

Public Housing Repositioning Wednesday - Resident Considerations, 8/12/20

Caila Prendergast: Good afternoon or good morning, depending on where you are. Thanks for joining today's installment of the Wednesday webinar series. Today we'll be discussing resident consideration. My name is Caila Prendergast and I'm one of your hosts today along with Chad Ruppel from HUD, who will introduce our presenters later on.

Before I pass it over to Chad, I just want to go over a few housekeeping items. For those of you who have joined the Wednesday webinar support, it's the same. I just want to quickly go over these for those who are joining us for the first time today.

Our speakers will share their knowledge for the first part of the presentation. And any time we have lunch, will be reserved for questions. There are two ways that you can ask questions. The first way is to use the hand-shaped icon in the right-hand navigation panel and raise your hand. When you do this, I will unmute your line, and you can ask your question verbally. And the second way is to simply type your question in the chat box. Then I will read your question out loud to the presenters for them to answer. And I'll do this in the order of question received.

As I'm sure you've noticed, all webinar participants are muted upon entry. If you're having any sort of technical difficulties, feel free to send a message in the chat box. There should be an email. You should all have my email from sending out the webinar instruction. And as usual, today's webinar is being recorded and will be available on HUD Exchange about a week or so after the webinar. And we'll send a follow-up email to notify everyone that they've been posted.

And then immediately following the webinar, you'll receive a pop-up in your browser and it's a link to Survey Monkey. If you could take a few minutes to fill this out, that would be great. We really do read these and take all your suggestions and thoughts into consideration as we're continuing to do these webinars. I think that's all that I have. And with that, I'll pass it over to Chad to get us started.

Chad Ruppel: All right. Thanks a lot, Caila. We have three great presenters today from different offices within HUD, Tai Alex from the Office of Recapitalization; Kathy Szybist from the PIH Special Application Center; and then Anice Chenault from the Public Housing Support Services in PIH. Each one of them will play a role in this presentation. We have a few other HUD experts that will also be on the line and join in at the end, as many of you may be familiar with some of these prior calls. After the presentation, we try to leave a good hour for questions you may have and a chance to ask some of the experts from HUD here.

Today's call is really focused on resident considerations. As many of you who have participated in some of these calls in the past know, each of these Wednesday webinars, we try to focus on one particular area where we know housing authorities have questions or there's regularly just some issues with repositioning.

So today's resident considerations we're going to dive into some of the RAD resident provisions, talk about how those are maybe slightly different from the Section 18 streamline conversion

resident provisions. We'll highlight the resident notification requirements, and then talk about the community supportive services and how those transition depending on the type of repositioning tool PHA is using.

This is one of a series of Wednesday webinar topics. We have already had four topics and we have five more coming. If you've missed any of the previous topics, don't worry. They're recorded and available on HUD Exchange. And if any of the upcoming topics look good to you, please go and register. We try to have those available to as many people as possible.

And if you think of any other topics that we may be missing, please make sure to note that in your feedback for this after the presentation today. We really want to be mindful of the needs of housing authorities. And we think this is a great vehicle to reach out to people and give you some recorded guidance to help with your decision making.

Also, if you want additional repositioning resources, I just wanted to remind everyone about HUD's repositioning website. So you can click on this link. Or if you just go to the HUD website or you can Google "HUD reposition website," you should be able to find this. There's a lot of handouts there. There's recorded training materials there. And we're trying to make it kind of a one-stop-shop where you can access either links to other resources or find things directly there. And we also have an introduction to repositioning webinar series. This is a four-part series. We've hosted it live a number of times.

This version, if you click here or if you go to the website, you can find it. It's recorded and it will give you a much broader foundation on which these webinars are based. So we're right now focused on a very specific part -- specific resident issues -- but if you want to know more about overall repositioning planning or the different repositioning tools or why PHAs reposition, I'd really encourage you to check out this webinar series. I think it gives you a great foundation and will address a number of those questions you may have. So with that, I'm going to turn it over to Tai to talk about the RAD program, which I think gives us a good foundation for where some of these resident considerations come in.

Tai Alex: Thanks so much, Chad. Hi, everyone. My name is Tai Alex. I am based in the Office of Recapitalization. And I focus primarily on resident rights in RAD conversion. So today we're going to give a pretty broad overview of the RAD background, talk a little bit about some of the major rights, and then also share some of the resources that we have available. So RAD was created almost 10 years ago in an effort to preserve and bring new resources to public housing by converting to project-based Section 8 contracts. To date, over 120,000 public housing units across 1,100 properties have completed the conversion. And Congress has authorized HUD to convert 455,000 in total.

Under project-based Section 8 contracts, the rental assistance is tied to the property. A tenant pays 30 percent of their adjusted income in rent; and HUD pays the difference between contract rent and the tenant's rent. PHAs can use RAD to preserve affordable housing in their community by stabilizing funding for properties, financing repairs and improvements, demolishing and replacing obsolete housing, and transferring the assistance to properties in lower poverty neighborhoods with access to school, jobs, and transportation. There's another key principle to

RAD or that it's designed to secure long-term affordability. When it's converted, it must be owned or controlled by a public or nonprofit owner.

It ensures the current residents benefit from the conversion, and also retains and strengthens resident rights. We're going to talk a little bit about some of these rights. One of the first most important resident rights in RAD to remember is the right to remain or the right to return. Most conversions actually don't involve relocation. So this means that residents will remain in place and cannot be rescreened when admitted into the Section 8 Program. When relocation is necessary, residents have a right to return to a unit in the project. It may not be the original unit, but it must be a properly sized and accommodated unit.

In cases of relocation, PHAs must provide notice to residents and moving assistance. It also can't begin until HUD approves the financing plan and issues what's called the RAD conversion commitment, RCC. And when there's relocation, PHAs must maintain a resident log for all impacted residents, which is provided to HUD upon request. And something very important to remember is that no resident can be permanently involuntarily displaced. No rescreening -- a conversion under RAD cannot be the basis for an eviction or loss of rental assistance. This means that residents cannot be rescreened as a result of the RAD conversion, and that includes for income, criminal background, and credit.

Following conversion, residents are then protected by standard Section 8 requirements related to tenancy.

Alternative housing options. Residents have the right to return to the converted property, but PHAs can also offer alternative housing options, such as vouchers, other public housing, other converted RAD properties, homeownership opportunities, and so on. And this would ensure that the residents remain in affordable housing that's best suited for their household. And for resident declines, the right to return, the PHA must obtain written consent, which is informed voluntary and documented.

Right of return and LIHTC. One of the funding sources used by PHA is to support rehab or construction costs is the low-income housing tax credit program. And while this program has different income requirements than Section 8, residents cannot be barred from returning to the property following a conversion. So residents residing in properties that receive LIHTC credits will be screened for eligibility, but it will not impact their right to return or their eligibility to reside in affordable housing.

Post-conversion resident rents. Resident rents remain affordable after conversion. And most rents won't change at all. In Section 8, a resident pays 30 percent of their adjusted gross income. The only way this would change is if a public housing resident is paying a flat rent at the time of the RAD conversion. Their rent will instead be calculated at 30 percent of their income. And if there is an increase by more than the greater of 10 percent or \$25 per month, the increase will be phased in over 3 or 5 years. And residents have to be provided notice of the rent phase-in prior to the conversion.

Resident self-sufficiency programs. I'm going to touch on this. And I think there's going to be more information following this. But broadly, FSS will continue at least through the current grant period and in many cases can be renewed for ongoing participation. If the PHA retains HCV FSS participants, the loss of public housing units will not affect eligibility for renewal funding.

For ROSS it will only continue through the current grant period and will not be available for renewal at a converted site. It may be able to be renewed for a site that remains public housing. For EID currently enrolled residents can continue to participate, but new residents cannot be enrolled. And then for Jobs Plus, residents enrolled in the JPEID component of Jobs Plus will continue to be eligible post conversion. All residents, original and new, can continue to utilize services created as a result of the program.

Resident procedural rights. This is governed by 24 CFR Part 245. And it includes safeguarding the formation of resident organizations, organizing activities, meeting space, resident organizers and canvassing. Also, the resident participation funding -- that's the \$25 per unit per year -- carries over, as well as the grievance and termination procedures that are consistent with public housing requirements. And those rights have to be incorporated into the resident lease.

And then finally, choice mobility. This is a new right that's available to residents in RAD conversions not previously available to public housing residents. And what it means is following conversion, residents can request a tenant-based voucher after a period of residency. So it's voluntary.

And prior to the closing, the PHA has to notify the residents of the opportunities and procedures around the choice mobility option. For PBV conversions, the request can be made after one year of residency. And for PBRA it has to be made after two years of residency. PHA or owner can adopt some limitations to use in a case of PBRA. And in some cases, HUD can approve a good cause exemption.

So I just want to highlight some of the resources that we have available on RAD. First, feel free to visit our website at hud.gov/rad. We have a lot of information there, including a resident information tab. We have highlighted here the "How does RAD impact me" tab. And it includes the whole list of flyers and fact sheets. We are updating some of our materials. We're going to be releasing a new brochure that's sort of a streamlined version of all the resident rights. It's a really good material to share with residents or anyone who's interested in RAD resident rights.

We also have webinars, FAQs, specifically FAQs related to resident engagement and resident rights in COVID-19, so engaging with residents in different forums. We also have sample notices. Some of these materials are available on this site. And we have other information and resources about RAD on our radresource.net. That's www.radresource.net. And then if you have questions about the program, please contact us at rad@hud.gov. That's rad@hud.gov. And with that, I will turn it over to the next presenter.

Caila Prendergast: Great. Thanks, Tai. Kathy, are you ready to get started?

Kathy Szybist: Yes. Sorry about that. I was on mute. Good afternoon, everyone. My name is Kathy Szybist. I'm a program analyst with HUD's Special Application Center. I'm really happy to be here and to be talking to you all about this really important part of repositioning. I'm going to start with a nice transition between what Tai presented on with RAD and the programs that SAC oversees, which includes Section 18, demolition and disposition and Section 22, streamlined voluntary conversion.

I'm going to start with what we call a blend. Many of you may be familiar with this. And this is when a housing authority is able to reposition public housing units by blending the RAD in the Section 18 units together to project-base all of the units at a site or in a RAD project.

So when a housing authority does choose to reposition this way, what's really great about this is the RAD notice extends all of the great resident protections that Tai described in slide number 7 to the families living in Section 18. This is a really great way to provide residents with all of the great RAD resident protections while also giving the entire [inaudible] ranks are also benefits of going through Section 18 some of the other units in the project.

There's a lot of great information out there about blend. There's a webinar that you can watch that we held on July 22. And there's also some great FAQs on the repositioning website. There's two kinds of blends that you should consider. One is called a 75/25 blend. And another is called a closeout. So depending on your particular preferences of your PHA [inaudible] in the projects, you might qualify for one or both of those. But a really wonderful way to extend some of the RAD resident protections to families in Section 18.

Moving on to slide 10, transitioning from RAD to the blends and other repositioning options. So in addition to RAD, HUD offers other voluntary tools that PHAs can use public housing. Unlike RAD, which is available to all PHAs and to all projects, Section 18 and streamline voluntary conversion require the property or the PHA to meet certain threshold criteria to secure HUD approval.

For instance, I'm sure many of you are familiar with Section 18 under our Notice 2018-04; the units have to be obsolete, scattered site. The PHA has to be 50 or fewer units. There has to be a health and safety issue. These are the kind of threshold criteria that would allow you to apply for and receive Section 18 approval.

Similarly, for Section 22, which is voluntary conversion -- and for streamlined voluntary conversion in particular, which is the most popular repositioning tool for conversion these days - a housing authority needs to be 250 or fewer public housing units, agree to close out its public housing program, and the conversion must principally benefit the residents. And I want to emphasize that because I think that's really important, especially for this presentation today. HUD, in fact, will process and review the streamlined voluntary conversion plan comprehensively and holistically.

But underlying everything, we will be looking to make sure that the conversion plan -- feature use, the relocation -- every aspect of a streamlined voluntary conversion principally benefits the

residents. So that is really important to keep in mind if housing authorities out there looking at streamlined voluntary conversion.

So for both streamlined voluntary conversion and Section 18, unlike RAD -- which is a direct conversion of the public housing subsidy at a cost neutral level -- Section 18 and streamlined voluntary conversion repositioning occurs by ending public housing subsidy and providing PHAs with the Section 8 subsidy in the form of protection vouchers. This is a resource to protect families and to make up for loss of public housing units in the area.

It's kind of like a replacement of that public housing subsidy with HCV resources. And then the normal HCV rules and requirements in way of requirements of the TPV will largely mimic and parallel the PHA's normal voucher program as the switch is over. This includes the policies and procedures for admitting families and project-basing the voucher.

So this is the process going from public housing subsidy and requirements to HCV. It's not quite as seamless as with RAD. HUD has been working on providing some really good guidance on how this flow can work. We have order of operations documents streamlined voluntary conversion and Section 18 that walks through this. And there's links directly to this from this slide number 10. So hopefully, that will be useful as you consider this.

Slide number 11 is really just a broad overview of how to smooth out RAD process that I nicely described in slide 6 extends to seamless resident protection. And while the Section 18 or FCC plus HCV resident protections exist, it's a bit more clunky since they arrive from different statutory and regulatory provisions. But I think the major takeaway is regardless of the repositioning tool you go through, the residents can be fully protected. And there are very substantial resident protections going through each program.

And with Section 18 and streamlined voluntary conversion [inaudible] just maybe needs to make a little more of an effort to connect the dots to make sure the residents are fully protected in every way they can be. But the protections are there.

On slide 12, this is a resident's [inaudible] in making a streamlined voluntary conversion protected with an offer from parallel housing. So some basic takeaways here -- proposed Section 18 in streamlined voluntary conversion -- HUD will not allow a property to be sold, demolished, or converted from public housing until the residents are relocated.

This may include being housed in place in their current unit with tenant-based or project-based assistance because the housing authority will often [inaudible] any needed rehab as part of that in-house comparable housing offer. All residents must be offered comparable housing and a PHA must take all reasonable efforts to ensure residents are relocated to the housing of their choice.

HUD provides 10 protection vouchers that I just mentioned, PAJs, as a comparable housing resource. These are permanent HCV resources added to an HCV baseline for the most part. I will give you these resources to enable you to offer the family a form of comparable housing.

Ten protection vouchers are available for both Section 18 and streamlined conversion actions even if the applicant PHA is a public housing only. In this case, the public housing only agency will partner with an administrating HCV agency, and HUD will still make those vouchers available to the community and to the family. RAD has much more guidance in the relocation process and requirements through this separate notice. And with Section 18 it's a voluntary conversion. There's quite a bit of local discretion in how PHAs implement their relocation plans and offer comparable housing to families.

Moving on to 13, this is just continued resident protections here under both programs [inaudible]. If a family is moving off site based on the offer of comparable housing to another public housing unit or to a private unit with a tenant-based option with the TPV, the housing authority must pay for the actual and reasonable relocation expense. The PHAs have some discretion what actual and reasonable relocation expenses includes. PHAs can refer to the relocation guidance in the uniform relocation, but they don't need to.

Typically, to reimburse families, you can request a receipt will pay their moving cost. You can provide [inaudible] now if the housing authority deems it to be actual and reasonable for the what the families are incurring.

Section 18 and streamline voluntary conversion, the housing authority may also, but it's not required, to cover things like security deposits and utility deposit to enable a family -- housing authorities also have the local discretion to pay for long-distance moves if a family wants to take their tenant protection voucher or tenant voucher and port it to another locality. The housing authority could also deem a long distance not to be a reasonable expense, a reasonable moving.

[Inaudible] for relocation funds [inaudible] what is not an allowed or required relocation and moving expense in order to protect the families and ensure they are relocated to comparable housing that is ideally the housing of their choice. Can also provide families with very -- generally this means counseling in the case of a voucher.

But [inaudible] go to counseling pretty much do to prepare the families for the move and transition from public housing. Moving on to slide 14, if a process will be used with streamline voluntary conversion -- if a property will be used as rental housing after the conversion, PHAs need to provide the families the tenant protection vouchers in the form of tenant-based assistance.

The family has the right and option to choose whether to use that tenant-based assistance in their current unit or to take a mobility option and then relocate off site. So with streamlined voluntary conversion, there's a statutory heightened resident protection. HUD, Congress is giving the impacted families a statutory right to own that tenant-based voucher. Any time a housing authority says, I want to use this project as affordable rental housing after conversion, HUD will say, okay. Fine. That's good, but you need to offer the families the option to stay in place with tenant-based assistance or the option to take that tenant-based assistance to relocate off site.

And if the family does choose to relocate off site, the housing authority is obligated to pay for those reasonable and actual moving expenses that we just discussed. So in other words, with

streamlined voluntary conversion the housing authority not offer the families the ability to place with project-based assistance. This is an option in Section 18 that a family could say, your only form of comparable housing that I'm offering you is project-based assistance in your current unit. That could be an option. But with streamlined voluntary conversion, when the property is used as affordable rental housing, the family has to be given the option to leave [inaudible] day with benefits. This is kind of a heightened move over the protection for families [inaudible] program.

Moving on to 15, let me just make sure I know where I'm at. Okay. So this is HCV provisions for exception 18 and SVC. This is an overview of the basic requirement for a family when it comes to how they can receive HCV protections as a form of comparable housing Section 18. With that, I'm not going to go into a whole lot of detail [inaudible] the voucher [inaudible] take it from here.

Chad Ruppel: We, I think, are going to cover more of this in a later call that's focused specifically on PBV. We have a PBV overview call scheduled for December 2. And then we were just using this as an opportunity to highlight that there is a PBV mobility, which is a resident consideration for any project that's going PBV. And this is where after a resident is in a PBV unit for one year, they may continue with tenant-based rental assistance.

It's really up to the PHA having availability on their wait list. But anyone who is interested in this would be given priority to receive the next available tenant-based voucher. So it's a big bonus for the residents, is this flexibility to move to the private rental market. And RAD has a very similar element under RAD choice mobility. There is a little bit more flexibility for PHAs to restrict this mobility, particularly if the PHA has a small voucher program, or if the public housing units are converting to RAD PVRA. But I think it's an important resident consideration. Overall, this PBV mobility option is an important benefit for residents as the PHAs will seek to reposition.

Kathy Szybist: Thanks, Chad. I can cover this last slide before turning it over to Anice. This next slide is on the resident notification requirements. This is kind of a broad overview of the different resident consultations and notices that PHAs need to hold for residents only, as well as public meetings to the different programs for RAD, Section 18, and SVC. I'm not going to go into a whole lot of detail for these.

One thing I will point out is with Section 18 and streamlined voluntary conversion -- I think I noted this before -- the formula does not apply. It does not [inaudible] ever. There's a statutory exemption. For streamlined voluntary conversion, it may apply, but it's not very common.

When you [inaudible] does not apply, there is a similar [inaudible] still notify before they are required to relocate or they're being placed under a public housing unit. Even if the housing authority is offering the family the ability to remain in their current unit under a tenant-based or project-based Section 8 lease, I still consider that to be displacement from the public program.

So staff issues and approval under Section 18 or streamlined voluntary conversion, the housing authority still needs to give the family 90 days to do this before they would be required to either move or to transition their lease to an HCV lease in their current unit.

So another resident protection giving a lot of advance notice that your public housing tenancy is ending. I think the slide itself is pretty self-explanatory and [inaudible]. I don't really have a whole lot more to cover on that. So with that, I'll [inaudible] and transition on to the next. Anice?

Anice Chenault: Great. Thanks. I sort of feel like everybody should stand up and take a stretch. It's been so much really good information, and I'm going to be here for a little while. I'm going to be talking about the supportive programs that are run by -- [inaudible] public housing investments.

Typically, those are FSS and jobs class, and then there's a couple other fringe programs that I'll be mentioning as well. What we tried to do here with this grid was to be really clear about how different kinds of [inaudible].

And there are certain provisions for RAD, of course as you know, across the board -- there's certain provisions for RAD that because of RAD authority we were able to offer people -- if they had those FSS grants and then converted to RAD, they were not able to offer under 100 repositioning.

So just wanted to be clear. The biggest program that we have which affects over 700 PHAs is the FSS Program. The basic nitty-gritty of this is that in a conversion public housing [inaudible] having choice vouchers or private-based vouchers basically adds little to no impact on the FSS program.

Those of you who have been around awhile may remember that up until 2014 that there was one NOFA and program for having choice voucher FSS and a separate NOFA and program for public housing. FSS and housing authority had to keep those two programs separate. In FY14, we combined the two programs since the funding aspect of things the way HUD looks at it is it's one program that can serve both public housing or voucher.

So if you do a conversion, it's a repositioning tool. And you've got families who are in FSS and they move to PBV or HCV. Basically, you just pick like you would otherwise, but they keep the same contract or participation with the same dates and basically everything stays the same.

The eligibility for funding generally stays the same. First of all, you can continue to use the funding rate had. It's one year funding. But the one hitch is that if you get rid of your entire public housing FSS program, you just need to have a voucher program obviously. And you'll maintain your eligibility funding at the same level pending all the other [inaudible] -- the NOFA. Easiest conversion for FSS is public housing to either HCV or PBV. And both of those the same. However, if you do a conversion to PBRA, this becomes more complicated.

In the RAD notice, the requirements are that the PBRA owner is hired to continue to serve public housing that were in public housing and already on FSS until their contract is complete and know it's [inaudible] participation that can be extended for another two years for cause. So there is that the owner of the PBV property -- even if it's still technically in housing authority with a different name -- it says create a cooperative agreement with the housing authority or the FSS still

managing the FSS program. And the PBRA establish their own FSS program. And the multifamily office has provided lots of guidance on how to do that. As of 2015, PBRA owners can establish their own voluntary FSS program.

And then what that property agreement employs the housing authority who -- if they still have an HCV FSS program, they can get credit for all of the PBRA participants -- FSS participants that they're serving and still maintain eligibility for future grants. If the housing authority basically ceases to become a housing authority, gets rid of all the public housing and has no vouchers, that's when it does become a little more crunchy, because as of right now, PBRA owners are not eligible to apply for FSS funding. But they still have the requirement to continue to serve those folks who were in the program before conversion.

The other piece that's important to note is that even if there is a cooperative agreement between the PBRA owner and the housing authority, only residents who were affected by the RAD conversion can be served with the grant funding. So if the PBRA owner wants to go ahead and enroll new FSS program, they may do that. But those folks may not be served by the grant program, and they won't be counted towards eligibility for future funding for the PHA. This may change once FSS final rule in place, which will be hopefully next spring. That's the case as of right now.

And with all of this talk about, just remember feel free to call your field office or get in touch with headquarters for FSS and we can walk through the specific situations at your specific PHA with your specific conversion and what that's like. So let's move to the next slide. So the next program I'm going to talk about is ROSS. The key here for ROSS is that ROSS can only support public housing residents. So under RAD, there is the [inaudible] to continue to use the funds that you currently have.

In the ROSS application, you will have indicated targeted AMPs. And so if those are the AMPs that are RADed, you can continue to use the grant to serve residents who live at those AMPs if they become PBV or PBRA. And/or if those residents move with a voucher, you may also continue to serve them if that works out for you until the end of the great period.

These are [inaudible] grants, so just something to be aware of where you are for your grant when you do your conversion. Once you convert, however, and under any type of repositioning, those AMPs that are converted will no longer be able to count towards eligibility for future ROSS grants.

So the way that the ROSS grants work is it's 1, 2 or 3 service coordinators that's based on the number of units [inaudible] public housing that a PHA has. So obviously if you convert, those units are no longer ACC public housing. They no longer count.

And if you still have the number of ACC units that is required for future funding, you can still only use that funding on ACC property. As it converts you cannot [inaudible] qualify for RAD funds and you can use ROSS funds at those sites. Now, if you do a different nonRAD repositioning, we do not have the authority to extend the use of the ROSS grant.

So if you do a nonRAD repositioning and you reposition the units and the AMPs that are served by ROSS, you probably move the ROSS grant to different AMPs that are still ACC, or you will need to end that ROSS program upon conversion.

So if you move it and you had been serving families and you want to move it to a senior site, you will need to show that you have the partners and resources to serve those folks as opposed to families that you had done shown in your application. But we can help you up through that. The email address for the ROSS Program is ross_pih@hud.gov, if you have questions there. Or talk to your field office too.

Next slide. Great. Jobs Plus, there's only a very few. FSS has about over 700 [inaudible] clusters, some PHAs that run FSS programs that don't get grants. This has a very large potential impact. For ROSS, we make between 100-150 [inaudible] grants. So there's hopefully between 3- and 400 PHAs that have an active ROSS grant at any one time. For Jobs Plus, we're talking about less than 30.

So very few of you will be affected by this. But those of you who are, it's super important. I'll tell you the information here, but actually the very most important thing to do is talk to your Jobs Plus grant manager before your PHA is considering any type of conversion on a site that has a Jobs Plus grant on it.

Jobs Plus is placed-based. The model is place-based. So it's really not following the model if there's going to be any sort of major relocation. And that's actually in the NOFA that any major relocation is potential cost for rescinding the grant. It also makes it super complicated if the Jobs Plus [inaudible] do a conversion on a Jobs Plus property. So best rule of thumb is just don't do it.

But in general, if you're wondering, the guidance that we have received from our Office of General Counsel is that if a resident is living on the site that is to be converted and it is a Jobs Plus site and they have actively enrolled, it's a voluntary program. So they have to literally sign the form that says, yes; I want to receive the JPEID benefit.

That is done by individual -- not by family. So all individuals that have done that prior to conversion are allowed to continue to receive that benefit after conversion. Any individuals who either lived on the site and were not enrolled in JPEID or didn't live on the site before conversion are not eligible to start the JPEID benefit after conversion.

However, assuming that the PHA keeps the grant, residents that were not enrolled in the program and/or who move on to the site after conversion can still receive the case management and services piece of Jobs Plus grant. They just can't receive the rent incentive, which is JPEID.

To tell you the truth, we have not had any that have undergone any other type of repositioning. But we really have no authority to extend the grant program with any other type of repositioning. So if you're thinking about it and you have a Jobs Plus, please, please, please, as soon as possible talk to your Jobs Plus grant manager. Next slide. Great.

So just two other smaller programs. There are about 200 housing authorities that started getting money for a program called Elderly Disabled Services Coordinator back in 1995.

In 2004 the funds ceased to be a competitive NOFA grant program and instead went into the operating fund. And those housing authorities became legacy programs. And ever since then, those particular housing authorities that were eligible have remained eligible and put the request for the funding for these Elderly Disabled Service Coordinators in the self-sufficiency add-on line in the operating fund. So hopefully, you know who you are. If this is you, and the key here is that it's part of the operating fund. So if you do a conversion and you no longer have an operating fund, you can no longer receive the grant funds.

Also, there are no RAD provisions on this. So basically, you can use the funds that you have to serve residents that are in ACC units. But once those ACC units are gone, you can no longer -- those residents can no longer receive services. And you are not eligible for future funding. It is possible to move the target of that funding to that EDSC coordinator to another site.

Caila Prendergast: Sounds like we lost you from the second. Could you back a little bit? Your audio cut out for a second. Could you just go back a little bit and repeat that?

Anice Chenault: Oh, okay. So basically, if you no longer have ACC units at all, then you'll no longer be submitting an operating fund request, and you will no longer have EDSC funds. So as with many other things, it's very much tied to ACC units. And the method of funding is through the operating fund. So if you have other ACC units that are still remaining after your conversion, it may be possible to move with AMP the EDSC coordinator is targeted to. But this is also it's only for elderly and disabled. So unlike the ROSS, you can't change the type of families or people that you're serving.

And then finally, if you have a Neighborhood Networks Grant, these are old grants. We stopped funding these back in like '05. But you may still have a Neighborhood Networks Center. And you would still have the property -- maybe the computers and/or the computer lab -- so you would treat those the same as real property under any other conversion. And you'd no longer be able to use public housing funds to do any sort of modernization or maintenance on that computer center.

Just like everything else, though, if you have other public housing residents, you may still be able to use public housing funds proportional to the percentage of public housing residents that are using the Neighborhood Networks Center. Next slide. For more information, check out the public housing repositioning. There's grid [inaudible] there. It's a two-pager. It might be really helpful as you're considering a repositioning to just be aware of which programs do you currently have, and be thinking about how each type of repositioning might affect the resident programs that you currently have.

It might also help to think about your timing in terms of when the grants run out that you currently have, and also how to potentially proactively communicate with the residents that are receiving service to let them know if they will no longer be receiving service after the conversion. And that'll be important in your communication with your residents. Just like with

everything else, your field offices can help you do your RAD application and provide more assistance on the options and impact of those options.

And if your field office [inaudible] can certainly always contact the grant programs at headquarters. And we're happy to walk you through the options. If you have questions on the repositioning pieces, email repositioning@hud.gov. Next slide. That's it. So I'm going to take questions on all of the things that you've just heard. And I will turn it back over to whoever's going to be able to manage that.

Caila Prendergast: Yeah. Thanks. Just quickly before we move into the question section, I want to pass it over to Tai. I know she had something she wanted to add.

Tai Alex: Great. Thanks so much Caila, Kathy, and Anice for those great presentations. I just wanted to quickly refer back to the resident notification requirement. Kathy did a great job doing a review on this. And I just wanted to specifically note for RAD that there are also notification requirements for relocation. A lot of this is outlined in the relocation and fair housing notice. But there are requirements where the URA does apply. A gen notice is required 90 days in advance of the relocation. So I just wanted to make a note of that.

And relocation was touched on with Section 18 and SVC. But if you have specific questions, you should definitely contact the RAD transaction manager or your local field office for specific questions about your site. And that's it. Thanks so much, Caila.

Caila Prendergast: Yes. Thank you. So, Chad, are we good to start questions?

Chad Ruppel: Yeah. I see a couple have come in on the chat box. You want to read those out.

Caila Prendergast: Yeah. So first question, "How has housing authority addressed the right organized residents have in public housing when they move to PBV?"

Anice Chenault: I don't think it's anything in Section 18 or streamlined voluntary conversion that speaks explicitly about resident organizations as part of the new PBV project. So I think if residents have the right to organize independently as part of any PBV project that they certainly can do so.

But it's not seamless with Section 18 and streamlined voluntary conversion the way the resident organization rights extend to the new PBV project. I don't know, Tai, if you want to speak to how the resident organization or the organizing works with RAD, or if this was more explicitly for Section 18 and SVC conversions?

Tai Alex: Sure. I'm happy to touch on RAD. It is a thing that is explicitly discussed. It applies to RAD. The resident procedural rights are governed by 24 CFR Part 245. And I know in the presentation, I showed outlines on what those general rights are. But I think it is important for PHAs considering RAD and particularly among the ones involved in RAD to make clear in their conversations and meetings with residents what those rights are. The idea that most of the rights that exist in public housing are transferred over in a RAD conversion.

So in order to be considered a resident organization, it has to be established by the residents of the property, have to meet regularly, operating democratically, represent all residents at the property, and be independent from the property owner. So those are some of the key elements. And I think if there's more specific questions around if there's already a resident council in place and how that would work, I think can definitely follow up to answer those kind of specific questions.

Caila Prendergast: Okay. Thanks. On to the next question. "Can you talk about early relocation under Section 18 and what protections residents have when housing authorities relocate them prior to the Section 18 application submission and/or approval?"

Tai Alex: Section 18, there is nothing in the statute of the regulation that allow for anything called early relocation. I guess I would say two things. After HUD approval of the Section 18, if there is a health or safety concern, then after SAC issues the approval, the housing authority does not need to provide that 90-day notice that I talked about, if there's a health and safety concern. But they still need HUD approval of the Section 18 prior to starting the relocation.

There is also a possibility that if there's a health and safety concern again and the housing authority needs resources in the form of tenant protection vouchers to immediately get those families out, then the housing authority can apply for early tenant protection vouchers before HUD approves a Section 18 application.

To qualify for the TPVs prior to HUD approval, the housing authority would need to submit a request to the SAC and the voucher office and the field office explaining why it needs those relocation vouchers early or the tenant protection vouchers early to relocate the residents. And it would need to submit the Section 18 application in pick.

And then if HUD concurred that there is an imminent health and safety issue, we could provide the tenant protection vouchers and allow the housing authority to relocate the families early before we approve the Section 18 application. So I guess there's a few small ways to relocate early through an issuance of tenant protection vouchers with or without the tenant protection vouchers. But there's no real early relocation provisions in the statute of the regulation.

The other thing I'll quickly mention is there is also something in the Section 18 statute referred to as occupancy consolidation. And that's just saying that at any point, a housing authority can move families around within projects or across projects to address mostly a health and safety concern.

But that would not be providing families with the relocation notices and benefits of Section 18. That would just be using kind of mandatory moves under public housing occupancy policy if that's done prior to a Section 18 approval.

Caila Prendergast: Okay. Thanks. Next question. This is a clarifying question from slide 12, a few clarifying questions to slide 12, so I'll just go back quickly. First question, "Is the same information applicable for the RAD Section 18 blend?"

Kathy Szybist: No. I would say that the offer of comparable housing protections described on slide 12 indicates if a RAD Section 18 blend. Generally, the only form of comparable housing that will be offered is kind of pronged to the projects-based assistance.

So especially with the 75/25 RAD blend, all of the Section 18 units must be project-based. In that instance, then we already know that the families will be offered project-based vouchers in their same units. And all of those resident protections from RAD extend to those families. The housing authority is fulfilling the Section 18 requirement of offering comparable housing to those families. But the actual relocation provisions and protections come through the RAD notice.

Caila Prendergast: Okay. Thanks. So other questions on this slide -- in the footnote it says, "If the PHA receives TPVs, the PHA must offer TPV to eligible residents; what are the options for a project if the PHA voucher office is telling them that all the TPVs are in use?"

Kathy Szybist: If the PHA voucher office is saying all the TPVs are in use?

Caila Prendergast: Yes.

Kathy Szybist: It doesn't seem to be consistent with the current guidance. So what will happen in terms of the timing is after a housing authority receives staff approval of a Section 18 application or SVC application, it can apply and receive 10 vouchers for all units that have been occupied within the previous 24 months.

And then after it gets that award of TPVs, it freezes. It has to then offer all of those TPVs to the residents of the unit. So every TPV it gets is based on a unit being occupied -- either currently or within the previous 24 months. So the voucher office of the housing authority should not be tapping in or using those TPVs for anything until the housing authority offers the TPVs to all of the impacted families.

For Section 18, it might be able to offer those TPVs in the form of only project-based vouchers. Or it could offer them in the form of tenant-based vouchers as well. And with streamlined voluntary conversion, if a property will be used as rental housing after conversion, it must offer those TPVs to the families in the form of tenant-based vouchers. But the voucher office side of the housing authority cannot RAD those TPVs upon issuance and use them for something before they're offered to the impacted families.

Chad Ruppel: I would also add. We referenced this earlier in the document that there is a TPV FAQ that's very helpful with a lot of these TPV questions. There's a link to it here. You can find it on the repositioning website. And you can also find it on the HCV, TPV website. If you have other questions on TPV, that might be a good place to start.

Caila Prendergast: Thanks, Chad and Kathy. For the next question, I think this is one -- the voucher office -- "For FSS, what is impact if LRPH only PHA converts to PBV is better

administered by a different PHA?" Anice, I see you wrote an answer in the chat box. Chat, do you want me to read that answer out?

Chad Ruppel: Sure. Anice, do you want to summarize your response to Scott here in the chat box?

Caila Prendergast: It seems like she's maybe having audio issues.

Chad Ruppel: Yeah. If you could read it out, Caila, that would help.

Anice Chenault: Can you hear me now?

Caila Prendergast: Yes. We can hear you now.

Anice Chenault: Okay. Great. Sorry. I had to switch the phone because my computer audio is bad. Great. Yeah. Basically, the answer is if you are a public housing only PHA and you convert your entire public housing program to a voucher and then you give them to another PHA to administer, my comment in the chat was assuming that the administering PHA has an FSS program.

So if that's the case, then your vouchers are just with your FSS participants become part of their FSS program. And in terms of NOFA eligibility, we would treat that as a transfer consolidation.

And what happens there is that in the first year, you both retain your same eligibility. So for instance, if you had 25 FSS participants and you had one coordinator and the housing authority who's now administering your vouchers has 25 participants and has one coordinator in the year following that transfer the administering PHA would still be eligible for two coordinators for those 50 participants. And then you in the originating PHA would not be eligible for anything. So basically you've given the other housing authority your eligibility.

And then for the year following since the requirement is 75 participants for two coordinators -- the receiving PHA or the administering PHA would have to up their participation to 75 in order to maintain two coordinator positions. Otherwise, if they stayed at 50, they would just drop down to one coordinator position, which is the same as eligibility for everyone else in the program.

So hopefully, that answers the question. And you still have the responsibility to serve those residents and participants until their contract of participation ended either by graduation or exiting the program. If you have more questions about that, feel free to email me.

Caila Prendergast: And the next question that we have in the queue is just wanting to confirm that EDSC was saved out and is now a part of FSS.

Anice Chenault: No. Not in the slightest. EDSC has maintained as a separate program since it started in 1995; then in 2004 EDSC went from being a NOFA competition program to being funded by the self-sufficiency add-on line in the operating fund.

And FSS, which was funded from that self-sufficiency (add-online ?) came out and became a NOFA competition in 2004. So they've maintained. They're two completely separate programs with very different goals. If you have questions on that or how that works at your housing authority, please send me an email.

Caila Prendergast: Okay. Thanks. Next question. This one is for me so I'll just answer it. Will this webinar be available to view at a later date? Yes. All the Wednesday webinars are posted on HUD Exchange. I've posted the link in the chat box early on.

And also, if you just Google "HUD Exchange Wednesday Webinar Series," it will come up. So next question, I understand that when a ROSS grant property is RADed, residents can still be serviced. Does the PHA have the option of changing the focus of services to an AMP that is still public housing?

Anice Chenault: Yes. They would need to work with the ROSS Grant Program to do that.

Caila Prendergast: Great. Thanks. This question's kind of long, so let me know if you need me to repeat any part of it. "We are public housing only and have an FSS grant. The NOFA's out for renewal now and we are also about to submit our RAD application. Can we still submit for FSS renewal and hope to be awarded before the (chap ?) is issued? Or will we have to forfeit?"

Anice Chenault: Yes. Go ahead and put in your renewal application as normal. And then if you do have a RAD then all of the things I just talked about would apply. Now, that's different for ROSS. But that's the answer for FSS. For ROSS, I don't know it off the top of my head, but when the NOFA comes out, there's a provision in the NOFA that says, if you plan to reposition within a certain period of time, then you're not eligible to apply.

And that may change in each NOFA. The NOFA's not out yet for this year. So if you're thinking about applying for a ROSS grant and you're also thinking about doing a repositioning, be sure to read the ROSS NOFA very carefully to figure out if and at what point you're still eligible to apply for ROSS.

Caila Prendergast: Okay. Thanks. That's all the questions that I'm seeing in my chat box at the moment. I'm not sure if there were any that came in privately to Chad or any of our other panelists.

Anice Chenault: I don't see any on my end.

Chad Ruppel: Yeah. I don't see any on my end either.

Caila Prendergast: Okay. Well, I take it there's no more questions. Then we can end a little early. Chad, I'll pass it over. Maybe you can do closing comments.

Chad Ruppel: Sure. First, I want to thank everyone again for calling in today. Please take some time to fill out the survey. We definitely want to hear your feedback. And we want to make sure that these calls are addressing your needs.

I also wanted to thank our presenters, Tai, Kathy, and Anice and remind everyone these will be posted online. And then I know that we're diving into some complicated questions. I want to remind folks that a PBV webinar will be coming up in December and that it should hopefully address some more of these resident issues. And we are working on a fact sheet that would be something you could hand to residents.

I know Tai already mentioned all the sheets that are available for RAD conversions. We want to do something similar for nonRAD. And it should be available on the repositioning website, which we've referenced a couple times. It should be available pretty soon.

So please continue to check on that. But for that document as well as additional documents that we continue to develop and please if you have any other feedback, we're happy to hear it so please fill out the survey.

(END)