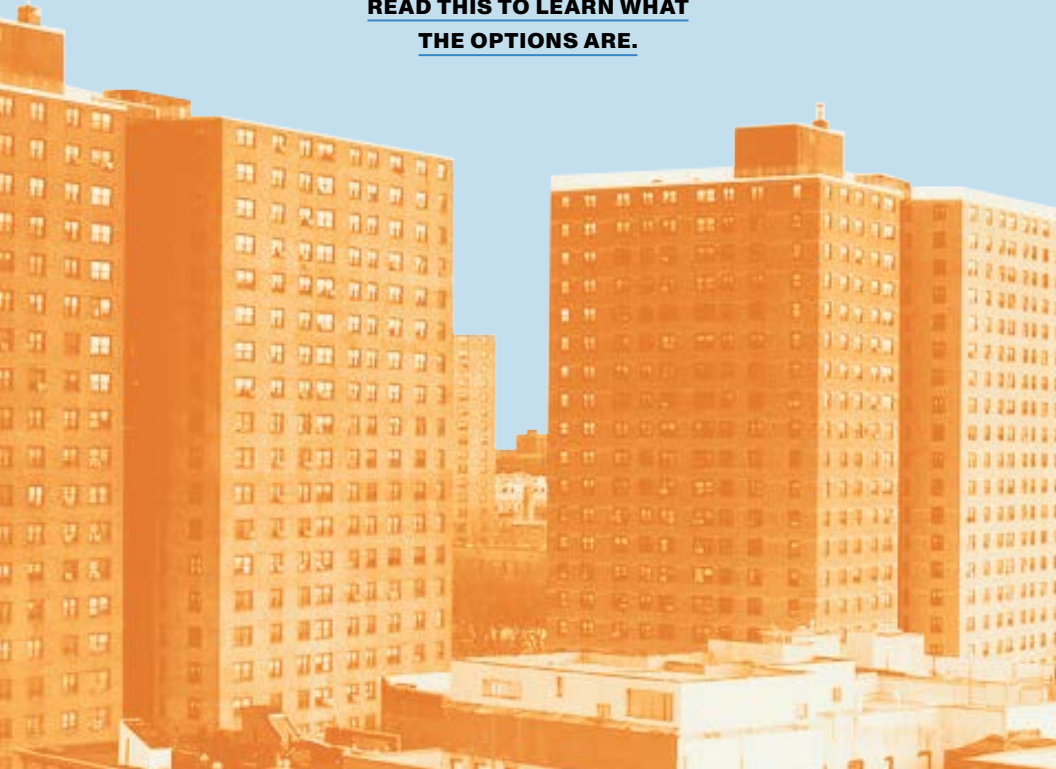


Your Home! Your Vote!

NYCHA buildings need repairs and renovations. Residents get to decide on the path their development takes to improving conditions.

READ THIS TO LEARN WHAT
THE OPTIONS ARE.



What's happening to New York City's public housing?

For too long, New York City Housing Authority (NYCHA) residents have been living in unsafe and unsanitary conditions—from toxic mold to heat and hot water outages. Over \$78 billion in repairs is needed to improve living conditions in public housing.

Almost all the money NYCHA uses to operate and make repairs comes from the federal government—but for decades they've been giving less and less money towards public housing.



As a way to get more funding for repairs and renovations, NYCHA has been working on two preservation models:

- 1 Permanent Affordability Commitment Together (PACT)
- 2 NYC Public Housing Preservation Trust

NYCHA is holding votes at some developments to see if residents want to move forward with one of the two preservation models. With the residents of your development, you'll vote to either keep your development in its current public housing program (Section 9) OR convert to the Trust or PACT program. NYCHA is only holding votes at sites that have been identified for the Trust.

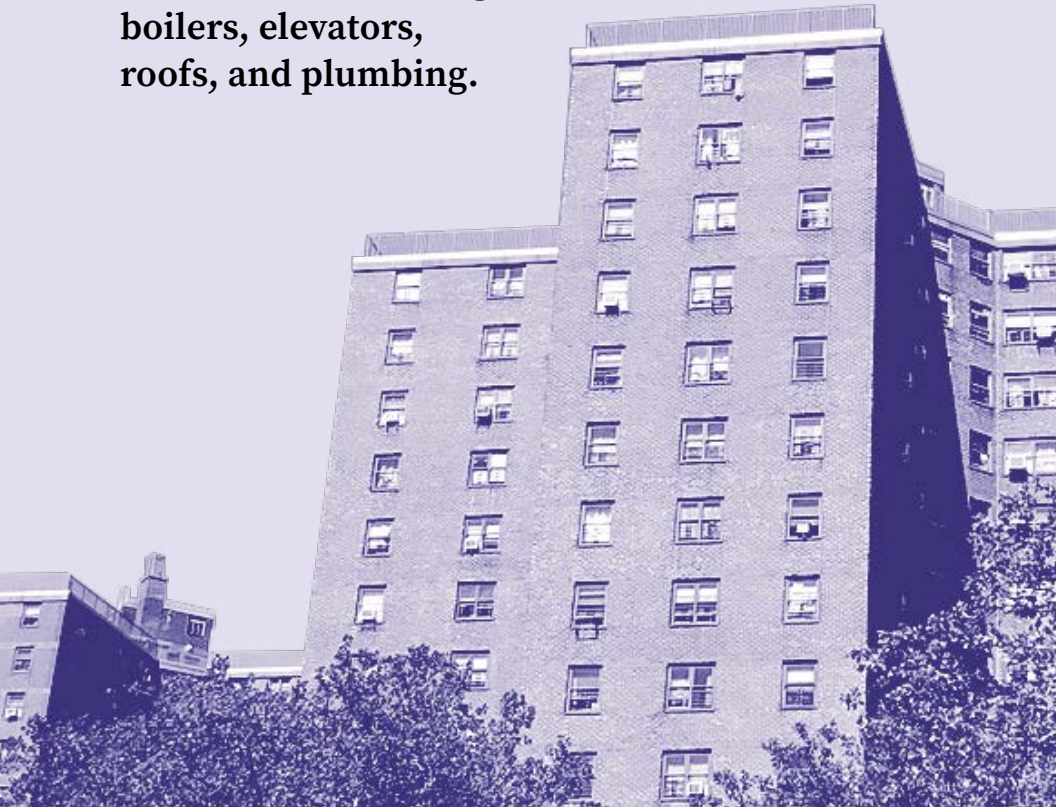
This guide will talk about two federal rental assistance programs—Section 9 and Section 8. NYCHA public housing is currently funded under the Section 9 program. If a development switches to PACT or the Trust, it changes from the Section 9 to the Section 8 program.



Keep reading to learn how public housing works now (page 4); how your development would change if it converts to the PACT Program or the Trust (pages 6 to 11); and how you can vote (page 20).

Section 9

In New York City, all public housing comes from a federal housing subsidy called Section 9. All public housing in New York City is owned and operated by the New York City Housing Authority (NYCHA). Public housing is funded by the federal government which gives NYCHA money for daily expenses and maintenance, and for long-term needs like fixing boilers, elevators, roofs, and plumbing.



HOW DOES SECTION 9 WORK?

Under Section 9 public housing, there are two groups involved: NYCHA and residents.

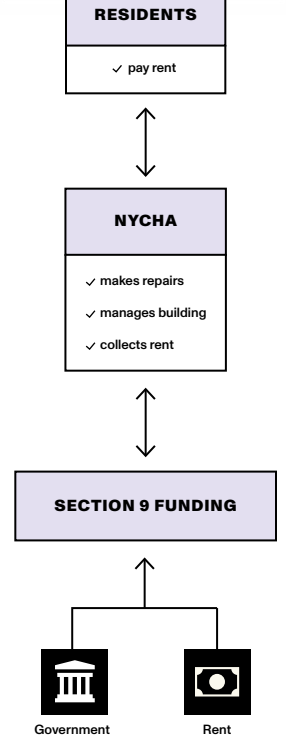
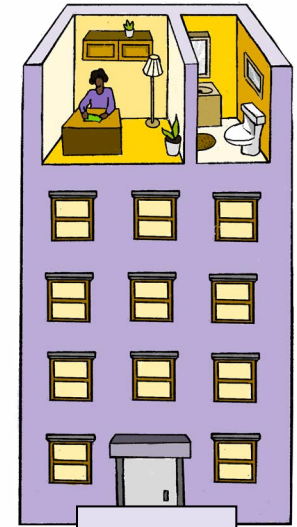
You, the resident, pay rent to NYCHA. Every year, you go through a recertification process that determines what your rent will be. To keep housing affordable, your rent can't be more than 30% of adjusted household income.

NYCHA manages the property, maintains the buildings, and makes repairs.

HOW ARE REPAIRS FUNDED UNDER SECTION 9?

NYCHA's funding comes mostly from the federal government. Every year, they decide how much money will be given to public housing. NYCHA sometimes gets more money from the State and City government. Finally, residents pay rent which covers some of the cost of daily expenses and maintenance.

Since the '90s, the federal government has given less and less money to Section 9 housing. Because of this, there's been less money for NYCHA, and public housing authorities across the country, to make repairs and improvements.



Permanent Affordability Commitment Together (PACT)

The Rental Assistance Demonstration (RAD) Program is a federal housing program created in 2011 that allows public housing authorities, like NYCHA, to convert apartment units from the Section 9 program to Section 8. This change allows NYCHA to create public-private partnerships which gives developments access to different funding.

Permanent Affordability Commitment Together (PACT) is NYCHA's enhanced version of the RAD program.

NYCHA has been using this housing model since 2016. So far, over 58 developments (with a total of 15,000 units) have converted to Section 8 under the PACT program.



HOW DOES PACT WORK?

Under PACT, there are three groups involved: NYCHA, a private management company, and the residents.

You, the resident, pay rent for your apartment. Under PACT, your rent is equal to 30% of adjusted household income.

Every year, you go through a recertification process with NYCHA's Section 8 Department to determine how much you have to pay in rent and see what adjustments might need to be made.

If you've been paying less than 30% of your income in rent under the Flat Rent Policy, under PACT your rent will go up to 30% of your adjusted income. Ask NYCHA what your rent would be under PACT.

NYCHA continues to own the buildings residents live in and the land they're built on. They manage rental applications and the waitlist for housing. NYCHA also distributes the Section 8 subsidy.

Under PACT, NYCHA leases the building for 99 years to a **private management company** who becomes the landlord. As the landlord, the private management company collects rent, makes repairs and renovations to apartments, and takes care of the building.

For decades, the federal government has supported Section 8 because it gives private companies a way to develop and manage affordable housing.

The leasing agreement between NYCHA and the private management company is what lets NYCHA convert funding from Section 9 to Section 8. It's also what makes this a private-public partnership. Once NYCHA leases the development to the private company, the company gets Section 8 Project-Based Vouchers instead of Section 9 funding.

HOW IS PACT FUNDED?

PACT is funded in a few ways:

First, there's what residents pay in **monthly rent**. Then, there's the **Section 8 Project-Based Vouchers** NYCHA gets from the federal government. These vouchers bring more money into each development.

Because the building is managed by a private company and not a public housing authority, the company can get **private loans and funding from investors** to use for repairs and renovations—and in the long-term, make a profit.

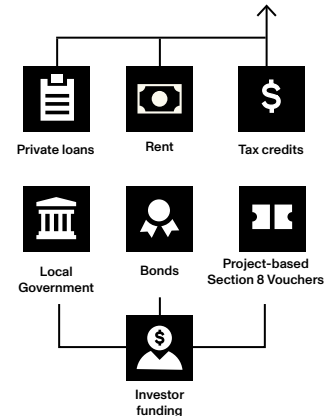
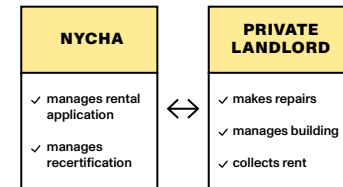
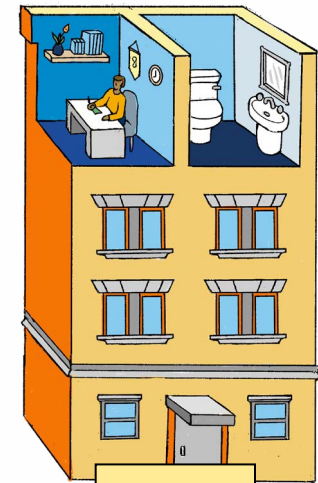
HOW ARE REPAIRS MADE?

The federal policy that oversees PACT has clear standards for the repairs and renovations that need to be done in each development.

The private management company has to complete a Physical Needs Assessment. This assessment tells them:

- 1.) what repairs need to be made **within two years** to protect the health and safety of residents
- 2.) what repairs need to be made **within 20 years** to keep the building in good working condition.

The repairs that have to be done at some developments are so complex that residents will need to live somewhere else while repairs are made. If you have to live somewhere else temporarily you have a right to return to your apartment when the repairs are done.



NYC Public Housing Preservation Trust

The NYC Public Housing Preservation Trust (often called the Trust) is a government agency that was created by NY state law in June 2022. It functions like other agencies that have been used for many years by New York State and City to build and develop subway and bus systems, libraries, public hospitals, and public schools.

What makes this model unique is that it's required to be accountable and transparent. The main way this happens is through its governing board. The governing board is publicly appointed by NYCHA and the Mayor. It has nine seats - two are for NYCHA executives, one is for the NYC Deputy Mayor of Housing, four are for NYCHA residents, one is for a labor representative chosen by NYCHA/Trust employees, and one is for an at-large (general public) member chosen by NYCHA.

HOW DOES THE TRUST WORK?

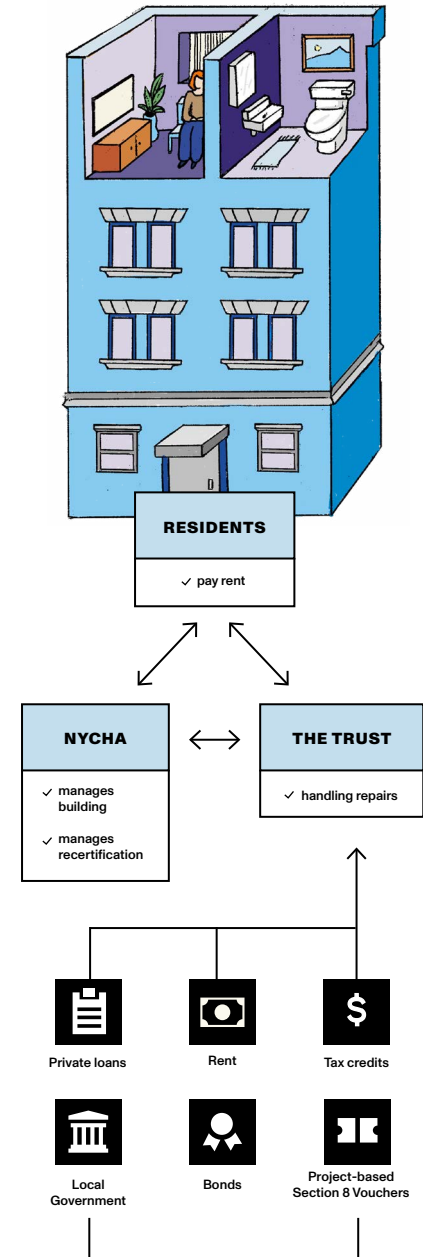
Under the NYC Public Housing Preservation Trust there are three groups involved: NYCHA, the Trust, and the residents.

You, the resident, pay 30% of adjusted household income in rent each month.

If you've been paying less than 30% of your household income because of the Flat Rent Policy, under the Trust your rent will go up to 30% of your adjusted income. Ask NYCHA what your rent would be under the Trust.

NYCHA owns the buildings and land that the development is on. NYCHA manages the property, the annual and interim recertification process, and distributes the Section 8 Project-Based Vouchers. NYCHA leases the development to the Trust under a 99 year lease.

The leasing agreement between NYCHA and the Trust is what allows NYCHA to convert funding from Section 9 to Section 8.



HOW'S THE TRUST FUNDED?

Once a development is leased to the Trust, the Trust receives Section 8 Project-Based Vouchers instead of Section 9 funding. Like PACT, the vouchers bring more money, through subsidies, into each development.

Buildings are funded using **Section 8 Project-Based Vouchers** and **resident rent** payments. The Trust can also access **bonds, private loans, and tax credits**.

WHAT MAKES THIS DIFFERENT FROM RAD/PACT?

There is no private landlord/manager involved with the Trust. The Trust has a Board that works together to make decisions about the development. The Board includes NYCHA leadership, NYCHA resident leaders, labor representation, and a local government representative. NYCHA will continue to manage your development.

HOW ARE REPAIRS MADE UNDER THE TRUST?

The Trust will be responsible for repairs. The Trust has more flexibility than NYCHA to hire contractors, make repairs, and access multiple types of funding. This flexibility can improve the quality of work and decrease the length and cost of repairs.

NYCHA will be hired by the Trust to manage the property and oversee maintenance projects that have piled up over the years.

The scope of repairs for the NYCHA Preservation Trust isn't confirmed. The goal is to get developments back to decent conditions but what that means isn't clear yet.



What rights do residents have?

Residents have rights and protections while living in public housing—including, the right to a lease that renews automatically, protections from eviction, the right to organize together, and many more. Some of these rights change under PACT and the Trust. Use this chart to see what stays the same and what changes.

DO I HAVE A RIGHT TO...	DESCRIPTION	SECTION 9	PACT	TRUST
Protections from eviction?	<p>In New York City, you can't be legally evicted from your home without a legal process.</p> <p>If NYCHA or a PACT partner says that you haven't paid rent, they have to file a case in housing court. They also have to tell you that they started a process to take you to housing court.</p> <p>Under PACT, if management says you have violated the terms of your lease, they must go through a legal process in housing court.</p> <p>Under Section 9, if NYCHA says you have violated the terms of your lease, they must go through an administrative process at NYCHA's hearing office.</p> <p>Under the Trust, we don't know exactly how lease enforcement will be managed, but residents are entitled to a legal process.</p>	Yes	Yes	Yes
Automatic lease renewals?	<p>Under Section 9, the Trust, and PACT, residents are entitled to leases that renew automatically each year.</p>	Yes	Yes	Yes

WHAT RIGHTS DO RESIDENTS HAVE?

DO I HAVE A RIGHT TO...	DESCRIPTION	SECTION 9	PACT	TRUST
Organize resident associations?	Resident associations are groups of residents that a development has to work with when they're making decisions about the building and its policies. Resident associations get funding to support them.	Yes	Yes	Yes
Organize resident management corporations?	For specific reasons, residents can organize management corporations to monitor the work of the property manager.	Yes	Yes *But with less negotiation power	Yes
Pass on my apartment to someone else?	<p>This is called <u>succession rights</u>. If the head of your household dies or leaves their apartment, and you're part of the household composition—on the official list of family members who live in the apartment—you can apply to take over their lease.</p> <p>To do that, you have to have lived there (as an official part of the household) for at least one year before the head of household passed away or moved out. You also have to go through a criminal background check and pay rent while NYCHA reviews your application to take over the lease.</p>	Yes	Yes	Yes
Move to another development or apartment?	This is called <u>transfer rights</u> . It allows you to move to another apartment in the same development or to a different development.	Yes *to any other development	Yes *only to another apartment in the same development	Yes *at least to another apartment in the same development
Get support with job training and opportunities?	Federal laws require money from the US Department of Housing and Urban Development (HUD) to support job training and opportunities for residents. This is known as Section 3.	Yes	Yes	Yes

WHAT RIGHTS DO RESIDENTS HAVE?

DO I HAVE A RIGHT TO...	DESCRIPTION	SECTION 9	PACT	TRUST
Keep my job if I work in a development that's up for a vote?	Existing building/maintenance staff might change depending on the option the development chooses. NYCHA staff could be reassigned but will not lose their jobs.	Yes	No <small>*Private landlords don't have union labor requirements so can bring in new, cheaper, staff.</small>	Yes
Get a voucher for apartments outside NYCHA?	A year after a development has been converted to Section 8, you can apply for a <u>choice mobility voucher</u> . These Section 8 vouchers give you a subsidy to find an apartment in the private rental market.	No	Yes <small>*if they're available</small>	Yes <small>*if they're available</small>
Submit claims to 311 about housing code violations?	Under PACT you can submit complaints to 311 and NYC's Department of Housing Preservation and Development (HPD). They're in charge of monitoring inspections. Violations are listed publicly so you and other residents can hold management more accountable. Trust and Section 9 residents must contact NYCHA's Customer Contact Center (CCC) to submit complaints and ask for repairs. HPD might inspect for housing code violations but will not list them publicly.	No	Yes	No
A bigger apartment if there's too many people living in my apartment?	This allows NYCHA to match you with an apartment that fits your household. It's a way for NYCHA to reduce overcrowding.	Yes	Yes	Yes

What rights do residents have during renovations?

If you're living in Section 9 or have converted to PACT or the Trust, here's what you need to know about your rights during renovations:

DO I HAVE A RIGHT TO...	
Stay in my apartment?	If you're listed on the current lease of an apartment, you're guaranteed a right to stay in your apartment without being rescreened by the new owner if the development converts to Section 8.
Return to my apartment?	If you need to be temporarily relocated while renovations are made, you have the right to return to the same apartment you were living in before renovations.
Participate in selecting developers, property managers, and contractors?	If NYCHA is converting to Section 8, they have to get resident feedback at least twice on the selection of developers, property managers, and contractors.

How does voting work?

With the residents of your development, you'll vote to either keep your development in its current public housing program (Section 9) OR convert to the NYC Public Housing Trust or PACT program. NYCHA is only holding votes at sites that have been identified for the Trust.

YOU'LL SEE THREE OPTIONS ON THE BALLOT:

- To change your development to the NYC Public Housing Preservation Trust
- To change your development to PACT
- To reject PACT and a Preservation Trust and stay Section 9 public housing

If English isn't your preferred language, you can get the ballot and any other outreach materials in Chinese, Russian, and Spanish. You can also ask in advance that ballots and outreach materials be translated into any other language. Unfortunately, you will still need to vote on the English ballot for your vote to count.

WHO CAN VOTE?

Anyone over 18 that lives in NYCHA and is listed on the household composition—the official list of who lives in the apartment—can vote. If you've been temporarily relocated to a different development because of building or apartment issues, you can still vote on what you want for your original building.

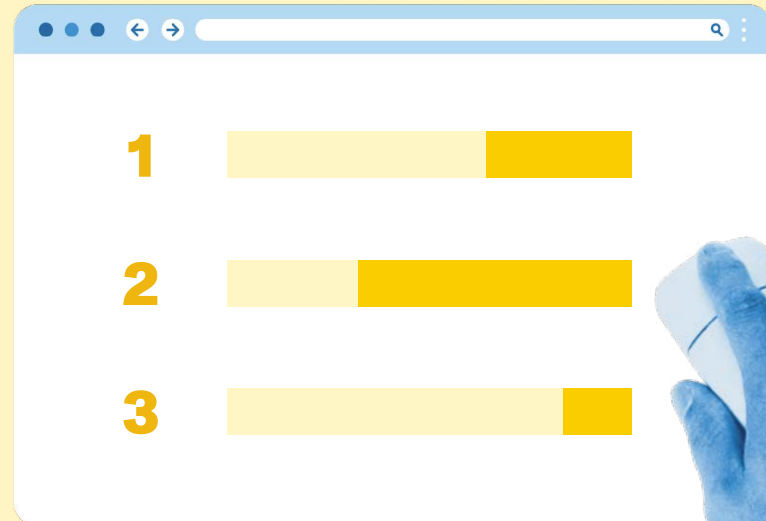
HOW DO I VOTE?

There is a 30 day window to vote. Residents can vote in person, by mail, or online. If you want to vote in person, you will vote during the last 10 days of the 30 day window.

At least 20% of leaseholders need to vote for the results to count. If less than 20% of leaseholders vote, it will remain in Section 9.

HOW WILL I KNOW THE RESULTS?

Voting results will be announced at your development and on NYCHA's website.



Is that true?

With these two programs—PACT and the Trust—going up for a vote, there’s a lot to understand. These are some of the most common questions about converting to PACT or the NYC Public Housing Preservation Trust.



“I HEARD THAT CONVERSIONS TO PACT OR THE TRUST WILL LEAD TO HIGHER RENTS AND AN INCREASE IN EVICTIONS. IS THAT TRUE?”

Federal law says that under both Section 9 and Section 8, rent can’t be more than 30% of adjusted household income. If you have questions about the amount of rent you’re paying, ask for a grievance proceeding from NYCHA.

Right now, we don’t know if converting to Section 8 under the PACT program or the Trust will lead to an increase in evictions. PACT involves private management and with the Trust, NYCHA will continue to be your landlord.

We know that tenants can’t legally be evicted in NYC without a legal process. Research shows that many of the housing court cases brought shortly after a PACT conversion involve succession claims (taking over a lease when the previous head of household has passed away or left).

To prevent succession issues, household members need to be registered so that they have the ability to take over the lease in the future. Federal law requires you to report who is living in a household, so adding household members can also protect your tenancy.

Currently, under PACT there is a way to be added after conversion if you are an eligible family member who has lived in the apartment for at least 6 months prior to conversion.

“I HEARD THAT NYCHA IS RUNNING A CITY-WIDE VOTE BETWEEN THE THREE OPTIONS. IS THAT TRUE?”

There won't be a city-wide vote. Certain developments will be chosen to vote. Each development chosen to vote will have their own voting process. One hundred days before the vote you should be contacted by mail, phone, and email by NYCHA to let you know that a vote is happening at your development. This is called the Notice of Vote.

A third party—not NYCHA—will manage the voting process. That third party has to create and manage a transparent and fair process. If any issues come up, they have to investigate them. At any point in the voting process, and up to three days after the vote, eligible voters can report issues with the vote. The third party who manages the vote has to respond to all reports from residents.

“I HEARD THAT BONDS ARE A RISKY SOURCE OF FUNDING. IS THAT TRUE?”

Bonds are a common way to fund expensive projects citywide. New York City has used bonds to pay for public schools, bridges, and public housing.

“I HEARD THAT IF THE TRUST DEFAULTS, THE BUILDINGS WILL BE SOLD TO A PRIVATE COMPANY AND PRIVATIZED. IS THAT TRUE?”

If the Trust can't pay its debts, the apartment units in those developments will stay affordable. They can't be sold to a private company. The law gives the City and State the right to step in and financially support housing developments if there are financial issues.

“I HEARD THAT WHEN HOUSING IS CONVERTED TO THE TRUST, IT BECOMES PRIVATE HOUSING. IS THAT TRUE?”

Developments converted to the Trust are still owned and operated by NYCHA. NYCHA will still manage and own the apartment units. The biggest difference is that the development will be funded by Section 8 instead of Section 9. Whether your apartment is funded with Section 9 subsidies or Section 8 Project-Based Vouchers, the funding is tied to the apartment. The apartment will be affordable as long as it's funded under Section 9 or Section 8.

Resources

To get updates and news about NYCHA votes and conversions, join Community Service Society's mailing list to get a monthly newsletter called *NYCHA Need to Know*. To get on the list, email info@cssny.org

If your development is currently voting, cast your vote at nycha.nyc.gov/vote

For any questions and concerns about voting, email vote@nycha.nyc.gov

Credits

COMMUNITY SERVICE SOCIETY (CSS) works with and for New Yorkers to promote economic opportunity and champion an equitable city and state. Since 1843, CSS has powered change through a strategic combination of research, services, and advocacy to make New York more livable for people facing economic insecurity. cssny.org

THE LEGAL AID SOCIETY is the largest, most influential social justice law firm in New York City. The Legal Aid Society is built on one simple but powerful belief: that no person should be denied their right to equal justice. legalaidnyc.org

CENTER FOR URBAN PEDAGOGY (CUP) is a nonprofit design organization that uses the power of art and design to increase meaningful civic engagement. welcometocup.org

EMILY LIN is a designer and illustrator who strives to translate research, tell stories, and engage with people through design. emilylin.work

BIG THANKS TO the NYCHA residents who shared their questions and concerns about these conversion programs and what comes next for residents

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