

Attachment R – Rental Assistance Demonstration (RAD)

The Housing Authority of the County of Contra Costa (HACCC) is amending its (annual and/or 5-year) PHA Plan because it was a successful applicant in the Rental Assistance Demonstration (RAD). As a result, HACCC will be converting the Las Deltas public housing units to off-site Project Based Vouchers (PBV) under the guidelines of PIH Notice 2012-32, REV-1 and any successor Notices. Upon conversion to Project Based Vouchers, HACCC will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of PIH Notice 2012-32, REV-2; and Joint Housing Notice H-2014-09/PIH-2014-17 and Section 1.7 of PIH Notice 2012-32, REV-2; and Joint Housing Notice H-2014-09/PIH-2014-17. Additionally, HACCC certifies that it is currently compliant with all fair housing and civil rights requirements.

RAD was designed by HUD to assist in addressing the capital needs of public housing by providing HACCC with access to private sources of capital to repair and preserve its affordable housing assets. Please be aware that upon conversion, HACCC's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of the Demonstration, and that HACCC may also borrow funds to address their capital needs. HACCC will be contributing Operating Reserves in the amount of \$586,998 and Capital Funds in the amount of \$358,926 towards the conversion.

Below, please find specific information related to the Public Housing Development(s) selected for RAD:

Development #1

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| <u>Name of Public Housing Development:</u> LAS DELTAS | <u>PIC Development ID:</u> CA011700000-B | <u>Conversion type (i.e., PBV or PBRA):</u> PBV | <u>Transfer of Assistance:</u> Creekview Terrace- Church Lane and Chattleton Lane, San Pablo, CA Robin Lane - 1149 Meadow Lane, Concord, CA Woods Grove - 850 E. Leland Rd., Pittsburg, CA Elaine Null - 112 Alves Lane, Pittsburg, CA Terrace Glen - 107 W. 20th Street, Antioch, CA Pinecrest - 1945 Cavallo Rd., Antioch, CA Heritage Point - 1500 Fred Jackson Way, Richmond, CA |
| <u>Total Units:</u> | <u>Pre- RAD Unit Type (i.e., Family, Senior, etc.):</u> | <u>Post-RAD Unit Type if different (i.e., Family, Senior,</u> | <u>Capital Fund allocation of Development:</u> |

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|---|---|--|---|
| <u>38 UNITS</u> | <u>FAMILY</u> | <u>etc.)</u> <u>FAMILY and SENIOR</u> | <u>\$233,452</u> |
| Bedroom Type | Number of Units Pre-Conversion | Number of Units Post-Conversion | Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.) |
| Studio/Efficiency | 0 | 0 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| One Bedroom | 11 | 18 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Two Bedroom | 9 | 19 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Three Bedroom | 15 | 1 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Four Bedroom | 3 | 0 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Five Bedroom | 0 | | |
| Six Bedroom | 0 | | |
| (If performing a Transfer of Assistance): | (Explain how transferring waiting list) All PBV properties have site-based wait lists. Original Wait List for Las Deltas will be transferred to property and given priority for RAD replacement units. | | |

Development #2

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| <u>Name of Public Housing Development:</u> <u>LAS DELTAS ANNEX 1</u> | <u>PIC Development ID:</u> <u>CA011600000-B</u> | <u>Conversion type (i.e., PBV or PBRA):</u> <u>PBV</u> | <u>Transfer of Assistance:</u> Creekview Terrace - Church Lane and Chattleton Lane, San Pablo, CA |
| <u>Total Units:</u> | <u>Pre- RAD Unit Type (i.e., Family, Senior, etc.):</u> | <u>Post-RAD Unit Type if different (i.e., Family, Senior,</u> | <u>Capital Fund allocation of Development:</u> |

| | | | |
|---|---|--|---|
| <u>86 UNITS</u> | <u>FAMILY</u> | <u>etc.)</u> <u>SENIOR</u> | <u>\$125,474</u> |
| Bedroom Type | Number of Units Pre-Conversion | Number of Units Post-Conversion | Change in Number of Units per Bedroom Type and Why (De Minimis Reduction, Transfer of Assistance, Unit Reconfigurations, etc.) |
| Studio/Efficiency | 0 | 24 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| One Bedroom | 15 | 62 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Two Bedroom | 14 | 0 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Three Bedroom | 49 | 0 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Four Bedroom | 8 | 0 | TRANSFER TO PBV OFFSITE AND CHANGE UNIT CONFIGURATIONS TO MEET NEED |
| Five Bedroom | | | |
| Six Bedroom | | | |
| (If performing a Transfer of Assistance): | (Explain how transferring waiting list) All PBV properties have site-based wait lists. Original Wait List for Las Deltas Annex 1 will be transferred to property and given priority for RAD replacement units. | | |

Resident Rights, Participation, Waiting List and Grievance Procedures

PBV Resident Rights and Participation

- 1. No Re-screening of Tenants upon Conversion.** Pursuant to the RAD statute, at conversion, current households are not subject to rescreening, income eligibility, or income targeting. Consequently, current households will be grandfathered for conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion. For example, a unit

with a household that was over-income at time of conversion would continue to be treated as an assisted unit. Thus, 24 CFR § 982.201, concerning eligibility and targeting, will not apply for current households. Once that remaining household moves out, the unit must be leased to an eligible family.

2. **Right to Return.** Any resident that may need to temporarily be relocated to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered Project once rehabilitation or construction is completed. Permanent involuntary displacement of residents may not occur as a result of a project's conversion of assistance, including, but not limited to, as a result of a change in bedroom distribution, a de minimis reduction of units, the reconfiguration of efficiency apartments, or the repurposing of dwelling units in order to facilitate social service delivery. Where the transfer of assistance to a new site is warranted and approved (see PIH Notice 2012-32rev2, Section 1.2.A.12), residents of the Converting Project will have the right to reside in an assisted unit at the new site once rehabilitation or construction is complete.
3. **Renewal of Lease.** Since publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR § 983.257(b)(3) have been amended. Under RAD, the Project Owner must renew all leases upon lease expiration, unless cause exists. Consequently, 24 CFR 983.257(b)(3) will not apply. This provision must be incorporated by the PBV owner into the tenant lease or tenancy addendum, as appropriate.
4. **Phase-in of Tenant Rent Increases.** If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) to the extent necessary to allow for the phase-in of tenant rent increases. HACCC must create a policy setting the length of the phase in period at three years, five years or a combination depending on circumstances. For example, a PHA may create a policy that uses a three year phase-in for smaller increases in rent and a five year phase-in for larger increases in rent. This policy must be in place at conversion and may not be modified after conversion.

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

Three Year Phase-in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 33% of difference between most recently paid TTP or flat rent and the standard TTP

- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 66% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full standard TTP

Five Year Phase in:

- Year 1: Any recertification (interim or annual) performed prior to the second annual recertification after conversion – 20% of difference between most recently paid TTP or flat rent and the standard TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 40% of difference between most recently paid TTP and the standard TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 60% of difference between most recently paid TTP and the standard TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 80% of difference between most recently paid TTP and the standard TTP
- Year 5 AR and all subsequent recertifications – Full standard TTP

Please Note: In either the three year phase-in or the five-year phase-in, once the standard TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward.

5. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs. Public Housing residents that are current FSS participants will continue to be eligible for FSS once their housing is converted under RAD, and PHAs will be allowed to use any remaining PH FSS funds, to serve those FSS participants who live in units converted by RAD. Due to the program merger between PH FSS and HCV FSS that took place pursuant to the FY14 Appropriations Act (and was continued in the FY15 Appropriations Act), no special provisions are required to continue serving FSS participants that live in public housing units converting to PBV under RAD.

However, PHAs should note that there are certain FSS requirements (e.g. escrow calculation and escrow forfeitures) that apply differently depending on whether the FSS participant is a participant under the HCV program or a public housing resident, and PHAs must follow such requirements accordingly. HACCC shall administer the FSS program in accordance with FSS regulations at 24 CFR Part 984, the participants' contracts of participation, and the alternative requirements established in the "Waivers and Alternative Requirements for the FSS Program" Federal Register notice, published on December 29, 2014, at 79 FR 78100. Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

Current ROSS-SC grantees will be able to finish out their current ROSS-SC grants once their housing is converted under RAD. However, once the property is converted, it will no longer be eligible to be counted towards the unit count for future ROSS-SC

grants, nor will its residents be eligible to be served by future ROSS-SC grants, which, by statute, can only serve public housing residents.

- 6. Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with converted PBV assistance will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living environment and be eligible for resident participation funding.
- 7. Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
 - i. Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall not be less than:
 - a. A reasonable period of time, but not to exceed 30 days:
 - i. If the health or safety of other tenants, PHA employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
 - b. 14 days in the case of nonpayment of rent; and
 - c. 30 days in any other case, except that if a State or local law provides for a shorter period of time, such shorter period shall apply.
 - ii. Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional procedural rights to comply with section 6 of the Act.

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

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi), an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease or the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
 - i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current

standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).

- ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.
- c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- d. The Project Owner provides opportunity for an informal hearing before an eviction.

PBV program hearing procedures are outlined in HACCC's Section 8 Administrative Plan.

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

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

- 9. Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant re-location and/or change in building occupancy is planned. If either is planned at the Jobs Plus target project(s), HUD may allow for a modification of the Jobs Plus work plan or may, at the Secretary's discretion, choose to end the Jobs Plus program at that project.
- 10. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may only select an occupied unit to be included under the PBV HAP contract if the unit's occupants are eligible for housing assistance payments (24 CFR §983.53(d)). Also, a PHA must remove a unit from the contract when no assistance has been paid for 180

days because the family's TTP has risen to a level that is equal to or greater than the contract rent, plus any utility allowance, for the unit (i.e., the Gross Rent)) (24 CFR §983.258). Since the rent limitation under this Section of Notice PIH 2012-32rev2 may often result in a family's TTP equaling or exceeding the gross rent for the unit, for current residents (i.e residents living in the public housing property prior to conversion), HUD is waiving both of these provisions and requiring that the unit for such families be placed on and/or remain under the HAP contract when TTP equals or exceeds the Gross Rent. Further, HUD is establishing the alternative requirement that the rent to owner for the unit equal the family's TTP until such time that the family is eligible for a housing assistance payment. HUD is waiving as necessary to implement this alternative provision, the provisions of Section 8(o)(13)(H) of the Act and the implementing regulations at 24 CFR 983.301 as modified by Section 1.6.B.5 of Notice PIH 2012-32rev2. In such cases, the resident is considered a participant under the program and all of the family obligations and protections under RAD and PBV apply to the resident. Likewise, all requirements with respect to the unit, such as compliance with the HQS requirements, apply as long as the unit is under HAP contract. Assistance may subsequently be reinstated if the tenant becomes eligible for assistance. HACCC is required to process these individuals through the Form-50058 submodule in PIC.

Following conversion, 24 CFR §983.53(d) applies and any new families referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time. Further, HACCC must remove a unit from the contract when no assistance has been paid for 180 days. If units are removed from the HAP contract because a new admission's TTP comes to equal or exceed the gross rent for the unit and if the project is fully assisted, HUD is imposing an alternative requirement that HACCC must reinstate the unit after the family has vacated the property; and, if the project is partially assisted, HACCC may substitute a different unit for the unit on the HAP contract in accordance with 24 CFR §983.207 or, where "floating" units have been permitted, Section 1.6.B.10 of Notice PIH 2012-32rev2.

- 11. Under-Occupied Unit.** If a family is in an under-occupied unit under 24 CFR 983.259 at the time of conversion, the family may remain in this unit until an appropriate-sized unit becomes available in the Covered Project. When an appropriate sized unit becomes available in the Covered Project, the family living in the under-occupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by HACCC. In order to allow the family to remain in the under-occupied unit until an appropriate-sized unit becomes available in the Covered Project, 24 CFR 983.259 is waived.

PBV: Other Miscellaneous Provisions

- 1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs must agree to any reasonable HUD request for data to support

program evaluation, including but not limited to project financial statements, operating data, Choice-Mobility utilization, and rehabilitation work. Please see Appendix IV of Notice PIH 2012-32rev2 for reporting units in Form HUD-50058.

2. **Additional Monitoring Requirement.** HACCC's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements.
3. **Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** The Davis-Bacon prevailing wage requirements (prevailing wages, the Contract Work Hours and Safety Standards Act, and other related regulations, rules, and requirements) apply to all initial repairs and new construction that are identified in the Financing Plan to the extent that such repairs or construction qualify as development. "Development," as applied to work subject to Davis-Bacon requirements on Section 8 projects, encompasses work that constitutes remodeling that alters the nature or type of housing units in a PBV project, reconstruction, or a substantial improvement in the quality or kind of original equipment and materials, and is initiated within 18 months of the HAP contract. Development activity does not include replacement of equipment and materials rendered unsatisfactory because of normal wear and tear by items of substantially the same kind. Davis-Bacon requirements apply only to projects with nine more assisted units.

Section 3 (24 CFR Part 135) applies to all initial repairs and new constructions that are identified in the Financing Plan to the extent that such repairs qualify as construction or rehabilitation. In addition, Section 3 may apply to the project after conversion based on the receipt of the use of federal financial assistance for rehabilitation activities.

4. **Establishment of Waiting List.** 24 CFR § 983.251 sets out PBV program requirements related to establishing and maintaining a voucher-wide, PBV program-wide, or site-based waiting list from which residents for the Covered Project will be admitted. These provisions will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. HACCC shall consider the best means to transition applicants from the current public housing waiting list, including:
 - i. Transferring an existing site-based waiting list to a new site-based waiting list. If HACCC is transferring the assistance to another neighborhood, HACCC must notify applicants on the wait-list of the transfer of assistance, and on how they can apply for residency at the new project site or other sites. Applicants on a project-specific waiting list for a project where the assistance is being transferred shall have priority on the newly formed waiting list for the new project site in accordance with the date and time of their application to the original project's waiting list.
 - ii. Informing applicants on the site-based waiting list on how to apply for a PBV program-wide or HCV program-wide waiting list.
 - iii. Informing applicants on a public housing community-wide waiting list on how to apply for a voucher-wide, PBV program-wide, or site-based waiting list. If

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

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies.

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

- 5. Mandatory Insurance Coverage.** The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed project property.
- 6. Agreement Waiver and RAD Rehab Assistance Payments.** For public housing conversions to PBV there will be no Agreement to Enter into a Housing Assistance Payments (AHAP) contract. Therefore, all regulatory references to the AHAP, including regulations under 24 CFR § 983 subpart D are waived. Instead, the PHA and Project Owner will enter into a HAP contract before construction begins. Funding during construction will be provided on the following terms: units that are not occupied at any point during the initial repairs as a result of rehabilitation or construction as identified in the approved Financing Plan and RAD Conversion Commitment may be eligible, subject to the conditions below, for Rehab Assistance

Payments equal to the Public Housing Operating Fund and the Capital Fund amounts that formed the basis for the calculation of initial contract rents (see Attachment 1C). During the period of rehabilitation or construction as identified in the HAP Contract, the maximum number of units for which a Project Owner can receive RAD Rehab Assistance Payments is limited to the number of units eligible for Operating Fund subsidy prior to conversion (which is typically associated with the occupied units). As a result, some units in the Converted Property may not be eligible for Rehab Assistance Payments.

Following the earlier of the end of the construction period identified in the HUD approved Financing Plan or actual construction, the PHA will no longer be eligible to receive RAD Rehab Assistance Payments, and all units under contract will be eligible for payment only for occupied units or for vacancy payments, as applicable.

7. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of permanent debt during the HAP contract term, to ensure the financing is consistent with long-term preservation. (Current lenders and investors are also likely to require review and approval of refinancing of the primary permanent debt.)
8. **Administrative Fees for Public Housing Conversions during Transition Period.** For the remainder of the Calendar Year in which the HAP Contract is effective (i.e. “transition period”), RAD PBV projects will be funded with public housing funds. For example, if the project’s assistance converts effective July 1, 2015, the public housing Annual Contributions Contract (ACC) between the PHA and HUD will be amended to reflect the number of units under HAP contract, but will be for zero dollars, and the RAD PBV contract will be funded with public housing money for July through December 2015. Since TBRA is not the source of funds, PHAs should not report leasing and expenses into VMS during this period, and PHAs will not receive section 8 administrative fee funding for converted units during this time. .

For fiscal years 2014 and 2015, PHAs operating HCV program received administrative fees for units under a HAP contract, consistent with recent appropriation act references to "section 8(q) of the [United States Housing Act of 1937] and related appropriations act provisions in effect immediately before the Quality Housing and Responsibility Act of 1998" and 24 CFR § 982.152(b). During the transition period mentioned in the preceding paragraph, these provisions are waived, and PHAs will not receive section 8 ongoing administrative fees for PBV RAD units.

After this transition period, the section 8 ACC will be amended to include section 8 funding that corresponds to the units covered by the section 8 ACC. At that time, the regular section 8 administrative fee funding provisions will apply.

9. **Choice-Mobility.** One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted

lease at any time after the first year of occupancy in accordance with program requirements, HACCC must offer the family the opportunity for continued tenant-based rental assistance, in the form of either assistance under the voucher program or other comparable tenant-based rental assistance.

If as a result of participation in RAD a significant percentage of the PHA's HCV program becomes PBV assistance, it is possible for most or all of a HACCC's turnover vouchers to be used to assist those RAD PBV families who wish to exercise mobility. While HUD is committed to ensuring mobility remains a cornerstone of RAD policy, HUD recognizes that it remains important for HACCC to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing an alternative requirement for HACCC where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP contract administered by HACCC exceeds 20 percent of the HACCC's authorized units under its HCV ACC with HUD.

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

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

- 10. Reserve for Replacement.** The Project Owner shall establish and maintain a replacement reserve in an interest-bearing account to aid in funding extraordinary maintenance and repair and replacement of capital items in accordance with applicable regulations. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. For FHA transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account covered under a General Depository Agreement (HUD-51999) or similar instrument, as approved by HUD, where funds will be held by the Project Owner or mortgagee and may be drawn from the reserve account and used subject to HUD guidelines and as directed by HUD.

Significant Amendment Definition

As part of the Rental Assistance Demonstration (RAD), HACCC is redefining the definition of a substantial deviation from the PHA Plan to exclude the following RAD-specific items:

1. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance;

- a. Changes to the Capital Fund Budget produced as a result of each approved RAD Conversion, regardless of whether the proposed conversion will include use of additional Capital Funds;
- b. Changes to the construction and rehabilitation plan for each approved RAD conversion; and
- c. Changes to the financing structure for each approved RAD conversion.

Site Selection and Neighborhood Standards Review

Site Selection and Neighborhood Standards. HACCC must comply with all applicable site selection requirements as set forth in Notice PIH 2012-32rev2 and in accordance with any additional applicable guidance provided by HUD. Site selection requirements set forth at 24CFR § 983.57 shall apply to RAD conversions to PBV assistance. Site selection must be consistent with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964 including implementing regulations at 24 CFR § 1.4(b)(3), Section 504 of the Rehabilitation Act of 1973 including implementing regulations at 24 CFR § 8.4(b)(5), and the Americans with Disabilities Act.

It is HACCC's responsibility to ensure that the site selection complies with the requirements of Notice PIH 2012-32rev2 and HACCC must certify with the submission of its Annual Plan or Significant Amendment to its Annual Plan that it complies with the applicable site selection requirements. HUD will conduct a front-end civil rights review of the HACCC's proposed site in certain circumstances. For conversions of assistance that involve new construction that is located in an area of minority concentration (whether on the existing public housing site or on a new site), HUD will conduct a front-end civil rights review of the site to determine whether it meets one of the conditions that would allow for new construction in an area of minority concentration.

Under its Site and Neighborhood Standards, HUD may approve new construction in an area of minority concentration, consistent with the regulatory requirements cited above, provided that:

- i. the new construction is located in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a revitalizing area); or
- ii. there are sufficient comparable housing opportunities in areas outside of minority concentration.

In determining if the project meets the requirements above, HUD may consider such factors as: whether the locality has a demonstrated commitment to revitalization that includes or is in addition to the RAD conversion; whether the neighborhood shows signs of revitalizing, through indicators such as declining census tract poverty rates, low or declining violent crime rates or evidence of increased educational opportunity; or whether there is high private and public investment in retail, commercial or housing development that is already occurring or will imminently occur in the area. HACCC must receive prior written approval from HUD following the review that HUD has accepted HACCC's certification and supporting documentation prior to

entering into binding commitments for new construction. A determination that a site fails to meet these requirements will be grounds for disapproval of a Financing Plan.

If Transferring Assistance to a new site, please list the applicable site selection and neighborhood review standards as explained in Attachment 1D, Table 2. *If a new site has not been selected, please append no later than when submitting the Financing Plan.*

| | |
|---|--|
| 1. For All Transfers: | Description of the new site and how it is adequate for the needs of the tenants and is consistent with or furthers the goal of deconcentrating poverty. |
| 2. If transferring assistance to an area of concentrated poverty: | Various methods for demonstrating furthering the goals of deconcentrating poverty include: <ul style="list-style-type: none">• Mixed income developments;• Development in a HUD Enterprise Zone, Economic Community, Renewal Community or a Revitalization Zone, including any areas where current or future HOPE VI or Choice Neighborhoods Initiative developments exist. |
| 3. If transferring assistance to a development qualifying as new construction in an area of minority concentration: | <ol style="list-style-type: none">1) Sufficiency of comparable opportunities for minority families in the income range to be served by the project outside areas of minority concentration;<ul style="list-style-type: none">○ Please examine 24 CFR §983.57(e)(3)(iv) & (v) to see more on comparable opportunities.2) If there is an overriding housing need, which includes whether this is an integral part of an overall redevelopment strategy in a revitalizing area;<ul style="list-style-type: none">○ Please see 24 CFR §983.57(e)(3)(vi) for more information on overriding housing needs. |

Relocation Plans

If relocating residents, please append the Accessibility and Relocation Plan Checklist here. *If relocation plans have not been developed yet, please fill out the Accessibility and Relocation Checklist and submit with the Financing Plan.*