list used to fill vacancies and perform routine inspections. At the end of the lease, the property will return to NYCHA ownership.



RESIDENT RENTS AND LEASES

Your rent will be set at 30 percent of household income.

All residents on the original NYCHA lease have the “right to stay” after conversion without any rescreening.




Vacancies that occur after conversion will be filled by NYCHA from a site-based Section 8 waiting list. (Your development will not be “gentrified.”)

Under RAD, permanent affordability of your development is assured: HUD is required to renew its Section 8 commitment every 20 years and the owner is required to accept.

WHO IS THE DEVELOPMENT TEAM?

The development team includes:

1. The developer who will secure financing and carry out renovations
2. The property manager who will assume maintenance and operations
3. The service provider who will provide on-site services

1. 
2. 
3. 



NYCHA's Plan for Conversion

Ocean Bay (Bayside) Apartments (approximately 1,400 units) in Far Rockaway was the first NYCHA development to go through the RAD conversion process. The conversion took place in December, 2016. Apartment and building renovations followed.

The 2015 NextGeneration NYCHA Plan called for the conversion of 15,000 public housing units over 10 years.

In July 2016, NYCHA announced it had applied to HUD for conversions of 5,200 units in 40 developments. In January 2017,

HUD approved the conversion of 17 NYCHA developments (approximately 1,700 apartments).

These developments will be leased, not sold, to a public-private development team. When the long-term lease expires, the property will return to NYCHA.

NYCHA has agreed to a set of "guiding principles" concerning resident rights and protections under RAD, that go beyond what is required by federal law and HUD regulations (See Appendix B for the Guiding Principles).

SECTION 3: KEY BENEFITS AND RISKS FOR NYCHA RESIDENTS

LIVING CONDITIONS

BENEFITS	RISKS & UNCERTAINTIES
<p>1. Within 2 years of conversion your development will be upgraded. As part of RAD conversion, the funds for renovation will come largely from private investors and lenders.</p>	<p>Under a long-term lease, your development will be transferred from NYCHA to a public-private development team, in which NYCHA will play a role. This is a form of partial privatization.</p>
<p>2. The renovation should cover major capital improvements needed over the next 20 years.</p>	<p>The risk that the development team may not complete renovations to quality standards may be minimized by the investors' incentives to protect their investment.</p>
<p>3. NYCHA must inspect your apartment every two years to make sure it continues to meet federal housing quality standards. The property manager must promptly address any deficiencies to maintain Section 8 funding.</p>	<p>You will have to provide access to your apartment for the inspector and for any needed renovations.</p>

RENTS AND LEASES

BENEFITS

RISKS & UNCERTAINTIES

4. Residents on the NYCHA lease at conversion have the “right to stay” without rescreening. Those temporarily relocated during renovations will be guaranteed the “right to return.”

After conversion, anyone living with you, who is not on the lease, may be required to leave.

If you are living in an over or under-occupied apartment, you may be moved to a right-sized unit if an appropriately sized apartment becomes available in the same development.

5. Your rent will be permanently affordable and set at 30 percent of household income.

Households now paying less than 30 percent will experience a rent increase, to be phased in up to a 5-year period.

6. Your development will remain permanently affordable housing. Every 20 years the development team is required to renew the Section 8 funding with HUD.

RAD and the public housing program—like any other federal program—are subject to legislative and funding changes in Washington.

7. Vacancies will be filled by NYCHA from a site-based Section 8 waiting list. As a result, your development will not be at risk of gentrification. Any new residents will have to meet income eligibility requirements set by Section 8.

8. Residents who have lived in a converted unit for a year have the right to apply for a portable Section 8 housing voucher.

Voucher allocations will depend on availability and they may be scarce.

PROGRAM ARRANGEMENTS

BENEFITS

RISKS & UNCERTAINTIES

9. Your development will become Section 8 housing, which traditionally has more stable federal funding than public housing and allows for non-governmental investment.

Your development will no longer be considered public housing (Section 9). It will be subject to different rules and regulations.

10. RAD residents have the right to organize. The resident organization will continue to be funded each year at up to \$25 per occupied unit.

Arrangements will have to be worked out with the new property manager for accessing and using the funds.

11. NYCHA will select a “development team,” including a developer to carry out renovations, a private manager to replace NYCHA management, and a service provider to provide on-site services.

NYCHA workers will be transferred to other NYCHA developments unless hired by the development team.

12. As a result of the conversion, resident training and job opportunities will open up in construction and in fields such as construction and property management.

Residents may lose access to NYCHA-run job training programs.

SECTION 4: HOW RAD CONVERSION WORKS

1. RESIDENT CONSULTATION AND HUD APPLICATION

NYCHA must consult with residents before applying to HUD for RAD conversion

2. HUD APPROVAL

HUD approves development for RAD conversion

3. RESIDENT ENGAGEMENT

NYCHA engages with residents on key concerns of the Section 8 conversion

4. DEVELOPER SELECTION

NYCHA issues an RFP to select the development team, who joins NYCHA in resident engagement

7. RENOVATION

The development team begins renovations



6. CONVERSION

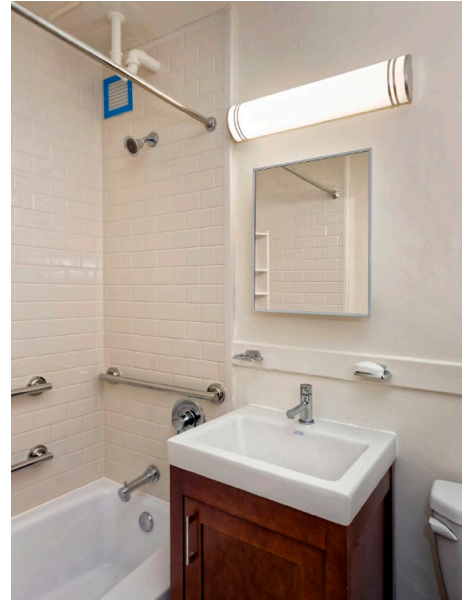
Residents sign new Section 8 leases with the new property manager, and the development team comes on site.



5. FINAL SCOPE OF WORK

NYCHA and the development team inspect the property and engage with residents to determine what renovations will be done and what services are needed





Conversion Recap

- Funding for public housing requires support and approval from Congress. Historically, this funding has been unpredictable and inadequate. RAD was created as a tool to allow Public Housing Authorities (PHAs) to access more stably funded Section 8 Subsidy and other forms of financing to complete needed building improvements.
- NYCHA must notify residents before submitting their application to HUD for RAD conversion.
- Upon RAD conversion, the development will no longer be funded under the HUD public housing program (Section 9). Instead, the public housing subsidies are “packaged” into a Section 8 rental assistance contract over a 20-year term, which RAD requires to be renewed.
- Your development will be transferred from NYCHA to a public-private development team. NYCHA will be a partner in the new entity.
- NYCHA will select a “development team” that includes the developer responsible for financing and renovation, a new property manager, and a service provider.
- Any vacancies that occur after conversion will be filled by NYCHA from a site-based waiting list drawn from the Section 8 waiting list.

Conversion Process


This description of the conversion process includes:

 = Key steps you can take to influence the conversion process

■ = Each step in the process prescribed under federal law and HUD regulations

■ = Features specific to RAD under NYC's implementation of the program

1. RESIDENT CONSULTATION AND HUD APPLICATION

 Attend these meetings to learn what RAD will mean for your development.

Share meeting information with your neighbors.

Refer to NYCHA's Annual PHA Plan for a list of developments being considered for RAD conversion.

- NYCHA must hold two informational meetings with residents of the development before it applies to HUD. The application must summarize resident comments and NYCHA's responses.

If a Resident Organization (RO) does not already exist, residents should form one at this point. Strong ROs – where residents are united – help ensure that residents' voices are heard at every step of the process. Guidance on how to form an RO can be found in Appendix D.

2. HUD APPROVAL

- HUD either approves the application, denies it, or places it on the RAD waiting list.
 - If HUD accepts the application, it issues a conditional approval called a CHAP (Commitment to Enter into a Housing Assistance Payments Contract).
-

3. DEVELOPER SELECTION



Come to meetings to make sure your needs are voiced and stay informed.

- Once the CHAP is awarded, NYCHA prepares an RFP (Request for Proposals) to which development teams will respond.

In NYC: While preparing the RFP, NYCHA holds numerous meetings with residents to discuss key concerns of the Section 8 conversion.

- NYCHA reviews the proposals and selects a development team. The team will include the developer, the new property manager, and the service provider.

4. FINAL SCOPE OF WORK, SERVICES AND JOB OPPORTUNITIES



Come to meetings with the development team to help identify repairs and services to be included in the scope of work and to discuss training and job opportunities.

- The “scope of work” is the plan for phasing in major improvements over time.
- Once NYCHA makes its selection, the development team will meet with residents on a regular basis about what should be included in the scope of work.
- The development team will finalize the scope of work and plans for resident job training opportunities and for services to be provided.



5. CONVERSION



Take time to read and understand the terms of your new lease. The new property manager is required to accept all household members already on the public housing lease and all pets and service animals registered with NYCHA.

- Upon RAD conversion, the development will no longer be funded under the HUD public housing program (Section 9). Instead, the public housing subsidies are “packaged” into a Section 8 rental assistance contract over a 20-year term.

In NYC: Before conversion takes place, residents are required to sign a new Section 8 lease with the new owner.

In NYC: It is important to add additional household members to the NYCHA lease and register pets and appliances as soon as possible before RAD conversion. Prior to conversion, contact your NYCHA property manager anytime to do so. Also, NYCHA will set up “Lease Addition” days at which you can add household members to the NYCHA lease and register pets and appliances.

6. RENOVATION



Request reasonable accommodation if you are concerned that construction may affect any existing health conditions.

- The construction process will take place after conversion and usually takes from 1 to 2 years.
- Throughout the process, the development team should meet regularly with residents to provide construction updates.
- If temporary relocation is needed or requested, it will take place during this period. You are guaranteed the “right to return”. (An overview of federal requirements regarding temporary relocation is provided in Appendix C.)

In NYC: The development team will cover all costs due to temporary relocation. They will attempt to find an apartment within your development or in a nearby location.

- There will be HUD, NYCHA, and investor inspections to oversee construction and to ensure housing quality standards throughout the construction period.

In NYC: There will be training and job opportunities available during construction and for property management positions.

7. POST-CONVERSION RESIDENT ENGAGEMENT



Work with the development team to shape what services are offered.

Proactively engage with your RO on a regular basis to work together to address any issues that arise.

- If your entire development is converting, any existing Tenant Association may continue as the designated Resident Organization (RO). If one doesn't exist, the property manager is required to support resident efforts to create one.

In NYC: If a duly-elected tenant association exists prior to conversion, it can continue as the designated RO. See page 21 for more information.

- The RO will be funded annually at up to \$25 per occupied unit. The manager may take up to 40% for administration.

In NYC: Any tenant participation (TP) funds held by a resident association prior to conversion will be transferred to the RO upon request in any year that the RO spends its entire annual TP allocation. Arrangements for future funding of the RO will be detailed in the conversion agreement.

- A Memorandum Of Understanding (MOU) may be prepared to ensure that resident priorities are clear and the development team follows through on the agreements. The MOU should be signed by the development team and resident leaders.
- The property manager is required to provide information and education about the new grievance and termination procedures which will mirror your current public housing rights. (See pgs 17- 18).

In NYC: Under the RAD program, the development team is required to offer services that respond to resident needs. For example: afterschool programs, food pantries, senior activities, workforce training, etc.

After conversion, the procedures for addressing personal housing issues will change. This chart includes a summary of these changes:



CHANGES IN ARRANGEMENTS

NYCHA

**NEW PROPERTY
MANAGER**

After conversion...

Who do I pay rent to?		●
Who I do pay any owed rent to?		●
Who do I contact if my income changes?	●	
Who will I annually recertify with?	●	●
Who do I contact with questions about accommodating a disability or medical condition?	●	●
Who do I contact for issues related to my lease and property maintenance?		●
Who do I contact in case of emergencies? (flooding, lack of heat or hot water, etc.)		●
Who do I call for repairs and work orders?		●
Who do I contact if I want to find out more about applying for a portable Section 8 housing voucher?	●	

SECTION 5:

KEY RESIDENT ISSUES

This section addresses some of the major concerns that residents may have about RAD conversion. It will not answer all of your questions, but hopefully it is a good start. The following issues are covered in this section:

LEASE-RELATED ISSUES

1. Rental Assistance and New Lease
2. Rents to be Charged
3. Security Deposits
4. No Rescreening of Current Residents
5. Termination of Section 8 Rental Assistance Subsidy
6. Eviction
7. Grievances

RELOCATION AND TRANSFERS

8. Temporary Relocation
9. Transfers
10. Reasonable Accommodation
11. Choice Mobility Vouchers

DEVELOPMENT RULES

12. Succession Rights
13. Rightsizing
14. Pets
15. Resident Organizations
16. Service Programs
17. Training and Job Opportunities
18. Complaints about the New Property Manager
19. Filling of Vacancies



LEASE-RELATED ISSUES

1. RENTAL ASSISTANCE AND NEW LEASE

Before conversion, you are required to sign paperwork concerning your rights and responsibilities under the Section 8 program. You will also have to sign a lease with the new property manager.

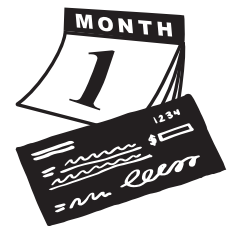


CHECKLIST: PREPARING FOR CONVERSION

- As early as possible, contact NYCHA to add additional household members to your current public housing lease and to register your pets and appliances.
- When the lease is sent to you by the new property manager, review it and ask questions or seek legal assistance if there are provisions you don't understand.
- Make sure to sign your new lease before the deadline.

2. RENTS TO BE CHARGED

Rents will be set at 30% of your household income. Residents who currently pay less than 30% of income (flat rents) will experience a rent increase phased in over up to 5 years. If your income decreases, you have a right to request an interim recertification and an adjustment in your rent. You must recertify your income annually with both the new property manager and NYCHA.



3. SECURITY DEPOSITS

Current residents will not be charged additional security deposits upon conversion. Security deposits with NYCHA will be transferred to the new property manager.



4. NO RESCREENING OF CURRENT RESIDENTS

All household members on your public housing lease before conversion have a “right to remain” after conversion without rescreening for criminal background and income. Household members over the age of 18 who are applying to be added to the lease after conversion will be screened for criminal convictions.

5. TERMINATION OF SECTION 8 RENTAL ASSISTANCE:

After conversion you will be a Section 8 tenant and your apartment will receive a Section 8 rental assistance subsidy. NYCHA may only terminate your subsidy for good cause, such as failure to comply with Section 8 program rules and requirements.

Prior to any termination of your Section 8 rental assistance subsidy, NYCHA must give you notice of the grounds for any such termination and you have a right to request an impartial hearing at 250 Broadway to challenge a proposed termination. If a NYCHA hearing officer terminates your Section 8 rental assistance, you can appeal the termination in NY State Supreme Court in an Article 78 proceeding.

If your Section 8 rental assistance is terminated by NYCHA, the new property manager will no longer receive rental assistance for your apartment. The loss of rental assistance for your apartment could be a lease violation under your lease with the new property manager and could lead to eviction.



If you receive termination notice from NYCHA, request a hearing immediately.

6. EVICTION

In New York City a landlord must take a tenant to housing court and get a warrant of eviction in order to evict a tenant. Housing court eviction cases can be non-payment cases or holdover cases. In a non-payment case, the landlord alleges that a tenant has not paid rent. In a holdover case, the landlord alleges that the lease has been terminated—examples may include: objectionable conduct or breach of lease, such as loss of your Section 8 rental assistance.

Under public housing, NYCHA, as the landlord, brings eviction proceedings against public housing tenants in housing court. After RAD conversion, the new property manager will be the party that brings eviction proceedings against tenants in housing court.

7. GRIEVANCES

As a public housing resident before RAD conversion, all tenant grievances were processed by NYCHA. After RAD conversion, depending on the issue, some grievances will be processed by the new property manager and some by NYCHA.

For example: Grievances concerning appliances, pets and issues in your apartment will be processed by the new property manager.

Grievances concerning matters involving your Section 8 rental assistance such as adding household members and calculation of your rent will continue to be processed by NYCHA as the agency administering your Section 8 rental assistance subsidy.

RELOCATION AND TRANSFERS

8. TEMPORARY RELOCATION

NYCHA hopes to minimize temporary relocation through “in-place” apartment renovations. When that is not possible, residents may be temporarily relocated. Residents will be offered vacant units in their development or in nearby locations. You are guaranteed the “right to return” under federal law. Relocation will last at most 12 months and relocation costs will be covered. Residents will continue to pay the same amount of rent during the temporary relocation. (See Appendix C for the federal overview of resident rights and procedures under temporary relocation.)



9. TRANSFERS

Once a property converts from public housing to Section 8 under RAD, residents can no longer transfer to other NYCHA public housing developments.

You may request an emergency transfer at any time for circumstances such as domestic violence or reasonable accommodation by contacting NYCHA’s Customer Contact Center at 718-707-7771.



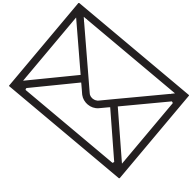
10. REASONABLE ACCOMMODATION

If you or a member of your household has a disability or medical condition, you may request a reasonable accommodation, such as a larger apartment or an alternative form of communication for the blind, visually impaired, deaf or hearing impaired by contacting NYCHA. For more information, please contact the NYCHA Customer Contact Center at 718-707-7771.



11. “CHOICE MOBILITY” VOUCHERS

Any household that has lived for at least one year in a converted development has the option to apply for a Section 8 voucher to move. Households that are approved for a Choice Mobility voucher will receive a voucher when it becomes available. If a resident accepts the voucher, the entire household must move out.



DEVELOPMENT RULES

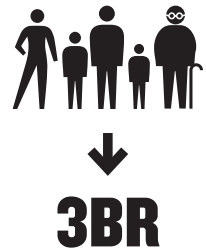
12. SUCCESSION RIGHTS

Residents living in the development at conversion will keep the succession rights they had in public housing. However, residents admitted after conversion will instead be subject to the succession rules for project-based Section 8 vouchers. Under Section 8, adult children added to the household do not have succession rights.



13. RIGHTSIZING

If you are in an apartment that is too big or too small for your household size, you may be required to move into an appropriately sized apartment within your development when one becomes available. If your RAD conversion combines several sites, you might be moved to another property within the larger development group.



14. PETS

Pets that are registered with NYCHA prior to conversion have the “right to stay” with the household after conversion. New tenants admitted after conversion must comply with the rules for pets in the new Section 8 lease.



15. RESIDENT ORGANIZATIONS

Under RAD, residents have the right to form a Resident Organization (RO) to represent the converted development. If the development already has a recognized Tenant Association prior to conversion, it will become the recognized RO after conversion. If there is no such organization, the new property manager must support and encourage the formation of a new RO.

If only part of your development is converting then a new resident group should be created so both the RAD site and remaining public housing have resident representation. Also, if a number of developments are being converted together, residents should work together to figure out how to collectively represent themselves.

The RO will receive up to \$25 per occupied apartment each year. See Appendix B for eligible uses.

The new property manager is required to meet periodically with the RO and provide available space for RO meetings. You and your RO should work with the property manager to set a regular meeting schedule. (See Appendix D for more information on the rights of Resident Organizations retained under RAD).



16. SERVICES AND PROGRAMS TO BE PROVIDED

The development team must provide a plan for assessing and meeting the social service needs of residents. They must consult with residents about their preferences in both the types of activities and the programs to be provided. If a community center is part of the converted development, the new property manager must maintain the center and its services and make space available upon request of the Resident Organization.



17. TRAINING AND JOB OPPORTUNITIES

The development team must include a plan for training and hiring residents as part of its proposal to NYCHA in response to the RFP. The property manager is required to notify residents about all such opportunities. The development team will be required to maximize resident training and job opportunities for both construction and permanent positions.



18. COMPLAINTS ABOUT THE NEW PROPERTY MANAGER

Individual resident complaints should be directed to the property manager. Complaints about living conditions should be phoned in to the “311” Citizen Service Center. Bring issues to NYCHA’s attention only if they are not resolved in a reasonable amount of time or they affect the resident community as a whole. NYCHA will appoint a contact person to receive and act on such complaints.



19. FILLING OF VACANCIES

After conversion, NYCHA will select new tenants to fill vacancies from a site-based Section 8 waiting list. These candidates will also be screened by the new property manager. NYCHA will work with the new property manager to develop standard screening criteria for new tenants.



SECTION 6:

PREPARING FOR CONVERSION

Tips for organizing with your fellow residents, opportunities to make your voice heard, and a summary of meeting topics that will be covered throughout the process.

- **Get Organized!**
- **Participate & Make Your Voices Heard!**
- **Stay Informed!**



GET ORGANIZED!

- Form a resident organization (RO) if you don't already have one.
- Make sure the word on RAD conversion gets out to all your neighbors. Use this as an opportunity to expand and strengthen the RO.
- Meet as often as you need to, with or without NYCHA.
- Develop a written list of RO questions, concerns, comments, and demands for NYCHA and the development team.
- There is strength in unity. Resident leaders should work to build consensus on the agenda and demands.
- Connect with other ROs that have gone through or are going through RAD conversion. Learn from their experiences.
- Keep records of all written notices and materials that NYCHA and your new property manager give you.
- Keep a written record of your demands of NYCHA and the development team.
- Contact your elected officials to gain their support, if needed, as you go through the RAD process.
- Invite housing advocates and community organizations you trust to provide independent information.



PARTICIPATE & MAKE YOUR VOICES HEARD!

- Before conversion, NYCHA will hold numerous meetings with residents to explain RAD conversion, answer questions, and determine resident priorities. To the extent possible, residents should be united around a clear agenda and set of demands.
- Demands can cover the scope of planned improvements, projected training and job opportunities, services to be provided, etc.
- Residents will have greater strength if they are united around their agenda and their written demands.
- There will be numerous resident meetings with the development team and NYCHA to plan for the work ahead. Be consistent with your participation and written demands.
- Make sure that your RO knows the NYCHA contact person with whom they can raise systemic problems that emerge during and after conversion.
- Make sure you are aware of outside resources such as advocates and community organizations who can assist you with problems that occur.

STAY INFORMED!

While there are rules that will apply to every RAD conversion, some things will be specific to just your development. Use the questions below as guidelines when you have meetings with NYCHA and the development team, to make sure you understand the specifics at your development.

MEETING TOPICS SAMPLE QUESTIONS

INTRODUCTION TO RAD

- When is my development expected to convert to RAD?
 - Who will be the new property manager at my property?
 - Will any units be lost because of RAD?
 - How will the new property manager be held accountable after conversion?
 - Will residents be able to review the scope of work?
 - Will there be any fees in addition to my monthly rent?
-

SCOPE OF WORK

- What types of repairs are expected to be made to apartments, buildings and the campus?
 - Will residents be asked to temporarily relocate during repairs, and if so, where and when? How long will repairs take?
-

EMPLOYMENT OPPORTUNITIES

- What employment opportunities will become available as a result of conversion?
 - How do I apply for available positions?
 - Where can I get help with employment readiness (like training and OSHA certification)?
-

SERVICES AND PROGRAMS

- What services will be provided?
 - Who will be providing these services?
 - What will happen to my community center?
 - How do I provide input on the services that will be provided?
-

THE NEW LEASES

- What are the differences between my public housing lease and house rules and the new Section 8 lease and house rules?
 - How will rent be paid after conversion?
 - How and when will income recertification be conducted?
 - Will I be able to transfer?
-

IF TEMPORARY RELOCATION IS REQUIRED

- How and when will the development team pay for my temporary relocation moving expenses and increased housing costs?
 - How will NYCHA and my new property manager accommodate my health-related needs during temporary relocation?
 - Will my temporary housing unit be located near my doctors, schools, and services?
 - What will happen to my pet during temporary relocation and after conversion?
 - How do I file a complaint if I have a problem during the relocation process?
-

TRANSITION TO NEW PROPERTY MANAGEMENT

- How will NYCHA remain involved in the operations and oversight of the property after conversion?
 - How is NYCHA planning to monitor my development after it has converted?
 - What happens if the property manager tries to change agreed-upon terms in my lease or house rules after conversion?
 - What will the grievance procedure with the new property manager look like?
 - What happens if I have an emergency that requires me to move quickly from my unit to another unit or property?
 - How and when will the new property manager provide tenant participation funds to my resident organization?
-

APPENDIX

- A Glossary
- B NYCHA RAD Guiding Principles
- C Temporary Relocation Guide
- D Resident Organizations
 - Guidance on Forming a Resident Organization
 - Protected Activities for Residents and Resident Organizations
 - Property Managers Responsibilities Pertaining to Resident Organizations
 - Checklist: Best Practices in Forming a Resident Organization
- E Additional Resources

GLOSSARY

Conversion: Conversion is the official point in the RAD process at which residents' new Section 8 leases become effective, the development team enters into a long term ground lease with NYCHA, and the new property manager assumes day-to-day operations.

Development Team: The development team includes:

1. The developer who will secure financing and carry out renovations
2. The property manager who will assume maintenance and operations.
3. The service provider who will provide on-site services

HUD: The U.S. Department of Housing and Urban Development is the federal agency responsible for national policy and programs that address America's housing needs, improve and develop the Nation's communities and enforce fair housing laws.

NYCHA: New York City Housing Authority.

PHA: Public Housing Authorities are independent agencies governed by the U.S. Department of Housing and Urban Development, not the local or state government. Public housing developments are always overseen by a housing authority. The authority will often also oversee Section 8 vouchers as well.

RAD: Rental Assistance Demonstration.

RFP: NYCHA will use a competitive process called a Request for Proposals (RFP) to select the Development team that will renovate the property. As a part of the RFP, the development team will have submitted the preliminary scope of work for the proposed improvements and a plan for providing training and employment opportunities both during and after construction.

RO: Resident Organization (the new name of a Tenant Association after RAD conversion).

Section 8: Section 8 of the Housing Act of 1937, as amended, is the Housing Choice Voucher Program. Referred to as Section 8, this program authorizes the payment of rental housing assistance to private landlords on behalf of approximately low-income households. The maximum rent under project based Section 8 is 30% of income.

Section 9: Refers to the current operating funding source for traditional public housing.

Scope of Work: The RFP includes the "scope of work" to be carried out in the building and apartment improvements, based on the RAD physical needs assessment. This scope of work will be finalized by the development team after they are chosen.

Temporary Relocation: If temporary relocation is needed or requested during renovation, residents are guaranteed the "right to return" and the development team will attempt to find an apartment within the development or in a nearby location and will cover all associated costs of moving.

PRINCIPLES FOR THE RENTAL ASSISTANCE DEMONSTRATION:
SUPPLEMENTAL RESIDENT RIGHTS AND PROTECTIONS UNDER RAD CONVERSION

*Prepared by the New York City (NYC) Rental Assistance Demonstration (RAD) Roundtable on
Resident Rights and Protections*

The RAD Principles are intended as supplemental to rights and protections already provided by federal and state statute, U.S. Department of Housing and Urban Development (HUD) regulations, and HUD notices. The HUD notice related to resident protections is included as an appendix.

These Guiding Principles were developed by the RAD Roundtable in partnership with the New York City Housing Authority (NYCHA) in order to ensure that the rights of tenants are protected as NYCHA preserves properties through RAD. The RAD Roundtable included participants who are residents of NYCHA public housing and who represent community-based organizations, including:

Bernadette McNear, President, Ralph J. Rangel Houses Tenant Association, Manhattan
Lolita Miller, Treasurer, Ocean Bay (Bayside) Tenant Association, Queens
Ann Cotton Morris, President, Woodside Houses Tenant Association, Queens, and Chair, NYCHA City-Wide Council of Presidents (CCOP)
Charlene Nimmons, Resident, Wyckoff Gardens, Brooklyn, and Founder & Executive Director of Public Housing Communities, Inc.
Diana Blackwell, President, Fred Samuels Houses Tenant Association, Manhattan
Community Service Society
Community Voices Heard
Enterprise Community Partners, Inc.
FUREE
Good Ole Lower East Side
Local Initiative Support Corporation
New York Housing Conference
The Legal Aid Society
Urban Upbound

The RAD Principles have been endorsed by Roundtable participants: Bernadette McNear, President, Ralph J. Rangel Houses Tenant Association, Manhattan, Lolita Miller, Treasurer, Ocean Bay (Bayside) Tenant Association, Queens, Charlene Nimmons, Resident, Wyckoff Gardens, Brooklyn, and Founder & Executive Director of Public Housing Communities, Inc., Diana Blackwell, President, Fred Samuels Houses Tenant Association, Manhattan, Community Service Society, Enterprise Community Partners, Inc., FUREE, Good Ole Lower East Side, Local Initiative Support Corporation, New York Housing Conference, The Legal Aid Society, and Urban Upbound

June 13, 2016

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PRINCIPLES FOR THE RENTAL ASSISTANCE DEMONSTRATION

Residents:

- ***Notice of RAD Candidacy***
Residents and Resident Associations (RAs) will have notice that their development is under NYCHA consideration for RAD conversion. NYCHA will begin outreach and education with residents while HUD considers NYCHA applications to ensure residents have the opportunity to learn about RAD in advance of HUD approval of developments.
- ***Resident Education***
A RAD handbook shall be distributed to all affected residents, providing comprehensive information about RAD conversion, including how RAD will differ from public housing and the potential impacts for residents and the community.
- ***Right to Organize***
Residents have the right to form a resident organization (RO) to represent all residents in the development, which the developer/property manager (PM) must recognize. If there is a RA (964-compliant and NYCHA-certified) that exists prior to RAD conversion, the RA will be recognized as the RO after conversion. If only part of the development with an RA will convert, the RA will continue to exist and the converted portion may form an RO. If no RA exists, NYCHA shall encourage the residents to form one prior to RAD conversion. If, upon conversion, there is no RO, the PM should encourage residents to form one and support them in doing so.
- ***Resident Participation Funding***
The RO will decide on how to use the RO portion of Resident Participation Funds, within the uses permitted under RAD including discretion over engaging community organizations for technical assistance and education. If the RA exists, funding should be allocated prior to conversion and transferred to the RO after conversion. If only part of a development is converting, the amount of funding to be transferred to a new RO will be prorated based on the number of units.
- ***Communications Among ROs***
In order to promote communication among ROs once a number of RAD conversions take place, NYCHA will provide ROs with contact information for other RAD property managers to enable organizations to communicate.
- ***Grievances and Lease Terminations***
NYCHA will develop a set of procedures for resident grievances and lease termination proceedings that will take effect upon conversion. The procedures will be uniform for each converted development and must be implemented by each PM. The PM must provide ongoing orientation to the procedures for residents.
- ***Succession Rights***
Households of a unit prior to conversion shall continue to have the same succession rights after conversion as NYCHA public housing residents. Persons who become residents of a unit after conversion shall have succession rights according to Section 8 rules.
- ***Resident Businesses***
Residents may engage in legal profit-making activities, including the operation of a home-based business, in their dwelling unit, provided that such activities are incidental to the primary use of the dwelling unit as a residence

RAD Developer/Property Manager (PM):

- ***RO Recognition and Meetings***
The PM must recognize a legitimate RO as the residents' representative. The PM must invite the RO to all resident engagements. The PM must meet regularly with ROs to discuss emerging property-wide issues, particularly during the construction/rehabilitation process. The PM and RA/RO should agree on

the frequency of these meetings. If there is no RA to become an RO after conversion, the PM should support residents in forming one.

- ***Right to Stay: Keeping Current Residents***
The PM shall not rescreen current households upon conversion for the purpose of maintaining tenancy including for income eligibility, income targeting provisions, criminal background, or credit history. Pets registered with NYCHA prior to conversion must also be allowed to stay.
- ***Keeping Residents Informed***
The PM must provide clear and accessible information to residents (in accord with HUD RAD guidance) regarding income recertification, eligible uses of Resident Participation Funds, rehabilitation and unit work schedules, and other PM expectations of residents. The PM should also create a system for responding to resident concerns or complaints and communicate how that process will work to residents.
- ***Language Access***
The PM will provide language assistance to residents who are Limited English Proficient (LEP) to ensure that they have meaningful access to RAD resident notifications and meetings, per RAD guidelines and HUD regulations.
- ***Plan for Resident Services***
The PM must provide a plan for assessing and responding to resident social service needs, including employment training and job opportunities. The PM must maintain community centers and the provision of services when the community center is part of the converting development. PM must consult with residents and the RO about their preferences in the choice of service providers and activities.
- ***Training and Employment Opportunities***
The PM must provide training and employment opportunities to residents both during and after construction and collaborate with NYCHA to finalize a plan. The PM must ensure that employees at the development are able to apply for positions with the new property management company.
- ***Rehabilitation Needs***
The PM should keep a record of rehabilitation needs, concerns about the structure and quality of buildings, which are raised by residents in the engagement process.
- ***Coordinated Income Reviews***
In order not to subject households to multiple income reviews—such as for HUD recertification and the Low Income Housing Tax Credit (LIHTC)—the PM and NYCHA must work to combine them into a single process where feasible.
- ***Temporary Relocation***
If any relocation is necessary, NYCHA and the PM must provide residents with the written relocation plans and inform them of their right to return and protections from relocation costs.
- ***Procedures for Handling Grievances and Lease Terminations***
NYCHA will develop a set of procedures for resident grievances and lease termination proceedings that will take effect upon conversion. The procedures will be uniform for each converted development and must be implemented by each PM. The PM must provide ongoing orientation to the procedures for residents.
- ***Language Access***
The PM will provide language assistance to residents of the project who are Limited English Proficient (LEP) to ensure that they have meaningful access to RAD resident notifications and meetings, per RAD guidelines.
- ***Enforcement of Principles***
NYCHA will implement these principles, including all items related to resident protections, services, and ongoing tenancy rights into appropriate transactional documents in consultation with the RAD Roundtable members. Tenant rights as described in these principles will be appropriately delineated in a required rider to resident leases with the PM. These rights will be part of the lease by incorporation.

NYCHA:

- ***Notice of RAD Candidacy***
NYCHA will provide residents and RAs with notice that a development is under consideration for RAD conversion. NYCHA will begin outreach and education with residents while HUD considers NYCHA applications to ensure residents have the opportunity to learn about RAD in advance of HUD approval of developments.
- ***Recognition of the RA Role***
If there is an RA prior to RAD conversion, NYCHA must involve the RA in all resident engagements. If no RA exists, prior to RAD conversion, NYCHA shall encourage the residents to form one prior to conversion.
- ***Resident Participation Funding***
RA funding should be allocated prior to conversion and transferred to the RO after conversion. If only part of a development is converting, the amount of funding to be transferred to a new RO will be prorated based on the number of units.
- ***Communications Among ROs***
In order to promote communication among ROs once a number of RAD conversions take place, NYCHA will provide ROs with contact information for other RAD property managers to enable organizations to communicate.
- ***Training and Employment Opportunities***
NYCHA will collaborate with the PM on a plan to provide training and employment opportunities to residents, both during and after construction.
- ***Coordinated Income Reviews***
In order not to subject households to multiple income reviews—such as for HUD recertification and the Low Income Housing Tax Credit (LIHTC)—the PM and NYCHA must work to combine them into a single process where feasible.
- ***Rehabilitation Needs***
NYCHA should keep a record of rehabilitation needs, concerns about the structure and quality of buildings, which are raised by residents in the engagement process or in the unit-by-unit Physical Needs Assessment.
- ***Temporary Relocation***
If any relocation is necessary, NYCHA and the PM must provide residents with the written relocation plan and inform them of their right to return and protections from relocation costs.
- ***Waiting List Responsibility***
NYCHA will administer site-based Section 8 Voucher waiting lists, which will be used to fill all vacancies in RAD-converted developments. NYCHA will notify applicants on the public housing waiting list about how to be placed on the Section 8 waiting list in accordance with HUD guidelines.
- ***Pet Policy***
NYCHA will recommend that all PMs adopt NYCHA’s pet policy as a minimum standard. Residents with pets registered with NYCHA prior to conversion will be allowed to stay.
- ***Resident Selection Criteria***
NYCHA will require PMs to comply with a resident selection plan provided by NYCHA to ensure that all PMs in RAD-converted developments use standard resident selection criteria, pertaining to criminal background checks and rent payment and credit history.
- ***Processing Applications Pre-Conversion***
NYCHA will process requests for adding household members to a lease and interim re-certifications by an established deadline related to the anticipated date of conversion. NYCHA will approve requests that are eligible according to NYCHA’s policy. NYCHA will announce the date in advance to RAs and residents. NYCHA will process requests for transfers in accordance with its established policies at the time.

- ***Post-Conversion Development-Wide Problems***
NYCHA will provide a contact person, with whom ROs can register development-wide, systemic problems that may emerge.
- ***Language Access***
NYCHA will provide language assistance to residents who are Limited English Proficient (LEP) to ensure that they have meaningful access to RAD resident notifications and meetings, per RAD guidelines.
- ***Security Deposits***
NYCHA will transfer the security deposits paid by residents for their public housing unit to the PM upon conversion.
- ***Utility Payments***
Utility allowances will be provided to residents where applicable in accordance with Section 8 program rules.
- ***Enforcement of Principles***
NYCHA will implement these principles, including all items related to resident protections, services, and ongoing tenancy rights into appropriate transactional documents in consultation with the RAD Roundtable members. Tenant rights as described in these principles will be appropriately delineated in a required rider to resident leases with the PM. These rights will be part of the lease by incorporation.

Attachment 1B – Resident Provisions in Conversions of Assistance from Public Housing to PBRA and PBV

This Attachment contains two sections, describing:

- 1B.1 Summary of Resident Provisions
 - 1B.2 Resident Participation and Funding
-

1B.1 Summary of Resident Provisions

The following is a summary of special provisions and alternative requirements related to tenants of public housing projects converting under RAD:

- Conversion will be considered a significant amendment to a PHA Plan (see Section 1.5(E) of this Notice);
- Notification of proposed conversion, meetings during the conversion process, written response to residents comments on conversion, and notification of conversion approval and impact (see Section 1.8 of this Notice);
- No rescreening at conversion (see Section 1.6(C)(1) of this Notice for conversions to PBV and Section 1.7(B)(1) for conversions to PBRA);
- Right to return after temporary relocation to facilitate rehabilitation or construction (see Section 1.6(C)(2) of this Notice for conversions to PBV and Section 1.7(B)(2) for conversions to PBRA);
- Phase-in of tenant rent increases (see Section 1.6(C)(4) of this Notice for conversions to PBV and Section 1.7(B)(3) for conversions to PBRA);
- Continued participation in the ROSS-SC and FSS programs (see Section 1.6(C)(5) of this Notice, for conversions to PBV and Section 1.7(B)(4) for conversions to PBRA);
- Continued Earned Income Disregard (see Section 1.6(C)(8) of this Notice, for conversions to PBV and Section 1.7.(B)(7) for conversions to PBRA);
- Continued recognition of and funding for legitimate residents organizations (see Section 1.6(C)(6) of this Notice for conversions to PBV, Section 1.7(B)(5) of this Notice for conversions to PBRA, and below in Attachment 1B.2 for additional requirements for both programs);
- Procedural rights consistent with section 6 of the Act (see Section 1.6(C)(7) of this Notice for conversions to PBV and Section 1.7(B)(6) of this Notice for conversions to PBRA); and
- Choice-mobility option allowing a resident to move with a tenant-based voucher after tenancy in the Covered Project (see 24 CFR § 983.260 for conversions to PBV and Section 1.7(C)(5) of this Notice for conversions to PBRA).

Attachment 1B: Resident Provisions in Conversions of Assistance from Public Housing

- For additional information, refer to Notice H2014-09; PIH 2014-17 for additional information on relocation requirements under RAD.

1B.2 Resident Participation and Funding⁷³

The following provisions contain the resident participation and funding requirements for public housing conversions to PBRA and PBV, respectively.

A. PBRA: Resident Participation and Funding

Residents of Covered Projects converting assistance to PBRA will have the right to establish and operate a resident organization in accordance with 24 CFR Part 245 (Tenant Participation in Multifamily Housing Projects). In addition, a Project Owner must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the legitimate tenant organization at the covered property. These funds must be used for resident education, organizing around tenancy issues, and training activities.

In the absence of a legitimate resident organization at a Covered Project:

1. HUD encourages the Project Owner and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate residents organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization; and
2. Project Owners must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner.

B. PBV: Resident Participation and Funding

To support resident participation following conversion of assistance, residents of Covered Projects converting assistance to the PBV program will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development.

1. **Legitimate Resident Organization.** A Project Owner must recognize legitimate resident organizations and give reasonable consideration to concerns raised by legitimate resident

⁷³ For the purposes of this Attachment, HUD uses the term “Project Owner” to refer to the owner of a converting or Covered Project. In some instances the owner of a project could be a public, non-profit, or for-profit, e.g., mixed-finance projects).

organizations. A resident organization is legitimate if it has been established by the residents of a Covered Project, meets regularly, operates democratically, is representative of all residents in the project, and is completely independent of the Project Owner, management, and their representatives.

In the absence of a legitimate resident organization at a Covered Project, HUD encourages the Project Owner and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate residents organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owners are also encouraged to actively engage residents in the absence of a resident organization; and

2. **Protected Activities.** Project Owners must allow residents and resident organizers to conduct the following activities related to the establishment or operation of a resident organization:
 - a. Distributing leaflets in lobby areas;
 - b. Placing leaflets at or under residents' doors;
 - c. Distributing leaflets in common areas;
 - d. Initiating contact with residents;
 - e. Conducting door-to-door surveys of residents to ascertain interest in establishing a resident organization and to offer information about resident organizations;
 - f. Posting information on bulletin boards;
 - g. Assisting resident to participate in resident organization activities;
 - h. Convening regularly scheduled resident organization meetings in a space on site and accessible to residents, in a manner that is fully independent of management representatives. In order to preserve the independence of resident organizations, management representatives may not attend such meetings unless invited by the resident organization to specific meetings to discuss a specific issue or issues; and
 - i. Formulating responses to Project Owner's requests for:
 - i. Rent increases;
 - ii. Partial payment of claims;
 - iii. The conversion from project-based paid utilities to resident-paid utilities;
 - iv. A reduction in resident utility allowances;
 - v. Converting residential units to non-residential use, cooperative housing, or condominiums;
 - vi. Major capital additions; and
 - vii. Prepayment of loans.

In addition to these activities, Project Owners must allow residents and resident organizers to conduct other reasonable activities related to the establishment or operation of a resident organization.

Project Owners shall not require residents and resident organizers to obtain prior permission before engaging in the activities permitted in this section.

3. **Meeting Space.** Project Owners must reasonably make available the use of any community room or other available space appropriate for meetings that is part of the multifamily housing project when requested by:
 - a. Residents or a resident organization and used for activities related to the operation of the resident organization; or
 - b. Residents seeking to establish a resident organization or collectively address issues related to their living environment.

Resident and resident organization meetings must be accessible to persons with disabilities, unless this is impractical for reasons beyond the organization's control. If the project has an accessible common area or areas, it will not be impractical to make organizational meetings accessible to persons with disabilities.

Project Owners may charge a reasonable, customary and usual fee, approved by the Secretary as may normally be imposed for the use of such facilities in accordance with procedures prescribed by the Secretary, for the use of meeting space. A PHA may waive this fee.

4. **Resident Organizers.** A resident organizer is a resident or non-resident who assists residents in establishing and operating a resident organization, and who is not an employee or representative of current or prospective Project Owners, managers, or their agents.

Project Owners must allow resident organizers to assist residents in establishing and operating resident organizations.

5. **Canvassing.** If a Covered Project has a consistently enforced, written policy against canvassing, then a non-resident resident organizer must be accompanied by a resident while on the property of the project.

If a project has a written policy favoring canvassing, any non-resident resident organizer must be afforded the same privileges and rights of access as other uninvited outside parties in the normal course of operations. If the project does not have a consistently

enforced, written policy against canvassing, the project shall be treated as if it has a policy favoring canvassing.

A resident has the right not to be re-canvassed against his or her wishes regarding participation in a resident organization.

- 6. Funding.** Project Owners must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the legitimate resident organization at the covered property. These funds must be used for resident education, organizing around tenancy issues, and training activities.

In the absence of a legitimate resident organization at a Covered Project:

- a.** HUD encourages the Project Owner s and residents to work together to determine the most appropriate ways to foster a constructive working relationship, including supporting the formation of a legitimate residents organization. Residents are encouraged to contact the Project Owner directly with questions or concerns regarding issues related to their tenancy. Project Owner are also encouraged to actively engage residents in the absence of a resident organization; and
- b.** Project Owner s must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner.

Temporary Relocation Guide - Federal Overview

Each NYCHA site will have their own specific relocation plan that may differ from these federal HUD policies.

This Guide Addresses:

- A) What assistance will I receive to help me relocate temporarily?
- B) What does my new property manager have to do before temporarily relocating me?
- C) What about my children and pets during temporary relocation?
- D) How much rent will I pay during the time that I am temporarily relocated?
- F) What happens if I am temporarily relocated for more than 12 months?
- G) Can I return to the RAD property after repairs are completed?

A) What assistance will I receive to help me relocate temporarily?

If you will be temporarily relocated, you will receive assistance to move from your current unit to your temporary housing unit. All services will be paid for by your new property manager.

- **Packing Materials and Assistance** – You will be provided with all packing materials and if you request, packing assistance will also be provided.
- **Moving** – A private moving company will move your belongings to your temporary housing unit or to storage as required and will move them back to your apartment when construction is complete.
- **Storage** – If you are moving to a temporary housing unit that is furnished or if you choose to stay with family or friends, at your request, your belongings will be placed in a safe and secure storage facility.
- **Utility Connections and Re-connections** – If it is necessary and there are costs associated with disconnection and/or reconnection of utilities that you currently have in your apartment, the costs of those connection fees will be reimbursed to you or paid directly to the utility company.
- **Personal Items Installed in My Unit** – You must disconnect any item that you have installed or attached inside or outside of your apartment such as ceiling fans, wall-mounted televisions or other electronic devices, and exterior security gates or bars. Items that have been disconnected and removed from the fixed mounting will be packed and moved with all other furnishings. Items not removed will be considered abandoned and unclaimed and will be removed as part of the rehabilitation work. Assistance with removing personal items will be provided as needed pursuant to a request for reasonable accommodations. Some items may not be permitted to be reinstalled under your new lease with the new owner. You should check with your new property manager to find out if you can reinstall any item(s) when you move back to a newly renovated unit.
- **Security and Pet Deposits** – Any security and/or pet deposits that you paid to the Housing Authority will be transferred to the new owner of your property. You will not have to pay any additional deposits.

B) What does my new property manager have to do before temporarily relocating me?

If the property manager requires you to move temporarily so they can complete repairs on your unit, your new property manager must:

- Provide you with a copy of NYCHA's written RAD temporary relocation plan. This relocation plan will outline your rights, including your rights under temporary moves, any federal relocation payments owed to you, and the moving assistance that you will be provided.
- Meet with you to describe the RAD conversion and discuss any necessary temporary relocation, including length, location, and how NYCHA will pay your moving expenses.
- Give you no less than 30 days to decide if you want to be temporarily relocated or receive permanent relocation assistance to move somewhere else. If you choose to receive permanent relocation assistance to move somewhere else, you will give up your right to return to the RAD property.
- Not use any tactics to pressure you into giving up your right to return to the property or accepting permanent relocation.
- Not temporarily relocate tenants until *after* the RAD conversion, unless otherwise approved by HUD.
- Reimburse you for all reasonable out-of-pocket expenses that you experience because of the temporary relocation. These expenses include, but are not limited to, moving expenses and increased housing costs (i.e. increased cost of utilities) during the temporary relocation.
- Provide you with temporary housing that is decent, safe, and sanitary.

C) What about my children and pets during temporary relocation?

- Regardless of where you are temporarily relocated, your children will be able to remain at their current school.
- The new owner of your building will work with the school district to make any necessary arrangements for transportation from your temporary housing unit to the school that your children currently attend.
- Your new property manager will work with you to make all necessary arrangements for your pets to move with you or to be cared for during the temporary relocation period.
- All service animals will be permitted to stay with you at the temporary housing unit, but you must provide all required documentation.

D) How much rent will I pay during the time that I am temporarily relocated?

- Your rent will continue to be calculated using the same rent formula calculation that NYCHA used prior to the RAD conversion.
- If you were paying 30% of your adjusted annual income towards rent before the RAD conversion, you will continue to pay that amount during temporary relocation.
- Your new property manager will be responsible for paying any amount above that number during temporary relocation.

E) What happens if I am temporarily relocated for more than 12 months?

- Although it is unlikely to happen, if your temporary relocation exceeds 12 months, NYCHA must send you a letter, called the “Notice of Relocation Eligibility,” that states when NYCHA expects that you will be able to return to the property and notifies you of your rights.
- You have the right to choose to remain temporarily relocated (you would still have your right to return to the property after the repairs are completed) or receive permanent relocation assistance and payments under the URA (which would eliminate your right to return to the property after the repairs are completed).
- If you choose permanent relocation assistance: you are waiving your right to return to the property after the repairs are completed;
- You must receive at least 90-days advance written notice of the date that NYCHA requires to you move out of your temporary housing unit;
- NYCHA must find at least one comparable unit for you to move to before it can send its 90-day written notice; and
- The permanent relocation assistance is *in addition to* any assistance you have already received for temporary relocation, and cannot be reduced by the amount of any temporary relocation assistance.

F) Can I return to the RAD property after repairs are completed?

- Yes, you have the right to return to the property once the repairs are complete and the property is in a decent, safe, and sanitary condition.
- Note that this right means that you have the right to return to the same *property*, but not necessarily the same *unit*.
- In some cases, residents currently live in units that are too large or too small for the size of their family. Your new property manager will place you in an appropriately sized unit for your family, which is based on NYCHA’s local policies and federal Housing Quality Standards.
- If NYCHA’s proposed RAD conversion plans for your property would prevent you from returning to the RAD property (i.e. if the property manager plans to reduce the number of units at the property and those units are occupied by residents, or if larger units will be replaced with smaller units so the property no longer accommodates your family size), you have the right to comment and object to such plans.
- If you object to such plans, NYCHA must alter the project plans to accommodate the resident in the RAD project. If you agree to such plans, NYCHA must get your informed, written consent to receive permanent relocation assistance and payments under the Urban Redevelopment Authority (URA). Agreeing to such plans terminates your right to return to the project.

G) What if my new property manager says that I do not need to temporarily relocate?

- You have the right to remain at the property during and after the RAD conversions, as long as you comply with your new lease.

RESIDENT ORGANIZATIONS

- A. Forming a Resident Organization (RO)
- B. Protected Resident Activities
- C. Owner/Manager Responsibilities with Respect to the RO

A. Forming a Resident Organization (RO)

The HUD RAD Program does not provide specific guidance on forming a “legitimate” resident organization (RO).

Not all RAD sites will have the same resident needs, but there are some common best practices for organizing and creating an effective RO. Under public housing, HUD’s 964 regulations define what constitutes a legitimate resident association. While the 964 regulations do not formally apply under RAD, 964 regulations can be used as best practice in forming a resident organization. Highlights from 964 are included here for guidance:

- Residents of the converted development have the right to establish an RO. Organize a group of residents at the sites within your development that have been selected for RAD conversion.
- The role of an RO is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing.
- RO membership must be open to all adult residents (on the lease) in the converted development(s).
- If a new RO (rather than an ongoing Resident Association) is being formed, all such residents must be invited to participate in the formation process.
- Once an RO is formed, it should adopt written procedures (e.g. by-laws) describing how residents will be elected to the governing board, how often elections should be held, the percentage of voters that must agree before holding a recall election, the number of elected board members, and establish who can be a voting resident.
- Such elections should be held at least once every 3 years.
- An independent third-party should be used to oversee elections and recalls.
- Voting members should be given at least 30-day notice for elections and recalls.
- By-laws should include procedures for recall of the board. Petition for a recall election must be signed by at least 10 percent of voting members.
- Once established, an RO should work with the new property manager to settle on a Memorandum of Understanding (MOU) that puts the expectations of the partnership in writing and is updated regularly. A template MOU can be found in the Appendix of this Handbook.
- The RO should be independent from the property owner, meet regularly, hold open meetings, operate democratically, and allow all residents to have a voice.
- ROs have the right to create partnerships with local community based organizations. Strong partnerships are critical for creating positive improvements in the quality of life for residents and the surrounding community.

- The RO will continue to receive up to \$25* per occupied unit per year to carry out RO activities. This funding can be used to provide education, training, and organizing opportunities for residents.
- The property manager must help facilitate RO activities by provided meeting space and other resources.
 - *The property manager must fund resident participation at \$25 per occupied unit per year but can keep up to \$10 of this amount to administer participation activities. This arrangement should be detailed out in the MOU.

B. Protected Resident Activities

The owner/manager must allow you, your neighbors, resident organizers, and the RO to:

- Distribute flyers in common areas and place them under residents' doors.
- Initiate contact with residents.
- Conduct door-to-door surveys of residents.
- Post information on bulletin boards.
- Conduct meetings in available space.

C. Owner/Manager Responsibilities with Respect to the RO

The owner/manager must:

- Recognize the RO and its duly-elected Board as the sole representative of residents in the converted development.
- Meet regularly with the RO and its Board.
- Where feasible, provide office space for the RO and space for its meetings and events.
- Provide the RO with up to \$25 per occupied unit (each year) for resident participation activities.



BEST PRACTICES: FORMING A RESIDENT ORGANIZATION (RO)

Not all RAD sites will have the same resident needs, but there are some common best practices for organizing and creating an effective RO. While the 964 regulations do not formally apply under RAD, we suggest that the 964 regulations be used as a guidance in forming a resident organization. Highlights from 964 are included here for guidance:

- Organize a group of residents of the sites at your development that have been selected for RAD conversion. Residents of the converted development have the right to establish an RO.
- The role of an RO is to improve the quality of life and resident satisfaction and participate in self-help initiatives to enable residents to create a positive living environment for families living in public housing.
- Once an RO is formed, it should adopt written procedures (e.g. by-laws) describing how residents will be elected to the governing board, how often elections should be held, the percentage of voters that must agree before holding a recall election, the number of elected board members, and establish who can be a voting resident.
- Once established, an RO should work with the new property manager to settle on a Memorandum of Understanding (MOU) that puts the expectations of the partnership in writing and is updated regularly.
- Be independent from the property owner, meet regularly, hold open meetings, operate democratically, and allow all residents to have a voice.
- Reach out to local community based organizations who can provide additional resources.
- Ensure the RO is receiving up to \$25* per occupied unit per year to carry out RO activities.
- Use funding to provide education, training, and organizing opportunities for residents.
- The property manager must help facilitate RO activities by provided meeting space and other resources. This information should be detailed in the MOU.

*The property manager must fund resident participation at \$25 per occupied unit per year but can keep up to \$10 of this amount to administer participation activities.

ADDITIONAL INFORMATION

1. If you would like to read the official RAD Notice:
<https://portal.hud.gov/hudportal/HUD?src=/RAD/library/notices>
2. If you are interested in advocacy please refer to the Beginner's Guide to RAD Advocacy:
<http://nhlp.org/files/Beginner's%20Guide%20to%20RAD%20FINAL.pdf>
3. If you would like to learn more about Next Generation NYCHA:
<http://www1.nyc.gov/assets/nycha/downloads/pdf/nextgen-nycha-web.pdf>
4. If you are interested in the National HUD Evaluation of the RAD program please refer to the Summary of Interim RAD Evaluation:
<https://www.huduser.gov/portal/sites/default/files/pdf/RAD-InterimReport-Summary.pdf>
5. If you would like assistance in understanding your lease or have legal questions, please visit The Legal Aid Society's website to find contact information:
<http://www.legal-aid.org/en/home.aspx>

Sources: RAD Public Notice, Ocean Bay RFP, HUD Evaluation of RAD, RAD Guiding Principles, NHLP Advocacy Guide, RAD Guide to Choosing Between PBVs and PBRAs for Public Housing Conversions, NextGen NYCHA Resident Edition

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