

Public Housing Repositioning: Wednesday Webinar Series

Relocation: Public Housing Repositioning Tools, 12-6-23

Antonella Salmeron: -- and good afternoon. Thank you so much for joining us today in today's installment of the Wednesday Webinar series. Today's topic is Relocation, Public Housing Repositioning Tools. My name is Antonella Salmeron, and I am your host for today. Before I pass it over to our presenters, I have a few housekeeping items.

Our speakers will share their knowledge with us for the first part of the presentation, and we will reserve the remaining time for questions that you might have. You may ask questions using the Q&A function on Zoom. I will monitor and read the questions and if we are unable to address all of them, we will send an email reply after the webinar.

All webinar participants are muted upon entry. If you would like to notify your team of any technical difficulties, please send us a message in the chat box. Today's webinar is being recorded and will be available along with the slide deck on HUD Exchange in two weeks following today's session.

Immediately following the webinar, you will receive an invitation to complete a survey on today's webinar and we ask that you please complete this with any feedback that you might have for us. Just a quick reminder that this is a series in which we have hosted and presented on many topics related to repositioning. Please, feel free to peruse through the list of recordings and materials that we have on HUD Exchange. With that, I'll pass it over to Jane.

Jane Hornstein: Thank you, Antonella, and welcome, everyone. Today our presenters are going to be, and I apologize, but Mr. Will Rudy was going to be joining us. He was -- he's the director of the CPD relocation program which does all relocation for CDBG and home and anything else that CPD is getting involved in.

He's been called away. They got -- they just got word back on a regulation that he's been working on, and he needed to work on that ASAP. So, Jade will tell you more about that in her presentation. And Jade Santoro is going to represent CPD on relocation matters. And Damainique Bruce is here from recapitalization. And she will talk about the RAD program.

Kathy Szybist is here from the SAC and will be talking more about the different tools that the SAC works with. And then Christina Mortensen is here with Choice Neighborhoods. And she will talk about how relocation and Choice Neighborhoods works. Okay. Next slide.

So today what we're going to talk about is the fundamentals of relocation and how the different repositioning tools impact relocation.

So, in other words, if you're doing a project where you need to move residents, depending on what you're doing, you'll have different requirements as to how -- what you need to offer resident, what the resident rights are, etc. So -- and so we'll talk about the PHA's responsibility to the residents during relocation and what are the residents rights during relocation.

So, it will depend on if you're using Section 18, if you're using Choice, if you're using RAD, if you're using even temporary cap funds. So, we'll talk about all of that for a little bit. So okay next slide. So first of all, I want to talk about what is relocation. And for the most part, when we talk about relocation, we say they're -- they -- if somebody has to -- your residents are going to have to move from their current unit, either permanently or temporarily.

However, when we talk about relocation of public housing, it can also mean relocating or displacement from the public housing program into, say, a Section eight program. So, we will -- we'll distinguish those two. Relocation is really the physical act of moving. But you can also be displaced from the actual program that you're working -- the Section 9 program versus Section 8.

So okay. Next slide. So, providing residents are -- and understanding their rights and their protections is key. And it's something that you need to -- that we're going to cover in a lot more detail. Know that -- so even if families are not required to necessarily move, they may be staying in the same unit, but they're moving from the Section 9 program to a project-based voucher or to a project based rental assistance program, there's still notices that have to be given.

And we want to do as minimum disruption so as much information that you can give residents up front, the better off everyone's going to be. So, we're going to cover all those today by the different program, by the different tools and different program areas. And I will go into those in much more detail in a little bit.

But I just want to know that there's different requirements under each program. So, we will try to spell that out as quickly or as efficiently as we can for you. Okay. Next slide. So major things that they -- that as planning when you're starting to think about repositioning or changing, doing any kind of major investment on a property, keep -- things to keep in mind as you're doing this, and things to consider as you're moving forward is the ability is -- what residents want are, they prefer to stay on the site.

This is where they've lived for a long time. They have family, they have community. Their church is nearby, their grocery stores close by, whatever. They don't want to go. And so just -- that's a key consideration as you're doing repositioning. So, things to think about is, are there other public housing units available for them? Is there some tenant-based assistance that might be worth being worthwhile? Something -- those are all things to consider as part of this relocation.

So, keep those in mind as you're going forward. Basically, we want you to consult with your residents as early and as often as feasible and making sure that you're not giving them false information, but that you're keeping them informed. Okay. Next slide. Okay, so other things to consider as you're going through this will be what funding do you have available for relocation?

Now, operating funds and Cap funds can be used for relocation. That's something to consider. But also there may be other funding available. What is your capacity? What kinds of tenant protection vouchers are available? What kind of replacement units are available? And if you are going to relocate residents, can the market support them?

Let's say you're going to give them all vouchers and you're going to voucher out. Are there landlords that are going to rent to those people using those vouchers? Have you set up programs with the different landlords, so they know to expect these residents to come? So, I'm going to

turn the program over to Jade, at this point. Jade Santoro, she's with CPD and she's going to tell you about the Uniform Relocation Act. Take it away, Jade.

Jade Santoro: Thanks, Jane, for that gentle general introduction to the topic of relocation, and hopefully everyone is thinking about some of those considerations she mentioned. We're going to start today's conversation on relocation, talking about the URA. And hopefully most of you have at least heard the terms.

URA is an acronym for a federal law called the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. If you try to say that five times fast, you will know why we use the acronym. This law governs relocation and acquisition of real property across all federal agencies. And because of that, you might sometimes also hear it referred to as the Uniform Act.

Again, it's across all federal agencies. Congress created the URA to safeguard people whose real property is acquired or who have to move from their homes, businesses, farms, nonprofits or farms as a result of projects that receive federal funds. Unless a federal program is specifically exempted by Congress, the URA applies whenever there is an assisted project that includes acquisition, rehabilitation, or demolition.

It applies whether or not those particular activities are themselves federally funded. For example, if someone receives HUD funds for new construction but land was acquired for that new construction project, the URA still applies because we have both federal funding and acquisition, rehab, or demolition. Next slide.

If we don't have both federal funding and acquisition, rehab or demolition, then the URA does not apply. Looking at the programs on the left side of this chart, all types of public housing dollars are federal financial assistance. The question is whether those funds are being used in connection with a project that includes acquisition, rehab, or demolition.

Starting at the top. If residents have to move because a housing authority is using capital funds to rehab a building and modernize it, the URA will apply. Note, it wouldn't apply to general routine maintenance that doesn't rise to the definition of rehabilitation. If residents have to move because of a fire, a flood, or some other type of emergency situation, the URA won't typically apply to those health and safety moves because they're due to an emergency, not due to an acquisition, rehab, or demolition project.

For most HUD projects like RAD or Choice Neighborhoods, you can look at the project budget and if it includes acquisition, rehab, or demolition, the URA probably applies. On the right-hand side of this chart, you'll see some program citations where you can go to find the references to tenant protection rules that apply to these programs, including URA applicability.

In the middle of the chart, you'll notice that the Section 18 Demolition Disposition Program, Demo Dispo [sic], is highlighted in red. That's because this program was specifically exempted by Congress from URA. It is currently the only program that is exempted from the URA. I think it received its exemption because Congress feels like HUD generally does a pretty good job of protecting public housing tenants.

And Kathy will talk to us later about how HUD does use Section 8 tenant protections to ensure that they're still receiving appropriate benefits and not just being put out on the street. It's important to note that while disposition of a property, we're selling it off, or opting out of a housing assistance contract might cause residents to move.

Those activities don't trigger the URA unless they're done in conjunction with acquisition, rehabilitation, or demolition. Next slide. When the URA applies, people who sell their property for the federally assisted project are protected from the undue influence of big government. If they're required to sell their property, like when the government is ready to use their eminent domain authority to take that property for, say, a highway project, those sellers are entitled to what we call just compensation.

The URA provides some very specific rules for how this just compensation amount is established. Fortunately, most acquisitions for HUD projects are between a willing buyer and a willing seller and are not typically subject to eminent domain rules. The URA still protects sellers in these type of willing buyer willing seller transactions, but the protections are limited to ensuring that the seller understands they're not required to sell and ensures that they're informed of the property's value prior to negotiating the sale.

So, the person using federal money to buy the property has to tell the seller in advance of negotiating what their property is worth. Next slide. Can you back up one slide? We seem to have missed one. Yep. Relocation rules. Maybe one got switched before I was watching. Sorry about that. On the relocation side, people who have to move because of a federally assisted project that includes acquisition, rehabilitation or demolition -- I know I sound like a broken record, but it's really important -- when people have to move because of these types of projects, they're entitled to URA benefits.

And those benefits cover both temporary moves because of the project and permanent moves for the project. On the temporary side, the URA requires that the temporarily occupied housing be decent, safe, and sanitary and residents have to be reimbursed for all reasonable out of pocket expenses that they incur because of the temporary move.

This is a very lenient standard. It is not black and white and housing authorities get somewhat confused by it. But the bottom line is you have to treat them reasonably and ensure that it's not making them pay money because you're requiring them to get out while you rehab the building. Okay. If temporary relocation lasts longer than 12 months, the URA requires that those residents be offered permanent relocation assistance.

They don't have to take it if they want to return to the project, they can remain temporarily housed, but they must be offered permanent relocation assistance at 12 months. When someone is permanently displaced, they're entitled to advisory services, handholding, things like written notices and referral to decent, safe, and sanitary comparable replacement housing, payment of moving expenses, and coverage of increased housing costs for a period of 42 months.

I'm pretty sure Congress just threw a dart when they decided it should be 42 months. No rhyme or reason. Somewhere between three and five years, let's make it 42 months. Although not included on this slide, if businesses or nonprofits are displaced, they might also qualify for reestablishment expenses.

General public housing transfers for reasons other than a project that includes acquisition, rehab or demo are not subject to the URA. Relocation under the URA might look a lot like a public housing transfer if you're taking a public housing tenant and offering them a replacement public housing unit, but housing authorities shouldn't make the mistake of thinking that they're one and the same thing.

For example, if a housing authority pays for a household to relocate to a replacement public housing unit and it's subject to the URA and they're not charging the resident anything for that move, that household still qualifies for what I refer to as an inconvenience moving allowance, which is currently \$100 per household.

Along that same vein, housing authorities are accustomed to offering tenant-based vouchers to people. But you need to understand that the URA requires that voucher to be accompanied by referral to a specific decent, safe, and sanitary dwelling unit where the owner is willing to participate in that voucher program and where the unit is available at the time of displacement. You can't leave it up to the tenant to have to go find that replacement unit.

When the project is subject to the URA, the displacing agency is responsible for offering a unit that is available for that person to move to. Now we can go to the next slide. When and how relocation rules apply can depend on the funding used for the project. Many had programs contain programmatic definitions for who qualifies as displaced, and a lot of them offer resident protections above and beyond what's offered by the URA.

For example, if you add HUD Home or Community Development Block Grant CDBG dollars to a project, that can add an additional layer of relocation requirements that we're not going to talk about today, but we do have training on if you want to ever go do it, it's on demand. Typically, when you're mixing and matching funding sources, the most stringent relocation rules will apply.

But we previously mentioned that Section 18 projects are exempt from the URA, and that is true even if the project includes additional funds that might otherwise be subject to the URA. You do have to look at the actions causing displacement though. What's causing people to have to move? We had one project that was demolishing units using Choice Neighborhoods funds.

Choice Neighborhoods funds are subject to the URA, and then they were disposing of those units under Section 18. It wasn't the disposition that was causing displacement, it was the Choice Neighborhoods demolition. In that case, the residents that had to move were having to move because of the demolition, and that was occurring under Choice Neighborhoods, so they were entitled to relocation benefits.

It -- this project was not exempt under the Section 18, even though the disposition was occurring under Section 18. It's important to note that the URA generally provides relocation assistance for people who are required to move for the project, and we know HUD likes to complicate matters. We often create these programs that prohibit involuntary displacement.

We say you are not allowed to kick your tenants out, but obviously the units might need to be rehabbed. What do you do? You have a rock. You have a hard place. How are you going to not displace your residents? But you have to have them out because you have to do rehab. And you might even be bringing in tax credits and some of those residents will no longer qualify to stay.

Based on the initial program design, there's a very, very fine line between offering a resident an incentive to move out and requiring that they move out, especially if the program design as written on paper, makes it look like some of the tenants aren't eligible to stay in the completed project. In those cases, incentives are okay, but it's extremely important to document that residents understand their right to remain in the completed project.

You want to make sure that you have put that information in writing clearly, and usually you want them to sign that they acknowledge that. Documenting that they understand their right to return or remain in the project affects whether or not their displacement is subject to the URA. For additional information, you might want to check out, URA the HUD Way Training.

It's on demand training. You can take it any time you want. You can google it, or we also have it referenced at the end of today's presentation. The RAD program does a good job of ensuring residents are appropriately advised of their rights, even though it has some extremely strong right to return rules. So, with this, I'm going to turn it over to Damainique to talk about the RAD program.

Damainique Bruce: Hi, everybody. Again, my name is Damainique Bruce. I work within the office of Recapitalization or Recap, and we fund the RAD program or the Rental Assistance Demonstration program. I wanted to highlight for everybody some key points, especially in regarding the resident protections that are provided through not only just RAD, but also you will hear about RAD Section 18 blends.

So those also involve RAD regulations as well. So one of the most essential resident rights in the RAD program is the right to remain and the right of return, which means that any person who is legally on the lease or otherwise in lawful occupancy at the converting property has a right to remain in, or if there will be rehabilitation of the property that will result in the relocation of residents, a right to return to an assisted unit at the property.

With that in mind, residents will return to an insisted properly sized unit, but it may not be the original unit in which they previously resided prior to the conversion to RAD. While residents have the right to return to a converted property post rehab, PHAs may also offer alternative housing options which we often refer to as an AHO. For example, those could be vouchers, or transfer to other public housing or other converted RAD properties, home ownership opportunities, etc., which ensure that residents remain in affordable housing best suited for their household.

If the resident who would be precluded from returning objects to such plans, the PHA may -- must alter the project plans to accommodate the residents rights to return. What an example of that would be, say the housing authority has plans to demo and completely dispose of, let's say like a five-bedroom unit.

And there's one prop one household currently occupying that unit. If there are any such plans in post conversion that would preclude the family from being able to return back to the property, the PHA must alter the project plans and accommodate the resident. So, they must speak with the resident directly and give not only just that resident, but also the community an opportunity to discuss and plan what the property may look like, especially when accommodating that specific household.

For future reference, you can look at the Relocation Notice Section 6.2. And then in the event that residents voluntarily decline their right to return, the PHA must obtain written consent, which is informed through written notification and the provision of counseling. So, two requirements just to highlight again, so the decision on whether or not to return back to the property, it must be voluntary. Which requires that the resident is not pressured to make a decision and has at least 30 days to do so depending on the type of relocation.

And then second, documented. So, requiring the PHA to retain evidence, written evidence that the resident was informed in writing of their rights regarding the RAD conversion, their right to return to the property as well. They -- the resident, received housing counseling and that the PHA has communicated with the resident and the resident has communicated their final decision again in writing as well.

A conversion cannot be the basis for an eviction or loss of rental assistance. So, you cannot just kick residents out simply because you are planning on participating in the RAD conversion process. You need to have a valid reason for that residence. So, it needs to be something like a lease violation. You cannot just plan to dispose of all occupancy within the property prior to conversion just because it'll make the process a little bit easier with the relocation.

Something also important to know is no rescreening. What that means is whatever residents are, again, lawfully occupying the units prior to conversion, which we determined that whatever residents are residing in the property before -- well, after the issuance of the CHAP, which is the Contract for Housing Assistance Payment, which is before -- is one of the very early steps within the RAD conversion process.

So, any resident residing within the property after that issuance of the CHAP, has that right to return and right to remain at the property. And then they are also precluded from any rescreening. So, if there is any combination of, let's say, LIHTC, Low Income Housing Tax Credit funds, and you have to meet certain standards to be eligible as a LIHTC resident, the residents can be screened for LIHTC eligibility.

And they can be -- they may not qualify for the LIHTC, however, that does not preclude their right to remain or return back to the property under the -- underneath their rights through the RAD conversion program. So -- and then another highlight is transfer of assistance which would be transferring some units to possibly another site.

So, transferring the affordability to another site or to another unit. And a transfer assistance, which we often refer to as a TOA, may require the owner to issue a GIN notice, a General Information Notice, to any residents of the receiving site, because the transfer of assistance means that the receiving site is now going to be receiving federal funds.

For more information, you can check out our RAD fact sheet, number nine, RAD and Relocation. And I'm going to move on to the next slide. Thank you so much. So, I wanted to be able to provide some updates as well. In July of 2023, we just released a new supplemental notice to the 2016 RAD Regulation Notice. We call this notice RAD Supplemental Notice 4-B 2023 or you're off -- you'll often hear us just say the 2023 supplemental notice.

Some key changes with this new regulation that we just passed, and it became effective in totality by the end of September of 2023 is that prior to application, there is now a requirement

for two resident meetings within six months of the application submission. So, what that means is, if you are intending to submit an application for RAD conversion to the Office of Recapitalization, you are required as a PHA to meet with your residents at least twice minimum within the six months of you submitting your application.

We have had instances before where getting to the actual application submission phase has taken a little bit of time. And so, it may have been more than one year, more than six months since the PHA held their initial two meetings with the residents. In those instances, you do need to host an additional two meetings with residents prior to submitting your application.

And then there are some other special circumstances in which you may not have to have those -- another -- an additional two meetings. And please feel free to contact me in our office and we can work with you one on one in those instances. Another key point is that at the actual RAD application, you must submit a relocation plan.

And at minimum, if you do not plan to relocate the residents for a period more than 12 months, you at least need to submit a short summary statement of what your plans are for the relocation. If it is temporary beyond 12 months, that is considered permanent relocation and you do need -- there are additional documentation requirements that you need to submit to us in those instances.

And then at CHAP issuance, you need to start a resident log and then also issue a resident information notice, or RIN, and then after RCC, no relocation can take place until after RCC. There are some special circumstances where early relocation can be approved if you need to relocate residents prior to the issuance of the RCC.

However, generally no relocation occurs until after the RCC, which is the RAD Conversion Commitment which is the final contract prior to closing between the PHA, whatever development partners and HUD itself. And so, after issuance of the RCC, you must issue a GIN notice, a General Information Notice, to anyone who must move.

And then also issue a 90-day notice for all permanent relocation as well. And then again for early relocation prior to RCC, you can move residents with HUD approval, express written approval. If relocation is necessary in order for repairs to be completed at the project, a resident may need to be relocated to temporary housing, relocation cannot begin again until HUD approves the financing plan and issues the RCC.

And before a PHA can proceed with relocation plans, they must provide residents with a GIN. So again, just really hammering that information in with the notice requirements. And we extensively highlighted that in our 2023 supplemental notice as far as notification and documentation requirements. In the GIN notice, it must include an overview of resident rights under RAD and the URA.

And then also information regarding a resident's right to return, relocation assistance, and information regarding any sort of displacement. If a resident will be relocated, they must be notified at least 90 days in advance for permanent relocation and 30-day notice for temporary relocation, and then temporary housing must be affordable, decent, safe, and sanitary.

Residents must be reimbursed for out-of-pocket expenses incurred during relocation, which includes moving expenses, increased housing costs and meals at the unit does not have cooking

facilities. And then, if the relocation extends beyond 12 months, the resident is considered permanently displaced for purposes of URA protection which includes permanent relocation assistance.

And again, for early relocation, the PHA and owner may not initiate involuntary physical relocation until both the RCC is in effect, and the applicable RAD notice of relocation period has expired, and neither involuntary nor voluntary relocation for the project shall take place prior to the date -- effective date of the RCC. Again, just really hammering that in.

Early relocation is possible, but you must take the appropriate steps to get that approved. And then reasonable advance notice shall be 15 percent of the residents temporary relocation or 90 days, whichever is less. And then for post conversion rights, resident rent is phased in. Residents still pay 30 percent of their income, and if there is any sort of increase or discrepancy between what they were paying prior to conversion, that will be phased in post conversion.

And then also continued participation and resident self-sufficiency programs, residents also have participant -- participation rights and funding through tenant organizing and then termination and grievance procedural rights do continue post RAD conversion. What those rights look like are just dependent on whatever funding source their unit will be underneath post conversion.

And residents also have the right of choice mobility as well through RAD conversion. And the requirements for those are either one year or two years depending, again, on whatever funding source their household will be under post conversion. The, again, the PHA must maintain a resident log for all impacted residents, which must be provided to HUD upon request and the entity, either the PHA or their owner, with primary responsibility for managing the residents relocation.

The address of the residents assigned unit in the covered project and if different from the resident's original unit, information regarding the size and amenities of the unit post conversion as well. So, all this information must be included within that resident log. And then also the date of the residents return to the covered project post conversion, and that the PHA or project owner will reimburse the resident for all reasonable out-of-pocket expenses if the PHA or project owner does not decide to just pay those costs upfront themselves.

And with that, I'm going to hand it over to Kathy.

Kathy Szybist: Thank you, Damainique. Good afternoon, everyone. I'm going to start out with Section 18 and some of the key resident protections with this program. As Jane mentioned, it is not subject to the URA, but the statute itself does include a relocation section that PHAs must comply with.

Jane Hornstein: Sorry, Kathy, I'm just going to interrupt for one second. So, this is the main difference between URA and Section 18. Section 18 comes with TPVs. So okay, Kathy. Go ahead.

Kathy Szybist: Thank you. So, the first key point I'd like to make is that the PHA must provide a 90-day notice to all residents affected by the demolition or disposition. So, the key point here is all residents, even if they're not physically displaced, or required to move off site, are entitled to the 90-day notice.

They're entitled to be notified that their public housing unit has been approved for demolition or disposition, and that things like their public housing protections are going to end. Grievance organizing, flat rent, if applicable, again, even if not required to physically leave their units. Further, another protection here related to the 90-day notice is that the PHA can't issue that 90-day notice until after SAC approves the application, unless there is an imminent health or safety issue.

If you have a closing deadline and that 90-day notice period is going to be an issue for your housing authority, you can request that the residents provide their voluntary consent to accept a PBV lease, for instance, without that full 90 days occurring. Second key point here for resident protections under Section 18 is the forms of comparable housing.

So, Jade listed on this slide you are -- the key three forms of comparable housing that PHAs typically offer. There're other public housing units if you have them available in your inventory. There's HCV assistance, Housing Choice Voucher or Section 8 assistance. And that could come in the form of tenant based or project based.

And there -- if available, you can also relocate to a PBRA unit or a RAD PBRA unit, for instance. And then the third kind is a unit occupied or assisted by a PHA at a comparable rental rate. The most typical form of comparable housing that PHAs offer is Section 8 assistance, HCV assistance. And to help with this, the PHA may be eligible to receive, as Jane just mentioned, tenant protection vouchers, commonly known as TPVs.

I'm not going to get into the details of TPVs at today's presentation, but there's an excellent FAQ on TPVs and repositioning linked to in the resource slide. I do, however, want to do a quick high-level interview -- overview of TPVs. TPVs, they're a new award of HCV assistance that Congress authorizes through annual appropriations. They generally function as regular HCVs, or tenant-based assistance.

The family must income qualify. And to the family there's generally no difference between a TPV or a normal HCV. For instance, although residents typically want to stay in the area when they're impacted by a demo or dispo [sic], they can pour out their TPVs to other localities or even states. For the PHAs, the biggest distinction between TPVs and normal HCV is that they are special admission vouchers.

So, income targeting, and admin plan preferences do not apply. And the SAC approval authorizes a maximum number of TPVs that the PHA is eligible to receive. But note that the PHA must apply separately to HUD through the field office for those TPVs after SAC issues the approval. TPVs are not automatically issued. Another thing I want to mention briefly is when a housing authority has an over income family, someone who is 80 percent or higher AMI, as I just mentioned, they don't qualify for Section 8 assistance as the form of comparable housing.

We typically see housing authorities offering these over income families, other public housing units, if they have them available. But increasingly, a lot of housing authorities don't have public housing units available. Maybe they're removing the last of their public housing units with the disposition application, for instance. In that case, the PHA still needs to offer comparable housing. And in this instance, it will be that last kind of bullet on the slide, a unit operator assisted by a PHA at a comparable rental rate.

There's considerable PHA discretion here in terms of the length of time that the housing authority would subsidize the rent. We sometimes see housing authorities if the project will be used as housing after the disposition to allow that over income family to stay in their unit paying either market rent or 30 percent of their income.

And even if they're PBV-ing the project, they can exclude that particular unit from HAP. So that is one option we sometimes see. Third key point here I'd like to stress is that the PHA, like with all the other programs, the PHA is responsible for paying the relocation expenses for the families. Again, PHAs have discretion to determine what expenses are actual and reasonable based on local circumstances and housing conditions.

Unlike Ura, there's no mandated um amounts of money that the Housing Authority needs to provide or mandated requirements for paying moving expenses. The terms of the statute uses, again, are actual and reasonable. So, this could include paying for security deposits, pet deposits, landlord incentives, and other expenses that the housing authority feels are actual and reasonable, in addition to packing up the boxes and moving.

And what's really kind of neat about this is a PHA has discretion to pay for those expenses as part of a Section 18 relocation, even if those expenses are not allowed by, say, Section 8 admin fees under the normal HCV program. And as I previously indicated, pointing out a voucher is allowed but let's give an example that a resident lives in Alabama and is in a project being approved for demolition or disposition, and they want to take their voucher, their tenant protection voucher and pour it out and move to Hawaii.

Well, in that instance, a PHA may determine that those moving expenses from Alabama to Hawaii are not reasonable and they don't have to pay that whole move -- cross country move like. In terms of funds for relocation, as I think most of you probably know, Section 18 applications are unfunded, so they don't come with any new funds to help the PHAs relocate the families unlike, say, Choice, where grant funds can be used for relocation.

So, we typically see PHAs using their capital funds to pay for relocation. We often also see PHAs being able to negotiate with a developer if they're turning the project over to, say, a tax credit entity for redevelopment, that the relocation expenses would come from the development budget, so they don't have to use their precious cap funds.

Another great source of funds for relocation are gross disposition proceeds. So, if you have structured the disposition and that you're actually going to realize proceeds, you can use those proceeds to pay for the relocation. One quick note here, if a PHA is going to redevelop a project and initially is vouchering out the families with tenant based assistance and later offering them the opportunity to return to the site, and it wants to pay those moving expenses back to the site, it -- at that point it cannot use HAP funds or 1937 act funds.

Those funds to relocate the family back to the site would need to come from the development budget or other nonfederal funds. And then the fifth key point I want to stress here with resident protections is the PHA must provide families with necessary counseling and advising. So again, lots of PHA discretion. It could be and often is mobility counseling, but the family might need other kinds of counseling too.

So, the family has to provide the families with any counseling they need related to the displacement or relocation. Okay. Next slide. This slide just outlines kind of the chronology for the requirements with relocation with a Section 18 application. The first thing I'd like to emphasize is that it -- PHAs are required to consult residents and local governments about their intent to submit a Section 18 application.

And they have flexibility how to consult and exactly what to consult on. But we highly encourage PHAs to consult directly on the relocation planning and what it has in mind, whether families will be offered the opportunity to move off site or only offered units -- their own units as PBV just getting to those details so that residents are well aware prior to the application submission.

At the application stage, the PHA submits a relocation plan to the SAC. I say that in bunny ear quotes because they -- PHAs may but are not required to submit an actual written relocation plan, uploaded to their DDA SAC application. We often see that, and it's great if PHAs have it on record to share with residents and other stakeholders, but what the SAC requires, at a minimum, is certain information about the relocation plan as part of the HUD 52860.

After SAC approval, in terms of the flow of steps the PHA typically takes is if they're interested in applying for the TPVs that the SAC approval has authorized, then they again submit that separate application to the field office to apply for those TPVs. And then they can issue the 90-day notice to families when they're ready to do so anytime after SAC approval.

And then they provide the necessary counseling and assist the families with getting whatever form of comparable housing they're offering. And then before the demolition or disposition can occur. So, before demolition can commence or disposition can be completed, meaning going into closing or having HUD release the DOT is the housing authority needs to have actually relocated all families.

So, the statute directly says that if the housing authority is issuing tenant-based assistance as comparable housing, that family must actually be leased up. So, they can't just give them a piece of paper and say, here's your voucher and in 90 days we're disposing of the property. So, if they were unable to find a unit within that 90-day initial search period, the housing authority has to keep trying, provide more mobility counseling, or offer another form of comparable housing, such as another public housing unit.

And if the housing authority is planning on PBV-ing all of the units and -- or offering the families the ability to stay in place with tenant-based assistance, then there's a slight timing issue, and we usually say that the relocation in the disposition can occur pretty much simultaneously. And what happens in practice is on day one, the housing authority EOPs, puts the public housing families and end of participation status in PIC.

And then the next day HUD releases a DOT, you go to closing and those families are moved under Section 8 program through the 50058. Okay. Next slide. Okay. We're going to move on to Section 22 voluntary conversion. A lot of what I said about Section 18 and the resident protections there apply to Section 22 voluntary conversion.

The relocation expenses, actual and reasonable, same as Section 18 TPV process, pretty much the same as Section 18. I will point out a couple unique tenant protections in Section 22. And

Section 22 includes regular voluntary conversion and streamlined voluntary conversion under PIH notice 2019-05. So, the first really unique thing is the PHA is required to offer tenant-based mobility -- a tenant-based mobility option to the residents.

So unlike Section 18, the housing authority cannot offer residents only their PBV -- only a PBV lease in their existing units. They need to offer a tenant-based option. In addition, if the project is used as housing after conversion, then the residents have the right to remain in their units with tenant-based assistance. So, tenant consent is required in order for the housing authority to project-based voucher their unit. Again, not required in Section 18, but it is required in section 22.

So basically, if a project will not be used as housing after conversion, then the housing authority must offer the families tenant-based assistance to move off site. If the project will be used as housing after conversion, then the housing authority must offer at least two things, must offer the families the ability to move off site again with tenant-based assistance, and it must also offer the families the ability to remain in their units using tenant-based assistance.

And then, in addition, the housing authority may but is not required to offer the families the ability to remain in their units under a PBV lease, but again, that requires written tenant consent. And I'll end section 22 with two things. One is that the URA may apply. So, refer back to the terms that Jade emphasized many times um demolition, acquisition or rehab. If there's any of those triggers as part of the section 22 plan, then you are a may apply.

If not, then section 22 comes with its own relocation requirements. Again, very similar to Section 18. And then last thing I'll point out with section 22 and resident protections is I -- I like this language in section 22 and the 1972 reg, which isn't in Section 18, and it says that the housing authority must relocate families to decent, safe, sanitary and affordable housing.

That is, to the maximum extent possible, housing of their choice. So, Congress had in mind that the housing authorities should try to accommodate resident preferences in terms of whether they want to stay on site or move and where they want to move. So, I just think that's important to keep in mind with section 22. Okay. Next slide. Again, this is the application chronology and timing for how this works, again, it's very similar to what I covered in Section 18.

The biggest distinction here is if voluntary conversion is subject to the URA, then the written notice shall be provided to families no later than the date the conversion plan is submitted to HUD. So again, with Section 18, I really honed in on that 90-day notice can't be provided to residents until after SAC approval. Same is true with section 22 if URA is not triggered.

If URA is triggered, then the initial notice to the families has to be provided when the conversion plan or application is submitted to HUD. I think that's it there so let's move on to home ownership. Next slide please. I think we missed one. There we go. So key resident protections with home ownership. This is section 32 of the 1937 act. For non purchasing residents the protections are very similar to Section 18 in terms of the 90-day notice, offer of comparable housing, actual and reasonable relocation expenses.

So, I'm not going to get into those protections again here. What I want to talk about for just a minute are the resident protections in 32 for residents who are interested in purchasing their homes. In this instance, all families that are currently occupying a unit are provided with a right

of first refusal to purchase their home. And the really neat thing here is this also applies to over income families.

So, if you have a family that's 80 percent -- above 80 percent of their income and living in, say, a single-family public housing unit somewhere and that family might be in a better financial position to actually purchase, that family gets a right of first refusal to purchase the home. So, if your housing authority is in that kind of unique situation where you have over income families living in single family homes, I highly encourage you to look at home ownership and section 32 to give those families the ability to purchase.

And another great resident protection in section 32 is that a PHA can couple the section 32 program with the section 8Y home ownership program. And they can actually use the new allocation of tenant protection vouchers they be eligible to receive to attach their 8Y home ownership program to. So, this again, using these two HUD 1937 Act Home Ownership programs together might make it more feasible for a housing authority to allow its public housing families and other low-income families in the community to purchase those homes.

Okay. Next slide. Again, very similar to the to the other chronology. So, I'm not going to spend really any time on this one. But definitely consult the families about -- the -- when you consult the families about the home ownership plan, talk about relocation, talk about the right of first refusal, maybe get a sense of how many families are interested in purchasing versus non purchasing residents who would be entitled to the comparable housing.

And I think that wraps it up for me. And I'm going to hand it over to Christina to talk to you about Choice Neighborhoods.

Christina Mortensen: Great. Thank you so much, Kathy. Again, this is Christina Mortenson. I'm with the Choice Neighborhoods team and the Office of Public Housing Investments at HUD. And for anybody that needs a quick primer, Choice Neighborhoods offers grants up to \$50 million, most commonly awarded to public housing authorities and cities for the replacement of severely distressed public housing units into new mixed income housing that includes both HUD supported, and non-HUD supported i.e., market rate units, tax credit units in a new community.

So, what this means is that typically residents are relocated so that a property may be demolished. Aha, Jade, there's our URA connection, and new units are built typically back on the site so all of those requirements you've been hearing about with URA do indeed apply to Choice Neighborhoods. Choice Neighborhoods plans can vary widely from city to city.

Relocation and developments often phased. Sometimes you have off site phases that give residents an opportunity to move once into a new unit. New units can be public housing. They can be section 8. They can be RAD. They can be section 8 without RAD. I tell you that because there's a lot of nuance that can affect a Choice Neighborhoods plan and some of the more complicated particulars from relocation.

So, I'm going to stay a little high level on this slide and talk about the program's design and how it's intended to support residents -- resident choices and go beyond the Uniform Relocation Act. So first and foremost, looking ahead to any new developments, all original residents have a right to return to a new unit within the new community for the purpose of Choice Neighborhoods.

What that means is those residents that were living at the site of the public housing site the day that the grant was awarded, they're under lease. They stay under lease until relocation, have that first right to come back to those new units. So that lease compliance is really important to Choice Neighborhoods and I'll talk a little bit more about that. In order to come back to a site, Choice Neighborhoods requires all of the units to be replaced on a one for one basis, and the housing plan needs to be responsive to resident needs.

So, if residents are in a two bedroom but need a three, that housing plan should have those bedrooms, those units available for them. They should be properly sized. The plan should be responsive. A really unique nuance to Choice Neighborhoods is that all households must be offered a tenant based voucher, and that needs to happen up front with relocation.

HUD provides PHAs with new voucher assistance tenant protection vouchers to accommodate this, and this can include new relocation vouchers and RAD transactions. Residents can maintain this voucher assistance, there's no requirement that a resident comes back to the site. And for those residents that indeed take the voucher there needs to be a concerted effort from PHAs and partners to make sure that residents have every opportunity to use that voucher to access housing in high opportunity areas.

There's a real expectation here through Choice Neighborhoods that there's a support team in place that helps residents before, during and after relocation. They're helping residents understand their options up front so that they can make the decision that's best for them, whether it is a unit at the new property, whether it is a tenant based voucher to go to a place if they're choosing or not here on this slide, comparable housing may be at another public housing property.

That's really one of the choices in Choice Neighborhoods. It's about resident choices to make the decision on what's best for them in terms of where they would like to live, what their preference is. That requires robust mobility counseling. Again before, during and after that relocation period. And that's in addition to supportive services that Choice Neighborhoods grants can also provide to help residents get new jobs, access education programming, access health programming.

So, there's a team in place that is assigned on a household level basis to support residents through and through this process. In terms of relocation and return, relocation from the site is required, including that mobility counseling, including reasonable moving expenses, including security deposits. But unique to Choice Neighborhoods since the goal is to see residents return should they choose is that there should also be the supports in place to make sure that can happen.

The barriers are eliminated, which means grant funds may also be used to support the cost associated with returning to the site. Throughout, residents are tracked, PHAs are required to track residents for a period of five years after the initial move, and they are also required to report to HUD, relocation. How many folks are moving also where they're going. And re occupancy metrics, are they coming back or are they choosing to take those vouchers or are they leaving HUD assistance?

So, all of that is tracked throughout the life of the grant. I know it's in the resources slide, which you'll see, but there's also a link here on our website. There's a lengthy document that outlines the Choice Neighborhoods requirements, whether it's through those URA notices, but also some

best practices in terms of mobility, counseling and other expectations to ensure that residents are supported through this process.

So that's the high level. Let's go to the next slide, Antonella, and dig a little deeper. We've broken this out to do a before and after the grant award, as well as the bonus after housing development is completed. Because Choice Neighborhoods, development schedules may vary for new housing. It inflects relocation schedules. Sometimes there's phases before grant.

So, this was the way that we went. And with the before, the grant award, there are some early expectations. Before PHA even applies to Choice Neighborhoods. First and foremost, there's the absolute expectation that residents are significantly involved in the development of a transformation plan. So, residents are giving input on not only what the new housing will look like, supports that they need, but there should also be resident involvement in the creation of a relocation strategy that's upfront.

To HUD, a PHAs must certify that they've had at least two resident meetings before submitting an application to HUD for Choice Neighborhoods funding, as well as additional public meetings. One of the meetings needs to be after HUD's funding cycle opens, so that residents really clearly understand that a PHA is requesting this money from HUD that may ultimately lead to the displacement and demolition.

That certification that's made to HUD is articulating that a PHA has discussed relocation, relocation assistance, URA, reasonable accommodations, re-occupancy, right to return. And this is a threshold. So, what that means for the purposes of application review is that PHAs must do this. They must certify that they've done this. Absent that, a grant cannot be awarded so that early upfront conversation with residents is required and important.

Applications for Choice Neighborhoods fundings also go on to describe a relocation plan, mobility plan, the larger resident support strategies, how they'll communicate with property managers, how PHAs will work to ensure housing stability and prevent evictions. Sure, vouchers are used in high opportunity areas. The better the plan, the more points an application can earn, which means the more likely it is to get the big \$50 million.

So those PHAs that are best prepared with the best thought out strategies are more likely to succeed to get this money to proceed with redevelopment. Beyond that, of course, applicants and subsequently grantees should consider how redevelopment affects residents. So, what Jade talked about, there should be really careful consideration to minimize any disruption, any adverse impacts that may come from the relocation and vitalization thinking about things like the timing of relocation and how that affects the school year.

Those are things that we would expect grantees, PHAs, to be thinking about up front before Choice Neighborhoods funds are even awarded. After an application is submitted, grantees or applicants still at that time are expected to provide residents with the general information notice that's required through URA, informing residents that relocation may be expected and share any update plan with them in terms of the timing and how relocation will generally work.

So that's up front. Post Award, post grant. Okay, PHAs got the money, now what happens? Those grantees must continue to apply with URA, whether it's the notices, the benefits throughout the development which again may be phased. Grantees will go on to finalize the

relocation plan, which has moved from that general sense to now really getting into the details of incorporating feedback they've heard from residents, clearly outlining the schedule, relocation assistance, individual supports, how they'll notify residents of what's coming, how they'll notify residents of what's coming back when new units come online, identifying comparable units, really spelling all of that out in great detail.

Different for Choice Neighborhoods since there's the expectation and hope that residents have that right to return, they choose to take it and come back to the new site. Grantee should also be thinking about a re-occupancy strategy, who gets the first call to come back? What's the priority if you've only got 30 units coming online, but there's 100 that have been relocated, working through those issues, working through how you'll -- how far in advance you'll notify residents of units coming back online.

So, we talk a lot about a relocation plan. But in Choice Neighborhoods we also need to talk about a re-occupancy plan for those that are choosing to come back. PHAs will work with the Choice Neighborhoods team to apply for and access tenant protection vouchers, what Kathy was talking about, and again, grantees have the absolute responsibility to ensure that vouchers or voucher holders have a real opportunity to use them in a high opportunity area.

So as part of the mobility counseling, there needs to be, again, that dedicated team in place to helping a resident through and through. We expect grantees to have strategies on recruiting landlords to participate in the section 8 program, to encourage more demand locally, identify those comparable units, provide transportation to visit units, assisting completing paperwork, providing information on portability, fair housing.

All of those things are expected to be done up front. And to assure that this happens, again, grant funds may be used for moving costs, security deposits, utility connections, those landlord incentives, whatever it takes to make sure that those voucher holders have a real chance to succeed in any neighborhood that they're choosing to move to.

This also requires and this isn't on the slide, but it does require that residents are assessed on their relocation and return preferences. And again, that support team that's in place should be making sure that that's happening. That team is critical throughout. So that's PHAs, often relocation specialist, case managers, they're collaborating, their supports are individualized. They're tailored to specific families. There's the real expectation that they're meeting with families regularly, helping them understand schedules and what to expect.

But also, after a move, making sure that residents are successful in their transition to new housing and new neighborhoods, identifying any barriers that they may have and addressing them. And this is really key because you heard me talk about the right to return. Residents need to stay lease compliant so that emphasis on success, no matter where they go, is important.

And Choice Neighborhoods emphasizes housing stability, eviction prevention throughout so that residents maintain that right to return. So that's carefully tracked by HUD to make sure that that happens. And that requires a couple things, hopefully property managers are meeting regularly with case management staff, with relocation staff. HUD asks through Choice Neighborhoods to have an early warning system to prevent eviction.

So, if a resident is behind on payments, if there's any sort of disruption at the site that it's identified up front and there's a proactive team in place to work through any challenges that there may be, again, informing residents of their rights, informing them of their supports. And that's matched with those case management services that residents are receiving.

All of this, all of the relocation and mobility counseling should be happening for about three years after initial relocation, but the case management supportive services piece lasts the entire Choice Neighborhoods grant turn, which is anywhere from 7 to 9 years. And residents are tracked uh, for at least five years after an initial move.

So, residents are relocated, now you've got new units coming online. What happens with that right to return? Any new units need to be offered to those original residents that were on site the day of that Choice Neighborhoods award up to relocation first. They can't be offered to any other household until all of those returning residents have that first right of refusal at initial lease up.

Choice Neighborhoods does also allow for split households, and if there is a split, the original household has that initial first right of refusal. Once all the original households are -- that ask is made, then the next head of household from the split would be at the top of the wait list or next in line to get that ask.

If a resident, let's say phase one, comes online and a resident is not ready to return, they're set where they're at, they must again be offered a replacement unit in a future phase. So, residents are retaining those rights every phase throughout. Residents also have a right to return, even if permanent assistance was offered through the URA, so that right is not lost so long as they remain lease compliant.

And again, residents are receiving services throughout. So, there's a lot going on here. It's all spelled out in the Choice Neighborhoods program, NOFO, in that best practices document on the resources slide. Bottom line is residents are offered and entitled URA benefits. And there's the expectation that there's a partnership with residents through case management, through mobility counseling to support them before, during, and after relocation so that they can make the choices best for their families, whether that's the new site, the voucher, other comparable housing. So, I'll turn it over to Antonella.

Antonella Salmeron: Thank you so much, Christina. As you folks are shown on the screen, we're showing you what are the resources available to you. The links are functioning correctly. We checked this morning. So, once we -- you receive the slide deck, please be sure to check out all the resources that you have, just visit the SAC website. There are resources in Section 18. Section 22, RAD.

You know, I've seen a lot of questions regarding some of these specifically TVBs and HCV in the Q&A section. So, we're going to get to those, but please, just be mindful that you can also find a lot of answers to your questions by visiting these links and checking out these resources. So, we're going to move to the questions part of today's session. It has been such a great presentation, and we covered a lot.

And we have about 22 questions on the Q&A. So, I'm going to stop, share here so we can see all of our speakers. And I'm going to try to start with what I think would be the shorter answers.

And then moving to -- we have several questions on SVC. So first let's stick to right and return. So, we talked a lot about that in the context of key considerations when it comes to residents.

And we see here, Nikki Ratliff [ph] asked if the right to return is a right to return to the property or the project, per se. Can anyone clarify that for Nikki?

Kathy Szybist: What program was that, Antonella?

Antonella Salmeron: I think in general they did not add extra information on what program they were referring to specifically, but it was early on in the session. So, I'm going to say that we --

Kathy Szybist: Damainique, address how that -- how RAD treats that.

Damainique Bruce: So, this is for the voluntary conversion question, correct?

Kathy Szybist: No, I think they were just asking about if the right of return, maybe you could take it in the RAD context to the to the --

Damainique Bruce: Yeah. So, the right of return is to the covered property or project. So, you have a right to return back to the property itself, not the specific unit. I think I mentioned that before. Sorry, I just realized I'm not on camera. Yeah. So, you have a right to return back to the property itself, and then again, that's to an appropriately sized unit for that household.

So, say, prior to a conversion, you were living in a three bedroom, because it was properly sized when you were initially assigned that unit, but now you've had children that are gone through high school and moved out, and now it's now appropriate for you to be in a one bedroom. Instead of over housing you, you have the right to not be under housed. But as far as over housing, you need to allow that space for other people to allow them the ability to have affordable housing. So, you have a right to return back to an appropriately sized unit for your household at the time of moving back to the property.

Jade Santoro: Damainique, maybe we want to clarify that if -- part of the RAD project involves a transfer of assistance, then the right is to return to the project with -- wherever that assistance is going. If the project site, the original project site is where the completed project is going to be, then the right to return would be the right to return back to that completed project.

But if all of the assistance is going someplace else, then the right to return would be the right to transfer with that transfer of assistance to another property.

Damainique Bruce: Correct.

Antonella Salmeron: Great. Thank you. So, I actually saw it just came up, but it's related to this. Another participant asked the property is converted into RAD if the residents sign a waiver to waive the right to return, do they still have a right to return to their property until completion?

Damainique Bruce: So, the right to return waiver is given to residents when -- there are a couple of different options. So, there may be issues as far as being able to only have a temporary relocation. So, say that there's an issue as far as available units during the construction process, so many PHAs will utilize vouchers and other alternative forms of housing options for the residents.

And the resident will be required to review and sign a waiver indicating whether or not they are relinquishing their right to return or if they are going to be accepting an alternative housing solution. It's a hard question to answer.

Jade Santoro: And I could maybe add some language to that. I want to start by pointing out the fact that the URA prohibits waivers. You are not allowed to ask someone to waive their rights under the URA. They can choose not to accept some of what they're entitled to, but you may not request waivers under the URA. When it comes to waiving your right to return, that's a little bit different.

When we talk about offering incentives or alternative housing solutions so that you can complete a project the way that you want to complete it and in a way that doesn't trigger the URA because you're required to let them stay if they want to stay. So, they're allowed to stay. They're allowed to return, but you would really like them gone, and they agree that they would like to be gone, then offer -- their acceptance of those incentives or alternative housing solutions do typically come with the requirement that they give up their right to return to the project.

Usually, it's either or. If you're going to accept permanent relocation assistance, in most cases, that permanent relocation assistance would be in lieu of the right to return that you might otherwise have. So, for instance, this often comes about if we have a rehab project that hits that 12-month mark, they might be under a public housing program or a section 8 program that has long term assistance and URA benefits only last for 42 months, unless we put them into another assisted program.

But you don't have to under the URA, and we would like them to be able to retain those long-term subsidies.

Damainique Bruce: Yeah, I think that's the key here is retaining long term affordability and long-term subsidies to families that need it. So, the requirement of a waiver would come into play there in the RAD transactions and RAD Section 18 blend transactions.

Antonella Salmeron: Thank you so much to both, I believe, Jade, I think her screen froze for me. So, I'm going to move on to a question that I was actually directed to your part of the presentation, Damainique. In the RAD section 19 context, is the RAD information notice required to include or make explicit that RAD plans must be amended if existing residents contest or comment that proposed plan would not allow or make it difficult for them to exercise that RAD right to remain or return?

For example, because there is a necessary bedroom size or accessibility features that are not being planned, or if the proposed building are mostly high rises which are not allowed for families without secretary waiver. So, if -- that's a loaded question and just for reference, someone submitted around 135 if you want to scroll up to the section. But could you speak to that?

Damainique Bruce: Yeah. So, I actually have that in front of me. So, I did see this question. So, when you are giving the residents their resident information notice, the RIN, at the outset of the application and conversion process, there are certain highlights that you should focus on. We do actually have a sample, RIN Notice, located within our regulations and on our website. So please do take a look at that.

As far as the language that we recommend when informing residents of their rights through the RAD conversion process, I would say it's important to highlight to residents and not only just give them whatever written requirements you're required to underneath our regulations, but also to fully explain what those mean.

So that includes explaining this whole process of whether or not residents can contest or the requirements of additional meeting requirements if a conversion plan is going to directly impact a residents ability to return back to the property.

Antonella Salmeron: Great. Thank you. And since I have you here, can you combine the RIN and the GIN for a RAD project?

Damainique Bruce: We have seen it done. So let me just again specify the RIN, that goes out to absolutely everybody participating in a RAD conversion. So that's the resident information notice. The GIN is only required if there is going to be relocation. And the GINs are typically issued either at RCC or after RCC. So those are two separate periods of time.

And a lot of time can lapse in between that, and a lot can change. And plans for relocation can change a lot in between those two periods of time. So please keep them separate.

Antonella Salmeron: Got it. And related to that as well, someone else asked in the context where the displacement will be longer than 12 months, or even if even if shorter, exactly when does the right to return attach? They present a case where many situations in which the residents are being offered transfers before the RCC issues, and or the RAD notice of relocation or URA notice of eligibility is issued.

So could you talk about that specifically when it's not sufficient to issue a URA, GIN and or RAD RIN for right -- the right to return to kick in, correct.

Damainique Bruce: About what time was this question posted.

Antonella Salmeron: 1:38. The -- perhaps he's already shown in the answered section because I accidentally --

Damainique Bruce: Okay. Yeah. So again, the only time transfers occur before RCC is if there is express permission from HUD that grants early relocation. No transfers or relocation of any type, permanent or temporary, should be occurring before RCC issuance and the effective date of the RCC. And so, the right to return back to the property is dependent on a case-by-case basis.

Because of course it depends on whatever the needs are of that specific household. So, if it's a disabled household, and they have specific needs for their disability that we had to address as a reasonable accommodation, we need to ensure that the unit that we are offering them has those standards within that unit. If it's just like a 2- or 3-bedroom unit and there's no additional specifications, and we have the unit available and it's ready and it meets health and occupancy standards, that's when that unit would be ripe to offer a family on their right to return back to the property.

So, it's when the unit is -- it means health and safety standards. And it is appropriate for the family to move in, an appropriate time. So, we're not talking about at some date and time, you

need to tell the family explicitly when they can be expected on the first day, they can be expected to be able to have access to that property. So, it can't be like a date in the future.

Antonella Salmeron: Got it. Thank you. I'm going to move to a question, very -- the very first question that we had submitted. I think this would be good for Jade to take on. So, in the context of SPC, is TPV required to provide referral or identification of an actual available comparable dwelling? And if it's -- I believe this is if this is required, if TVB is issued subject to URA. Could you speak to that, Jade?

Jade Santoro: If the URA applies, and again, that depends on if what is occurring is happening in conjunction with a federally assisted project that includes acquisition, rehab, or demolition. If that happens, then the URA applies and the URA says that if you are offering a voucher as their comparable replacement housing offer, it must come with referral to a specific unit. If the URA doesn't apply, then my rules don't -- aren't enforceable.

But I remember hearing somebody talk about one of the other programs and saying, basically, we also still expect that if you're offering a voucher you -- under Section 18, we're not going to let you demolish your units until you actually get those people housed.

Kathy Szybist: Right. That, yeah. Just to piggyback on for the SAC programs, housing authorities are not required to identify a specific unit, that -- Section 18 doesn't require that, but they have to provide the necessary counseling to help the family find a unit. And they can't complete the disposition or begin the demolition until the family is leased up. So, in practice, that might mean helping in identifying one or more available units.

Jade Santoro: And just adding to the timeline of that, under the URA you can't start there. They're entitled to 90 days notice before they have to move, and you don't start that 90-day time frame until you have offered comparable replacement housing. So, you have to have an available unit for them to move into and use that voucher with before you can start the 90-day clock and require that they move out.

Damainique Bruce: And I'll just add on to that. That's also a requirement for the RAD program as well. You -- it's all fine and well to offer a resident a housing choice voucher as an alternative housing option. However, you cannot force that resident out of the property until they have identified an actual unit to move into and it has been approved.

Antonella Salmeron: Right. Thank you all. And sticking to SVCs, we're close out of the PHAs public housing program as a condition for approval. If a displaced household is over the TPV income level under its no more public housing or alternative unit operated or assisted by the PHA, what happens to those families? And I believe in parentheses they have said that this is an actual anticipated situation.

Kathy Szybist: Right. So, I addressed this briefly, but I'll go back. If it's an over income family and the Housing authority has no available public housing units and can't offer HCV assistance, then the housing authority is required to offer the other kind of comparable housing described in section 22, which is a unit operated or assisted by the PHA at a comparable rental rate. Again, housing authorities have discretion here.

They can, if the project will be used as housing after conversion, they can allow the family to stay in their unit as market rate or paying 30 percent of their income in rent for a reasonable, mutually agreed upon time. If the project will not be used as housing and the housing authority is vouchering everyone else out with vouchers, then the housing authority can help the family find a unit again, paying all their relocation expenses and moving expenses. And if that unit is not at the same or comparable rent as the public housing rent, then the housing authority should again, reimburse or subsidize that rent for a reasonable amount of time.

Antonella Salmeron: Great. Thank you. So, for SBC that is not subject to URA protections, is there any other information or rights? For example, notice about relocation besides the required 90 day notice to move or displacement, which must be submitted with the application. I think the participant is trying to assess if they understood that correctly.

Kathy Szybist: Yeah. Again, the 52860 will require certain information about the housing authority's relocation plan. And that that includes the number of families who will be displaced, the kinds of comparable housing that housing authority plans to offer, the source of funds to pay for the relocation and moving expenses.

You know, again, the housing authorities can and probably are encouraged to submit a written relocation plan to the SAC as part of the conversion plan and application. But as long as you have the key information included somehow in that SAC, DDA for voluntary conversion you don't have to submit anything beyond that.

Antonella Salmeron: Great. I have seen a couple of questions coming our way about sort of further defining certain terms that we have shared today. So, one of them was to please define impacted residents for the purposes of Section 18 application. The specific question was, are impacted residents only the tenants of the property that is subject to the Section 18 app, or would that include anyone else?

Kathy Szybist: No, it would be the families who will be displaced, who will lose their public housing lease as a result of the Section 18 action.

Antonella Salmeron: Okay. Thank you. And I believe something else came in the chat. If you could define reasonable. I believe this is -- I'm not sure what this is related to -- about the three-month reasonable amount of time.

Kathy Szybist: Oh well, reasonable is also used as, reasonable, and actual relocation expenses. So, if that's where the person asking the question would like clarification. As I mentioned, reasonable and actual, with reasonable there's PHA discretion there. The example I gave was if the housing authority, if the resident wants to port out their voucher and move from Alabama to Hawaii, the Housing Authority might deem that relocation or moving expense not to be reasonable.

If the housing authority -- they can offer to actually pay the mover directly or reimburse the family for packing up the boxes and paying the moving truck. And if the family finds a mover on their own, that's ten times more than any other mover in the locality, the Housing Authority might deem that's not reasonable. So again, it's -- PHA has some discretion there. Reasonable is not defined in any HUD regs or notices.

Antonella Salmeron: Great. Thank you.

Jade Santoro: Kathy, I think they were specifically asking about the reasonable time frame for kind of providing housing subsidies if you have an over income household. Excuse me. And I think the same answer applies. HUD doesn't define reasonable. It does make it challenging. I get that. I will say on the moving expense side of things for Section 18, you could look to URA guidance, which says that anything within 50 miles is considered to be reasonable for moving, and anything beyond that is not considered reasonable.

Kathy Szybist: Right. And on the length of time to subsidize, say, an over income family's rent for a mutually agreed upon reasonable time. We've had some housing authorities follow URA and provide kind of a subsidized rent for 36 or 42 months, or whatever the URA kind of periods there are. We've had some housing authorities follow the RAD phase in rent thinking where they start out at the public housing rent level and then gradually increase the rent similar to the phase in model of RAD.

But again, these are just models to look to and those aren't required with Section 18 or 22.

Antonella Salmeron: Thank you. So, switching gears here a little bit, we have a couple questions regarding a house -- a household that becomes split. If you could please clarify how split households are handled considering the right to return. And I believe someone else also added whether they would have to go through a rescreening process or if they would be exempt from rescreening.

Damainique Bruce: So, I can talk about this in the context of RAD. So, it does happen. And there's a lot of discretion given to the PHA on how exactly to handle it. So, the right of return is retained with the head of household for RAD conversions. So, we do recognize that we do have blended families where, you know, you may have minor children, adult children.

And they don't always agree with the decisions of the head of household on record on the lease. A good example of this is recently we had a household that went through a RAD conversion. They were relocated to a temporary location, and the head of household decided to stay permanently, and the adult children wanted to return back to the property.

The PHA ultimately decided to give those adult children the right of first return. Again, that's with their discretion is not mandatory because as our regs state the right of return is with the head of household. But you do have discretion in determining that and whether or not you want to allow units or persons who are not the head of household to return back and have the right of first return, or if they need to go through the normal leasing process.

Christina Mortensen: I would just add and clarify for Choice Neighborhoods that, similarly, the original initial preference is for the original household. They have the right of return as new units come online. Once all original households are offered a unit, if there are any additional remaining, that a PHA would be required to offer that new household unit, and if there are none available, then that new second household would go to the top of the wait list and be accommodated.

Antonella Salmeron: Great. Thank you both. I believe there is someone from another PHA asking, perhaps this is also related to whether they have any flexibility and making these

determinations. What happens with a resident is delinquent in their rent at the type of -- at the time of RAD conversion, does that meet -- mean that the resident has the same right to remain at the cover project as it converts and after the conversion to RAD?

Damainique Bruce: So, the resident is still held to the lease terms and whatever house rules of the property during the conversion process. So, if is pre conversion and they are delinquent and that is a violation of their lease terms, the PHA has full authority to seek whatever grievances or violation notices, or eviction based on their agreed upon lease and house rules.

Antonella Salmeron: Great. Thank you. I did see something else, like a follow up comment through the chat for the scenario that you talked about just a few seconds ago, Damainique. So, you explained about the adult children being given the right to return separate from the head of household. Would PHAs have to make such provisions in their admin plan, or is that just something that goes through, you know, their flexibility that does not have to be given somewhere?

Damainique Bruce: Typically, that's on a case-by-case basis. It's not included in their plans.

Antonella Salmeron: Okay. Great. Thank you. So just moving up to the Q&A, going back to questions related to SBC, where a PHA plans to demo dispo [sic] after approval, but will reveal new residential units thereafter with a private co-developer, do the impacted public housing residents have a right to return, remain to occupy the redeveloped residential units?

Are they considered covered under the right to remain if the SBC results in continued use of residential dwelling?

Kathy Szybist: I can take a shot at that, and others chime in. It's really a case-by-case analysis. If -- at the time of DOT release in the conversion, assuming that involves a disposition to a tax credit entity, if the residents aren't being provided -- if the project won't immediately be used as housing, say, because it's going to undergo a 12 month redevelopment period when it's vacant and the housing authority is issuing tenant based assistance to all those families to move off site, at that point, those families are considered relocated under section 22 with tenant -- with offsite tenant based assistance.

If the housing authority is willing and able to offer the families the ability to return to the project using project based or tenant-based assistance, wonderful. But they don't have to. The requirement to offer the families the ability to remain in place using tenant-based assistance is if the housing will be continued -- continually used as housing at the time of conversion.

Antonella Salmeron: Great. Thank you. And we also receive a question. This is more on the TPV side. If a family relocates with a TPV and does not want to return to the renovated project with a TPV, does using a unit from our baseline count against the TPV program cap, or is it still exempt since it is a replacement for a PHA unit?

Kathy Szybist: All right. Great question. First, I will double down on the first part of that question, which was really a statement. If you issue -- if the housing authority issues the family tenant based assistance to move off site at the time of a disposition and then offers the family the ability to return to the site and give up that tenant based assistance and return to the site as a -- to a PVB unit, the family does not have to return. That's up to the family. You can't require the

family to give up that tenant-based assistance and return to the site using project-based assistance.

So, I think the person who asked the question understood that. And -- but I did want to emphasize that. So, getting to the actual question, if the family decides not to return, certainly the housing authority can use as existing HCV resources in order to PBV the unit because they can't use the tenant-based tenant protection voucher because the family doesn't want to come back.

And in terms of the exceptions that apply I do know that it's the project that is -- has certain exceptions under HOTMA for the 20 percent. So, if the actual project is project based within five years of being operated as public housing, then the 20 percent caps don't apply. It doesn't matter if those resources to PBV -- the units came from TPVs or existing HCV, so I hope that answers the question. If not put something in the chat.

Antonella Salmeron: Great. Thank you. And before we move on, we only have about nine minutes left, eight for today's session. I did want to go back. We have talked about families that are -- or individuals that are over 80 percent, and I was wondering if one of you could briefly go over any further assistance available for tenants that are over 80 percent unit operated or assisted by the PHA.

Jade Santoro: I get to start because it's easy on my side. The URA protects all residents with relocation benefits, regardless of income. If they're displaced and it's subject to the URA, if their housing costs are going to go up, then we're going to end up covering those increased costs for 42 months. And then to you, Kathy.

Kathy Szybist: I think I covered this a couple times already. A considerable discretion at the PHA level in terms of what to offer that over income family. Again, the comparable rental rate. No, no prescribed amount of time, unlike the URA. So, we just encourage you to have an open dialog with these families. Some families choose -- decide they might want to do home ownership.

And I've heard of some housing authorities that are actually -- have actually assisted those families in achieving home ownership as the form of comparable housing and maybe helped with a down payment. Again, a lot of housing authority discretion on what to offer those families based on, again, resident preferences and what the resident wants.

I guess the only other thing I can add here is that if you do offer the family the ability to stay in their unit and exclude it from the PBV HAP, if you are project basing the remaining units, you -- we recently issued a notice, not that recently, but it's 2020-19. And that allows an owner -- that provides that if an owner does offer a family a below market rent or other rent concessions, and that there's no TPV or HCV assistance in that unit, the unit can be excluded from rent reasonable.

So that's another way that HUD is facilitating the ability to allow housing authorities to allow over income families to stay in their units as comparable housing outside of a [inaudible].

Damainique Bruce: And then just to chime in from the RAD perspective, I just want to reiterate that all residents who are legally at the property at or after the time of CHAT issuance have the right to return regardless of whatever their income is. So, if they do not meet other funding

programs such as LIHTC due to being over income for LIHTC, that does not disqualify them from being able to return back to the property.

Again, they would still pay 30 percent of their income. If there are any differences in that amount, say they are already paying the cap rent as -- in public housing and then now their post conversion that cap rent has increased and that amount will then trigger an increase in their 30 percent payment, that will be phased in over a period of 3 to 5 years. So, any of those increases are not immediate for that family. We give them time to adjust.

Antonella Salmeron: Okay, I've seen a couple follow ups for this one. So, when I go back to Kathy, for home ownership option to be available in the case that you were discussing, would that be -- would that have to be included in the PHA plan? Or is that still part of the discretion?

Kathy Szybist: The Housing authority has to include in its PHA plan or a significant amendment its intent to submit the home ownership plan to SAC. That was a question.

Antonella Salmeron: I would assume so. Okay, so just to recap, if they wanted to extend that home ownership option to the family that does not want to necessarily return, then they would have to submit this --

Kathy Szybist: Oh no, I'm sorry. I misunderstood. So, I think the context is you're offering the over income family assistance with purchasing a home as the form of comparable housing. I think there's a lot of discretion there. It's not -- the reg in the statute say you offer -- you can offer families a comparable unit at a -- or a unit operated or assisted by the PHA at a comparable rent. So as the public housing program, so if that comparable rent is becoming the mortgage payment, it gets -- there's a lot of discretion there for again, how the housing authority can help facilitate that.

But I did hear about one housing authority where the over income family wanted to leave public housing to purchase an off site unit, and the housing authority was paying their moving expenses there, and also providing some reasonable amount of down payment assistance or other assistance to help the Housing Authority be able to pay the mortgage, a reasonable mortgage, maybe. It was comparable to the public housing rent. I'm not sure.

Antonella Salmeron: Okay. Got it. I know that we've gotten more questions about this, and I don't believe we're going to have the time necessarily to cover those today, but we'll work in putting all your questions in a Q&A document that would potentially be also posted with the rest of materials so we can get to everyone.

But before we part, can one of you quickly talk about what is the role of the field offices in making sure that tenants actually receive what is legally required as a good number of field offices showing in today's session. And I'm sure this would be relevant for them and under PHAs in the jurisdiction.

Kathy Szybist: Right. I'll start really quickly with Section 18. So with Section 18 field offices can request that housing authorities provide some kind of evidence that all of the relocation requirements of Section 18 have or section 22 have been fulfilled, And prior to releasing the DOT and allowing the disposition to occur so they could say, tell me that you've issued the 90 day notices, provide some kind of evidence that all the families have actually been relocated.

So, the field office does have leverage at that point to ensure that the relocation requirements have been completed under the law before releasing the DOT.

Damainique Bruce: And then just to add to that, I think it's always integral to have the cooperation and to be inclusive of the local field office in RAD transactions as well. They can become integral to the PHA and the developers especially when it comes to early relocation and advising them on the steps to get early relocation approved.

And then if there are any updates at any point in time with the project plans, please work with your local field office and your transaction manager, or your closing manager on the RAD team so that we can all be on board and up to date with any updates, especially if there are any technical assistance questions that need to be answered.

Antonella Salmeron: Thank you so much. And we are right at time with still a good chunk of open questions. But in respect of everyone's schedules, we're going to close today's session. We will follow up with a survey. Please make sure to fill that out. And we will share materials as soon as we have them. Thank you so much for your time. Thank you to our speakers. Have a good day.

Jane Hornstein: Thank you, Antonella.

(END)