

Annual PHA Plan <i>(Standard PHAs and Troubled PHAs)</i>	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 03/31/2024
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Purpose. The 5-Year and Annual PHA Plans provide a ready source for interested parties to locate basic PHA policies, rules, and requirements concerning the PHA’s operations, programs, and services, including changes to these policies, and informs HUD, families served by the PHA, and members of the public of the PHA’s mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families.

Applicability. The Form HUD-50075-ST is to be completed annually by **STANDARD PHAs or TROUBLED PHAs**. PHAs that meet the definition of a High Performer PHA, Small PHA, HCV-Only PHA or Qualified PHA do not need to submit this form.

Definitions.

- (1) **High-Performer PHA** – A PHA that owns or manages more than 550 combined public housing units and housing choice vouchers, and was designated as a high performer on both the most recent Public Housing Assessment System (PHAS) and Section Eight Management Assessment Program (SEMAP) assessments if administering both programs, or PHAS if only administering public housing.
- (2) **Small PHA** - A PHA that is not designated as PHAS or SEMAP troubled, that owns or manages less than 250 public housing units and any number of vouchers where the total combined units exceed 550.
- (3) **Housing Choice Voucher (HCV) Only PHA** - A PHA that administers more than 550 HCVs, was not designated as troubled in its most recent SEMAP assessment and does not own or manage public housing.
- (4) **Standard PHA** - A PHA that owns or manages 250 or more public housing units and any number of vouchers where the total combined units exceed 550, and that was designated as a standard performer in the most recent PHAS or SEMAP assessments.
- (5) **Troubled PHA** - A PHA that achieves an overall PHAS or SEMAP score of less than 60 percent.
- (6) **Qualified PHA** - A PHA with 550 or fewer public housing dwelling units and/or housing choice vouchers combined and is not PHAS or SEMAP troubled.

A.	PHA Information.																									
A.1	<div> <div> PHA Name: Community Development Authority, City of Madison PHA Code: WI-003 </div> <div> PHA Type: <input checked="" type="checkbox"/> Standard PHA <input type="checkbox"/> Troubled PHA </div> <div> PHA Plan for Fiscal Year Beginning: 01/2025 </div> <div> PHA Inventory (Based on Annual Contributions Contract (ACC) units at time of FY beginning, above) </div> <div> Number of Public Housing (PH) Units <u>738</u> Number of Housing Choice Vouchers (HCVs): <u>2,170</u> </div> <div> Total Combined Units/Vouchers <u>2,908</u> </div> <div> PHA Plan Submission Type: <input checked="" type="checkbox"/> Annual Submission <input type="checkbox"/> Revised Annual Submission </div> <div> <p>Availability of Information. PHAs must have the elements listed below readily available to the public. A PHA must identify the specific location(s) where the proposed PHA Plan, PHA Plan Elements, and all information relevant to the public hearing and proposed PHA Plan are available for inspection by the public. At a minimum, PHAs must post PHA Plans, including updates, at each Asset Management Project (AMP) and main office or central office of the PHA. PHAs are strongly encouraged to post complete PHA Plans on their official website. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> </div> <div> <input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below) </div> <table border="1"> <tr> <th rowspan="2">Participating PHAs</th> <th rowspan="2">PHA Code</th> <th rowspan="2">Program(s) in the Consortia</th> <th rowspan="2">Program(s) not in the Consortia</th> <th colspan="2">No. of Units in Each Program</th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> <tr> <td>Lead PHA:</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </table> </div>						Participating PHAs	PHA Code	Program(s) in the Consortia	Program(s) not in the Consortia	No. of Units in Each Program		PH	HCV	Lead PHA:											
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B.	Plan Elements
B.1	<p>Revision of Existing PHA Plan Elements.</p> <p>(a) Have the following PHA Plan elements been revised by the PHA?</p> <p>Y N</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Statement of Housing Needs and Strategy for Addressing Housing Needs</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Deconcentration and Other Policies that Govern Eligibility, Selection, and Admissions. (See Section c)</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Financial Resources.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Rent Determination.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Operation and Management.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Grievance Procedures.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Homeownership Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Community Service and Self-Sufficiency Programs.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Safety and Crime Prevention.</p> <p><input type="checkbox"/> <input checked="" type="checkbox"/> Pet Policy.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Asset Management.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Substantial Deviation.</p> <p><input checked="" type="checkbox"/> <input type="checkbox"/> Significant Amendment/Modification</p> <p>(b) If the PHA answered yes for any element, describe the revisions for each revised element(s):</p> <p><u>Housing Needs</u></p> <p>The CDA relies on a number of resources to identify the greatest needs for assisted housing. These resources include the City of Madison's Consolidated Plan, Impediments to Fair Housing report, and Madison's Biennial Housing Report, as well as CDA vacancy and wait list data. The City of Madison 2020-2024 Consolidated Plan takes into consideration U.S. Department of Housing and Urban Development (HUD) Comprehensive Housing Affordability Strategy (CHAS) data, received from the U.S. Census Bureau's American Community Survey (ACS). The Consolidated Plan includes City goals which have an overarching purpose to support the development of viable communities with decent housing, suitable living environments and economic opportunities for the City of Madison's low- to moderate-income households. The needs outlined in the Consolidated Plan are as follows:</p> <ul style="list-style-type: none"> • Economic development and employment needs relate primarily to the need to enhance neighborhood vitality through support for additional employment opportunities and support for new and existing businesses. • Neighborhood needs relate primarily to strengthening and enhancing the health of neighborhoods through support for strategic investments in community assets and amenities, as well as other planning and revitalization efforts. • Housing needs revolve primarily around the high cost of housing and need for additional affordable housing. While housing quality, race, and non-housing factors play a role in the City's housing needs, housing cost burden is by far the leading challenge in the market. Moreover, the limited supply and rising cost of housing contributes to homelessness and racial inequity in housing. <p>The City of Madison's 2023 Housing Snapshot Report highlights the following local needs:</p> <ul style="list-style-type: none"> • Madison continues to grow rapidly with renter households and those earning very high incomes. New construction activity has increased significantly, and homeownership growth has outpaced rental growth since 2019; however, vacancy rates are still below "healthy" levels needed to alleviate rapid rental cost appreciation. New rental units are not affordable to median renter households due to supply not meeting demand and drastic increases in construction costs. • Interest rates have stabilized (as elevated above pandemic lows), but lack of supply has further increased competition in the ownership market and increased barriers to access for median renter households. Availability and cost trends for both ownership and rental markets have created a supply-demand mismatch, which disproportionately impacts lower-income households. • Housing cost-burden rates continue to increase for both owner and renter households. • Additional homeless funding and programs have contributed to a reduction in persons experiencing homelessness. • Historic racialization of poverty created economic segregation of geographic opportunity with income-restricted housing programs not equally distributed, and mostly located on Madison's North and South sides. For renters, the median Black household is the only demographic by race unable to afford the median rent. • There has been a recent growth in homeownership for Black, Asian, and Hispanic/Latino households in Madison.

The CDA maintains a wait list for its Public Housing, Multifamily Housing, and Section 8 Housing Choice Voucher Programs. Wait list demographics include income, family composition, race, and ethnicity and indicate 88% of applicants applying to CDA housing programs have incomes within the extremely low-income category, 47% are families with minor children and 41% are families with disabilities, 59% are African American households, and 8% are Hispanic or Latino households:

WAIT LIST TOTAL - 7/05/2024

Public Housing	2772
Multifamily Housing	1822
Section 8 Housing Choice Voucher	1167
	5761

# of Families	% of families
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INCOME QUALIFICATIONS

Extremely low income (<=30% AMI)	5081	88.20%
Very low income (>30% but <=50% AMI)	494	8.57%
Low income (>50% but <80% AMI)	186	3.23%

FAMILY COMPOSITION

Families with children	2718	47.18%
Elderly Families	328	5.69%
Families with Disabilities	2381	41.33%
Single	334	5.80%

RACE

African American	3411	59.21%
White	1899	32.96%
Asian	102	1.77%
American Indian/Alaska Native	61	1.06%
Native Hawaiian/Other Pacific Islander	28	0.49%
Not Assigned	260	4.51%

ETHNICITY

Hispanic or Latino	477	8.28%
Not Hispanic or Latino	5284	91.72%

Financial Resources

The CDA's estimated financial resources for the year 2025 are as follows:

CDA Financial Resources		
Sources	Planned \$	Planned Uses
Federal Grants (2023)		
➤ Public Housing Operating Fund	\$ 1,489,727	
➤ Public Housing Capital Fund	\$ 2,348,832	
➤ Section 8 Housing Assistance Payments	\$19,000,000	
➤ Section 8 Administrative Fund	\$ 1,385,000	
➤ Multifamily Housing Assistance Payments	\$ 590,877	
➤ Section 8 Family Self-Sufficiency Grant	\$ -0-	Section 8 FSS Program Services
➤ Multifamily Housing Service Coordinator Grant	\$ 176,661	Multifamily Resident Services
➤ Public Housing Resident Opportunities and Self-Sufficiency Grant (3 Year Grant)	\$ 81,951	Public Housing Resident Services
Prior Year Federal Grants (Unobligated Funds Only)	\$ -0-	
Public and Multifamily Housing Dwelling Rental Income	\$ 3,570,591	Public and Multifamily Housing Operations
Other Non-Dwelling Income	\$ 264,379	Public and Multifamily Housing Operations
Non-Federal Sources	\$ 39,531	Interest Earned – Pubic and Multifamily Housing Operations

Operation and Management

The Section 8 Administrative Plan and Public Housing Admissions and Continued Occupancy Policies are required by HUD and are valuable tools in explaining CDA policies and procedures to the public and to Staff. These documents are organized, readily accessible, and easy to understand. Revisions are made periodically to help clarify these policies and procedures. Situations can arise that were not anticipated, and these revisions can help to clarify what was implied or understood by the CDA. Also, some administrative procedures are outlined in the CDA's policies, and these can be modified to improve efficiencies.

Public Housing Admissions and Continued Occupancy Policy (ACOP)

The Admissions and Continued Occupancy Policy (ACOP) describes the policies the Housing Authority has adopted. Public Housing program regulations specify the policy areas that must be covered in the ACOP. Periodically, HUD amends these regulations and requires new ACOP requirements. The CDA's ACOP cites and describes HUD regulations and other requirements in detail, as well as CDA policies in those areas where the CDA has discretion to establish local policy. Proposed revisions made to the CDA's ACOP bring the document into compliance with all recent HUD requirements and guidance. Revisions have also been made to ensure the content of the ACOP is user-friendly. CDA Public Housing program policy changes are detailed in Attachment A, and are summarized as follows:

- Introduction – Added information on the Housing Opportunity through Modernization Act (HOTMA) and updated the list of resources.
- Chapter 1 – Added information to account for the implementation of the National Standards for the Physical Inspection of Real Estate (NPSIRE) to the section on the CDA's Commitment to Ethics and Service and adjusted other instances of Uniform Physician Conditions Standards (UPCS)-related language to account for NSPIRE. Added information on HOTMA to the Overview and History of the Program section.
- Chapter 3 – Revised to account for HOTMA changes, including the Final Rule issued February 14, 2023, Notice PIH 2023-27, and other sources of HUD guidance. This includes a new section on Restriction on Assistance Based on Assets. Clarified language on disparate impact and discriminatory effects per the final rule dated March 31, 2023.
- Chapter 6 – Chapter has been rewritten to account for HOTMA changes.
- Chapter 7 – Chapter has been rewritten for HOTMA. Many of the changes were required due to updates in verification requirements outlined in Notice PIH 2023-27.
- Chapter 8 – Updated for NSPIRE, including removal of minimum heating standards, and revised to cover inspections.
- Chapter 9 – Chapter has been rewritten for HOTMA.
- Chapter 10 – Updated with a Chapter 8 cross-reference in Section 10-III.C. and 10.IV.D.
- Chapter 12 – Corrected a spelling error in Section 12-III.C.
- Chapter 13 – Updated Section 13-II.J. on Over-Income Families per guidance set forth in Notice PIH 2023-03.
- Chapter 15 – Added new subsection and policy on De Minimis Errors, and clarification for HOTMA changes.
- Chapter 16 – Adjusted instances of UPCS-related language to account for NSPIRE throughout the chapter.
- Glossary – Added new acronyms and terms to account for HOTMA and NSPIRE.

Section 8 Housing Choice Voucher Program Administrative Plan (Admin Plan)

HUD requires all Public Housing Authorities to adopt and maintain a written administrative plan that establishes local policies for Section 8 Program administration. The administrative plan must state the CDA's policies in those areas where the CDA has discretion to establish local policy. Periodically, HUD amends regulations applicable to the Section 8 program. The Section 8 Housing Choice Voucher Program Administrative Plan (Admin Plan) cites and describes HUD regulations and other requirements in detail, as well as CDA policies in those areas where the CDA has discretion to establish local policy. Proposed revisions will bring the CDA's Admin Plan current with all recent HUD requirements and guidance. Revisions have also been made to ensure the content of the Admin Plan is user-friendly. CDA Section 8 program policy changes are detailed in Attachment B, and are summarized as follows:

- Chapter 1 – Added information on the Housing Opportunity through Modernization Act (HOTMA). Revised section on Contents of the Plan to include information on project-based vouchers and policies governing special housing types. Revised list of owner responsibilities to account for National Standards for the Physical Inspection of Real Estate (NSPIRE).

- Chapter 2 – Added new section on Discrimination Complaints per guidance from Notice FHEO 2023-01.
- Chapter 3 – Updated for HOTMA, including the Final Rule issued February 14, 2023, Notice PIH 2023-27, and other sources of HUD guidance on the topic. Added new section on Restriction on Assistance Based on Assets. Included the term human trafficking with Violence Against Women Act (VAWA) language to better align with current guidelines. Clarified language on disparate impact and discriminatory effects per the final rule dated March 31, 2023. Updated cross-references to correspond with updates in Chapter 8.
- Chapter 4 – Updated cross-references to correspond with updates in Chapter 8.
- Chapter 5 – Included the term human trafficking with VAWA language to better align with current guidelines. Revised family obligations to account for NSPIRE.
- Chapter 6 – Chapter has been rewritten to account for HOTMA changes. Included also are changes regarding exceptions to utility allowances as a reasonable accommodation.
- Chapter 7 – Chapter has been rewritten for HOTMA. Many changes were required due to updates in verification requirements outlined in Notice PIH 2023-27.
- Chapter 8 – Chapter has been rewritten for NSPIRE requirements and updated to disallow self-certification of repairs.
- Chapter 9 – Included the term human trafficking with VAWA language to better align with current guidelines. Additions and updates to citations for NSPIRE.
- Chapter 10 – Included the term human trafficking with VAWA language to better align with current guidelines. Removed references to Housing Quality Standards (HQS). Removed duplicative/conflicting policy information regarding voucher extensions and expiration. Clarified policy regarding sending documentation to the receiving PHA.
- Chapter 11 – Chapter has been updated to account for HOTMA. Removed references to HQS and updated for NSPIRE. Updated policy language to mirror language elsewhere in the admin plan.
- Chapter 12 – Included the term human trafficking with VAWA language to better align with current guidelines. Updated Exhibit 12-1, Statement of Family Obligations, with NSPIRE language.
- Chapter 13 – Revised policy to clarify HAP Contract Term and Terminations. Included the term human trafficking with VAWA language to better align with current guidelines. Removed references to HQS and updated for NSPIRE.
- Chapter 14 – Added new subsection and accompanying policy on De Minimis Errors. Added clarification for HOTMA changes. Removed references to HQS and updated for NSPIRE.
- Chapter 15 – Updated to account for NSPIRE’s effect on various special housing types.
- Chapter 16 – Included the term human trafficking with VAWA language to better align with current guidelines. Included changes regarding exceptions to utility allowances as a reasonable accommodation. Added policy that the CDA will keep for at least three years records of all complaints, investigations, notices, and corrective actions related to fair housing violations. Removed references to HQS and updated for NSPIRE.
- Chapter 17 – Updated to account for the Federal Register notice issued March 3, 2023, on subsidy layering requirements. Added clarification on asset limitation requirements to the section on Eligibility for PBV Assistance to account for HOTMA changes. Included the term human trafficking with VAWA language to better align with current guidelines. Updated to account for NSPIRE’s effect on PBV program requirements.
- Chapter 18 – Added information and clarification to the Applicable Regulations, PBV Percentage Limitation and Unit Cap, Inspecting Units, and Continuation of Housing Assistance Payments sections to account for the most recent Rental Assistance Demonstration (RAD) notice, PIH 2023-19. Added clarification on asset limitation requirements to the section on Eligibility for PBV Assistance to account for HOTMA changes. Included the term human trafficking with VAWA language to better align with current guidelines. Removed references to HQS and updated for NSPIRE.
- Chapter 19 – Added a new Part VI on Stability Vouchers. Revised Part II on the Foster Youth to Independence (FYI) Initiative to account for guidance set forth in Notice PIH 2023-04. Included the term human trafficking with VAWA language to better align with current guidelines. Removed references to HQS and updated for NSPIRE.
- Glossary – Revised various acronyms and definitions to account for HOTMA. Removed references to HQS and updated for NSPIRE.

Homeownership Programs

The CDA continues to manage a Section 8 Housing Choice Voucher (HCV) Homeownership program, which allows families who are assisted under the HCV program to use their voucher to buy a home and receive monthly assistance in meeting homeownership expenses. To participate in the HCV Homeownership program, the family must have been admitted to the HCV program, must meet specific income and employment requirements, must be a first-time homeowner, and satisfactorily complete a CDA approved pre-assistance homeownership and housing counseling program.

The CDA also intends to submit its draft Section 32 Homeownership Plan to HUD as approved by the CDA Board. The plan includes 12 scattered-site, single-family housing units, which would be available for purchase by low-income families. The CDA would use the proceeds of any sale for the provision of low-income housing or to benefit residents of the CDA through modernization or operation of existing public housing; development of public housing; funding of homeownership units; construction, rehabilitation and/or acquisition of dwelling units assisted by funds under Section 8; benefits to the residents of the CDA (e.g. job training, child care programs, service coordination); leveraging other funds to secure commercial enterprises on-site to serve public housing residents; funding shortfalls or other new allocations of vouchers under Section 8; and other housing assisted under the 1937 Act or benefits to the residents of the CDA, as approved by HUD. Proceeds may be leveraged with other funds so long as net proceeds are used on a pro-rata basis to fund only HUD-approved uses (e.g. low-income housing units). The CDA may also form partnerships with non-profit and private developers to increase the opportunities for affordable homeownership through community efforts that include for-sale affordable and mixed-income housing production.

Asset Management

To expand the supply and improve the quality of assisted housing, the CDA will:

- Assess its current inventory of Public Housing to identify potential for redevelopment, including mixed-finance development or through a Choice Neighborhood Initiative funding option.
- Develop a site-by-site preservation strategy.
- Maintain a housing development plan for the demolition or disposition of one or more functionally obsolete units, the construction of new units, and the strategic acquisition and preservation of existing affordable properties.
- Leverage private financing for developing new dwelling units within HUD guidelines.
- Work with the Department of Housing and Urban Development to increase the number of occupied housing units in the CDA's portfolio, including re-occupying modernized and vacant units.
- Convert Public Housing subsidy platform to a more stable funding stream, such as a project-based Section 8 platform, either through Section 18, or through HUD's Rental Assistance Demonstration (RAD) program.
- Demolish or dispose of obsolete Public Housing units and provide sustainable replacement housing.
- Dispose of non-dwelling facilities and vacant incidental land where disposition does not interfere with continued operation of the remaining portion of the development.

Definition of Substantial Deviation and Significant Amendment or Modification

The CDA may amend or modify any policy, rule, regulation, or other aspect of its Annual or 5-Year Plan after submitting the plan to HUD. In accordance with HUD regulations in 24 CFR 903.7, 903.21, and 24 CFR 905.300, the CDA has defined below the basic criteria that will be used for determining substantial deviation from its 5-Year Plan; significant amendment or modification to the 5-Year and Annual Plan; and significant amendment or modification to the Capital Fund Program (CFP) 5-Year Action Plan. Prior to implementing changes that meet such criteria, the CDA will submit for HUD review and approval, a revised Plan that meets full public process requirements including Resident Advisory Board review and consultation, and a revised Plan that has been adopted by the CDA Board of Commissioners in a meeting that is open to the public. Criteria as defined below, is applicable to all Capital Fund Program components including Capital Fund grants; Replacement Housing Factor (RHF) grants; Disaster grants; Capital Fund Financing Program (CFFP) allocations; as well as any new or future formula components such as Demolition and Disposition Transitional Funding (DDTF).

A major change in the direction of CDA pertaining to its mission and goals would constitute a “substantial deviation” from the agency’s 5-Year Plan. Criteria includes:

1. Undertaking new program activities, development strategies or financing initiatives that do not otherwise further the CDA’s stated mission and goals as articulated in the 5-Year Plan criteria for defining “Significant Amendment or Modification” to the 5-Year and Annual Plan;
2. Changes in the Section 8 Housing Choice Voucher Administrative Plan or the Public Housing Admissions and Continued Occupancy Policy, which are not specifically described in the 5-Year Plan and Annual Plan or required PHA Plan elements; or
3. Substantial changes to demolition, disposition, designated housing, homeownership, or conversion activities identified in the current HUD-approved Annual or 5-Year Plans.

Criteria for defining Significant Amendment or Modification to the 5-Year, Annual Plan, and Capital Fund Program (CFP) 5-Year Action Plan include:

1. proposed demolition;
2. proposed disposition;
3. Public Housing homeownership proposal;
4. Capital Fund Financing Program proposal (CFFP);
5. development, defined as any or all undertakings necessary for planning, land acquisition, demolition, construction, or equipment in connection with a public housing project;
6. proposed RAD conversion; or
7. mixed-finance proposal.

The following exceptions are not considered significant amendments or modifications to the Capital Fund Program 5-Year Action Plan:

1. The transfer of work projects, from one grant year to another in the Capital Fund Program (fungibility), which are included in the approved Capital Fund Program 5-Year Action Plan;
2. The transfer of funds in the Capital Fund Program from one-line item to another within the same grant year budget;
3. Additional work projects funded by the Capital Fund Program not included in the 5-Year Action Plan, which have been deemed to be emergencies; and
4. Policy changes resulting from HUD or other federal agency mandates, regulations, or directives.

As part of the Rental Assistance Demonstration (RAD), the CDA is redefining the definition of a substantial deviation and significant amendment or modification 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;
2. 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;
3. Changes to the construction and rehabilitation plan for each approved RAD conversion; and
4. Changes to the financing structure for each approved RAD conversion.

(c) The PHA must submit its Deconcentration Policy for Field Office review.

Deconcentration Policy

The CDA will determine the average income of all families in all covered developments on an annual basis. The CDA will determine the average income of all families residing in each covered development (not adjusting for unit size) on an annual basis. For developments outside the Established Income Range (EIR) the CDA will take the following actions to provide for deconcentration of poverty and income mixing:

- Provide incentives to encourage families to accept units in developments where their income level is needed, including rent incentives, or added amenities. The CDA may offer one or more incentives for a particular development. Various incentives may be used at different times, or under different conditions, but will always be provided in a consistent and nondiscriminatory manner.
- Identify any impediments to fair housing within the program and use affirmative marketing plans to encourage families to accept units in developments where their income level is needed.
- Target investment and capital improvements toward developments with an average income below the established income range (EIR) to encourage families with incomes above the EIR to accept units in those developments.
- Skip a family on the waiting list to reach another family with income above the EIR. Skipping families for deconcentration purposes will be applied uniformly to all families. A family will have the sole discretion whether to accept an offer of a unit made under the CDA's deconcentration policy. The CDA will not take any adverse action toward any eligible family for choosing not to accept an offer of a unit under the CDA's deconcentration policy. However, the CDA will uniformly limit the number of offers received by applicants [and transfer families] as described in the CDA's Admissions and Continued Occupancy, Tenant Selection, policy.
- Assign transfers for a designated project that will contribute to the CDA's deconcentration goals.
- Provide other strategies permitted by statute and determined by the CDA in consultation with the community through the annual plan process to be responsive to local needs and CDA strategic objectives.

B.2 New Activities.

(a) Does the PHA intend to undertake any new activities related to the following in the PHA's current Fiscal Year?

Y N

- ☒ ☐ Hope VI or Choice Neighborhoods.
- ☒ ☐ Mixed Finance Modernization or Development.
- ☒ ☐ Demolition and/or Disposition.
- ☒ ☐ Designated Housing for Elderly and/or Disabled Families.
- ☒ ☐ Conversion of Public Housing to Tenant-Based Assistance.
- ☒ ☐ Conversion of Public Housing to Project-Based Rental Assistance or Project-Based Vouchers under RAD.
- ☒ ☐ Occupancy by Over-Income Families.
- ☐ ☒ Occupancy by Police Officers.
- ☐ ☒ Non-Smoking Policies.
- ☒ ☐ Project-Based Vouchers.
- ☒ ☐ Units with Approved Vacancies for Modernization.
- ☒ ☐ Other Capital Grant Programs (i.e., Capital Fund Community Facilities Grants or Emergency Safety and Security Grants).

(b) If any of these activities are planned for the current Fiscal Year, describe the activities. For new demolition activities, describe any public housing development or portion thereof, owned by the PHA for which the PHA has applied or will apply for demolition and/or disposition approval under section 18 of the 1937 Act under the separate demolition/disposition approval process. If using Project-Based Vouchers (PBVs), provide the projected number of project-based units and general locations, and describe how project basing would be consistent with the PHA Plan.

The CDA continues to assess its current inventory of housing to identify potential redevelopment, including mixed-finance development or through a Choice Neighborhood Initiative funding option. The CDA will continue to develop a site-by-site preservation strategy; and maintain a housing development plan for the demolition or disposition of one or more functionally obsolete units, the construction of new units, and the strategic acquisition and preservation of existing affordable properties. The CDA may leverage private financing for developing new dwelling units within HUD guidelines. The CDA intends to utilize Capital Funds for redevelopment when appropriate. The CDA intends to convert its Public Housing subsidy platform to a more stable funding stream, such as a project-based Section 8 platform, either through a Section 18 disposition, or through HUD's Rental Assistance Demonstration (RAD) program, including the RAD/Section 18 blend option. A conversion may include some or all Public Housing units within the CDA's inventory.

The CDA may demolish or disposition one or more Public Housing units or an entire development or portion of a project if the CDA finds the unit(s) to be functionally obsolete as to physical condition, location, or other factors that would cause the Public Housing to be unsuitable for housing purposes, and no reasonable program modifications would be cost-effective to return the particular Public Housing unit(s) to a useful life. The CDA may also pursue demolition or disposition if changes in neighborhood or location adversely affects the health or safety of CDA residents or feasible operation by the CDA, and disposition will allow the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as lower income housing and that will preserve the total amount of lower income housing stock available in the community.

The CDA may disposition any non-dwelling facilities or land, when the CDA determines that the non-dwelling facilities or land exceeds the needs of the development; or the disposition of the property is incidental to, or does not interfere with, continued operation of the remaining portion of the development. Such disposition includes, but is not limited to administrative buildings, community buildings, excess non-dwelling property remaining from a RAD conversion, or excess non-dwelling property at a current development.

The CDA will focus on income generating opportunities and pursue renovation and rehabilitation of CDA Public Housing through available funding, including Capital Funds, Hope VI, Choice Neighborhoods, Tax Credit programs, and Rental Assistance Demonstration conversions or other available conversion options. Such efforts may involve partnerships with private and non-profit developers to increase affordable housing for Mixed Finance Modernization or Development.

The CDA's Long Range Planning Committee recommended redevelopment and/or replacement of existing CDA Public Housing, and the CDA will continue to follow those recommendations, as well as continue to identify sites for renovation or disposition. Potential sites for renovation and rehabilitation include, but are not limited to Truax, Baird Fisher, Webb Rethke, The Triangle, Romnes, and Scattered Site East and West Housing. Developments specifically targeted for new activities in 2024 and 2025 include:

- The portfolio consists of the following HUD subsidized housing:

Subsidized Housing	Address	Total Dwelling Units
<i>Public Housing (PH)</i>		
Gay Braxton Apartments	604 – 762 Braxton Place	60
Brittingham Apartments	755 Braxton Place	164
	Total PH	224
<i>Multifamily Housing (MFH)</i>		
Karabis Apartments	201 S. Park Street	20
Parkside Highrise	245 S. Park Street	83
Parkside Townhomes	802 – 824 W. Washington Avenue	12
	Total MFH	115
	Total Triangle Units	339

- The CDA intends to undertake repositioning and redevelopment of its Triangle Site housing portfolio (AMP 400). While well maintained over the decades, all of the Triangle buildings have begun to deteriorate and face significant costs to renovate to modern standards. As the buildings within the Triangle portfolio approach the end of their useful lives, the CDA expects that it will be most cost-effective to replace most or all buildings with new construction, while ensuring that each structure fits within a larger master plan and vision that meets the needs of current and future Triangle residents. The CDA conducted robust tenant and community engagement in 2022 and in 2023. Through Triangle tenant and staff input, a draft master plan was created by New Year Investments, a developer partner and consultant. *Our Triangle Taking Shape Master Plan* was adopted by the CDA Board on July 13, 2023 and provides guidance for the replacement or substantial upgrade of every unit at the Triangle over the next 10 years, increasing the number of units from 330 to 1,200 units:

Site Plan – Addresses housing needs by increasing housing opportunities; provides connectivity for less tenant isolation through a courtyard building focus with tenant access to open space; minimizes public streets and surface parking; focuses on safety, common areas, and amenities; maintains an enhanced grocery on-site; and creates a shared-use path connecting Madison’s East Campus Mall patch through Brittingham Park.

Project Schedule – Provides five (5) phases with estimated completion as follows:

Triangle Redevelopment Phasing Plan			
Phase	Project	Units	Date
Phase 1	B1 – Replace Brittingham	166	2026
Phase 2	B2 – Replace Gay Braxton, Karabis, and Parkside	187	2028
Phase 3	B3 and B4 – Additional units and replace Grocery Store	697 Units & Grocery	2032
Phase 4			
Phase 5	B5 – For future consideration	166 Units	2034

Sustainability – Provides sustainable development and reduced operating costs which supports residents in safe, affordable, and healthy homes through electric building operation, a solar infrastructure, and no use of fossil fuels for combustion or on-site energy, except for emergency power generation.

Financial Strategy – Phase 1 converts the existing Public Housing subsidy through a combination of Section 18 Disposition/Demolition and Rental Assistance Demonstration (RAD) – also known as a RAD/Section 18 Blend - and also includes Low-Income Housing Tax Credits, City of Madison Affordable Housing Funds, HOME funding, City of Madison Tax Incremental Financing (TIF), and Federal Home Loan Bank Affordable Housing Program loans. RAD applications for Brittingham Apartments (B1 - Phase 1) and Gay Braxton Apartments (B2 – Phase 2) were submitted to HUD and have been approved.

- The Triangle (WI003000400) –

Brittingham Apartments

The CDA was a successful applicant in HUD’s Rental Assistance Demonstration (RAD) program. The CDA is considering the repositioning path of a RAD/Section 18 Blend. See attachment R.

The new Brittingham Apartments are expected to be the first phase of the larger “Taking Shape” project at the Triangle development site in downtown Madison. The project plan is to build first (i.e. new construction) and then move residents from the existing Brittingham property. A newly constructed, 164-unit building will be delivered where there is currently open space and a parking lot within the Triangle site.

For the purposes of HUD’s consideration of New Construction Site Selection and Neighborhood Standards, the CDA has determined that the Brittingham Apartments site (755 Braxton Place, 53715 zip code) is not located in a HUD minority concentration area, based on a review of racial/ethnic data for census tract 12 and the applicable Metropolitan Statistical Area (MSA). The Madison CDA has also determined that the site is not located in a racially mixed area.

The CDA certifies that the Brittingham Apartments site meets all applicable site selection requirements as outlined in Section 5.2 of Notice H-2016-17; PIH-2016-17. The site complies with the site selection requirements set forth at Title 24 CFR § 983.57 | Appendix III of PIH-Notice H2019-09/PIH 2019-23 (HA). The site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto. In conducting its review of site selection for the proposed project, the CDA completed a review with respect to accessibility for persons with disabilities and the proposed site is consistent with disabilities and the proposed site is consistent with applicable accessibility standards under the Fair Housing Act, Section 504, and the ADA.

Under a RAD/Section 18 Blend transaction, in conjunction and simultaneously with RAD, the CDA may also utilize Section 18 under the guidelines set forth in PIH Notice 2021-07 which allows the Authority to dispose of up to 60% of its units through Section 18. This is a blend of RAD Project Based Vouchers (PBV) and Tenant Protection Vouchers (TPV) under the guidelines of Notice PIH 2021-07 (HA) and H 2019-09/PIH 2019-23 (HA), REV-4, and any successor Notices. The RAD units will be governed under a RAD PBV HAP Contract, and the Section 18 units will be governed under a PBV HAP Contract because the TPVs will be project-based at the site. If the CDA chooses this repositioning path, the CDA will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of H 2019-09/PIH 2019-23 (HA), REV-4; and H-2016-17/PIH-2016-17. These resident rights, participation, waiting list and grievance procedures may be found in Attachment C and D.

The CDA may also disposition any non-dwelling facilities or land, when the CDA determines that the non-dwelling facilities or land exceeds the needs of the development; or the disposition of the property is incidental to, or does not interfere with, continued operation of the remaining portion of the development. Such disposition includes, but is not limited to administrative buildings, community buildings, or excess non-dwelling property at Brittingham Apartments. Section 18 activities may utilize TPVs and may utilize PBVs. Any relocation necessitated by any Section 18 activities will be undertaken in accordance with 24 CFR § 970.21 (Attachment E).

In 2024, the new Brittingham Apartments were awarded Federal 4% Section 42 Low Income Housing Tax Credits and State of Wisconsin 4% Low Income Housing Tax Credits.

Gay Braxton Apartments

The CDA was a successful applicant in HUD’s Rental Assistance Demonstration (RAD) program and received a CHAP. The CDA is considering the repositioning path of a RAD/Section 18 Blend. The CDA is also considering a Section 18 disposition and Tenant Protection Voucher path with the units to be project-based at the future site. See attachment R.

The new Gay Braxton Apartments are expected to be part of the second phase of the larger “Taking Shape” project at the Triangle development site in downtown Madison. The project plan is to build first and then move residents from the existing Gay Braxton property. A newly constructed building will include 60 units to replace the current Gay Braxton Apartments and will be delivered on open space created by the demolition of the Brittingham Apartments.

For the purposes of HUD’s consideration of New Construction Site Selection and Neighborhood Standards, the CDA has determined that the Gay Braxton site (604 – 762 Braxton Place, 53715 zip code) is not located in a HUD minority concentration area, based on a review of racial/ethnic data for census tract 12 and the applicable Metropolitan Statistical Area (MSA). The CDA has also determined that the site is not located in a racially mixed area.

The CDA certifies that the Gay Braxton site meets all applicable site selection requirements as outlined in Section 5.2 of Notice H-2016-17; PIH-2016-17. The site complies with the site selection requirements set forth at Title 24 CFR § 983.57 | Appendix III of PIH-Notice H2019-09/PIH 2019-23 (HA). The site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto. In conducting its review of site selection for the proposed project, the CDA completed a review with respect to accessibility for persons with disabilities and the proposed site is consistent with disabilities and the proposed site is consistent with applicable accessibility standards under the Fair Housing Act, Section 504, and the ADA.

The CDA is also considering an alternative repositioning path that may include of Section 18 Demolition and Disposition Applications for Gay Braxton Apartments. If this repositioning path is taken, the CDA may demolish or dispose (i.e. transfer) of Gay Braxton Apartments if the CDA finds the units to be obsolete as to physical condition, location, or other factors that would cause the Public Housing to be unsuitable for housing purposes, and no reasonable program modifications would be cost-effective to return the Public Housing units to a useful life. The CDA may also pursue demolition or disposition if changes in neighborhood or location adversely affects the health or safety of CDA residents or feasible operation by the CDA, and disposition will allow the acquisition, development, or rehabilitation of other properties that will be more efficiently or effectively operated as lower income housing and that will preserve the total amount of lower income housing stock available in the community. The CDA may also explore the feasibility of a Transfer of Assistance. If a Transfer of Assistance is required, the destination site for the transfer would be within the same census tract as Gay Braxton.

The CDA may also disposition any non-dwelling facilities or land, when the CDA determines that the non-dwelling facilities or land exceeds the needs of the development; or the disposition of the property is incidental to, or does not interfere with, continued operation of the remaining portion of the development. Such disposition includes, but is not limited to administrative buildings, community buildings, or excess non-dwelling property at Gay Braxton Apartments. Section 18 activities may utilize TPVs and may utilize PBVs. Any relocation necessitated by any Section 18 activities will be undertaken in accordance with 24 CFR § 970.21 (Attachment E).

- 12 single-family homes within the CDA's West Site (AMP 300) inventory have been identified for disposition. The CDA reviewed several strategies for low-income homeownership, including the Section 32 homeownership program and Section 18 disposition to a non-profit provider of low-income homeownership. On October 11, 2018, the CDA Board adopted Resolution No. 4298, which approves submission of a Public Housing Homeownership Plan to HUD. Under the plan, current low-income residents or other eligible buyers would have an opportunity to purchase these homes and realize the benefits of owning their own home. The CDA intends to update the homeownership plan and submit to HUD for approval along with other required documents (e.g. environmental review, appraisals, physical condition report, legal opinion, budget, and timetable).
- 48 units remain at Truax Park Apartments for development under AMP 200. These units were originally former Air Force family housing and are located in multi-story brick/concrete buildings located at 1, 3, 5, 7, 9, 11, 13 and 15 Straubel Court. These units are at the end of their useful life, with no elevator or air conditioning and limited amenities. The units are also not accessible. Therefore, the CDA will pursue a Section 18 application if the CDA can demonstrate the total development cost (TDC) of these units meets HUD's TDC limit. Pursuant to the CDA's Truax Master Plan and Site Development Study, these 48 units, along with 28 units at 1605 – 1671 Wright Street (known as "A" Site) may be repositioned through a Rental Assistance Demonstration (RAD) conversion.
- The CDA's Baird Fisher Public Housing development (AMP 300, WI 3-1 D Site) has been identified for possible redevelopment and repositioning. Baird Fisher was constructed in 1965 and faces challenges as it is scattered site housing with antiquated systems and few amenities. Baird Fisher consists of 10 buildings and 26 units situated on three contiguous parcels on the City's South side. Through extensive public input, the City of Madison adopted the South Madison Plan as a supplement to the City's Comprehensive Plan in 2022. The plan contains focus areas which create development opportunities at West Badger Road and South Park Street, including opportunity to create new replacement housing for Baird Fisher. The City of Madison intends to finalize a Master Plan and begin design of new buildings in 2024 and the CDA intends to leverage redevelopment opportunities for Baird Fisher through the City of Madison's development plan.

The CDA will collaborate with HUD to increase the number of occupied Public Housing units in the CDA's portfolio, including re-occupying modernized and vacant units. Units undergoing modernization require the unit to become vacant to accomplish the capital improvements. Once the modernization work has been completed, the unit will be re-occupied by an eligible family.

With supporting data and where appropriate, the CDA may designate housing for elderly and/or disabled families.

As a subcomponent of the CDA's Section 8 tenant-based assistance program, the CDA has established a Section 8 Project-Based Voucher (PBV) program to further its overall housing strategy. The CDA will continue to use PBVs and explore options where PBVs may be used in developing affordable housing and for special needs housing. The CDA will also exercise a moratorium on the right to move under the PBV program, should Section 8 utilization reflect such need.

The CDA will continue to apply for additional program funding or other funding, as notifications of funding availability (NOFA) announcements are made. The CDA may pursue a Choice Neighborhoods grant or submit an application for other Capital Grant programs, including the Capital Fund Community Facilities Grants (CFCF) and the Capital Fund Emergency Safety and Security Program. If granted, CFCF would provide capital funds to the CDA for the construction, rehabilitation, or purchase of facilities to provide early childhood education, adult education, and/or job training programs for CDA Public Housing residents. The CDA may also use CFCF program funds to rehabilitate existing community facilities that will offer comprehensive integrated services to help CDA Public Housing residents achieve better educational and economic outcomes resulting in long-term economic self-sufficiency. If granted, the Capital Fund Emergency Safety and Security Program funds would provide the CDA with support in addressing safety and security threats posing a risk to the health and safety of Public Housing residents.

B.3 Progress Report.

Provide a description of the PHA's progress in meeting its Mission and Goals described in the PHA 5-Year and Annual Plan.

The CDA's 5-Year Plan for 2020 – 2024 provides the following strategic goals:

- Goal 1. Expand the supply of assisted housing**
- Goal 2. Improve the quality of assisted housing**
- Goal 3. Improve the quality of life for program participants**
- Goal 4. Promote self-sufficiency and economic opportunity**
- Goal 5. Maintain fiscally responsible operations and financial sustainability**
- Goal 6. Provide highest quality of governance and services**
- Goal 7. Ensure equal opportunity and further non-discrimination in CDA housing**
- Goal 8. Violence Against Women Act (VAWA) compliance**

The CDA's goals align with HUD and City of Madison goals and provide specific objectives and opportunities, which will enable the CDA to serve the needs of low-income families for the next five years. In 2022 and 2023, the CDA engaged in or completed the following initiatives:

Goal 1: Expand the supply of assisted housing

Objectives:

1. Reduce vacancies in Public and Multifamily Housing
2. Increase or maintain funding
3. Pursue partnerships with other agencies to provide additional assisted housing for qualifying families
4. Improve Section 8 voucher lease up success rate and timing
5. Provide homeownership programs for low-income families
6. Effectively position existing CDA Public Housing portfolio for preservation
7. Develop new dwelling units when feasible

Initiatives:

The CDA maintains an Annual Contributions Contract (ACC) with the Department of Housing and Urban Development (HUD) to lease and manage 766 units of Public Housing. Section 9(g)(3) of the United States Housing Act of 1937 (Faircloth Amendment) sets the limit on the number of Public Housing units for which a public housing authority may receive Capital Funds and Operating Funds. The CDA's current inventory of Public Housing is as follows:

CDA Public Housing Unit Inventory				
Asset Management Project #	Project Name	General Occupancy Units	Non-Dwelling Units	Total ACC Units
AMP 200	East Site	159	3	162
AMP 300	West Site	262	3	265
AMP 400	Triangle Site	220	4	224
AMP 500	Truax Phase 1	47	0	47
AMP 600	Truax Phase 2	40	0	40
		734	8	738
Removed From Inventory				28
Faircloth Limit				766

The CDA also maintains two Housing Assistance Payment (HAP) Contracts with the Wisconsin Housing and Economic Development Authority (WHEDA) to lease and manage 115 units of Multifamily Housing (Section 8 New Construction):

CDA Multifamily Housing Inventory			
Project Name	Assisted Units	Non-Dwelling Units	Total Units
Karabis Apartments	20	0	20
Parkside Apartments	94	1	95
	114	1	115

The Faircloth Amendment stipulates that HUD cannot fund the construction or operation of new public housing units if the construction of those units would result in a net increase in the number of units the Public Housing Agency (PHA) owned, assisted or operated as of October 1, 1999. Although the CDA is unable to increase the number of Public Housing units in its portfolio per HUD's Faircloth limit, the CDA can contribute to the supply of assisted housing by ensuring a high occupancy rate within its existing portfolio of assisted units. HUD's goal for occupancy is 98.5%. CDA Site developments that implemented initiatives to reduce vacancies and maintain high occupancy rates are highlighted below:

Average Occupancy Rate						
Development	2019	2020	2021	2022	2023	As of 5/31/2024
East Amp 200	94.68%	98.29%	98.64%	97.89%	96.91%	96.17%
West Amp 300	95.68%	95.79%	94.25%	95.82%	95.53%	94.26%
Triangle Amp 400	97.95%	95.68%	93.64%	95.46%	95.50%	95.36%
Truax Phase 1 Amp 500	99.29%	99.82%	99.82%	98.58%	99.47%	97.45%
Truax Phase 2 Amp 600	99.38%	100.00%	100.00%	99.79%	100.00%	100.00%
Truax PBV Units	96.18%	94.10%	99.65%	97.57%	100.00%	92.50%
Parkside	98.35%	97.48%	92.19%	93.40%	91.48%	93.62%
Karabis	99.17%	93.33%	98.75%	94.58%	96.25%	94.00%

The CDA identified four vacant units of Public Housing at Theresa Terrace for disposition. The units are functionally obsolete and located in a neighborhood with concentrations of poverty. Through HUD Section 18 disposition, the CDA sold the units to the Madison Revitalization and Community Development Corporation (MRCDC) in 2023 for redevelopment as part of a strategy to create quality, low-income housing for residents in the existing neighborhood. The MRCDC will begin demolition and building of two new buildings on the existing site in 2024, adding an additional two units of affordable housing.

Upon completion of the Triangle Monona Bay Neighborhood Plan in 2019, the CDA began to address redevelopment of its Triangle site, which includes both Public Housing and Multifamily Housing. Through a Technical Assistant grant, CDA Staff met with a HUD consultant in 2020 to review options for redevelopment. In 2023, the CDA retained New Year Investments, LLC. as a developer-partner with resident engagement taking place and the formation of *Our Triangle Taking Shape* Master Plan. The plan provides guidance for the replacement or substantial upgrade of every unit at the Triangle over the next 10 years, increasing the number of units from 330 to 1,200 units. Rental Assistance Demonstration (RAD) applications for Brittingham Apartments (B1) and Gay Braxton Apartments (B2) were submitted to HUD and have been approved. In 2024, the CDA received \$23,239,280 in federal low-income housing tax credits and \$7,200,000 in State Tax Credits for Phase 1 (B1) for the construction of a 164-unit affordable housing building to replace Brittingham Apartments.

The CDA continues to administer housing assistance on behalf of low-income individuals and families through the Housing Choice Voucher (HCV) program. Under the program, the CDA pays a housing subsidy directly to the private landlord and the program participant pays the difference between actual rent charged and the amount subsidized by the program. An Annual Contributions Contract (ACC) between HUD and the CDA provides the CDA with funding for housing assistance. The following chart represents the CDA's ACC voucher baseline:

ACC Voucher Baseline			
# of Vouchers	Housing Choice Voucher Section 8 Program	Award Date	Total Vouchers (Baseline)
Tenant Based Voucher – Starting Baseline 2008			1,623
50	Family Unification Program	7/08/2009	1,673
35	Veterans Affairs Supportive Housing	8/06/2009	1,708
50	Family Unification Program	8/06/2010	1,758
25	Veterans Affairs Supportive Housing	7/14/2011	1,783
25	Veterans Affairs Supportive Housing	4/4/2012	1,808
25	Veterans Affairs Supportive Housing	8/01/2013	1,833
23	Veterans Affairs Supportive Housing	8/14/2014	1,856
21	Veterans Affairs Supportive Housing	4/01/2015	1,877
25	Veterans Affairs Supportive Housing (Project-Based Vouchers)	5/01/2016	1,902
6	Veterans Affairs Supportive Housing	9/01/2016	1,908
7	Veterans Affairs Supportive Housing	4/01/2018	1,915
12	Veterans Affairs Supportive Housing	3/01/2019	1,927
10	Moving Up Voucher	2019	1,937
30	Oakwood Tenant Protection Voucher	3/01/2020	1,967
5	Veterans Affairs Supportive Housing	5/01/2020	1,972
45	Mainstream Voucher	7/01/2020	2,017
14	Mainstream Voucher	7/01/2020	2,031
69	Emergency Housing Voucher	7/01/2021	2,100
32	CDA Scattered Site Tenant Protection Voucher	12/20/2021	2,132
5	Veterans Affairs Supportive Housing	1/13/2022	2,137
23	Fair Share HCV	9/28/2022	2,160
10	Stability Voucher	4/17/2023	2,170

CDA Voucher totals are reflected by HUD as follows:

Section 8 Units available under Annual Contributions Contract (excluding Emergency Housing and Mainstream): 2,042

Total Special Purpose Vouchers: 373

- Family Unification 100
- Mainstream 59
- Veterans Affairs Supportive Housing 214

Total Emergency Housing Vouchers: 69

Total Vouchers: 2,170

The CDA is authorized to administer up to 100 percent of its authorized 2,101 vouchers. This excludes 69 Emergency Housing Vouchers (EHV). Voucher leasing is the measure of how many households the CDA is assisting. Nationally, the CDA maintained higher leasing rates:

	Unit Leasing Percentage	
	National % Leasing	CDA % Leasing
12/31/2020	87.97%	90.90%
12/31/2021	86.95%	88.17%
12/31/2022	85.34%	85.94%
12/31/2023	85.61%	86.88%
4/30/2024	86.27%	89.47%

Although the CDA may lease up to 2,101 vouchers, the CDA may only expend its total budget authority to pay rental subsidies to landlords on behalf of participating households. The CDA's voucher funds expenditure rate is important for assessing program performance, as it measures the extent to which the CDA fully utilized the voucher assistance funds it received in a given year. In general, PHAs should spend 100 percent of their annual funding allocation, and should spend an even higher amount if they have underspent funds in prior years and have excess reserves:

	Fund Expenditure Rate		
	Budget Authority	HAP	Rate
2020	\$1,247,335	\$1,171,372	93.91%
2021	\$1,272,139	\$1,266,160	99.53%
2022	\$1,354,590	\$1,348,901	99.58%
2023	\$1,468,567	\$1,392,936	94.85%
2024	\$1,409,991	\$1,584,407	112.37%

Managing utilization is a critical component of voucher program management. Significant under-leasing prevents families in need from participating in the Section 8 program and causes the CDA to lose ongoing administrative fee income that is earned directly in proportion to the number of units under lease. The CDA conducted a lottery in 2023, and from its newly created waiting list, issued 439 vouchers. The lack of available housing units and high housing costs in the City of Madison presented barriers for those shopping with a voucher. To provide assistance with housing search, the CDA implemented housing navigation services in late 2023 with services paid for by the City of Madison's Community Development Division.

The CDA continues to issue Section 8 vouchers to approved applicants who are referred to the CDA under the Family Unification Program (FUP), the Veterans Affairs Supportive Housing (VASH) Program, the Mainstream program and the Emergency Housing Voucher Program (EHV):

- The Family Unification Program (FUP) is focused at preventing family separation due to homelessness or lack of adequate housing, as well as to ease the transition out of foster care for aging-out youth who lack adequate housing. FUP referrals are provided to the CDA through an agreement with the Dane County Department of Human Services. The CDA currently has 100 FUP vouchers for utilization and maintains the following average FUP voucher utilization rates:

Section 8 Family Unification Program (FUP) Utilization				
Year 2020	Year 2021	Year 2022	Year 2023	As of May 31, 2024
74%	85%	84%	74%	71%

1. The Veterans Affairs Supportive Housing (VASH) program provides rental assistance for homeless veterans with case management and clinical services provided by the Department of Veterans Affairs (VA). The CDA currently has 214 VASH vouchers for utilization and maintains the following average VASH voucher utilization rates:

Section 8 Veterans Affairs Supportive Housing (VASH) Program Utilization				
Year 2020	Year 2021	Year 2022	Year 2023	As of May 31, 2024
79%	83%	84%	88%	89%

2. The Mainstream program provides housing assistance to non-elderly persons with disabilities, who are in permanent supportive housing or rapid rehousing. The CDA received 59 Mainstream vouchers in 2020 and partnered with the Road Home of Dane County and the Madison Tenant Resource Center for referrals to issue Mainstream vouchers. Utilization rates for Mainstream are as follows:

Section 8 Mainstream Program Utilization	
Year 2023	As of May 31, 2024
75%	88%

3. The CDA received 69 Emergency Housing Vouchers (EHVs) in July of 2021. EHVs are tenant-based vouchers targeted to assist individuals and families who are experiencing homelessness or are at risk of homelessness, or who are a victim of domestic violence, dating violence, sexual assault, stalking, or human trafficking. The CDA partnered with the Dane County Housing Authority and the Dane County Homeless Consortium to assist in qualifying families for EHV housing assistance through a direct referral process. The CDA's EHV program is currently over-utilized as allowed by HUD and due to being under-utilized with less housing assistance issued in the first year of EHV administration:

Section 8 Emergency Housing Vouchers Utilization	
Year 2023	As of May 31, 2024
68%	103%

The CDA continued to administer Section 8 project-based voucher assistance to 234 units under the following PBV contracts:

Award Year	Organization	Program Criteria for Low-Income Households	PBVs Awarded
2006	Housing Initiatives	Housing with mental health supportive services	5
	Porchlight, Inc.	Homeless or formerly homeless	8
	Prairie Crossing	Allied Drive Neighborhood revitalization	20
	YWCA	Single Mom's with 1 or 2 children under the age of 4	8
2008	Revival Ridge	Neighborhood revitalization	36
2010	Burr Oaks	Senior affordable housing	30
	Truax Park	Truax Park Redevelopment Phase 1	24
2014	Pinney Lane	For Persons with Disabilities	8
	Porchlight at Truax	Truax Park Development Phase 2	8
	Rethke Terrace	Permanent supportive housing for homeless individuals	27
	Ridgecrest	Private redevelopment of distressed affordable housing	8
2015	Tree Lane	Permanent supportive housing for homeless families	20
2022	MRCDC	Formerly Public Housing Units	32
TOTAL			234

Section 8 payment standards also have an impact on Section 8 program utilization and must be monitored on a regular basis. HUD allows Section 8 payment standards to be between 90% and 110% of HUD's annual Fair Market Rents (FMR) for Madison, WI. Each year the CDA reviews its Section 8 payment standards and considers the supply of rental housing available within the current established payment standards and the success rate of participating families finding suitable housing. The CDA has adjusted its payment standards as necessary to be within the basic range of the FMR. For 2024, the CDA determined that the payment standards should remain unchanged:

CDA Housing Choice Voucher Program Payment Standards					
CDA Payment Standard	Efficiency	One-Bedroom	Two-Bedroom	Three-Bedroom	Four-Bedroom
Effective January 1, 2020 (95% of HUD FMR)	\$818	\$964	\$1,127	\$1,635	\$1,972
Effective July 1, 2021 (100% of HUD FMR)	\$889	\$1,039	\$1,211	\$1,641	\$1,965
Effective July 1, 2022 (105% of HUD FMR)	\$975	\$1,130	\$1,317	\$1,760	\$1,965
Effective January 1, 2023 (100% of HUD FMR)	\$1,007	\$1,183	\$1,378	\$1,810	\$2,041
Effective April 1, 2023 (110% of HUD FMR)	\$1,107	\$1,301	\$1,515	\$1,991	\$2,245

The CDA continues to support voucher mobility. For families who bring their vouchers from another jurisdiction, the CDA bills initial housing authorities for the assistance paid for incoming portable households. The CDA does this to preserve local voucher budget authority to serve families from the CDA waiting list. The CDA currently has no billings to initial housing authorities. Conversely, the CDA currently pays receiving housing authorities for 70 households who have ported out of the CDA's jurisdiction.

For homeownership efforts, the CDA continued to administer its Section 8 homeownership program. Since the program started in 2004, there has been 60 families who utilized the program, and 36 families currently utilizing Section 8 assistance for mortgage expenses. The CDA intends to submit a Section 32 Homeownership Plan to the HUD Special Applications Center. The plan will include 12 scattered-site housing units currently within the CDA's West Site (AMP 300), and the Plan would make Public Housing single-family dwellings available for purchase by low-income families, including Public Housing and Section 8 families.

Goal 2: Improve the quality of assisted housing**Objectives:**

1. Renovate and/or modernize Public Housing and Multifamily Housing units
2. Pursue energy efficiency improvements
3. Identify and implement sustainable practices to minimize impacts on the environment

Initiatives:

The CDA strives to achieve HUD Physical Assessment Subsystem (PASS) scores of no less than 40 points for its Public and Multifamily Housing properties. The purpose of the PASS is to determine whether public housing units are decent, safe, sanitary and in good repair, and to determine the level to which the CDA is maintaining its public housing in accordance with housing condition standards. Physical inspections are conducted each year by independent, HUD-contracted inspectors in accordance with HUD standards. In 2023, HUD published the National Standards for the Physical Inspection of Real Estate (NSPIRE) Rule, which provides a new inspection model. Prior to NSPIRE, HUD required Uniform Physical Condition Standards (UPCS). NSPIRE brings a new scoring system and intends to reflect the health and safety implications of identified deficiencies more accurately. The assessment of each CDA development involves inspection areas of site, building exterior, building systems, common areas, and dwelling units. HUD suspended inspections in 2020 due to COVID-19 restrictions and 2019 PASS scores carried over through 2021. CDA PASS scores are as follows:

Physical Assessment Subsystem (PASS) Scores					
	2019	2020	2021	2022	2023
East Site	19.2	19.2	COVID Waiver	24.0	24.0
West Site	34	34		34	31.6
Triangle Site	35.2	25.2		25.2	35.2
Truax Phase 1	29.2	29.2		29.2	26.8
Truax Phase 2	34.8	34.8		34.8	22.4

The CDA continues to participate in the Madison Gas & Electric (MGE) Shared Solar program. Through the program, the CDA can reserve a portion of the electricity produced from the Share Solar arrays with a stable electric rate for the next 25 years. The Program involves an up-front participation fee and paying MGE's established rate for the solar energy. The CDA entered into a Memorandum of Understanding with RENEW Wisconsin, Inc. who paid the CDA's share of up-front participation fees. Participation in the Shared Solar Program will allow the CDA to offer the benefits of cost-effective, locally generated solar energy to the residents of Romnes and Karabis Apartments without installing solar on the property.

As part of 2023 congressional appropriations, the CDA received \$1,500,000 for a 440kW roof-mounted solar panel system at its East Site Truax Park complex. This system will provide direct and indirect benefit to CDA tenants, CDA operations, and the neighboring community center. Installation of the solar panel system will begin late summer or early fall of 2024.

Goal 3: Improve the quality of life for program participants

Objectives:

1. Ensure CDA supportive services, and housing and unit types, meet the needs of the evolving population
2. Through policy and partnerships, create vibrant living environment initiatives to ensure CDA developments are healthy and safe places to live
3. Improve resident services across CDA programs and housing communities
4. Increase the number of residents who can affordably access the internet
5. Create a lasting social impact through support of resident associations and thriving resident advisory board

Initiatives:

Property Managers entered into repayment agreements with many residents who had not paid rent as a result of the COVID pandemic. Residents were also connected to the Dane County CORES program for rental and utility assistance. As of June, 30, 2023, the CDA received \$1,041,853 in rental assistance on behalf of CDA tenants who were approved for CORE assistance.

Designated non-dwelling units provide space as approved by HUD for resident self-sufficiency activities and other activities, as well as for CDA property management office space. CDA non-dwelling unit space is currently occupied by Dane County Human Services Joining Forces for Families, Truax Neighborhood Association, ROSS Grant Coordinators, Mentoring Positives, Triangle Health & Resource Center, and Triangle Ministry. On May 1, 2023, two (2) efficiency units located at Gay Braxton Apartments (Triangle Site – AMP 400) were approved by HUD for special use and the CDA intends to enter into a lease agreement with the Triangle Ministry and Edgewood College Nursing Students so that the units may be used for Triangle resident services.

Two (2) HUD Multifamily Housing Service Coordinator grants continue to be administered by the CDA and provide for two (2) Resident Service Coordinators at the CDA's Triangle Site. The Resident Service Coordinators assess the needs of elderly and disabled residents and coordinate available supportive services to improve living conditions, so that those residents can continue to live in place, independently. A Tenant Social Services Coordinator also provides crisis intervention, community agency liaison and referral, and direct services to CDA Triangle residents, including short-term case management, assistance and information on inter-personal problem resolution, and safety education. A Public Housing funded Tenant Services Aide provides services to Public Housing tenants at the CDA's West Site.

The CDA continues to maintain its public safety and security program at its Public Housing and Multifamily Housing properties, which includes a professional security contract in place for on-site security services.

Through a partnership with the University of Wisconsin, Triangle Residents benefit through peer support and health related programs. Each spring and fall semester, students from UW Madison's Badger Volunteer Program volunteer 1 to 2 hours weekly. Programs include healthy food and movement classes, isolation intervention, and technology related classes.

Public Housing utility allowances are reviewed annually and updated as necessary per HUD requirements.

The CDA Resident Advisory Board (RAB) continued to meet at least once each year to review the CDA's Annual Plan and Capital Funds Plans. Additional RAB meetings were held so that the CDA could obtain feedback on parking, Triangle Site Redevelopment, and the addition of a new road, LaMariposa Lane, at the Triangle Site. The CDA's Triangle Site held an election in August 2023 and was unsuccessful in forming a recognized resident association. The Truax Neighborhood Association (TNA) continues to meet quarterly each.

The CDA worked to connect residents to participating broadband providers through the Federal Communications Commission Affordable Connectivity Program (ACP) during ACP programing (2021-2024). In addition, four (4) tenants at the CDA's West Site participated in an Internet Service Grant initiative through New Bridge Madison. The grant intends to help older adults obtain free internet service for up to one year, including help with obtaining a computer device.

Goal 4: Promote self-sufficiency and economic opportunity**Objectives:**

1. Increase the number of employed persons in assisted housing
2. Support resident capacity-building and self-sufficiency initiatives to help residents meet their own goals
3. Provide and attract supportive services to increase independence for elderly or disabled households
4. Create a Section 3 Resident Employment & Opportunity Program

Initiatives:

The CDA continues to maintain a Section 8 Family Self-Sufficiency (FSS) program in partnership with the Dane County Housing Authority and with services provided by the Community Action Coalition for South Central Wisconsin. The CDA's goal is to support 13 families through the FSS program. Although a program participant may fail to meet the obligations under the FSS program, the CDA is prohibited from terminating the family's Section 8 assistance based on the outcome of FSS participation. Since the program began in 2010, FSS activity is as follows:

Family Self Sufficiency (FSS) Program			
Total FSS Activity	Currently Active in FSS	Completed FSS Program	Terminated from FSS
55	6	4	38

The CDA continues to maintain its Resident Opportunity and Self-Sufficiency (ROSS) grants. A ROSS Service Coordinator continues to provide supportive services for self-sufficiency to residents of the CDA's East and West Site developments. Successes and highlights for 2024 include:

- Referred residents to community agencies supporting access to internet service discounts, childcare assistance, tax preparation services, and transportation assistance.
- Prevented evictions by assisting residents in completing and requesting additional funding requests through the Dane County CORE Emergency Rental Assistance Program.
- Engaged in economic development by referring residents to employers, job fairs, and job skills trainings, and by assisting residents in applying for part-time and full-time employment.
- Resident assistance in employment related activities including basic computer literacy such as creating an email address, job search, application assistance, job skills assessments, and resume building.
- Completed housekeeping check-ins and inspections to ensure resident compliance.
- Provided welcome baskets to residents.
- Provided interpretation assistance for Spanish speaking residents.
- Conflict resolution and mediation among CDA residents, neighbors, and management.
- ROSS Program Newsletter distributed to CDA residents, which includes information on scholarships, free tax preparation assistance, and voter information.
- Assisted residents in goal setting, budgeting, improving credit score, and enrolling in homeownership programs.

The CDA works to ensure that economic opportunities are directed to low- and very low-income persons through the Section 3 provision of the Housing and Urban development Act of 1968. The purpose of Section 3 is to ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low- and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons. A Section 3 Worker is any worker who currently, or when hired within the past five years, has income below the income limit established by HUD; or is employed by a Section 3 business concern; or is a YouthBuild participant. The CDA actively posts open job positions at its Public Housing Sites and hired two (2) Section 3 Workers in 2024.

Goal 5: Maintain Fiscally Responsible Operations and financial Sustainability**Objectives:**

1. Maximize the CDA's current resources for housing programs
2. Create a sustainable and diversified funding model that is adaptive to external challenges and opportunities
3. Practice asset management principles through project-based accounting and management of CDA housing
4. Utilize Capital Funds for capital improvements vs. operating costs
5. Adopt administrative rule and procedures for the reduction of administrative costs, increase in program efficiency, improvement of tenant benefits, and to foster self-sufficiency
6. Implement procurement procedures and staff training
7. Implement functioning inventory management system
8. Implement energy efficient cost saving measures on all properties

Initiatives:

The CDA continues to utilize its formalized financial policies which define the CDA Board's intent for the administration and stewardship of CDA resources. The CDA Financial Policies delegate limited authority from the CDA Board to the CDA Finance Subcommittee. The CDA Financial Policies provide rules and procedures related to cash handling, cost allocation, reserves, capitalization, and procurement. The policies are routinely reviewed, and the cost allocation policy was updated in 2024. The CDA Finance Subcommittee continues to meet quarterly to review financial statements and annual audit documents as submitted by an independent public accounting firm.

Each year, the CDA strives for a HUD Financial Assessment Subsystem (FASS) score of 25. The purpose of FASS is to measure the financial condition of each public housing project. FASS measures liquidity, adequacy of reserves and capacity to cover debt. Scores are as follows, with 2023 final scores not available at this Annual Report submission:

Financial Assessment Subsystem (FASS) Scores Based on Audited Financials					
	2018	2019	2020	2021	2022
East Site	23.00	23.00	20.65	20.17	0.00
West Site	21.65	22.96	21.72	21.27	20.42
Triangle Site	25.00	25.00	25.00	25.00	23.00

Goal 6: Provide highest quality of governance and services

Objectives:

1. Deliver top quality service to customers
2. Improve CDA image and reputation
3. Create and maintain an inclusive and safe working environment
4. Maintain High Performer status in the Public Housing and Section 8 Housing Choice Voucher programs
5. Attract and retain the best qualified employees, provide opportunities for employees to perform at their best, recognize employee contributions, and maintain succession plans
6. Improve CDA operations, costs, and communications through automation, technology upgrades and continuous process improvements
7. Ensure effective CDA Board governance

Initiative:

In 2022, the CDA began the process of re-organizing its staffing structure. The plan was finalized in 2023 and brings in three (3) new senior management positions:

- Property Operations Manager – Hired in 2023
- Client Services Manager – Hired in 2024
- Administrative Services Manager – To be hired in fall of 2024

The new management positions provide additional management expertise which allow the CDA to focus on redeveloping its Public Housing properties, repositioning the Public Housing subsidy platform, increasing the number of low-income housing tax credit properties, and new homeownership programs, as well as management improvements in automation, technology upgrades and program performance.

The CDA continues to complete annual employee check-ins, which provide discussion on performance expectations and how to best meet CDA goals. The check-in process allows for employees and supervisors to talk about the important work of the CDA with a focus on core expectations of service, communication, teamwork, equity and inclusion, and stewardship.

In 2023, the CDA created and implemented a *Recruitment Desk Guide* to assist CDA hiring managers in acquiring and developing a highly qualified workforce to support the CDA's mission and to create an inclusive environment for staff and customers. The guide intends to help hiring managers understand and effectively navigate the CDA and City of Madison hiring process.

Goal 7: Ensure Equal Opportunity and further non-discrimination in CDA housing**Objectives:**

1. Ensure equal access to assisted housing
2. Ensure a suitable living environment for all families living in assisted housing
3. Ensure accessible housing to persons with disabilities
4. Ensure equity in organizational values

Initiative:

The CDA continues to utilize a Hearing and Reasonable Accommodation Specialist, who has Fair Housing Specialist and Hearing Officer certification. Having a dedicated staff person assigned to work on reasonable accommodation requests contributes to a reduced processing time for reasonable accommodation requests and ensures consistency with fair housing law:

CDA Reasonable Accommodation Requests		
Year	Number of Cases	Average Days Processing Time
2020	69	43
2021	159	24
2022	146	27
2023	169	26
As of June 30, 2024	126	20

The CDA continues to provide appeal and grievance hearings for applicants and program participants, and customers have the option to participate remotely.

Fair Housing posters are displayed at all CDA offices, and CDA customers are provided access to discrimination complaint forms through the CDA's website.

All new CDA employees attend Fair Housing training and many CDA Staff have attended the City of Madison's Racial Equity and Social Justice Initiative series of trainings. All CDA employees are required to attend City of Madison Prohibited Harassment & Discrimination training (APM 3-5) within the first 45 days of hire, and every three (3) years thereafter. CDA Supervisors and Managers must attend Prohibited Harassment & Discrimination Mandatory Reporter training every three (3) years. The Mandatory Reporter training focuses on good management practices and policies requiring the maintenance of an environment that is free of discriminatory harassment and focuses on increasing sensitivity to what constitutes a problem and why an immediate, constructive response is important.

The CDA's Civil Rights Coordinator continues to manage the CDA's Equitable Work Force Plan and provides guidance to CDA hiring managers in recruitment efforts for "red flag" positions. The Red-Flag process is an Affirmative Action procedure adopted by the City of Madison in its General Ordinances and its Affirmative Action Plan to minimize cultural, racial, gender and disability differences between interviewers and interviewees and the evaluation of job candidates' application materials. The CDA Civil Rights Coordinator also assists with Prohibited Harassment and/or Discrimination training and complaint investigations; ensures that staff have access to language-line services, translation, and interpretation services; identifies equity training needs within the CDA; and provides referrals to support the City of Madison's Multicultural Affairs Committee, Women's Initiative Committee, and Latino Community Engagement Team.

	<p><u>Goal 8: Violence Against Women Act Compliance</u></p> <p>Objectives:</p> <p>1. Actively follow the requirements of the Violence Against Women Act (VAWA)</p> <p>Initiatives:</p> <p>Although the VAWA 2022 statute does not specifically include human trafficking in the list of victims protected under VAWA, in 2022 HUD began including human trafficking as part of the list of victims protected under VAWA (as seen in Notices PIH 2022-06, PIH 2022-22, and PIH 2022-24). In the absence of a final rule implementing VAWA 2022 and to mirror HUD's recent usage, the CDA is recognizing human trafficking in addition to domestic violence, dating violence, sexual assault, and stalking and is in the process of updating its policy documents to reflect the addition of victims of human trafficking.</p> <p>The CDA continues to follow the Violence Against Women Act (VAWA) provisions, which provide special protections for victims of domestic violence, dating violence, sexual assault, and stalking who are applying for or receiving CDA housing assistance. The CDA's VAWA policies provide for notification, documentation, and confidentiality. Specific VAWA policies are provided as related to eligibility, occupancy standards and unit offers, family breakup, leasing and inspections, emergency transfers, and terminations. The CDA also provides a waiting list preference for victims of domestic violence under its Section 8 program.</p> <p>The CDA provides outreach on VAWA protections by notifying applicants and program participants of their rights under VAWA, including VAWA language in the CDA's Section 8 Housing Assistance Payment (HAP) Contract and CDA leases for Public Housing and Multifamily Housing. VAWA notices and forms are provided to applicants who are denied admission to a CDA housing program, and to program participants when the CDA issues a notice of termination. VAWA information may also be found on the CDA's Website including victim resource resources and CDA VAWA forms.</p> <p>To reduce crime and maintain safety, including VAWA related incidents, the CDA maintains a contract for security services at its Public Housing Sites. The CDA's safety goals are to enhance the quality of life for residents living in Public Housing, by working cooperatively with residents, staff, the public, and law enforcement to preserve the peace, reduce crime, and provide for a safe environment. The CDA follows its VAWA emergency transfer policies and provides related-supportive service referrals to victims of domestic violence, dating violence, sexual assault, or stalking.</p>
B.4	<p>Capital Improvements. Include a reference here to the most recent HUD-approved 5-Year Action Plan in EPIC and the date that it was approved.</p> <p>See attached HUD 50075.2, Capital Fund Program Five Year Action Plan, approved by HUD on 8/15/2024</p>
B.5	<p>Most Recent Fiscal Year Audit.</p> <p>(a) Were there any findings in the most recent FY Audit?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>(b) If yes, please describe:</p>
C.	<p>Other Document and/or Certification Requirements.</p>
C.1	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) have comments to the PHA Plan?</p> <p>Y N <input checked="" type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p> <p>See attached RAB comments and CDA responses.</p>

C.2	<p>Certification by State or Local Officials.</p> <p>Form HUD-50077-SL, <i>Certification by State or Local Officials of PHA Plans Consistency with the Consolidated Plan</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p> <p>See attached form HUD-50077-SL</p>
C.3	<p>Civil Rights Certification/ Certification Listing Policies and Programs that the PHA has Revised since Submission of its Last Annual Plan.</p> <p>Form HUD-50077-ST-HCV-HP, <i>PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations Including PHA Plan Elements that Have Changed</i>, must be submitted by the PHA as an electronic attachment to the PHA Plan.</p> <p>See attached form HUD-50077-ST-HCV-HP</p>
C.4	<p>Challenged Elements. If any element of the PHA Plan is challenged, a PHA must include such information as an attachment with a description of any challenges to Plan elements, the source of the challenge, and the PHA's response to the public.</p> <p>1. Did the public challenge any elements of the Plan?</p> <p>Y N <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>If yes, include Challenged Elements.</p>
C.5	<p>Troubled PHA.</p> <p>(a) Does the PHA have any current Memorandum of Agreement, Performance Improvement Plan, or Recovery Plan in place?</p> <p>Y N N/A <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></p> <p>2. If yes, please describe:</p>

D.	Affirmatively Furthering Fair Housing (AFFH).		
D.1	<p>Affirmatively Furthering Fair Housing (AFFH).</p> <p>Provide a statement of the PHA's strategies and actions to achieve fair housing goals outlined in an accepted Assessment of Fair Housing (AFH) consistent with 24 CFR § 5.154(d)(5). Use the chart provided below. (PHAs should add as many goals as necessary to overcome fair housing issues and contributing factors.) Until such time as the PHA is required to submit an AFH, the PHA is not obligated to complete this chart. The PHA will fulfill, nevertheless, the requirements at 24 CFR § 903.7(o) enacted prior to August 17, 2015. See Instructions for further detail on completing this item.</p> <table border="1" data-bbox="185 411 1451 1917"> <tr> <td data-bbox="185 411 1451 453">Fair Housing Goal:</td></tr> <tr> <td data-bbox="185 453 1451 1917"> <p><u><i>Describe fair housing strategies and actions to achieve the goal</i></u></p> <p>Non-Discrimination</p> <p>The CDA will comply fully with all federal, state, and local nondiscrimination laws, and with rules and regulations governing fair housing and equal opportunity in housing and employment, including:</p> <ul style="list-style-type: none"> • Title VI of the Civil Rights Act of 1964 • Title VIII of the Civil Rights Act of 1968 (as amended by the Community Development Act of 1974 and the Fair Housing Amendments Act of 1988) • Executive Orders 11063 and 13988 • Section 504 of the Rehabilitation Act of 1973 • The Age Discrimination Act of 1975 • Title II of the Americans with Disabilities Act (to the extent that it applies, otherwise Section 504 and the Fair Housing Amendments govern) • The Violence against Women Act (VAWA) • The Equal Access to Housing in HUD Programs Regardless of Sexual Orientation or Gender Identity Final Rule, published in the <i>Federal Register</i> February 3, 2012 and further clarified in Notice PIH 2014-20 • Any applicable state laws or local ordinances and any legislation protecting individual rights of tenants, applicants, or staff that may subsequently be enacted <p>When more than one civil rights law applies to a situation, the laws will be read and applied together.</p> <p>Actions to meet this goal include:</p> <ol style="list-style-type: none"> 1. The CDA will not engage in discriminatory acts or apply discriminatory factors in administering its housing programs, including the use of nondiscriminatory tenant selection and assignment policies. 2. The CDA will ensure families are aware of applicable civil rights laws by providing information to customers: <ol style="list-style-type: none"> a. Posting of Fair Housing posters at CDA office b. Distributing Fair Housing information at client briefings and lease signing meetings c. Distributing Fair Housing information to landlords participating in the Section 8 program d. Posting Fair Housing information on the CDA's website e. Providing Reasonable Accommodation and VAWA protection information to program applicants and participants 3. CDA Staff will be required to attend Fair Housing training upon being hired, as well as refresher training in fair housing issues. 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Fair Housing Goal:**Describe fair housing strategies and actions to achieve the goal****Affirmatively Furthering Fair Housing**

The CDA recognizes the City of Madison Impediments to Fair Housing Choice (AI), which identifies practices and conditions in the City of Madison that impede housing opportunity for residents because of their race, color, national origin, religion, sex, disability, or other “protected class” status. The CDA has taken meaningful action to address significant disparities in housing needs and in access to opportunity including:

1. The CDA Board adopted Resolution 4406, reaffirming support for equitable and just housing including identifying historic disparities and options to address the root of identified disparities in establishing redevelopment priorities and activities.
2. The CDA Board adopted Resolution No. 4486, incorporating a new mission statement as the prior mission statement reflected a minimalistic approach to housing operations that represents past social and economic environments. The new mission statement recognizes inclusion for local income disparities and the need for more safe and desirable housing, as well as the need for services and connecting program participants to community resources.
3. Leveraging funding from the City of Madison Affordable Housing Fund for the development of new affordable housing.
4. Establishing Section 8 payment standards which expand housing choice outside areas of poverty or minority concentration.
5. Distributing Emergency Housing Vouchers and Stability Vouchers, which target homeless families; and participating in the Mainstream Program, which intends to integrate formerly homeless, non-elderly persons with disabilities into the community.
6. Enrolling families in the Section 8 Family Self-Sufficiency (FSS) program and the Resident Opportunities and Self-Sufficiency (ROSS) program to help families achieve employment or increases in employment income.
7. The CDA intends to implement a HUD approved Section 32 Homeownership Plan to remove barriers to lower-income homeownership opportunities, and to provide homeownership opportunities in areas of Madison representing economic segregation.

Form HUD-50075-ST, B.4 Capital Improvements

Capital Fund Program Five Year Action Plan

Approved by HUD on 8/15/2024

Capital Fund Program - Five-Year Action Plan

Status: Approved

Approval Date: 08/15/2024

Approved By: KOEGLER, SCOTT

Part I: Summary						
PHA Name : Madison Community Development Authority		Locality (City/County & State)				
PHA Number: WI003		<input checked="" type="checkbox"/> Original 5-Year Plan <input type="checkbox"/> Revised 5-Year Plan (Revision No:)				
A.	Development Number and Name	Work Statement for Year 1 2024	Work Statement for Year 2 2025	Work Statement for Year 3 2026	Work Statement for Year 4 2027	Work Statement for Year 5 2028
	BJARNES ROMNES APARTMENTS (WI003000300)	\$651,232.90	\$795,733.84	\$1,015,954.32	\$729,303.09	\$629,303.09
	BRITTINGHAM-GAY BRAXTON APARTMENTS (WI003000400)	\$358,461.71	\$451,245.94	\$416,297.09	\$385,235.94	\$581,873.94
	TRUAX PARK APARTMENTS LLC (WI003000500)	\$153,885.95	\$317,120.29	\$165,416.23	\$226,326.79	\$176,326.79
	SCATTERED SITE (WI003000200)	\$829,395.88	\$451,411.59	\$562,297.02	\$665,688.81	\$669,050.81
	TRUAX PHASE II (WI003000600)	\$191,084.56	\$181,131.34	\$36,678.34	\$190,088.37	\$140,088.37
	AUTHORITY-WIDE	\$242,674.00	\$230,092.00	\$230,092.00	\$230,092.00	\$230,092.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	BJARNES ROMNES APARTMENTS (WI003000300)			\$651,232.90
ID0326	AMP 300 OPERATIONS * 2024(Operations (1406))	AMP 300 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$179,578.00
ID0333	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-System Improvements,Management Improvement (1408)-Staff Training)	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$7,400.00
ID0339	AMP 300 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 300 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$9,254.90
ID0343	AMP 300 PROGRAMMATIC FLOORING REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Bathroom Flooring (non cyclical),Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 300 PROGRAMMATIC FLOORING REPAACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$30,000.00
ID0348	AMP 300 HEATING EQUIPMENT REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Mechanical)	AMP 300 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$150,000.00
ID0353	AMP 300 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing,Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Cooling Equipment - Systems,Non-Dwelling Construction - Mechanical (1480)-Fire Suppression System,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System,Non-Dwelling Construction - Mechanical (1480)-Hot Water Heaters)	AMP 300 ON DEMAND *NUMBER OF AFFECTED UNITS 10 * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND,		\$50,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ASSOCIATED PIPING * FIRE SYSTEM NON-ROUTINE * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR				
ID0523	AMP 300 Roof Replacment (Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Soffits)	Replace pass life expectancy roofs at scattered sites in AMP 300 with new 40 year architectural shingle GAF certified roof,gutters with gutter guards, and soffits. NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$150,000.00
ID0560	AMP 300 Parking Lot Sealing and Striping(Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving)	Seal and Strip parking lot throughout AMP 300 properties. NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$30,000.00
ID0561	AMP 300 Unit Moderinzation (Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Commodes,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Interior Doors,Dwelling Unit-Interior (1480)-Interior Painting (non routine),Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	AMP 300 Unit Modernization *NUMBER OF AFFECTED UNITS 10 *Remove/Replace door frames and doors, remove/replace sliding doors. *Remove/Replace all electric outlets, switches, GFIs and covers through unit. *Install new LED light fixtures throughout unit. *Remove/Replace shut off valves in bathroom, kitchen, and laundry room, before installing new toilet, sinks, faucets and shower. *Remove /Replace Bathtub and bathtub walls. *Prep floor for new VCT flooring. *Prime and paint all walls and ceiling with two coats of finishing paint, and paint all doors and casing. *Install new kitchen cabinets and new countertop. Install new vinyl base throughout the unit. Install new vinyl stair treads. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$45,000.00
	BRITTINGHAM-GAY BRAXTON APARTMENTS (WI003000400)			\$358,461.71

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0327	AMP 400 OPERATIONS * 2024(Operations (1406))	AMP 400 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$135,897.00
ID0334	AMP 400 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-System Improvements,Management Improvement (1408)-Staff Training)	AMP 400 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$5,600.00
ID0340	AMP 400 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 400 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$6,964.71
ID0344	AMP 400 PROGRAMMATIC FLOORING REPACEMENT * 2024(Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 400 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR PROGRAMMATIC FLOORING REPLACEMENT ON AN AS-VACATED BASIS		\$35,000.00
ID0354	AMP 400 ON DEMAND * 2024(Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Cooling Equipment - Systems,Non-Dwelling Construction - Mechanical (1480)-Fire Suppression System,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System,Non-Dwelling Construction - Mechanical (1480)-Hot Water Heaters,Non-Dwelling Construction - Mechanical (1480)-Other,Non-Dwelling Interior (1480)-Electrical,Non-Dwelling Interior (1480)-Mechanical,Non-Dwelling Interior (1480)-Plumbing)	AMP 400 ON DEMAND *NUMBER OF AFFECTED UNITS 10 * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * FIRE SYSTEM NON-ROUTINE * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$50,000.00
ID0524	AMP 400 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing,Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Central Chiller,Non-Dwelling Construction - Mechanical (1480)-Cooling Equipment - Systems,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System,Non-Dwelling Construction - Mechanical (1480)-Hot Water Heaters,Non-Dwelling Interior (1480)-Electrical,Non-Dwelling Interior (1480)-Mechanical,Non-Dwelling Interior (1480)-Plumbing)	AMP 400 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$50,000.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0562	AMP 400 Unit Modernization(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Commodes,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Interior Doors,Dwelling Unit-Interior (1480)-Interior Painting (non routine),Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	AMP 400 Unit Modernization *NUMBER OF AFFECTED UNITS 5 *Remove/Replace door frames and doors, remove/replace sliding doors. *Remove/Replace all electric outlets, switches, GFIs and covers through unit. *Install new LED light fixtures throughout unit. *Remove/Replace shut off valves in bathroom, kitchen, and laundry room, before installing new toilet, sinks, faucets and shower. *Remove /Replace Bathtub and bathtub walls. *Prep floor for new VCT flooring. *Prime and paint all walls and ceiling with two coats of finishing paint, and paint all doors and casing. *Install new kitchen cabinets and new countertop. Install new vinyl base throughout the unit. Install new vinyl stair treads. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$20,000.00
ID0563	AMP 400 Parking Lot Sealing and Striping(Non-Dwelling Site Work (1480)-Asphalt - Concrete - Paving,Non-Dwelling Site Work (1480)-Curb and Gutter)	AMP 400 Seal and strip parking lots. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$15,000.00
ID0564	AMP 400 Install Security Cameras(Management Improvement (1408)-Security Improvements (not police or guard-non-physical))	AMP 400 Install new security cameras * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$10,000.00
ID0565	AMP 400 Replace Gay Braxton Sign(Non-Dwelling Site Work (1480)-Signage)	AMP 400 Replace signage for the Gay Braxton property. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE		\$10,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
LABOR				
ID0566	AMP 400 Replace office exterior doors (Non-Dwelling Exterior (1480)-Doors)	AMP 400 Replace damaged exterior doors at Gay Braxton office. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$5,000.00
ID0567	AMP 400 Tree Removal(Non-Dwelling Site Work (1480)-Landscape)	AMP 400 Removal of trees that pose a danger to buildings * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$15,000.00
	TRUAX PARK APARTMENTS LLC (WI003000500)			\$153,885.95
ID0328	AMP 500 OPERATIONS * 2024(Operations (1406))	AMP 500 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$43,681.00
ID0335	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,800.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0341	AMP 500 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 500 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,474.51
ID0345	AMP 500 PROGRAMMATIC FLOORING REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 500 PROGRAMMATIC FLOORING REPAACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$9,680.97
ID0349	AMP 500 HEATING EQUIPMENT REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Mechanical)	AMP 500 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$47,249.47
ID0355	AMP 500 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing,Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Cooling Equipment - Systems,Non-Dwelling Construction - Mechanical (1480)-Fire Suppression System,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System,Non-Dwelling Construction - Mechanical (1480)-Hot Water Heaters,Non-Dwelling Construction - Mechanical (1480)-Other)	AMP 500 ON DEMAND *NUMBER OF AFFECTED UNITS 5 * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * FIRE SYSTEM NON-ROUTINE * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$30,000.00
ID0572	AMP 500 Unit Modernization(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Call-for-Aid Systems,Dwelling Unit-Interior (1480)-Commodos,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Interior Doors,Dwelling Unit-Interior (1480)-Interior Painting (non routine),Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	AMP 500 Unit Modernization *NUMBER OF AFFECTED UNITS 5 *Remove/Replace door frames and doors, remove/replace sliding doors. *Remove/Replace all electric outlets, switches, GFIs and covers through unit. *Install new LED light fixtures throughout unit. *Remove/Replace shut off valves in bathroom, kitchen, and laundry room, before installing new toilet, sinks, faucets and shower. *Remove /Replace Bathtub and bathtub walls. *Prep floor for new VCT flooring. *Prime and paint all walls and ceiling with two coats of finishing paint, and paint all doors and casing. *Install new kitchen cabinets and new countertop. Install new vinyl base throughout the unit. Install new vinyl stair treads. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL		\$20,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
		REMEDiate IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		
	SCATTERED SITE (WI003000200)			\$829,395.88
ID0329	AMP 200 OPERATIONS * 2024(Operations (1406))	AMP 200 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$101,923.00
ID0331	AMP 200 PROGRAMMATIC FLOORING REPACEMENT * 2023(Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 200 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$47,835.89
ID0332	AMP 200 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 200 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$4,200.00
ID0338	AMP 200 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 200 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$5,050.98
ID0347	AMP 200 HEATING EQUIPMENT REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Mechanical)	AMP 200 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$120,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0352	AMP 200 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing,Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Cooling Equipment - Systems,Non-Dwelling Construction - Mechanical (1480)-Fire Suppression System,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System,Non-Dwelling Construction - Mechanical (1480)-Hot Water Heaters)	AMP 200 ON DEMAND *NUMBER OF AFFECTED UNITS 15 * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * FIRE SYSTEM NON-ROUTINE * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$114,974.32
ID0520	AMP 200 A Site Roof Replacement(Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Soffits)	AMP 200 Replace deteriorated roofs with 40 year GAF warranty, architectural shingles, gutters with gutter guards, and soffits. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$100,000.00
ID0521	AMP 200 B Site Roof Replacement(Dwelling Unit-Exterior (1480)-Gutters - Downspouts,Dwelling Unit-Exterior (1480)-Roofs,Dwelling Unit-Exterior (1480)-Soffits)	AMP 200 Replace deteriorated roofs with 40 year GAF warranty, architectural shingles, gutters with gutter guards, and soffits. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$100,000.00
ID0568	AMP 200 Unit Modernization(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Call-for-Aid Systems,Dwelling Unit-Interior (1480)-Commodos,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Interior Doors,Dwelling Unit-Interior (1480)-Interior Painting (non routine),Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	AMP 200 Unit Modernization NUMBER OF AFFECTED UNITS 10 *Remove/Replace door frames and doors, remove/replace sliding doors. *Remove/Replace all electric outlets, switches, GFIs and covers through unit. *Install new LED light fixtures throughout unit. *Remove/Replace shut off valves in bathroom, kitchen, and laundry room, before installing new toilet, sinks, faucets and shower. *Remove /Replace Bathtub and bathtub walls. *Prep floor for new VCT flooring. *Prime and paint all walls and		\$40,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development

Office of Public and Indian Housing

2577-0274

02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
		ceiling with two coats of finishing paint, and paint all doors and casing. *Install new kitchen cabinets and new countertop. Install new vinyl base throughout the unit. Install new vinyl stair treads. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		
ID0569	AMP 200 Playground Replacement(Non-Dwelling Site Work (1480)-Playground Areas - Equipment)	AMP 200 Replace Playground that was removed due to age and dangerous equipment. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$50,000.00
ID0570	AMP 200 Exterior/Interior Building Painting (Dwelling Unit-Exterior (1480)-Exterior Doors,Dwelling Unit-Exterior (1480)-Exterior Paint and Caulking,Dwelling Unit-Exterior (1480)-Other,Dwelling Unit-Exterior (1480)-Stairwells - Fire Escapes)	AMP200 Repair damaged stucco, Paint exterior/interior common area, and replace exterior entrance doors. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$50,000.00
ID0571	AMP 200 EMCC Boiler Replacement(Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System)	AMP 200 Replace boiler due to parts no longer being available. Replace with new energy efficient boiler. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$80,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0575	AMP 200 Sealing and Striping(Dwelling Unit-Site Work (1480)-Curb and Gutter,Dwelling Unit-Site Work (1480)-Seal Coat,Dwelling Unit-Site Work (1480)-Striping)	AMP 200 Seal and strip parking lots throughout properties. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$15,411.69
	TRUAX PHASE II (WI003000600)			\$191,084.56
ID0330	AMP 600 OPERATIONS * 2024(Operations (1406))	AMP 600 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$24,267.00
ID0336	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,000.00
ID0342	AMP 600 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 600 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$20,000.00
ID0346	AMP 600 PROGRAMMATIC FLOORING REPACEMENT * 2024(Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 600 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$4,124.53

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 1 2024				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0351	AMP 600 HEATING EQUIPMENT REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Mechanical)	AMP 600 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$36,693.03
ID0356	AMP 600 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 600 ON DEMAND *NUMBER OF AFFECTED UNITS 5 * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$25,000.00
ID0573	AMP 600 Unit Modernization(Dwelling Unit-Interior (1480)-Appliances,Dwelling Unit-Interior (1480)-Bathroom Counters and Sinks,Dwelling Unit-Interior (1480)-Call-for-Aid Systems,Dwelling Unit-Interior (1480)-Commodore,Dwelling Unit-Interior (1480)-Electrical,Dwelling Unit-Interior (1480)-Interior Doors,Dwelling Unit-Interior (1480)-Interior Painting (non routine),Dwelling Unit-Interior (1480)-Kitchen Cabinets,Dwelling Unit-Interior (1480)-Kitchen Sinks and Faucets,Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Other,Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Tubs and Showers)	AMP 600 Unit Modernization *NUMBER OF AFFECTED UNITS 4 *Remove/Replace door frames and doors, remove/replace sliding doors. *Remove/Replace all electric outlets, switches, GFIs and covers through unit. *Install new LED light fixtures throughout unit. *Remove/Replace shut off valves in bathroom, kitchen, and laundry room, before installing new toilet, sinks, faucets and shower. *Remove /Replace Bathtub and bathtub walls. *Prep floor for new VCT flooring. *Prime and paint all walls and ceiling with two coats of finishing paint, and paint all doors and casing. *Install new kitchen cabinets and new countertop. Install new vinyl base throughout the unit. Install new vinyl stair treads. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		\$30,000.00
ID0574	AMP 600 Repair Erosion Issues (Dwelling Unit-Site Work (1480)-Landscape,Dwelling Unit-Site Work (1480)-Other,Dwelling Unit-Site Work (1480)-Storm Drainage)	AMP 600 Repair erosion issues associated with roof drainage on Phase II buildings. * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * DISPOSAL WILL BE THE CONTRACTORS RESPONSIBILITY AND WRITTEN IN THE CONTRACT. ANY REMAINING DISPOSAL WILL BE COMPLETED THROUGH THE AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE		\$50,000.00

LABOR

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2025				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	BJARNES ROMNES APARTMENTS (WI003000300)			\$795,733.84
ID0375	AMP 300 OPERATIONS * 2025(Operations (1406))	AMP 300 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$132,796.00
ID0382	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$7,644.79
ID0388	AMP 300 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 300 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$9,254.90
ID0392	AMP 300 PROGRAMMATIC FLOORING REPLACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 300 PROGRAMMATIC FLOORING REPAACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$59,782.79
ID0397	AMP 300 ON DEMAND (Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Mechanical)	AMP 300 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$219,569.82
ID0402	AMP 300 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical)	AMP 300 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE		\$166,685.54

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2025				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
LABOR				
ID0522	AMP 300 Boiler Replacment Romnes (Non-Dwelling Interior (1480)-Mechanical)	Replace older boilers (Parts are harder to find) with new energy efficient boilers. * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$200,000.00
	BRITTINGHAM-GAY BRAXTON APARTMENTS (WI003000400)			\$451,245.94
ID0376	AMP 400 OPERATIONS (Operations (1406))	AMP 400 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$100,494.00
ID0383	AMP 400 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 400 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$5,765.77
ID0389	AMP 400 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 400 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$6,964.71
ID0393	AMP 400 PROGRAMMATIC FLOORING REPACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 400 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR PROGRAMMATIC FLOORING REPLACEMENT ON AN AS-VACATED BASIS		\$39,978.64

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2025				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0398	AMP 400 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 400 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$298,042.82
	TRUAX PARK APARTMENTS LLC (W1003000500)			\$317,120.29
ID0377	AMP 500 OPERATIONS(Operations (1406))	AMP 500 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$32,302.00
ID0384	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,235.52
ID0390	AMP 500 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 500 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,474.51
ID0394	AMP 500 PROGRAMMATIC FLOORING REPLACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 500 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$9,680.97
ID0399	AMP 500 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 500 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF		\$244,540.32

Form HUD-50075.2(4/2008)

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 2 2025				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0385	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-System Improvements,Management Improvement (1408)-Staff Training)	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,055.34
ID0391	AMP 600 ARCHITECTURAL AND ENGINEERING(Contract Administration (1480)-Other Fees and Costs)	AMP 600 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,254.90
ID0395	AMP 600 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical)	AMP 600 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$22,330.53
ID0400	AMP 600 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 600 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$138,545.57
	AUTHORITY-WIDE (NAWASD)			\$230,092.00
ID0386	CAPITAL FUND PROGRAM FEE * (Administration (1410)-Salaries,Administration (1410)-Sundry)	CAPITAL FUND PROGRAM FEE * PROVIDE ADMINISTRATION OF CAPITAL FUND GRANT FUNDS AND PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$230,092.00

Form HUD-50075.2(4/2008)

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2026				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	BJARNES ROMNES APARTMENTS (WI003000300)			\$1,015,954.32
ID0416	AMP 300 OPERATIONS * 2022(Operations (1406))	AMP 300 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$170,268.00
ID0423	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING * 2022(Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$7,644.79
ID0430	AMP 300 ARCHITECTURAL AND ENGINEERING * 2022(Contract Administration (1480)-Other Fees and Costs)	AMP 300 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$7,712.42
ID0435	AMP 300 ON DEMAND * 2022(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 300 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$216,729.23
ID0439	AMP 300 EXTERIOR LIGHTING UPGRADES * 2022(Dwelling Unit-Site Work (1480)-Lighting)	AMP 300 EXTERIOR LIGHTING UPGRADES * REMOVE EXTERIOR - LOW EFFICIENCY BULBS AND FIXTURES, COSTS TO INCLUDE RECYCLING AS NEEDED * INSTALL NEW HIGH EFFICIENCY BULBS AND FIXTURES * NO FORCE LABOR		\$29,162.94
ID0440	AMP 300 EXTERIOR LIGHTING UPGRADES * 2022(Dwelling Unit-Site Work (1480)-Lighting)	AMP 300 EXTERIOR LIGHTING UPGRADES * REMOVE EXTERIOR - LOW EFFICIENCY BULBS AND FIXTURES, COSTS TO INCLUDE RECYCLING AS NEEDED * INSTALL NEW HIGH EFFICIENCY BULBS AND FIXTURES * NO FORCE LABOR		\$29,162.94

Form HUD-50075.2(4/2008)

LABOR

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2026				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
		AGENCY'S CONTRACTED WASTE DISPOSAL COMPANY. * NO FORCE LABOR		
	TRUAX PARK APARTMENTS LLC (WI003000500)			\$165,416.23
ID0418	AMP 500 OPERATIONS (Operations (1406))	AMP 500 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$41,416.00
ID0426	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,235.52
ID0432	AMP 500 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 500 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,228.76
ID0437	AMP 500 ON DEMAND (Dwelling Unit-Interior (1480)-Plumbing,Dwelling Unit-Interior (1480)-Mechanical)	AMP 500 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$30,000.00
ID0438	AMP 500 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 500 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF		\$30,000.00

Work Statement for Year	3	2026
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ENCOUNTERED * NO FORCE LABOR

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2026				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0424	AMP 200 PARKING RE-PAVE(Dwelling Unit-Site Work (1480)-Asphalt - Concrete - Paving,Dwelling Unit-Site Work (1480)-Curb and Gutter,Dwelling Unit-Site Work (1480)-Dumpsters and Enclosures,Dwelling Unit-Site Work (1480)-Parking,Dwelling Unit-Site Work (1480)-Signage,Dwelling Unit-Site Work (1480)-Striping)	AMP 200 PARKING RE-PAVE * REMOVE BITUMINOUS ASPHALTIC CONCRETE, DETERIORATED CONCRETE CURB, UNSUITABLE SUPPORT BASE * INSTALL NEW SUPPORT BASE, NEW CONCRETE ACCESSORIES SUCH AS RAMPS, CURBS AND DUMPSTER ENCLOSURES, NEW STRIPING, SIGNAGE AS NEEDED. * NO FORCE LABOR		\$100,000.00
ID0429	AMP 200 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 200 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$15,000.00
ID0434	AMP 200 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 200 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$150,553.00
ID0442	AMP 200 NON-DWELLING EQUIPMENT (Non-Dwelling Equipment-Expendable/Non-Expendable (1480)-Other)	AMP 200 NON-DWELLING EQUIPMENT * PURCHASE STATIONARY POWER TOOLS, PAINT SHAKERS, PAINT STRIPING EQUIPMENT, SEWER CLEANING EQUIPMENT, LASER LEVELS, FLOOR BUFFERS, LARGE FLOOR CLEANING EQUIPMENT, VIDEO SURVEILLANCE EQUIPMENT		\$5,261.44
ID0447	AMP 200 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical)	AMP 200 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$90,546.00
ID0461	AMP 200 FIRE PANEL AND INTERCOM REPLACEMENT(Dwelling Unit-Interior (1480)-Call-for-Aid Systems,Non-Dwelling Construction - Mechanical (1480)-Security - Fire Alarm,Non-Dwelling Construction - Mechanical (1480)-Smoke/Fire Detection)	REPLACE FIRE PANELS AND INTERCOM SYSTEMS IN AMP 200 PROPERTIES		\$100,000.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 3 2026				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	TRUAX PHASE II (WI003000600)			\$36,678.34
ID0420	AMP 600 OPERATIONS (Operations (1406))	AMP 600 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$23,009.00
ID0427	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,055.34
ID0433	AMP 600 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 600 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,045.75
ID0441	AMP 600 EXTERIOR LIGHTING UPGRADES (Dwelling Unit-Site Work (1480)-Lighting)	AMP 600 EXTERIOR LIGHTING UPGRADES * REMOVE EXTERIOR - LOW EFFICIENCY BULBS AND FIXTURES, COSTS TO INCLUDE RECYCLING AS NEEDED * INSTALL NEW HIGH EFFICIENCY BULBS AND FIXTURES * NO FORCE LABOR		\$2,012.00
ID0446	AMP 600 NON-DWELLING EQUIPMENT (Non-Dwelling Equipment-Expendable/Non-Expendable (1480)-Other)	AMP 600 NON-DWELLING EQUIPMENT * PURCHASE STATIONARY POWER TOOLS, PAINT SHAKERS, PAINT STRIPING EQUIPMENT, SEWER CLEANING EQUIPMENT, LASER LEVELS, FLOOR BUFFERS, LARGE FLOOR CLEANING EQUIPMENT, VIDEO SURVEILLANCE EQUIPMENT		\$1,307.19
ID0451	AMP 600 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical)	AMP 600 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$4,124.53

Work Statement for Year	3	2026
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ID0453	AMP 600 PROGRAMMATIC FLOORING REPAACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 600 PROGRAMMATIC FLOORING REPAACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$4,124.53
	AUTHORITY-WIDE (NAWASD)			\$230,092.00
ID0428	Copy of CAPITAL FUND ADMINISTRATION * 2022(Administration (1410)-Salaries,Administration (1410)-Sundry)	CAPITAL FUND PROGRAM FEE* PROVIDE ADMINISTRATION OF CAPITAL FUND GRANT FUNDS AND PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$230,092.00
	Subtotal of Estimated Cost			\$2,426,735.00

Form HUD-50075.2(4/2008)

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0507	AMP 200 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 200 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$234,974.32
	BJARNES ROMNES APARTMENTS (WI003000300)			\$729,303.09
ID0490	AMP 300 OPERATIONS (Operations (1406))	AMP 300 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$173,268.00
ID0491	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-System Improvements,Management Improvement (1408)-Staff Training)	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$7,644.79
ID0492	AMP 300 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 300 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$9,254.90
ID0493	AMP 300 PROGRAMMATIC FLOORING REPLACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 300 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$59,782.79

Form HUD-50075.2(4/2008)

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0498	AMP 400 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 400 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$6,964.71
ID0499	AMP 400 PROGRAMMATIC FLOORING REPACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 400 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR PROGRAMMATIC FLOORING REPLACEMENT ON AN AS-VACATED BASIS		\$39,978.64
ID0500	AMP 400 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 400 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$201,404.82
	AUTHORITY-WIDE (NAWASD)			\$230,092.00
ID0501	CAPITAL FUND PROGRAM FEE (Administration (1410)-Sundry,Administration (1410)-Salaries)	CAPITAL FUND PROGRAM FEE * PROVIDE ADMINISTRATION OF CAPITAL FUND GRANT FUNDS AND PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$230,092.00
	TRUAX PARK APARTMENTS LLC (WI003000500)			\$226,326.79

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0508	AMP 500 OPERATIONS (Operations (1406))	AMP 500 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$42,146.00
ID0509	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-System Improvements,Management Improvement (1408)-Staff Training)	AMP 500 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,235.52
ID0510	AMP 500 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 500 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,474.51
ID0511	AMP 500 PROGRAMMATIC FLOORING REPLACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 500 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$9,680.97
ID0512	AMP 500 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical)	AMP 500 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$27,249.47
ID0513	AMP 500 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 500 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$144,540.32

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	TRUAX PHASE II (WI003000600)			\$190,088.37
ID0514	AMP 600 OPERATIONS (Operations (1406))	AMP 600 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$23,415.00
ID0515	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-System Improvements,Management Improvement (1408)-Staff Training)	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,055.34
ID0516	AMP 600 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 600 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,254.90
ID0517	AMP 600 PROGRAMMATIC FLOORING REPACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 600 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$4,124.53
ID0518	AMP 600 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical)	AMP 600 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$21,693.03
ID0519	AMP 600 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 600 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF		\$138,545.57

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 4 2027				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ENCOUNTERED * NO FORCE LABOR				
	Subtotal of Estimated Cost			\$2,426,735.00

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2028				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
	TRUAX PHASE II (WI003000600)			\$140,088.37
ID0525	AMP 600 OPERATIONS * 2024(Operations (1406))	AMP 600 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$23,415.00
ID0526	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 600 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$1,055.34
ID0527	AMP 600 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 600 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$1,254.90
ID0528	AMP 600 PROGRAMMATIC FLOORING REPACEMENT * 2024(Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 600 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$4,124.53
ID0529	AMP 600 HEATING EQUIPMENT REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Mechanical)	AMP 600 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$21,693.03
ID0530	AMP 600 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 600 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF		\$88,545.57

ENCOUNTERED * NO FORCE LABOR

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2028				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0536	AMP 500 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 500 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$94,540.32
	SCATTERED SITE (WI003000200)			\$669,050.81
ID0537	AMP 200 OPERATIONS * 2024(Operations (1406))	AMP 200 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$98,341.00
ID0538	AMP 200 PROGRAMMATIC FLOORING REPACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 200 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$47,835.89
ID0539	AMP 200 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 200 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$4,298.58
ID0540	AMP 200 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 200 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$5,050.98

Work Statement for Year	5	2028
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ID0541	AMP 200 HEATING EQUIPMENT REPLACEMENT * 2024(Dwelling Unit-Interior (1480)-Mechanical)	AMP 200 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$178,550.04
ID0542	AMP 200 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 200 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$134,974.32
ID0543	AMP 200 A Site Window Replacment(Dwelling Unit-Exterior (1480)-Windows)	Replace old none efficient windows with double hung energy efficient windows. NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$100,000.00
ID0544	AMP 200 B Site Window Replacement(Dwelling Unit-Exterior (1480)-Windows)	Replace old non-efficient windows with energy efficient double hung windows. NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$100,000.00
	AUTHORITY-WIDE (NAWASD)			\$230,092.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2028				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ID0545	Copy of CAPITAL FUND PROGRAM FEE * 2024(Administration (1410)-Sundry,Administration (1410)-Salaries)	CAPITAL FUND PROGRAM FEE * PROVIDE ADMINISTRATION OF CAPITAL FUND GRANT FUNDS AND PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$230,092.00
	BRITTINGHAM-GAY BRAXTON APARTMENTS (WI003000400)			\$581,873.94
ID0546	AMP 400 OPERATIONS * 2024(Operations (1406))	AMP 400 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$131,122.00
ID0547	AMP 400 MANAGEMENT IMPROVEMENTS * TRAINING * 2024(Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 400 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$5,765.77
ID0548	AMP 400 ARCHITECTURAL AND ENGINEERING * 2024(Contract Administration (1480)-Other Fees and Costs)	AMP 400 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$6,964.71
ID0549	AMP 400 PROGRAMMATIC FLOORING REPACEMENT * 2024(Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 400 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR PROGRAMMATIC FLOORING REPLACEMENT ON AN AS-VACATED BASIS		\$39,978.64
ID0550	AMP 400 ON DEMAND * 2024(Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 400 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF		\$198,042.82

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part II: Supporting Pages - Physical Needs Work Statements (s)				
Work Statement for Year 5 2028				
Identifier	Development Number/Name	General Description of Major Work Categories	Quantity	Estimated Cost
ENCOUNTERED * NO FORCE LABOR				
ID0551	AMP 400 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing,Non-Dwelling Construction - Mechanical (1480)-Central Boiler,Non-Dwelling Construction - Mechanical (1480)-Central Chiller,Non-Dwelling Construction - Mechanical (1480)-Cooling Equipment - Systems,Non-Dwelling Construction - Mechanical (1480)-Heating Equipment - System,Non-Dwelling Construction - Mechanical (1480)-Hot Water Heaters,Non-Dwelling Interior (1480)-Electrical,Non-Dwelling Interior (1480)-Mechanical,Non-Dwelling Interior (1480)-Plumbing)	AMP 400 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$200,000.00
	BJARNES ROMNES APARTMENTS (WI003000300)			\$629,303.09
ID0552	AMP 300 OPERATIONS (Operations (1406))	AMP 300 OPERATIONS * PROVIDE SITE OPERATIONS SUPPORT		\$173,268.00
ID0553	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING (Management Improvement (1408)-Staff Training,Management Improvement (1408)-System Improvements)	AMP 300 MANAGEMENT IMPROVEMENTS * TRAINING * REMOVE NONE * TRAINING FOR ALL STAFF - INCLUDES TRAVEL AND/OR REQUIRED MATERIALS AS NEEDED		\$7,644.79
ID0554	AMP 300 ARCHITECTURAL AND ENGINEERING (Contract Administration (1480)-Other Fees and Costs)	AMP 300 ARCHITECTURAL AND ENGINEERINGNONE * PROVIDE ADVICE, DRAWINGS AND SPECIFICATIONS FOR TECHNICAL OR COMPLEX PROJECTS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$9,254.90
ID0555	AMP 300 PROGRAMMATIC FLOORING REPLACEMENT (Dwelling Unit-Interior (1480)-Flooring (non routine))	AMP 300 PROGRAMMATIC FLOORING REPACEMENT * REMOVE NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * INSTALL NON-ASBESTOS VINYL COMPOSITION TILE & SHEET VINYL MATERIALS * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$59,782.79

Work Statement for Year 5 2028

ID0556	AMP 300 HEATING EQUIPMENT REPLACEMENT (Dwelling Unit-Interior (1480)-Mechanical)	AMP 300 HEATING EQUIPMENT REPLACEMENT * REMOVE NAT. GAS, GRAVITY VENT, LOW EFF, FORCED AIR FURNACE * INSTALL NAT. GAS, POWERED VENT, HIGH EFF, FORCED AIR FURNACE * NO DUCT WORK * NO PIPING * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$145,056.79
ID0557	AMP 300 ON DEMAND (Dwelling Unit-Interior (1480)-Mechanical,Dwelling Unit-Interior (1480)-Plumbing)	AMP 300 ON DEMAND * REMOVE WATER SOFTENERS, HEAT EXCHANGERS, BOILERS, AND ASSOCIATED PIPING * INSTALL LOW SALT WATER SOFTENERS, HIGH EFFICIENCY HEAT EXCHANGERS, HIGH EFFICIENCY BOILERS AND, ASSOCIATED PIPING * * NO LBP, OR ASBESTOS, ABATEMENT ANTICIPATED BUT WILL REMEDIATE IF ENCOUNTERED * NO FORCE LABOR		\$234,295.82
	Subtotal of Estimated Cost			\$2,426,735.00

Part III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year 1 2024	
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
CAPITAL FUND PROGRAM FEE * 2024(Administration (1410)-Sundry,Administration (1410)-Salaries)	\$242,674.00
Subtotal of Estimated Cost	\$242,674.00

Capital Fund Program - Five-Year Action Plan

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
2577-0274
02/28/2022

Part III: Supporting Pages - Management Needs Work Statements (s)	
Work Statement for Year 2	2025
Development Number/Name General Description of Major Work Categories	Estimated Cost
Housing Authority Wide	
CAPITAL FUND PROGRAM FEE * (Administration (1410)-Salaries,Administration (1410)-Sundry)	\$230,092.00
Subtotal of Estimated Cost	\$230,092.00

Form HUD-50075.2(4/2008)

Form HUD-50075.2(4/2008)

Form HUD-50075.2(4/2008)

Attachment A

Form HUD-50075-ST, B.1 (b) Operations Management

**Public Housing Admissions and Continued Occupancy Policies (ACOP)
Revisions**

Attachment A

Form HUD-50075-ST, B.1 (b) Operations Management

Public Housing Admissions and Continued Occupancy Policies (ACOP) Revisions			
Chapter	Section	Title	Sub-Section / Description
		INTRODUCTION	Added reference to HUD Notice PIH 2023-27, sections 102 and 104 of HOTMA. Added link to HUDClips. Updated Document List with Location.
1		OVERVIEW OF THE PROGRAM AND ACOP	Replaced "uniform physical condition standards" with "NSPIRE standards" throughout. Replaced "decent, safe, and sanitary housing in good repair" with "safe, habitable dwelling units" throughout. Replaced "uniform physical conditions standards" with "National Standards for the Physical Inspection of Real Estate (NSPIRE)" throughout.
	1-II.A.	OVERVIEW AND HISTORY OF THE PROGRAM	Added reference to HOTMA, Federal Register, and Notice PIH 2023-27.
	1-II.C.	PUBLIC HOUSING PARTNERSHIPS	Added, PHA must comply with all fair housing and equal opportunity requirements.
	1-III.B.	CONTENTS OF THE POLICY	Replaced New Approach to Policy Development subsection with Mandatory vs. Discretionary Policy.
3		ELIGIBILITY	Added reference to Notice PIH 2023-27 throughout.
		INTRODUCTION	Added, The family must meet net asset and property ownership restriction requirements.
	3-I.B.	FAMILY AND HOUSEHOLD	Added reference to 24 CFR 5.105(a)(2), Notice PIH 2014-20, Notice PIH 2023-17, and FR Notice 2/14/23. Updated definition of Family.
	3-I.F.	DEPENDENT'S AND MINORS	Added definition of minor.
	3-I.K.	FOSTER CHILDREN AND FOSTER ADULTS	Updated definition of Foster Adult and Foster Child, and added reference to 24 CFR 5.603. Updated CDA Policy: A foster child or foster adult may be allowed to reside in the unit if their presence would not overcrowd the unit.
	3-I.M.	LIVE IN AIDE	Removed policy requiring new request subject to verification at each annual reexamination for continued approval.
	3-II.A.	INCOME ELIGIBILITY AND TARGETING	When using income limits for eligibility, income and net family assets of household members are excluded when determining income eligibility; however, household members are considered for purposes of unit size and subsidy standards.
	3-II.D.	FAMILY CONSENT TO RELEASE OF INFORMATION	The consent form remains effective until the family is denied assistance, assistance is terminated, or the family provides written notification to

			revoke consent. Added CDA Policy to deny admission if family revokes for access to financial records.
	PART III	DENIAL OF ADMISSION	
	3-III.A.	OVERVIEW	HUD codified its stance on disparate impact and discriminatory effects and standardized its approach to burdens of proof.
	3-III.C.	RESTRICTION ON ASSISTANCE BASED ON ASSETS	New Section with two circumstances under which a family is ineligible based on asset ownership: Net assets exceeding \$100,000 and real property suitable for occupancy as a residence. Clarifies suitable for occupancy.
6		INCOME AND RENT DETERMINATIONS	Added reference to Notice PIH 2023-27 throughout.
		INTRODUCTION	Added new Part II - for assets excluded from annual income and calculating income from assets. Part III provides for any additional permissive deductions.
	PART I	ANNUAL INCOME	Added reference to 24 CFR 5.609 throughout
	6-I.A.	OVERVIEW	Updated to provide a general definition and information on Annual Income. Removed Annual Income Inclusions, Exclusions, and EID.
	6-I.B.	HOUSEHOLD COMPOSITION AND INCOME	Added Overview subsection. Unless specifically excluded by the regulations, the income of all family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit.
	6-I.C.	CALCULATING ANNUAL INCOME	Replaces "ANTICIPATING ANNUAL INCOME. New Section covers anticipated income (current income) for the upcoming 12-month period following new admission or interim reexamination. Removes Projecting Income subsection and adds Calculating Annual Income at Annual Reexamination.
	6-I.D.	EARNED INCOME	Revised section. Provides definition of Earned Income, Day Laborer, and Seasonal Worker. Added to CDA Policy, CDA will include in annual income the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation. Removes Types of Earned Income Not Counted in Annual Income subsection.
	6-I.E.	EARNED INCOME DISALLOWANCE	HOTMA removed the statutory authority for the EID. Provides effective dates and sunset for those receiving EID.
	6-I.F.	BUSINESS AND SELF EMPLOYMENT INCOME	Revised section. Adds Self Employment to title. Provides definition of Net Income, Gross Income, and Independent Contractors. Adds a subsection on Assets Owned by a Business Entity.

	6-I.G.	STUDENT FINANCIAL ASSISTANCE	Replaces ASSETS section with information on the two categories of student financial assistance paid to both full-time and part-time students. Adds subsection on Calculating Income from Student Financial Assistance under HOTMA with examples.
	6-I.H.	PERIODIC PAYMENTS	Updated section. Regulations do not specify which types of periodic payments are included in annual income. Discrete end-dated income, certain insurance payments and settlements, and deferred lump sum SSI or VA disability benefits are excluded. This does not include unemployment. Adds subsections on Retirement Accounts, Social Security Benefit, Alimony and Child Support income.
	6-I.I.	NONRECURRING INCOME	Replaces PAYMENTS IN LIEU OF EARNINGS section. Describes Nonrecurring income and provides excluded amounts and income.
	6-I.J.	WELFARE ASSISTANCE	Removes references to 24 CFR 5.603(b).
	6-I.K.	STATE PAYMENTS TO ALLOW INDIVIDUALS WITH DISABILITIES TO LIVE AT HOME	Replaces PERIODIC AND DETERMINABLE ALLOWANCES section. Payments made by state Medicaid agency or related government agency is excluded.
	6-I.L.	CIVIL RIGHTS SETTLEMENTS	New section per 24 CFR 5.609(b)(25).
	6-I.M.	ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME	Formerly 6-I.L. Updated for HOTMA. Provides definition of training program. Provides HUD's recent list of exclusions from FR 5/20/14.
	PART II	ASSETS	New Part. References 24 CFR 5.603(b)(3) throughout.
	6-II.A.	OVERVIEW	New Section. Annual income includes all actual anticipated income from assets. HUD relies on the definition of items excluded from assets to provide the scope of what is included.
	6-II.B.	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE	New Section covering minimum threshold, separation or divorce, foreclosure or bankruptcy, assets owned by a business entity, and family declaration.
	6-II.C.	ASSET INCLUSIONS AND EXCLUSIONS	New Section covering checking and savings accounts, ABLE accounts, investment accounts, necessary and non-necessary personal property, lump sum additions to net family assets, jointly owned assets, trusts, life insurance, tax refunds, and asset exclusions.
	6-II.D.	DETERMINING INCOME FROM ASSETS	New Section covering net family assets, actual income from assets, and imputed income from assets.
	PART III	ADJUSTED INCOME	Formerly PART II
	6-III.A.	INTRODUCTION	Updated adjusted income definition and mandatory deduction amounts.
	6-III.B.	DEPENDENT DEDUCTION	Adds the deduction is adjusted annually in accordance with the Consumer Price Index.

	6-III.C.	ELDERLY OR DISABLED FAMILY DEDUCTION	Adds the deduction is adjusted annually in accordance with the Consumer Price Index.
	6-III.D.	MEDICAL EXPENSES DEDUCTION	Replaces "medical expenses" with "health and medical care expenses" throughout. HUD is not permitting PHAs to specifically align their policies with IRS Publication 502 for determining expenses to be included in HUD's mandatory deduction. PHAs must review each expense to determine if it is eligible in accordance with HUD's updated definition of health and medical care expenses.
	6-III.E.	DISABILITY ASSISTANCE EXPENSES DEDUCTION	Expenses must be unreimbursed. Changes threshold of reasonable expenses for attendant care and auxiliary apparatus from 3% to 10% of annual income.
	6-III.F.	CHILD CARE EXPENSE DEDUCTION	Adds subsection on Clarifying the Meaning of Child for This Deduction.
	6-III.G.	HARDSHIP EXEMPTIONS	New Section covering health and medical care and disability assistance expenses, phased-in relief, general relief, and child care expense hardship exemption.
	6-III.H.	PERMISSIVE DEDUCTIONS	Formerly 6-II.G. Allows PHA to adopt additional permissive deductions from annual income if they establish a policy in the ACOP. CDA remains the same - it does not use permissive deductions.
	PART IV	CALCULATING RENT	Formerly PART III. All sections updated from III to IV.
	EXHIBIT 6-1	ANNUAL INCOME FULL DEFINITION	Replaces ANNUAL INCOME INCLUSIONS Exhibit.
	EXHIBIT 6-2	TREATMENT OF FAMILY ASSETS	Replaces ANNUAL INCOME EXCLUSIONS Exhibit.
	EXHIBIT 6-3	THE EFFECT OF WELFARE BENEFIT REDUCTION	Replaces TREATMENT OF FAMILY ASSETS Exhibit.
	EXHIBIT 6-4	EARNED INCOME DISALLOWANCE	Exhibit removed as HOTMA removed the statutory authority for the EID.
	EXHIBIT 6-5	THE EFFECT OF WELFARE BENEFIT REDUCTION	Exhibit removed. Replaced by new Exhibit 6-3.
7		VERIFICATION	Replaced reference to Notice PIH 2018-18 with Notice PIH 2023-27 throughout.
	PART I	GENERAL VERIFICATION REQUIREMENTS	

	7-I.A.	FAMILY CONSENT TO RELEASE OF INFORMATION	While PHAs must use form HUD-9886, this form does not release all the information necessary to the administration of the program. PHAs must also develop its own release forms to cover all other necessary information. New section on Form HUD 9886. Families may revoke their consent to CDA's access financial records but will be terminated or denied admission.
	7-I.B.	USE OF OTHER PROGRAMS' INCOME DETERMINATIONS	Replaces OVERVIEW OF VERIFICATION REQUIREMENTS. The CDA will not accept verification from other federal assistance programs. With the exception of when the CDA uses streamlined income determinations at annual reexamination as described below, all income will be verified in accordance with the requirements of HUD's verification hierarchy and CDA policies in this chapter.
	7-I.C.	STREAMLINED INCOME DETERMINATIONS	Replaces UP-FRONT INCOME VERIFICATION (UIV). HUD permits a streamlined income determination process for family members with fixed sources of income.
	7-I.D.	VERIFICATION HIERARCHY	Replaces STREAMLINED INCOME DETERMINATIONS. When the PHA does not use a streamlined determination or an income determination from a means-tested federal assistance program, HUD requires third-party verification. Section provides the hierarchy from most acceptable to least acceptable.
	7-I.E.	LEVEL 5 AND 6 VERIFICATION: UPFRONT INCOME VERIFICATION (UIV)	Replaces SELF-CERTIFICATION and covers Upfront Income Verification Using EIV, EIV Income and IVT Reports, New Hires Report, No Income Reported by HHS or SSA Report, EIV identity Verification Report, Deceased Tenants Reports, Other EIV Reports, Upfront Income Verification Using Non-HUD Systems. The CDA will use UIV resources (The Work Number and State Wage Information Collection Agency).
	7-I.F.	LEVEL 4 VERIFICATION	New section covering EIV + Self Certification and Written Third-Party Verification from the Source. The CDA will obtain third-party verification of all assets regardless of the amount.
	7-I.G.	LEVEL 3 VERIFICATION: WRITTEN, THIRD-PARTY FORM	New section covering written form used to obtain third party verification.
	7-I.H.	LEVEL 2: ORAL THIRD PARTY VERIFICATION	New section covering When Third Party Verification is Not Required and Primary Documents.
	7-I.I.	LEVEL 1: NON-THIRD PARTY VERIFICATION TECHNIQUE: SELF-CERTIFICATION	New section covering what is acceptable for self-certification.
	PART II	VERIFYING FAMILY INFORMATION	
	7-II.B.	SOCIAL SECURITY NUMBERS	CDA will use self-certification and a third-party document to verify SSN as a last resort when no other forms of verification are available. CDA may reject documentation provided by family if not an original document.

	PART III	VERIFYING INCOME AND ASSETS	Removed reference to Part I of Chapter 6 throughout.
	7-III.B.	BUSINESS AND SELF EMPLOYMENT INCOME	PHA must obtain written third-party verification when income type is not available in EIV. CDA will require income tax returns. IRS Form 4506-T will be required if family member is self-employed and they do not file tax returns. Gig employment requires IRS Form 1099.
	7-III.C.	PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS	SSI Benefit letter must be dated within last 120 calendar days.
	7-III.D.	ALIMONY OR CHILD SUPPORT	Annual income includes “all amounts received,” not the amount that a family may be legally entitled to receive but which they do not receive.
	7-III.E.	NONRECURRING INCOME	CDA will accept self-certification.
	7-III.F.	ASSETS AND INCOME FROM ASSETS	Formerly 7-III.E. Revised and covers Net Family Assets and Self Certification of Real Property Ownership.
	7-III.G.	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE	New Section. CDA will accept self-certification.
	7-III.H.	NET INCOME FROM RENTAL PROPERTY	Changed from 7-III.F.
	7-III.I.	FEDERAL TAX REFUNDS OR REFUNDABLE TAX CREDITS	New Section. PHAs must verify the amount of family's federal tax refund or refundable tax credits if the family's net assets are greater than \$50,000.
	7-III.J.	RETIREMENT ACCOUNTS	Formerly 7-III.G. The CDA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.
	7-III.J.	RETIREMENT ACCOUNTS	Formerly 7-III.G. The CDA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken and any regular payments.
	7-III.K.	INCOME FROM EXCLUDED SOURCES	Formerly 7-III.H. Defines fully excluded income and removes EID reference.
	7-III.L.	ZERO INCOME REVIEWS	Formerly 7-III.I. ZERO ANNUAL STATUS REVIEWS. Defines Zero Income and updates CDA policy removing recertification every 3 months. The CDA does not conduct Zero Income Status Reviews. The CDA will accept self-certification of zero income at admission and at reexamination.
	7-III.M.	STUDENT FINANCIAL ASSISTANCE	New section. CDA will request written third-party verification of both the source and the amount of student financial assistance, and costs if related to Title IV of HEA.

	PART IV	VERIFYING MANDATORY DEDUCTIONS	Changed "medical expense" to "health and medical care expense"; removed reference to 6-II.D.; and added that PHAs must comply with HIPAA throughout.
	7-IV.B.	HEALTH AND MEDICAL CARE EXPENSE DEDUCTION	Third party must certify that expenses are not paid or reimbursed from any other source.
	7-IV.D.	CHILDCARE EXPENSES	Changed "12 years of age" to "12 or younger."
8		LEASING AND INSPECTIONS	
		INTRODUCTION	Part II also notifies families of HUD REAC NSPIRE inspections.
	PART I	LEASING	
	8-I.A.	OVERVIEW	Removed minimum heating standards policy requirement.
	8-I.D.	MODIFICATIONS TO LEASE	Nonpayment of late fees and/or returned check fees is a violation of the lease and is grounds for eviction..
	8-I.F.	PAYMENTS UNDER THE LEASE	Removed person's date of birth to be added to lease.
	8-I.G.	MINIMUM HEATING STANDARDS	Removed entire section.
	PART II	INSPECTIONS	
	8-II.A.	OVERVIEW	Added NSPIRE information.
	8-II.B.	CONDUCTED INSPECTIONS	Changed Title from "TYPES OF PHA INSPECTIONS" to "CONDUCTED INSPECTIONS." Updated to include Move-In Inspections, Move-Out Inspections, Self-Inspection, Quality Control Inspections, Special Inspections, and Other Inspections subsections. Removed Annual Inspection subsection. Removed 8-II.C. NOTICE AND SCHEDULING OF INSPECTIONS Title. Changed "Scheduling of Inspections" to "Scheduling of PHA-Conducted Inspections." Resident is required to be present for move-in inspections. Removed 8-II.D. INSPECTION RESULTS Title. Added Repairs, Emergency Repairs, Non-emergency Repairs, and Housekeeping subsections. NSPIRE requires the PHA to correct all life-threatening and severe deficiencies within 24 hours. Non-emergency repairs identified during PHA inspection will be corrected within 15 business days. Management will not enter units to preform repairs where a pet resides unless accompanied by pet owner or responsible person. Notice of lease violation will be issued for tampering with smoke detectors and/or carbon monoxide alarms
	8-II.C.	NSPIRE INSPECTIONS	New Section, including Notice to Residents, 24 Hour Corrections, and Non-emergency Repairs.

9		REEXAMINATIONS	
		INTRODUCTION	Added Part V: Non-Interim Reexamination Transactions, which describes transaction that do not entail changes to family adjusted income.
	PART I	ANNUAL REEXAMINATIONS FOR FAMILIES PAYING INCOME BASED RENTS	
	9-I.A.	OVERVIEW	Revised Overview.
	9-I.B.	SCHEDULING ANNUAL REEXAMINATIONS	Replaced "STREAMLINED ANNUAL REEXAMINATIONS." Provides how CDA will notify for in-person reexaminations and for reexaminations conducted by mail.
	9-I.C.	CONDUCTION ANNUAL REEXAMINATIONS	Changed from 9-I.D. Provides how CDA will conduct in-person reexaminations and reexaminations by mail.
	9-I.D.	CALCULATING ANNUAL INCOME AT ANNUAL REEXAMINATION	New section.
	9-I.E.	OTHER CONSIDERATIONS	New Title covering existing language for Change in Unit Size, Criminal Background Checks, and Compliance with Community Service. The CDA will not enforce the asset limitation for all families at annual and interim reexamination.
	PART II	REEXAMINATIONS FOR FAMILIES PAYING FLAT RENTS	
	9-II.A.	OVERVIEW	Added, over-income families are not applicable.
	9-II.B.	FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION	Added, this policy does not apply to flat rent families who become over-income. Once no longer over-income, family will be given choice between income-based or flat rent at reexam.
	9-II.C.	REEXAMINATION OF FAMILY COMPOSITION	Added, over-income families are not applicable. The family's rent will be adjusted to a higher amount if the CDA's flat rent amount has increased.
	PART III	INTERIM REEXAMINATIONS	
	9-III.A.	OVERVIEW	References Notice PIH 2023-27 and the changes in conditions under which interim reexaminations must be conducted, process, made effective.
	9-III.B.	FULL REEXAMINATION OF FAMILY INCOME AND COMPOSITION	Added Reporting subsection. PHA must determine timeframe for reporting changes in household composition and under what conditions. PHA must process interims for all decreased in adjusted income when a family member permanently moves out of unit.

	9-III.C.	CHANGES AFFECTING INCOME OR EXPENSES	Revised section, covering Interim Decreases and Interim Increases.
	9-III.D.	EFFECTIVE DATES	Formerly PROCESSING THE INTERIM REEXAMINATION. Now covers Changes Reported Timely and Changes Not Reported Timely.
	PART V	NON-INTERIM REEXAMINATION TRANSACTIONS	References Notice PIH 2023-27. Families may experience changes within the household that do not trigger an interim reexamination under PHA policy and HUD regulations, but which HUD still requires the PHA to report via Form HUD-50058.
	EXHIBIT 9-1	CALCULATING INCOME AT ANNUAL REEXAMINATION	Provides examples using EIV, when Family Disagrees with EIV, and Annual Income at Annual Reexamination with EIV discrepancy.
10		PETS	
	10-II.C	STANDARDS FOR PETS	Removed Reptiles and Rodents from the list of animals not considered to be common household pets. Removed requirement for cats to be declawed.
	10-III.C.	OTHER CHARGES	Changed Reference from "8-I.G." to "8-I.F" for Pet-Related Damages During Occupancy related to maintenance and damage charges. Nonpayment of pet waste removal charges is a violation of the lease and is grounds for eviction.
	10-IV.C.	NON-REFUNDABLE NOMINAL PET FEE	Nonpayment of pet fees is a violation of the lease and is grounds for termination.
	10-IV.D.	OTHER CHARGES	Changed Reference from "8-I.G." to "8-I.F" for Pet-Related Damages During Occupancy related to maintenance and damage charges. Charges for pet-related damages are considered maintenance and damage charges. Nonpayment of charges for pet-related damage and for pet waste removal is a violation of the lease and is grounds for eviction.
12		TRANSFER POLICY	
	12-III.C.	ELIGIBILITY FOR TRANSFER	Changed "health and safety or residents" to "health and safety of residents."
	12-III.E.	COST OF TRANSFER	The CDA will pay moving expenses to transfer a resident with a disability to an accessible unit as an accommodation for the resident's disability.
	12-IV.B.	TRANSFER LIST	Removed "threat of harm or criminal activity" as covered under higher priority VAWA emergency transfer.
13		LEASE TERMINATIONS	
	13-I.A.	TENANT CHOOSES TO TERMINATE THE LEASE	The termination will be the last day of the second (2 nd) full month following the notice.

	13-II.J.	OVER INCOME FAMILIES	Changed reference to "Notice PIH 2019-11" to "Notice PIH 2023-03" throughout. Initial, Second, and Final Notices and communications will be provided in a manner that is effective for persons with hearing, visual, and other impairments. PHA must conduct reexam 12 months after initial over-income determination even if family is paying flat rent unless the family falls below the over-income limit during the 24-month period. Once the family signs the new public housing (NPHOI) lease, they will not be provided with hearing or grievance rights. After signing the NPHOI lease and the income drops, the family may be readmitted to PH through reapplying to the program.
15		PROGRAM INTEGRITY	
	15-I.A.	PREVENTING ERRORS AND PROGRAM ABUSE	Changed "required to use the EIV system in its entirety" to "required to use the EIV system at annual reexamination."
	15-II.C.	PHA-CAUSED ERRORS OR PROGRAM ABUSE	Removed Repayment to PHA and PHA Reimbursement to Family subsections. Added De Minimis Error subsection. A de minimis error is an error where the PHA determination of family income deviates from the correct income determination by no more than \$30 per month in monthly adjusted income (\$360 in annual adjusted income) per family. CDA will credit a family for any family overpayment of rent, regardless of staff-caused error, staff program abuse, or de minimis error.
16		PROGRAM ADMINISTRATION	
	16-I.B.	UTILITY ALLOWANCES	In any unit where CDA provides a central air conditioning system, residents have the option to choose when they use air conditioning. These units shall be individually metered, and residents shall pay for the energy used in its operation.
	16-II.B.	FLAT RENTS	If the FMR/SAFMR is lower than the previous year, flat rents will not be affected.
	16-III.B.	REPAYMENT POLICY	Repayment agreements may be signed by head of household or spouse/cohead.
	16-IV.B.	PHAS INDICATORS	Indicator 1 changed from "standard of decent, safe, sanitary, and in good repair" to "standard of safe, habitable dwelling units". Physical condition will be determined by NSPIRE.

Attachment B

Form HUD-50075-ST, B.1 (b) Operations Management

**Section 8 Housing Choice Voucher Program Administrative Plan
(Admin Plan) Revisions**

Attachment B

Form HUD-50075-ST, B.1 (b) Operations and Management

Section 8 Housing Choice Voucher Program Administrative Plan (Admin Plan) Revisions			
Chapter	Section	Title	Sub-Section / Description
		INTRODUCTION	Updated Heading. Removed "model" in various places. Added HOTMA supersedes HCV Guidebook. Updated Resources.
1		OVERVIEW OF THE PROGRAM AND PLAN	
	1-11.A.	OVERVIEW AND HISTORY OF THE PROGRAM	Added HOTMA information.
	1-11.C.	THE HCV PARTNERSHIPS	Changed "Housing Quality Standards (HQS)" to "National Standards for the Physical Inspection of Real Estate (NSPRIRE)."
	1-111.B.	CONTENTS OF THIS PLAN	Added PBV, RAD PBV and Special Purpose Voucher policies to list.
2		FAIR HOUSING AND EQUAL OPPORTUNITY	Removed "2013" and "Reauthorization" in VAWA reference throughout.
	2-I.C.	DISCRIMINATION COMPLAINTS	Added new section on general procedures for handling discrimination complaints; policy for complaints under the Equal Access Final Rule; and policy regarding VAWA complaint processing.
3		ELIGIBILITY	Added: "Human trafficking" to VAWA reference throughout.
		INTRODUCTION	Added eligibility requirement to meet net asset and property ownership restrictions.
	3-I.B.	FAMILY AND HOUSEHOLD	"Family" includes aging out foster youth.
	3-I.F.	DEPENDENTS AND MINORS	Added definition of "minor."
	3-I.K.	FOSTER CHILDREN AND FOSTER ADULTS	Revised definitions. Changed "according to 24 CFR 982.401" to "as described in Section 8-I.F. of this policy."
	3-II.A.	INCOME ELIGIBILITY AND TARGETING	Added exclusion on income and net family assets when determining income eligibility. Added reference to Notice PIH 2023-27.
	3-II.D.	FAMILY CONSENT TO RELEASE OF INFORMATION	Added consent form remains effective until the family is denied, terminated, or revokes consent; and CDA will deny admission or terminate assistance if revoked for access to financial institutions. Added reference to 24 CFR 5.232(a).
	3-II.F.	EIV SYSTEM SEARCHES	Added reference to PIH Notice 2023-27.
	3-III.A.	PART III: DENIAL OF ASSISTANCE - OVERVIEW	Added PHA may deny because of family's action or failure to act; reference to 24 CFR 982.552 or 982.553; and final rule (3/31/23) for standardized approach to assessing burdens of proof.
	3-III.B.	MANDATORY DENIAL OF ASSISTANCE	Added reference to 24 CFR 982.552(b)(6); HUD required denial of assistance if any member of the family fails to sign and submit consent forms for obtaining information; and HUD required denial of assistance if the family does not meet the restrictions on net assets and real property ownership as required by 24 CFR 5.618.
	3-III.C.	RESTRICTION ON ASSISTANCE BASED ON ASSETS	Added new section on family net assets and ownership of real property, which is based on space standards.

	3-III.H.	PROHIBITION AGAINST DENIAL OF ASSISTANCE TO VICTIMS OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STALKING, AND HUMAN TRAFFICKING	Clarified human trafficking in absence of final rule and undated Notification section.
4		APPLICATIONS, WAITING LIST AND TENANT SELECTION	
	4-II.F.	UPDATING THE WAITING LIST	Added CDA may reinstate due to disability or VAWA reasons.
	4-III.C.	SELECTION METHOD	Removed Rent Burden preference.
5		BRIEFINGS AND VOUCHER ISSUANCE	
	5-I.C.	FAMILY OBLIGATIONS	Added: "Human trafficking" to VAWA reference throughout. Changed "Housing Quality Standards (HQS) breach by family" with "deficiencies under the National Standards for the Physical Inspection of Real Estate (NSPIRE)." Changed "normal" to "ordinary." Added "state law or in court practice" to security deposit assessment. Removed the 24-month timeline and increase in voucher size for approving additional household members.
	5-II.C.	EXCEPTIONS TO SUBSIDY STANDARDS	Replaced "disability-related request" with "disability-related need."
	5-II.E.	VOUCHER TERM AND EXTENSIONS	Replaced "(after the voucher term has expired)" with "the voucher will be extended from the date of disapproval plus the number of days the voucher was suspended for that RTA."
6		INCOME AND SUBSIDY DETERMINATIONS	Chapter completely rewritten to account for HOTMA changes, including the Final Rule issued February 14, 2023, Notice PIH 2023-27. Added reference to 24 CFR 5.609 throughout.
		INTRODUCTION	Revised Part I, Part III, and Part IV. Created a new Part II (Assets).
	6-I.A.	PART I: ANNUAL INCOME - OVERVIEW	Replaced definition of annual income. Removed Inclusions, Exclusions, and EID.
	6-I.B.	HOUSEHOLD COMPOSITION AND INCOME	Updated cited regulations. Added Overview section; CDA Policy "Unless specifically excluded by the regulations, the income of all family members approved to live in the unit will be counted, even if the family member is temporarily absent from the unit." Children temporarily absent from home and placed in foster care, is to be confirmed by state child welfare agency. Changed "Children under 18 years of age" to "Minors" in reference to Person. Change "Employment Income" to "Earned Income."
	6-I.C.	CALCULATING ANNUAL INCOME	Added Anticipating Annual Income section. Removed Basis of Annual Income Projection section. Replaced "Projecting Income" with "Calculating Annual Income at Annual Reexamination" section.

	6-I.D.	EARNED INCOME	Updated entire section for HOTMA compliance. Removed "Types of Earned Income Included in Annual Income subsection. Added definition of Earned income, day laborer, seasonal worker. Added CDA Policy "The CDA will include in annual income the full amount, before any payroll deductions, of wages and salaries, overtime pay, commissions, fees, tips and bonuses, and other compensation." The CDA will verify at interim vs. reexamination. Removed "some types" and "certain" income.
	6-I.E.	EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES	Updated for Streamline Final Rule. EID sunsets on 1/01/2026.
	6-I.F.	BUSINESS AND SELF EMPLOYMENT INCOME	Added definition of Net Income, Gross Income, Independent Contractors. Removed Business Expenses subsection. Added Assets Owned by a Business Entity subsection.
	6-I.G.	STUDENT FINANCIAL ASSISTANCE	Removed ASSETS section entirely and replaced with STUDENT FINANCIAL ASSISTANCE policy. Added policy for HOTMA.
	6-I.H	PERIODIC PAYMENTS	Added CDA will include in annual income the full amount of periodic amounts received from Social Security, annuities, insurance policies, retirement funds, pensions, disability or death benefits, and other similar types of periodic receipts. Payments in lieu of earnings, such as unemployment and disability compensation, and severance pay are also counted as income if they are received in the form of periodic payments. Revised Lump-Sum Payments for Delayed Start of Periodic Payment. Added CDA will include in annual income lump sums received as a result of delays in processing periodic payments (other than those specifically excluded by the regulation), such as unemployment or welfare assistance. Added language to clarify when delayed start payment is to be considered if outside annual reexamination. Added Retirement Accounts subsection. Revised Social Security Benefit Subsection. Added Alimony and Child Support subsection. Removed Periodic Payments Excluded from Annual Income Subsection.
	6-I.I	NONRECURRING INCOME	Replaced Payments in Lieu of Earnings section with Nonrecurring Income section.
	6-I.J	WELFARE ASSISTANCE	Removed reference to 24 CFR 5.603(b). Updated Exhibit to 6-3.
	6-I.K	STATE PAYMENT TO ALLOW INDIVIDUALS WITH DISABILITIES TO LIVE AT HOME	Replaced Periodic and Determinable Allowances Section with State Payment to Allow Individuals with Disabilities to Live at Home section.
	6-I.L	CIVIL RIGHTS SETTLEMENTS	Replaced Student Financial Assistance section with Civil Rights Settlements section.
	6-I.M	ADDITIONAL EXCLUSIONS FROM ANNUAL INCOME	Updates other exclusions in 24 CFR 5.609(b) not already covered in the chapter. Added CDA Policy definition of <i>training program</i> and <i>incremental earnings and benefits</i> ; and reference to Notice PIH 2019-09 for distributions and imputed interest from ABLE account.
		PART II: ASSETS	Creates new Asset Part.
	6-II.A	OVERVIEW	New section. Creates CDA Policy for valuing asset and anticipating income from asset using current circumstances and when "other than current circumstances to anticipate income" is used.

	6-II.B	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE	New section. Includes Minimum Threshold; Separation or Divorce; Foreclosure or Bankruptcy; Asset Owned by a Business Entity; and Family Declaration.
	6-II.C	ASSET INCLUSIONS AND EXCLUSIONS	New section. Includes Checking and Savings Accounts; ABLE Accounts; Investment Accounts; Necessary and Non-Necessary Personal Property; Lump-Sum Additions to Net Family Assets; Jointly Owned Assets; Trusts; Life Insurance; Tax Refunds; and Asset Exclusions.
	6-II.D	DETERMINING INCOME FROM ASSETS	New section. Includes Net Family Assets; Actual Income from Assets; and Imputed Income From Assets.
		PART III: ADJUSTED INCOME	Changed from PART II to PART III.
	6-III.A	INTRODUCTION	PHAs are allowed to deduct other permissive deductions in accordance with PHA policy. Defines <i>Adjusted income</i> and <i>Mandatory deductions</i> . Each dependent deduction is adjusted annually by HUD, rounded to the next lowest multiple of \$25. Elderly or disabled family deductions changed to \$525. Changed "medical expenses" to "health and medical care expenses." Added CDA Policy for anticipating health and medical care expenses.
	6-III.B	DEPENDENT DEDUCTION	Adds that the amount will be adjusted by HUD annually in accordance with the Consumer Price Index for Urban Wage Earners and Clerical Workers, round to the next lowest multiple of \$25.
	6-III.C	ELDERLY OR DISABLED FAMILY DEDUCTION	Change \$400 single deduction to \$525.
	6-III.D	HEALTH AND MEDICAL CARE EXPENSE DEDUCTION	Updated threshold from 3% to 10% of annual income; and definition of <i>health and medical care</i> expenses. PHAs are not permitted to specifically align their policies with IRS Publication 502 for determining which expenses are included in HUD's mandatory deduction for health and medical care expenses. PHAs must review each expense to determine whether it is eligible in accordance with HUD's definition of <i>health and medical care expenses</i> . Removed Summary of Allowance Medical Expenses from IRS Publication 502.
	6-III.E	DISABILITY ASSISTANCE EXPENSES DEDUCTION	Changed "Reasonable expenses for attendant care" to "Unreimbursed reasonable expenses for attendant care." Removed Eligible Disability Expenses subsection. Updated Auxiliary apparatus information; and Eligible Attendant Care information.
	6-III.F	CHILD CARE EXPENSE DEDUCTION	Added <i>foster children</i> to <i>child care expense</i> definition.
	6-III.G	HARDSHIP EXEMPTIONS	Created new section, including Health and Medical Care and Disability Assistance Expenses; Phased-In Relief; General Relief; and Child Care Expense Hardship Exemption.
	6-III.H	PERMISSIVE DEDUCTIONS	Created new section. CDA Policy states the CDA has opted not to use permissive deductions.
		PART IV: CALCULATING FAMILY SHARE AND PHA SUBSIDY	Changed from PART III to PART IV.
	6-IV.A	OVERVIEW OF RENT AND SUBSIDY CALCULATIONS	Updated reference to "see section 6-III" to "see section 6-IV."

	6-IV.D	APPLYING UTILITY ALLOWANCES	Added Individual Relief policy and changes regarding exceptions to utility allowances as reasonable accommodations.
	EXHIBIT 6-1	ANNUAL INCOME FULL DEFINITION	Replaced ANNUAL INCOME INCLUSIONS.
	EXHIBIT 6-2	TREATMENT OF FAMILY ASSETS	Replaced ANNUAL INCOME EXCLUSIONS.
	EXHIBIT 6-3	THE EFFECT OF WELFARE BENEFIT REDUCTION	Replaced TREATMENT OF FAMILY ASSETS.
	EXHIBIT 6-4	EARNED INCOME DISALLOWANCE FOR PERSONS WITH DISABILITIES	Removed Exhibit.
	EXHIBIT 6-5	THE EFFECT OF WELFARE BENEFIT REDUCTION	Removed Exhibit. Replaced by Exhibit 6-3.
7		VERIFICATION	Updated reference to PIH Notice 2023-27 throughout.
		INTRODUCTION	Changed "The PHA will" to "The PHA must."
	7-I.A.	FAMILY CONSENT TO RELEASE OF INFORMATION	Updated Form HUD 9886 information to be signed only once. Added policy for when a family revokes their consent to access financial records, it will result in termination.
	7-I.B.	USE OF OTHER PROGRAMS' INCOME DETERMINATIONS	New section. PHAS may use income determinations from other federal means-tested forms of assistance (TANF, Medicaid, LIHTC, etc.) CDA will not accept other programs' Safe Harbor determinations of income.
	7-I.C.	STREAMLINED INCOME DETERMINATIONS	New section. CDA will not streamline income determinations.
	7-I.D.	VERIFICATION HEIRARCHY	Third party verification includes reported family annual income; value of net family assets which exceed \$50k; expenses related to deductions from annual income; and other factors that affect the determination of adjusted income. Priority of verification updated to hierarchy of verification documentation, Levels 1 (self-certification) thru 6 (EIV). Removed "Requirements for Acceptable Documents" subsection; and CDA File Documentation policy, as each PHA must document in the file.
	7-I.E.	LEVEL 5 AND 6 VERIFICATION: UP FRONT INCOME VERIFICATION (UIV)	PHAs may use UIV sources before or during a family reexamination. Removed reference to Chapter 6 for use of UIV/EIV projections. Changed "during mandatory reexaminations or recertifications of family composition and income" to "during annual and streamlined reexaminations of family composition and income." The income validation tool (IVT) in EIV provides projections of discrepant income for wages, unemployment compensation, and SSA benefits pursuant to HUD's data sharing agreements with other departments. Updated EIV Income and IVT Reports subsection as PHAs are not required to use. CDA will obtain EIV and IVT reports monthly for all annual reexaminations. Only for interim reexaminations, when necessary for interims, and for concealed or under-reported income. Added New Hires Report subsection and CDA Policy.

			Added No Income Reported by HHS or SSA Report subsection and CDA Policy. Added Deceased Tenants Reports subsection and CDA Policy. Removed "Optional" from Upfront Income Verification Using Non-HUD Systems. Added The Work Number and SWICA to list of UIV resources.
	7-I.F.	LEVEL 4 VERIFICATION	New section. Two types of Level 4 verification identified: Written third-party and EIV + self-certification. Added CDA Policy. Used at annual reexamination. CDA will use an average of the last two quarters of income listed in EIV. Written third-party verification will be used if family disagrees with EIV amount, amount is not reflective of current income, or if less than 2 quarters of info is available in EIV. This method will not be used at new admission. In general, CDA will use third-party verification at annual reexamination when EIV + self-certification is not used; for all new admissions; and for all interim reexaminations.
	7-I.G.	LEVEL 3 VERIFICATION: WRITTEN, THIRD-PARTY FORM	New section. This type of verification is a form developed by the PHA and used uniformly. On a case-by-case basis, CDA may choose to obtain oral third-party verification without first attempting, and in lieu of, a written-third party verification form.
	7-I.H.	LEVEL 2: ORAL THIRD-PARTY VERIFICATION	Updated section. Removed "mandatory" use. Added CDA may skip this level of verification if they attempted written third-party verification via a form and the source did not respond and move directly to self-certification.
	7-I.I.	LEVEL 1: NON-THIRD PARTY VERIFICATION TECHNIQUE: SELF CERTIFICATION	Updated section. To be used as a last resort. Added to what is acceptable for self-certification: family declares no present real property ownership, and family states no non-recurring income to be repeated in coming year. Increased net family asset total to \$50k. Notarization is not required. HUD recommends language regarding penalty of perjury and WARNING of confinement, fines, and penalties.
	7-II.B.	SOCIAL SECURITY NUMBERS	PHAs must attempt to gather third-party verification of SSNs prior to admission and have the option to accept self-certification and a third-party document if the PHA has exhausted all other attempts to obtain the required documentation. Added CDA Policy to follow this method.
	7-II.H.	VERIFICATION OF PREFERENCE STATUS	Removed Rent Burden preference.
		PART III: VERIFYING INCOME AND ASSETS	The policies do not apply when the CDA uses a safe harbor income determination from a means-tested federal assistance program. CDA does not use safe harbor income determinations.
	7-III.A.	EARNED INCOME	Added "UIV verification sources" for tips; and "when the CDA requires third-party verification" for wages.
	7-III.B.	BUSINESS AND SELF EMPLOYMENT INCOME	PHA must obtain written, third-party verification when income type is not available in EIV. This includes income from self-employment. CDA will require income tax returns. If no tax returns, CDA will verify through IRS. Uber type jobs will require a format to allow family to declare their income and expenses, and the CDA will review 1099s.

	7-III.C.	PERIODIC PAYMENTS AND PAYMENTS IN LIEU OF EARNINGS	Updated policy. Applicant and participant SS and SSI are verified differently. EIV is for Participants. Copy of current SS and/or SSI benefit letter for Applicants. If program participant disputes EIV reported benefit amount, CDA must request current SSA benefit verification letter. Social Security checks or bank statements are not acceptable forms of verification.
	7-III.D.	ALIMONY OR CHILD SUPPORT	Annual income includes "all amounts received," not the amount that a family may be legally entitled to receive but which they do not receive. CDA will require receipts and/or payment stubs for the 90-days prior to CDA request.
	7-III.E.	NONRECURRING INCOME	CDA will accept self-certification from family stating income will not be repeated in the coming year. However, the CDA may choose, on a case-by-case basis, to require third-party verification that income sources will not be repeated in the coming year.
	7-III.F.	ASSETS AND INCOME FROM ASSETS	Added subsection on Net Family Assets and Self-Certification of Real Property Ownership.
	7-III.G.	ASSETS DISPOSED OF FOR LESS THAN FAIR MARKET VALUE	CDA will accept a self-certification from a family as verification of assets disposed of for less than fair market value.
	7-III.H.	NET INCOME FROM RENTAL PROPERTY	7-III.F. becomes 7-III.H.
	7-III.I.	FEDERAL TAX REFUNDS OR REFUNDABLE TAX CREDITS	New section. PHAS are not required to verify if net assets are equal to or below \$50k. CDA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken, and any regular payments.
	7-III.J.	RETIREMENT ACCOUNTS	Updated policy. CDA will accept an original document from the entity holding the account dated no earlier than 12 months before that reflects any distributions of the account balance, any lump sums taken, and any regular payments.
	7-III.K.	INCOME FROM EXCLUDED SOURCES	Fully excluded income defined in accordance with 24 CFR 5.609(b).
	7-III.L.	ZERO INCOME STATUS REVIEWS	Zero income review defined. CDA will accept a self-certification of zero income from the family at admission and at reexamination without taking any additional steps to verify zero reported income.
	7-III.M.	STUDENT FINANCIAL ASSISTANCE	Updated policy per HOTMA which distinguishes between two categories of student financial assistance paid to both full-time and part-time students. Assistance under section 479B of Higher Education Act must be excluded. Any other grant-in-aid, scholarship, or other assistance for actual covered costs charged by the institute of higher education are excluded.
	7-III.N.	PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS	7-III.K. becomes 7-III.N.
		PART IV: VERIFYING MANDATORY DEDUCTIONS	Removed "see 6.II.B" throughout.
	7-III.N.	PARENTAL INCOME OF STUDENTS SUBJECT TO ELIGIBILITY RESTRICTIONS	7-III.K. becomes 7-III.N.

	7-IV.B.	HEALTH AND MEDICAL CARE EXPENSE DEDUCTION	Changed "medical Expense" to "health and medical care expense" throughout. CDA must comply with the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act of 1974 when requesting documentation to determine unreimbursed health and medical care expenses. CDA may not request documentation beyond what is sufficient to determine anticipated health and medical care costs. Before placing bills and documentation in the tenant file. CDA will redact all PII and dispose of confidential medical information received. Medical expenses will be verified at new admission or interim.
	7-IV.C.	DISABILITY ASSISTANCE EXPENSES	CDA must comply with the Health Insurance Portability and Accountability Act (HIPAA) and the Privacy Act of 1974 when requesting documentation to determine unreimbursed health and medical care expenses. CDA may not request documentation beyond what is sufficient to determine anticipated health and medical care costs. Before placing bills and documentation in the tenant file. CDA will redact all PII and dispose of confidential medical information received. Attendant Care expenses will be verified at new admission or interim.
8		NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE AND RENT REASONABLENESS DETERMINATIONS	Updated references to Notice PIH 2023-28. Replaces "HQS" with "NSPIRE."
		INTRODUCTION	Updated for NSPIRE, replacing HQS with NSPIRE throughout.
	8-I.A.	INSPECTABLE AREAS	NSPIRE defines the inspectable areas for inspection under the standards as inside, outside and unit. However, the inspection requirement for the HCV and PBV programs only applies to units occupied or to be occupied by HCV or PBV participants and common areas and exterior areas which either service or are associated with such units.
	8-I.B.	AFFIRMATIVE HABITABILITY REQUIREMENTS	Added NSPIRE policy on minimum, affirmative, habitability requirements; inside and out; and smoke alarm standard.
	8-I.C.	MODIFICATIONS TO PROVIDE ACCESSIBILITY	Any owner that intends to negotiate a restoration agreement or require an escrow account.
	8-I.D.	ADDITIONAL LOCAL REQUIREMENTS	CDA has not requested any HUD-approved variations to NSPIRE standards.
	8-I.E.	LIFE THREATENING DEFICIENCIES	Added list of life-threatening deficiencies under NSPIRE. In addition, CDA includes utilities not in service.
	8-I.F.	OWNER AND FAMILY RESPONSIBILITIES	Damages beyond ordinary wear and tear will be considered to be damages which could be assessed against the security deposit under state law or in court practice. Owner is responsible for all NSPIRE violations not listed as a family responsibility.
	8-I.G.	LEAD BASED PAINT	A lead-based paint inspection is considered a violation of NSPIRE standards.
	8-I.H.	VIOLATION OF SPACE STANDARDS	Defines habitable rooms.

		PART II: THE INSPECTION PROCESS	
	8-II.A.	OVERVIEW	Adds language for small rural PHAs. Adds reference to 24 CFR 5.705(d) for inspection costs.
	8-II.B.	INITIAL INSPECTION	Unit must pass initial inspection on or before effective date of HAP contract. CDA will not rely on alternative inspections and will conduct an initial inspection for each unit prior to executing a HAP contract with owner. Life-threatening deficiencies must be resolved before the HAP contract is executed and the family moves into a new unit. Utility service must be available for testing at time of initial inspection.
	8-II.C.	ANNUAL/BIENNIAL INSPECTIONS	CDA will not rely on alternative inspection standards.
	8-II.D.	SPECIAL INSPECTIONS	Special inspections are conducted by CDA if participant family reports a life-threatening condition.
	8-II.F.	INSPECTION RESULTS AND REINSPECTIONS FOR UNITS UNDER HAP CONTRACT	Added Correction Timeframes subsection. Changed "not life threatening" to "severe or moderate." CDA will accept self-certification of repairs. Photos or other documentation of repairs will be accepted in lieu of a reinspection.
	8-II.G.	ENFORCING OWNER COMPLIANCE	Changed "HQS failures" to "deficiencies."
	8-II.H.	ENFORCING FAMILY COMPLIANCE	Changed "HQS failures" to "deficiencies."
		PART III: RENT REASONABLENESS	Removed "HQS."
	EXHIBIT 8-1	AFFIRMATIVE HABITABILITY REQUIREMENTS	Replaced "Overview of HUD Housing Quality Standards." Includes Affirmative Habitability Requirements Inside, Outside, and Unit.
	EXHIBIT 8-2	SUMMARY OF TENANT PREFERENCE AREAS RELATED TO HOUSING QUALITY	Removed Exhibit.
9		GENERAL LEASING POLICIES	Replaced HQS with NSPIRE throughout. Added "human trafficking" to VAWA victim list throughout.
	9-I.D.	ELIGIBLE UNITS	Replaced 24 CFR 982.402(d) with 5.703(d)(5).
	9-I.G.	HAP CONTRACT EXECUTION	Removed policy requiring owners to attend a meeting with CDA; and replaced with policy providing for landlord outreach and terms and contract explanations provided upon request.
10		MOVING WITH CONTINUED ASSISTANCE AND PORTABILITY	Added "human trafficking" to VAWA victim list and replaced "HQS" with "inspection" or "NSPIRE" throughout.
	10-I.A.	ALLOWABLE MOVES	If family completes the term of their initial lease and the family and owner mutual agree to terminate the lease for the family's unit, the family must give the CDA a copy of the termination agreement.
	10-II.B.	INITIAL PHA ROLE	Removed policy regarding 60-day expiration of initial PHA's voucher term. CDA will also provide If applicable, information related to the family's health and medical care and disability assistance expense phased-in hardship exemption.

			CDA will advise the family who moves out of the CDA's jurisdiction that they will be under the other PHA's policies and procedures. Voucher issuance and term updated to provide a total of 120 days extension from date of issuance, as well as to provide necessary accommodations for a person with disabilities.
	10-II.C.	RECEIVING PHA ROLE	Clarifies how CDA will send its initial billing notice and ongoing notifications to the receiving PHA.
11		REEXAMINATIONS	
		INTRODUCTION	Added Part IV which describes transactions that do not entail changes to family's adjusted income.
	PART I	ANNUAL REEXAMINATIONS	
	11-I.A.	OVERVIEW	At annual reexamination, PHA must determine income for the previous 12-month period except where PHA uses a streamlined income determination.
	11-I.B.	SCHEDULING ANNUAL REEXAMINATIONS	Removed Streamlined Annual Reexamination Section.
	11-I.C.	CONDUCTING ANNUAL REEXAMINATIONS	Removed "Authorization of the Release of Information/Privacy Act Notice. Replaced "Housing Quality Standards (HQS)" with "space standards."
	11-I.D.	DETERMINING ONGOING ELIGIBILITY OF CERTAIN STUDENTS	Replaced "established new restrictions" with "established restrictions."
	11-I.E.	CALCULATING ANNUAL INCOME AT ANNUAL REEXAMINATION	Entirely new section. Provides steps 1 - 3, per PIH Notice 2023-27.
	11-I.F.	EFFECTIVE DATES	If family causes a delay in processing the annual reexamination, increases are applied retroactively, and no 30-day notice is required. Decreases will be applied to the effective date of the annual reexamination.
	PART II	INTERIM REEXAMINATIONS	
	11-II.A.	OVERVIEW	Provides why family may request an interim, when PHA must conduct any interim, and what qualifies under a "reasonable period of time."
	11-II.B.	CHANGES IN FAMILY AND HOUSEHOLD COMPOSITION	Added subsection on Reporting. CDA Policy requires family to report all changes in writing to CDA within 10 business days of the change. Replaced "Housing Quality Standards (HQS)" with "space standards." CDA will not approve the addition of any adult to the family or the household unless that addition results in a reduction to the housing assistance payment. This policy does not apply to the addition of disabled or elderly adults or to the addition of minors. The PHA must process an interim for all decreases in adjusted income when a family member permanently moves out of the unit.
	11-II.C.	CHANGES AFFECTING INCOME OR EXPENSES	Updated entire section. Added an Overview. Now covers Interim Decreases, Interim Increases of less or greater than 10 percent, Concurrent Increases in earned and unearned income, Cumulative Increases, and Family Reporting.

	11-II.D.	EFFECTIVE DATES	Updated entire section. Now covers Changes Reported and Not Reported Timely.
	PART IV	NON-INTERIM REEXAMINATION TRANSACTIONS	New Part added. For changes that do not trigger an interim, HUD still requires CDA to report to HUD via 50058.
	EXHIBIT 11-1	CALCUATING INCOME AT ANNUAL REEXAMINATION	Provides examples (using EIV, if family disagrees with EIV, etc.)
12		TERMINATION OF ASSISTANCE AND TENANCY	Removed "2013" from VAWA Act reference; and added "human trafficking" to list of VAWA victims, throughout.
	EXHIBIT 12-1	STATEMENT OF FAMILY OBLIGATIONS	Changed "Housing Quality Standards (HQS) breach" to "deficiencies under the National Standards for the Physical Inspection of Real Estate (NSPIRE)"; and "normal wear and tear" to "ordinary wear and tear."
13		OWNERS	Changed "HQS" to "inspection standards" or "NSPIRE standards" throughout; and "Housing Quality Standards (HQS) breach" to "deficiencies under the National Standards for the Physical Inspection of Real Estate (NSPIRE)" throughout.
	13-I.C.	OWNER RESPONSIBILITIES	Removed Reauthorization and 2013 from VAWA reference.
	13-II.E.	HAP CONTRACT TERM AND TERMINATIONS	Change language in CDA policy. CDA cannot make any HAP payment for any month after the month family vacates unit.
14		PROGRAM INTEGRITY	Changed "HQS" to "NSPIRE standards" or "NSPIRE" throughout.
	14-I.A.	PRVENTING ERRORS AND PROGRAM ABUSE	Changed "EIV system in its entirety" to "EIV system at annual reexamination."
	14-II.D.	PHA-CAUSED ERRORS OR PROGRAM ABUSE	Removed Repayment to PHA and PHA Reimbursement to Family or Owner. Added De Minimis Errors policy, where CDA will reimburse family for any family overpayment of rent when determination deviates from correct income determination by no more than \$30 per month regardless of whether the overpayment was the result of staff-caused error, staff program abuse, or a de minimis error.
15		SPECIAL HOUSING TYPES	Changed throughout "HOUSING QUALITY STANDARDS (HQS)" TO "NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE)" and Human trafficking added to VAWA victim list throughout.
		INTRODUCTION	Unless specifically modified by regulations, NSPIRE standards apply.
	PART 1	SINGLE ROOM OCCUPANCY	
	15-I.C.	NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE)	For SRO housing, 24 CFR 5.703(d) only applies to the extent that the SRO unit contains the room or facility referenced in 24 CFR 5.703(d).
	PART II	CONGREGATE HOUSING	
	15-II.C.	NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE)	Congregate housing is not subject to the requirement that the dwelling unit must have a kitchen area.
	PART III	GROUP HOME	

	15-III.C.	NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE)	The entire unit must comply with NSPIRE standards that relate to sanitary facilities, food preparation and refuse disposal, space and security, structure and materials, and site and neighborhood.
	PART IV	SHARE HOUSING	
	15-IV.A.	OVERVIEW	CDA will provide information to families regarding shared housing options. Families will be cautioned to not enter into any rental agreement or pay any deposit or rental payment until tenancy is approved by CDA. CDA will work with local jurisdictions to identify solutions consistent with fair housing laws.
	PART VII	HOMEOWNERSHIP	
	15-VII.A.	OVERVIEW	CDA has instituted a minimum homeowner down payment requirement of at least three percent of the purchase price and requires that at least one percent of the purchase price come from the family's personal resources. CDA will offer the monthly homeownership assistance payments to qualified families.
	15-VII.B.	FAMILY ELIGIBILITY	CDA will not establish a higher minimum income standard for disabled and/or non-disabled families. Families will be considered "continuously employed" if the break in employment does not exceed four months. CDA will count self-employment in a business when determining whether the family meets the employment requirement. To be eligible to participate in the homeownership option, families must meet criteria: Have had no family-caused violations of HUD's inspection standards within past year; not be within initial one-year period of a HAP Contract; does not owe money to CDA; has not committed any serious or repeated violations of a CDA-assisted lease within past year.
	15-VII.C.	SELECTION OF FAMILIES	CDA will administer up to 5 new homeownership units per year and may exceed the number for RAs and reduce the number for subsequent years. FSS, elderly, and disabled families will be given preference. Families will be selected based on date and time of application. All families must meet eligibility requirements.
	15-VII.E.	ADDITIONAL PHA REQUIREMENTS FOR SEARCH AND PURCHASE	Families allowed 120 days to identify a unit and submit sales contract for CDA review. An additional 120 days allowed to close on home. During these periods, families will continue to receive HCV assistance until unit is vacated. Requests for extensions must be in writing. CDA has 10 days to respond. Family is required to report on progress. If family cannot complete the process and is not receiving HCV assistance, the family will be issued a voucher to lease a unit.
	15-VII.F.	HOMEOWNERSHIP COUNSELING	Families will not be required to participate in ongoing counseling after commencement of homeownership assistance.
	15-VII.G.	HOME INSPECTIONS, CONTRACT OF SALE, AND PHA DISAPPROVAL OF SELLER	When family locates a home they wish to purchase and submits copy of purchase offer/contract, CDA will conduct an NSPIRE inspection within 10 business days. Any items found not to meet NSPIRE standards must be repaired before the unit can be determined eligible for the homeownership program. The family must hire an independent professional inspector, whose report must be submitted to CDA for review. Inspector must be a member of the American Society of Home Inspectors (ASHI) or other recognized professional society, or a licensed engineer. The inspector cannot be a CDA employee or contractor.

			CDA will review the professional report in a timely fashion and, based on the presence of major physical problems, may disapprove the purchase of the home. If CDA disapproves the purchase of a home, the family will be notified in writing of the reasons for the disapproval. While the family is receiving homeownership assistance, CDA will conduct an inspection every other year.
	15-VII.H.	FINANCING	As a check against predatory lending, CDA will review financing of each purchase transaction, including estimated closing costs. CDA will review loans for prohibited features. CDA also will not approve “seller financing” or “owner-held” mortgages. Beyond these basic criteria, CDA will rely on the lenders to determine that the loan will be affordable to program participants. The mortgage the family applies for must require a minimum down payment of at least three percent of the sales price with one percent of the down payment coming from the purchaser’s personal funds. CDA will not require that the family have any more than the minimum of one percent of their own money in the transaction. However, in cases where a lender is requiring a larger amount, the family may be held to the underwriting guidelines set by their lending institution. CDA will approve a family’s request to utilize its Family Self-Sufficiency escrow account after final disbursement for down payment and/or closing costs when purchasing a unit under the HCV homeownership option.
	15-VII.I.	CONTINUED ASSISTANCE REQUIREMENTS; FAMILY OBLIGATIONS	Any inspection CDA conducts after the initial inspection will be done on an advisory basis. The family will be encouraged to make the repairs but will not be required to do so as a condition of ongoing assistance.
	15-VII.K.	HOMEOWNERSHIP ASSISTANCE PAYMENTS AND HOMEOWNERSHIP EXPENSES	CDA will consider expenses: monthly homeownership payment, utility allowance, monthly maintenance/major repair/replacement allowance, monthly co-op/condominium assessments, monthly principal, and interest on debt for improvements, land lease payments. CDA’s HAP will be paid directly to family. It will be the family’s responsibility to make entire payment to lender. The CDA may make an exception if the family requests the payment to go directly to the lender, and this arrangement is acceptable to the mortgage company. If the assistance payment exceeds the amount due to the lender, CDA must pay excess directly to family.
	15-VII.M.	MOVING WITH CONTINUED ASSISTANCE	For families participating in the homeownership option, requests to move will be approved and/or denied in accordance with CDA policies in Chapter 10. CDA will not require additional counseling of any families who move with continued assistance.
	15-VII.N.	DENIAL OR TERMINATION OF ASSISTANCE	In order for CDA to consider granting relief from the requirement to automatically terminate homeownership assistance 180 days following CDA’s last housing assistance payment on behalf of the family, the family must submit a written request to CDA at least 30 days prior to date of automatic termination. Request must include an explanation of the circumstances that will cause an extreme hardship as well as documentation supporting request. CDA will determine on a case-by-case basis whether to grant relief from the requirement and for what period of time. In no case will CDA postpone termination beyond an additional 90 days

			CDA will terminate a family's homeownership assistance if the family violates any of the homeowner obligations in Section 1, as well as for any of the reasons listed in Section 2 of form HUD-52649, Statement of Homeowner Obligations Housing Choice Homeownership Voucher Program. In making decision to terminate homeownership assistance, CDA will consider alternatives as described in Section 12-II.C and other factors described in Section 12-II.D. Upon consideration of such alternatives and factors, CDA may, on a case-by-case basis, choose not to terminate assistance. Termination notices will be sent in accordance with requirements and policies set forth in Section 12-II.F.
16		PROGRAM ADMINISTRATION	Changed "HOUSING QUALITY STANDARDS (HQS)" TO " NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE (NSPIRE)", and "HQS" to "NSPIRE", throughout. Human trafficking added to VAWA victim list throughout.
	PART II	SETTING PROGRAM STANDARDS AND SCHEDULES	
	16-II.B.	PAYMENT STANDARDS	Changed "The family's TTP" to "The family's share." Revised Reasonable Accommodation for utility allowance per 24 CFR 982.517(c)(1).
	PART VI	RECORD KEEPING	
	16-VI.B.	RECORD RETENTION	Added CDA Policy to keep Fair Housing Act, equal access final rule, and VAWA complaint and investigation records for at least 3 years.
	PART IX	VIOLENCE AGAINST WOMEN ACT (VAWA): NOTIFICATION, DOCUMENTATION, CONFIDENTIALITY	Added human traffic language and reference to final rule 11/16/16.
	16-IX.B.	DEFINITIONS	Added new definitions for affiliated individual, domestic violence, economic abuse, and technical abuse. Clarified human trafficking in absence of final rule and undated Notification section.
17		PROJECT-BASED VOUCHERS	Changed "housing quality" and "HQS" to "NSPIRE" or "NSPIRE standards", and "HQS violation" to "NSPIRE deficiency" throughout.
	PART II	PBV OWNERS PROPOSALS	
	17-II.E.	SUBSIDY LAYERING REQUIREMENTS	Replaced Final Rule Notice 2/28/2020 with FR Notice 3/13/2023.
	17-II.G.	SITE SELECTION STANDARDS	Changed 24 CFR 982.401(1) to 24 CFR 5.703.
	PART III	DWELLING UNITS	
	17-III.B.	NATIONAL STANDARDS FOR THE PHYSICAL INSPECTION OF REAL ESTATE	Updated title for NSPIRE. Removed: The physical condition standards at 24 CFR 5.703 as they do not apply to the PBV program.
	17-III.D.	INSPECTING UNITS	Added triennial inspections for small rural PHAs, subsection on Alternative Inspections, and CDA will not rely on alternative inspection standards.

	17-IV.C.	CONDUCT OF DEVELOPMENT WORK	Added, Davis-Bacon requirements apply to existing PBV units when the nature of any work to be performed either before the execution of the HAP contract or within 18 months after execution constitutes project development. Any development initiated on existing units within 18 months after the effective date of the HAP contract on projects with nine or more contract units will trigger Davis-Bacon requirements. The addendum to the HAP contract for HUD-5679 also includes the required labor standard clauses.
	PART VI	SELECTION OF PBV PROGRAM PARTICIPANTS	
	17-VI.B.	ELIGIBILITY FOR PBV ASSISTANCE	Added, families must meet asset limitation requirements for PBV.
19		SPECIAL PURPOSE VOUCHERS	Changed "reexam" to "reexamination" and "HQS" to "NSPIRE", and added Human Trafficking to list of VAWA victims throughout.
		INTRODUCTION	Added Stability Voucher program, as Part VI.
	PART I	FAMILY UNIFICATION PROGRAM (FUP)	
	19-I.K.	PROJECT-BASING FUP VOUCHERS	Added CDA Policy to project-base FUP youth vouchers at Park and Badger development.
	PART II	FOSTER YOUTH TO INDEPENDENCE INITIATIVE	Added reference to Notice PIH 2023-04. If PHA has a combined FYI and/or FUP size of no more than 10 vouchers, PHA may request FYI vouchers with at least 50 percent utilization of its FUP and/or FYI vouchers. Where PHA has a combined FYI and/or FUP size of 11 or more vouchers, PHA may request FYI vouchers with 90 percent or greater utilization of its FUP and/or FYI vouchers. For competitive awards, the number of vouchers is dependent on PHA program size and need.
	19-II.G.	LEASE UP	Updated policy on Turnover, including awards of FYI TPVs which sunset when a youth leaves the program.
	19-II.K.	PROJECT-BASING FYI VOUCHERS	Added, PHAs that have initiated the selection process to project-base FYI and/or FUP vouchers may be eligible to project-base FYI and FUP units formally identified for project-basing in accordance with all applicable PBV regs and PHA policies in Chapter 17; and CDA may project-base certain FYI and/or FUP vouchers.
	PART III	VETERANS AFFAIRS SUPPORTIVE HOUSING (VASH) PROGRAM	
	19-III.E.	LEASING	Minimum Rent subsection added. Minimum rent for VASH is \$0
	PART VI	STABILITY VOUCHER PROGRAM	Added new Part VI, including Sections: Overview, Partnering Organization, Referrals, Waiting List, Family Eligibility, Housing Search and Leasing, Payment Standards, and Project-Based Units.

Attachment C

Form HUD-50075-ST, B.2 (b) New Activities - Triangle (WI003000400)

Brittingham Apartments and Gay Braxton Apartments

**Resident Provisions in Conversions of Assistance from Public Housing
to PBRA and PBV**

Resident Provisions in Conversions of Assistance from Public Housing to PBRA and PBV

This Attachment contains two sections, describing:

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

1B.1 Summary of Resident Provisions

The following is a summary of special provisions and alternative requirements related to tenants of public housing projects converting under RAD (including for those that will reside in non-RAD PBV units in the Covered project):

- Conversion will be considered a significant action requiring discussion in the PHA's Five-Year Plan, Annual Plan or MTW Plan or requiring a significant amendment to a PHA Plan (see [Section 1.5.E](#) of this Notice);
- Notification of proposed conversion, meetings during the conversion process, written response to residents comments on conversion, and notification of conversion approval and impact (see [Section 1.8](#) of this Notice);
- No rescreening at conversion (see [Section 1.6.C.1](#) of this Notice for conversions to PBV and [Section 1.7.B.1](#) for conversions to PBRA);
- A right to return, which covers the right to return to the rent-assisted property after temporary relocation (when temporary relocation is necessary to facilitate rehabilitation or construction), or the right to occupancy of the new unit if the rental assistance is transferred to a new unit. (See [Section 1.4.A.5](#) of this Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice.)
- Phase-in of tenant rent increases (see [Section 1.6.C.3](#) of this Notice for conversions to PBV and [Section 1.7.B.3](#) for conversions to PBRA);
- Relocation protections, including procedural rights, assistance with moving, and applicable relocation payments. (See [Section 1.4.A.5](#) of this Notice and the RAD Fair Housing, Civil Rights, and Relocation Notice.)
- Continued participation in the ROSS-SC FSS and JobsPlus programs (see [Sections 1.6.C.5 and 1.6.C.9](#) of this Notice, for conversions to PBV and [Section 1.7.B.4](#) for conversions to PBRA);
- Continued Earned Income Disregard (see [Section 1.6.C.8](#) of this Notice, for conversions to PBV and [Section 1.7.B.7](#) for conversions to PBRA);

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

- Continued recognition of and funding for legitimate residents organizations (see [Section 1.6.C.6](#) of this Notice for conversions to PBV, [Section 1.7.B.5](#) of this Notice for conversions to PBRA, and below in Attachment 1B.2 for additional requirements for both programs);
- Procedural rights consistent with section 6 of the Act (see [Section 1.6.C.7](#) of this Notice for conversions to PBV and [Section 1.7.B.6](#) of this Notice for conversions to PBRA); and
- Choice-mobility option allowing a resident to move with a tenant-based voucher after tenancy in the Covered Project (see 24 CFR § 983.260 for conversions to PBV and Section 1.7.C.5 of this Notice for conversions to PBRA).

The foregoing is a summary of special provisions and alternative requirements relating to residents of public housing projects converting to RAD and does not attempt to capture all program requirements and details. For additional information, refer to the full text of this Notice and to the RAD Fair Housing, Civil Rights, and Relocation Notice (Notice H 2016-17; PIH 2016-17).

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

1B.2 Resident Participation and Funding⁹⁸

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

A. PBRA: Resident Participation and Funding

Residents of Covered Projects converting assistance to PBRA will have the right to establish and operate a resident organization in accordance with 24 CFR Part 245 (Tenant Participation in Multifamily Housing Projects). In addition, a Project Owner must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the legitimate tenant organization at the covered property. Resident participation funding applies to all occupied units in the Covered Project as well as units which would have been occupied if not for temporary relocation. These funds must be used for resident education, organizing around tenancy issues, and training activities.

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

Project Owners must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner. Eligible uses of funds are the same as those permitted under “Guidance on the use of Tenant Participation Funds,” Notice PIH 2013-21. The Department strongly encourages residents and Project Owners to resolve questions concerning specific uses of resident participation funds directly. If a dispute over funding arises the resident organization or Project Owner may refer any disputes over funding to the HUD Field Office for intervention only after documented efforts to at direct resolution have proven unsuccessful.

B. PBV: Resident Participation and Funding

To support resident participation following conversion of assistance, residents of Covered Projects converting assistance to the PBV program will have the right to establish and operate a resident organization for the purpose of addressing issues related to their living

⁹⁸ For the purposes of this Attachment, HUD uses the term “Project Owner” to refer to the owner of a Converting Project or Covered Project, as applicable to the context.

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

environment, which includes the terms and conditions of their tenancy as well as activities related to housing and community development.

- 1. Legitimate Resident Organization.** A Project Owner must recognize legitimate resident organizations and give reasonable consideration to concerns raised by legitimate resident organizations. A resident organization is legitimate if it has been established by the residents of a Covered Project, meets regularly, operates democratically, is representative of all residents in the project, and is completely independent of the Project Owner, management, and their representatives.

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

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

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

vi. Prepayment of loans.

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

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

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

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

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

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

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

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

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

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

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

- 6. Funding.** Project Owners must provide \$25 per occupied unit annually for resident participation, of which at least \$15 per occupied unit shall be provided to the legitimate resident organization at the covered property.⁹⁹ These funds must be used for resident education, organizing around tenancy issues, and training activities. Project Owners must make resident participation funds available to residents for organizing activities in accordance with this Notice. Residents must make requests for these funds in writing to the Project Owner. These requests will be subject to approval by the Project Owner. Eligible use of funds are the same as those permitted under “Guidance on the use of Tenant Participation Funds,” Notice PIH 2013-21. The Department strongly encourages residents and Project Owners to resolve questions concerning specific uses of resident participation funds directly. If a dispute over funding arises the resident organization or Project Owner may refer any disputes over funding to the Contract Administrator for intervention only after documented efforts to at direct resolution have proven unsuccessful.

⁹⁹ Resident participation funding applies to all occupied units in the Covered Project as well as units which would have been occupied if not for temporary relocation.

Attachment D

Form HUD-50075-ST, B.2 (b) New Activities - Triangle (WI003000400)

Brittingham Apartments and Gay Braxton Apartments

HUD Notice H-2019-09 PIH 2019-23 (HA), Rental Assistance

Demonstration – Final Implementation, Revision 4

PBV Resident Rights and Participation (Page 60 – 72)

11. Floating Units. Upon the request of the owner to the Voucher Agency that will administer the Covered Project, HUD will permit PBV assistance to float among units within the project having the same bedroom size. A unit to which assistance is floated must be comparable in condition to the unit it is replacing (i.e., the unit must be of the same quality and amenities as the unit it is replacing). Assistance may float from a required UFAS accessible unit only to another UFAS accessible unit that has the same bedroom size and accessibility features. If assistance floats to a UFAS accessible unit as a reasonable accommodation for a household that had not previously been in a UFAS unit, the assistance may float back to a non-UFAS unit when there is no longer need for the reasonable accommodation provided the required number of UFAS units is maintained. Units that float are not specifically designated under the HAP Contract. Therefore, the requirements in 24 CFR § 983.203(c) that the HAP Contract provide “the location of each contract unit” and “the area of each contract unit” are waived. Instead, the HAP Contract must specify the number and type of units in the property that are designated as RAD units, including any excepted units. From the time of the initial execution of the PBV RAD HAP Contract, the property must maintain the same number and type of UFAS accessible units. Floating units are subject to all of the requirements in this Notice and the PBV regulations, including physical inspections, rent adjustments, and income-mixing requirements. The alternative requirements with respect to floating units do not apply to non-RAD PBV units.

C. PBV Resident Rights and Participation.

1. No Rescreening of Tenants upon Conversion. Pursuant to the RAD Statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.³⁶ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). 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, Section 8(o)(4) of the 1937 Act and 24 CFR § 982.201, concerning eligibility and targeting of

³⁶ These protections (as well as all protections in this Notice for current households) also apply when a household is relocated to facilitate new construction or repairs following conversion and subsequently returns to the Covered Project.

tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. MTW agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, HUD waives Section 8(o)(4) and 24 CFR § 982.201 to the extent necessary for this provision to apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR Part 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.

2. **Right to Return.** See Section 1.4.A.5.b. and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.
3. **Phase-in of Tenant Rent Increases.** If, purely as a result of conversion, the amount a tenant would pay for rent and utilities under the PBV program (the tenant's TTP) would increase the tenant's TTP by more than the greater of 10 percent or \$25, 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. A PHA must create a policy setting the length of the phase-in period at three years, five years or a combination depending on circumstances and must communicate such policy in writing to affected residents. 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 "Calculated PBV 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, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1 (the first recertification following conversion), 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 Calculated PBV TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full Calculated PBV TTP³⁷

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 Calculated PBV TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 5 AR and all subsequent recertifications – Full Calculated PBV TTP

Please Note: In either the three year phase-in or the five-year phase-in, once the Calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward. MTW agencies must also implement a three or five-year phase-in for impacted residents, but may alter the terms above as long as it establishes a written policy setting forth the alternative terms. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

4. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs. Public Housing residents that are currently FSS participants will continue to participate in the PHA's FSS program.

³⁷ For example, where a resident's most recently paid TTP is \$100, but the Calculated PBV TTP is \$200 and remains \$200 for the period of the resident's occupancy, (i.e. no changes in income) the resident would continue to pay the same rent and utilities for which it was responsible prior to conversion. At the first recertification following conversion, the resident's contribution would increase by 33% of \$100 to \$133. At the second AR, the resident's contribution would increase by 50% of the \$66 differential to the standard TPP, increasing to \$166. At the third AR, the resident's contribution would increase to \$200 and the resident would continue to pay the Calculated PBV TTP for the duration of their tenancy.

The PHA may continue to use any FSS funds already awarded to serve those FSS participants who live in units converted by RAD. At the completion of the FSS grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. If the PHA continues to run an FSS program that serves PH and/or HCV participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding. 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 subsequent Appropriation Acts), 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 until provisions of the Economic Growth, Regulatory Relief, and Consumer Protection Act are implemented, 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. All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR part 984 (current, or as amended), 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 78100.³⁸ Further, upon conversion to PBV, if the PHA no longer has a public housing program, funds already escrowed 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.³⁹

For information on FSS PIC reporting requirements for RAD conversions, see Notice PIH 2016-08 at <http://portal.hud.gov/hudportal/documents/huddoc?id=pih2016-08.pdf>.

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,

³⁸ The funding streams for the PH FSS Program and the HCV FSS Program were first merged pursuant to the FY 2014 appropriations act. As a result, PHAs can serve both PH residents and HCV participants, including PBV participants, with FSS funding awarded under the FY 2014 FSS Notice of Funding Availability (FSS NOFA) and any other NOFA under which the combination of funds remains in the applicable appropriations act. For PHAs that had managed both programs separately and now have a merged program, a conversion to PBV should not impact their FSS participants.

³⁹ Where the PHA maintains a public housing program, any forfeited funds that had been escrowed prior to conversion would revert to the PHA's Operating Reserves.

which, by statute, can only serve public housing residents. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

5. **Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with assistance converted to PBV 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. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.
6. **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 (HUD Form 52530-c), as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
 - a. **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 and to non-RAD PBV units located at the Covered Project. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter), the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be :
 - i. A reasonable period of time, but not to exceed 30 days:
 1. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 2. In the event of any drug-related or violent criminal activity or any felony conviction;
 - ii. Not less than 14 days in the case of nonpayment of rent; and
 - iii. Not less than 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.

- b. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

For the termination of assistance and several other PHA determinations, PBV program rules require the PHA 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:

- i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(v),⁴⁰ 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.
 1. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(v), 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).
 2. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- ii. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or Contract Administrator.
- iii. 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).
- iv. The Project Owner provides opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

⁴⁰ § 982.555(a)(1)(iv) is not relevant to RAD as the tenant-based certificate program has been repealed.

To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

7. **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 24 CFR § 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 that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

8. **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 unless significant relocation 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. If the program is continued, the Project Owner must agree to continue to implement the program according to HUD's program requirements. Jobs Plus target public housing projects must enroll public housing residents into the Jobs Plus rent incentive, JPEID, prior to conversion. Any resident of the Covered Project that had not enrolled prior to conversion is not eligible to enroll in JPEID but may utilize Jobs Plus services that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the Covered Project may voluntarily utilize Jobs Plus services that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion.

- 9. When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). 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 the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project prior to conversion and who will return to the Covered Project after 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 until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. During any period when the family's TTP falls below the gross rent, normal PBV rules shall apply. As necessary to implement this alternative provision, HUD is waiving 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 this Notice.⁴¹ 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. The PHA is required to process these individuals through the Form 50058 submodule in PIC. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

Unless a waiver is requested and approved as described below, any new admission to the Covered Project must meet the eligibility requirements at 982.201 and require a subsidy payment at admission to the program, which means their TTP may not equal or exceed the gross rent for the unit at that time. Further, a PHA 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

⁴¹ For example, a public housing family residing in a property converting under RAD has a TTP of \$600. The property has an initial Contract Rent of \$500, with a \$50 Utility Allowance. Following conversion, the residents is still responsible for paying \$600 in tenant rent and utilities.

alternative requirement that the PHA must reinstate the unit after the family has left the property. If the project is partially assisted, the PHA 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 the Notice.

A PHA may request a waiver from HUD for the Covered Project in order to admit otherwise eligible families whose TTP exceeds gross rent and to allow the units those families occupy to remain under the HAP contract even if the PHA has not made a housing assistance payment for a family in 180 days.

For a Covered Project that consists of 100 percent RAD PBV units, the PHA must demonstrate that a waiver is necessary in order to avoid an undue concentration of poverty at the Covered Project. A PHA may evidence this by providing data showing, for example:

- how eligible income-certified applicants on the waiting list must be passed over because their incomes result in zero HAP at admission causing a higher concentration of poverty at the covered project; or
- how the income of newly admitted families is causing a markedly higher concentration of poverty than the PHA’s non-RAD PBV projects.

The resulting impact on the property must be compared with the concentration of poverty at non-RAD PBV projects in the PHA’s jurisdiction. If there are no non-RAD PBV projects in the PHA’s jurisdiction, the PHA may alternatively demonstrate that the median income of families that could be admitted to the Covered Project is significantly lower than the median income of new admissions from the waiting list to the PHA’s HCV program since the time of the RAD conversion.

For any other Covered Project, the PHA must demonstrate that the property contains specific units (e.g., units suitable for large families or accessible units) for which there are insufficient alternative housing opportunities.

If the waiver is approved, the new admission[s] families covered under the waiver are participants under the program and all of the family obligations and protections under RAD and PBV apply to the family, and the unit is subject to all program requirements. Such waiver requests should be submitted to the PIH Field Office in accordance with Notice PIH 2018-16.

- 10. Under-Occupied Unit.** If a family is in an under-occupied unit under 24 CFR § 983.260 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 the administering Voucher Agency. 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 § 983.260 is waived for current residents remaining or returning to the Covered Project. MTW agencies may not modify this requirement. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

D. PBV: Other Miscellaneous Provisions

- 1. Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs and the Project Owner must cooperate with 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 for reporting units in Form HUD-50058.
- 2. Ongoing PHA Board Review of Operating Budget.** The Owner must submit to the administering PHA's Board the operating budget for the Covered Project annually. The PHA's Board must confirm that the Project Owner is making deposits into the Reserve for Replacement account in accordance with the RCC as well as assess the financial health of the Covered Project.⁴²
- 3. Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** These sections have been moved to [1.4.A.13 and 1.4.A.14](#).
- 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 shall apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:
 - a. Transferring an existing site-based waiting list to a new site-based waiting list.

⁴² For PBV conversions that are not FHA-insured, a future HUD notice will describe project financial data that may be required to be submitted by a PBV owner for purposes of monitoring and evaluation, given that PBV projects do not submit annual financial statements to HUD/REAC.

- b. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.
- c. Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
- d. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a Covered Project converting to PBV because the household's TTP is likely to exceed the RAD gross rent, the PHA shall consider transferring such household, consistent with program requirements for administration of waiting lists, to the PHA's remaining public housing waiting list(s) or to another voucher waiting list, in addition to transferring such household to the waiting list for the Covered Project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait list(s) to which their application was transferred in accordance with the date and time of their application to the original waiting list.

If the PHA is transferring assistance to another neighborhood and, as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA must notify applicants on the waiting list of the transfer of assistance, and on how they can apply for residency at other sites.

If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the Covered Project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing community-wide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA 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. 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).⁴³

When using a site-based waiting list, PHAs should consider waiting list and transfer policies that expand opportunities for tenants seeking an emergency transfer under, or consistent with, the PHA's Emergency Transfer Plan. This includes allowing for easier moves between assisted properties.

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, the PHA shall administer its waiting list for the Covered Project in accordance with 24 CFR § 983.251(c). To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

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. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of secured debt during the HAP Contract term to ensure the financing is consistent with long-term preservation of the Covered Project. With respect to any financing contemplated at the time of conversion (including any permanent financing which is a conversion or take-out of construction financing), such consent may be evidenced through the RCC but HUD review of liens must be performed prior to execution.
7. **Administrative Fees for Public Housing Conversions During the Year of Conversion.** For the remainder of the Calendar Year in which the HAP Contract becomes effective (i.e., the "year of conversion"), RAD PBV projects will be funded

⁴³ For more information on serving persons with LEP, please see HUD's Final guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons (72 FR 2732), published on January 22, 2007.

with public housing funds. For example, if the project's assistance converts effective July 1, 2015, the public housing 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 HAP 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.

PHAs operating an HCV program typically receive 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 Work Responsibility Act of 1998" and 24 CFR § 982.152(b). During the year of conversion mentioned in the preceding paragraph, these provisions are waived. PHAs will not receive Section 8 administrative fees for PBV RAD units during the year of conversion.

After the year of conversion, 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.

- 8. 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, the PHA 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 PHA'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 the PHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing the following alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP Contract administered by the PHA exceeds 20 percent of the PHA's authorized units under its HCV ACC with HUD: The alternative mobility policy provides that an eligible voucher agency 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 a voucher agency is not required to establish a voucher inventory

turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in an eligible PHA's administrative plan.

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

9. **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 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.

10. **Initial Certifications and Tenant Rent Calculations.** The Contract Administrator uses the family's public housing tenant rent (reflected on line 10f of the family's most recent HUD Form 50058) at the date of the conversion to calculate the PBV HAP and tenant rent until the effective date of the earlier of the family's first regular or interim recertification following the date of conversion. At the earlier of the family's first regular or interim recertification, the Contract Administrator will use the family's TTP based on the recertification and the HCV utility allowance (or the PBV site-specific utility allowance, if applicable) to determine the PBV HAP and tenant rent. This means that the family pays the same tenant rent as the family was paying under the public housing program until the earlier of first regular or interim reexamination following conversion, at which point the normally applicable PBV calculation for the tenant rent becomes effective. (Under the PBV program, the monthly HAP is the rent to owner minus the tenant rent, and the tenant rent is the family TTP minus the utility allowance.) To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same property as the Covered Project shall be subject to the terms of this provision. To effectuate this provision, HUD is waiving 24 CFR 5.601 and 983.3(c)(6)(iii).

Attachment E

Form HUD-50075-ST, B.2 (b) New Activities - Triangle (WI003000400)

Brittingham Apartments and Gay Braxton Apartments

24 CFR § 970.21 Relocation of Residents

Attachment E

§ 970.21 Relocation of residents.

(a) ***Relocation of residents on a nondiscriminatory basis and relocation resources.*** A PHA must offer each family displaced by demolition or disposition comparable housing that meets housing quality standards (HQS) and is located in an area that is generally not less desirable than the location of the displaced persons. The housing must be offered on a nondiscriminatory basis, without regard to race, color, religion, creed, national origin, handicap, age, familial status, or gender, in compliance with applicable Federal and state laws. For persons with disabilities displaced from a unit with reasonable accommodations, comparable housing should include similar accommodations. Such housing may include:

(1) Tenant-based assistance, such as assistance under the Housing Choice Voucher Program, [24 CFR part 982](#), except that such assistance will not be considered “comparable housing” until the family is actually relocated into such housing;

(2) Project-based assistance; or

(3) Occupancy in a unit operated or assisted by the PHA at a rental rate paid by the family that is comparable to the rental rate applicable to the unit from which the family is vacated.

(b) ***In-place tenants.*** A PHA may not complete disposition of a building until all tenants residing in the building are relocated.

(c) ***Financial resources.***

(1) Sources of funding for relocation costs related to demolition or disposition may include, but are not limited to, capital funds or other federal funds currently available for this purpose;

(2) If Federal financial assistance under the Community Development Block Grant (CDBG) program, [42 U.S.C. 5301 et seq.](#) (including loan guarantees under section 108 of the Housing and Community Development Act of 1974, [42 U.S.C. 5308 et seq.](#)); the Urban Development Action Grant (UDAG) program, [42 U.S.C. 5318 et seq.](#); or HOME program, [42 U.S.C. 12701 et seq.](#) is used in connection with the demolition or disposition of public housing, the project is subject to section 104(d) of the Housing and Community Development Act of 1974, [42 U.S.C. 5304\(d\)](#) (as amended)), including the relocation payment provisions and the anti-displacement provisions, which require that comparable replacement dwellings be provided within the community for the same number of occupants as could have been housed in the occupied and vacant, occupiable low- and moderate-income units demolished or converted to another use.

(d) ***Relocation timetable.*** For the purpose of determining operating subsidy eligibility under [24 CFR part 990](#), a PHA must provide the following information in the application or immediately following application submission:

(1) The number of occupied units at the time of demolition/disposition application approval;

(2) A schedule for the relocation of those residents on a month-by-month basis.

(e) The PHA is responsible for the following:

(1) Notifying each family residing in the development of the proposed demolition or disposition 90 days prior to the displacement date, except in cases of imminent threat to health and safety. The notification must include a statement that:

(i) The development or portion of the development will be demolished or disposed of;

(ii) The demolition of the building in which the family resides will not commence until each resident of the building has been relocated;

(iii) Each family displaced by such action will be provided comparable housing, which may include housing with reasonable accommodations for disability, if required under section 504 of the Rehabilitation Act of 1973 and HUD's regulations in [24 CFR part 8](#), as described in [paragraph \(a\)](#) of this section;

(2) Providing for the payment of the actual and reasonable relocation expenses of each resident to be displaced, including residents requiring reasonable accommodations because of disabilities;

(3) Ensuring that each displaced resident is offered comparable replacement housing as described in [paragraph \(b\)](#) of this section; and

(4) Providing any necessary counseling for residents that are displaced.

(f) In addition, the PHA's plan for the relocation of residents who would be displaced by the proposed demolition or disposition must indicate:

(1) The number of individual residents to be displaced;

(2) The type of counseling and advisory services the PHA plans to provide;

(3) What housing resources are expected to be available to provide housing for displaced residents; and

(4) An estimate of the costs for counseling and advisory services and resident moving expenses, and the expected source for payment of these costs.

(g) The Uniform Relocation Act does not apply to demolitions and dispositions under this part.

Attachment R

Form HUD-50075-ST, B.2 (b) New Activities - Triangle (WI003000400)

Brittingham Apartments and Gay Braxton Apartments

PHA Plan Amendment – Rental Assistance Demonstration (RAD)

PHA Plan Amendment

Attachment R – Rental Assistance Demonstration (RAD)

The Community Development Authority, City of Madison (CDA) is amending its annual and 5-year PHA Plan because it was a successful applicant in the Rental Assistance Demonstration (RAD). As a result, the CDA will be converting to Project Based Vouchers under the guidelines of H 2019-09/PIH 2019-23 (HA), REV-4 and any successor Notices. Upon conversion to Project Based Vouchers the Authority will adopt the resident rights, participation, waiting list and grievance procedures listed in Section 1.6 of H 2019-09/PIH 2019-23 (HA), REV-4; and H-2016-17/PIH-201617. These resident rights, participation, waiting list and grievance procedures are appended to this Attachment. Additionally, the CDA 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 CDA with access to private sources of capital to repair and preserve its affordable housing assets. Please be aware that upon conversion, the Authority's Capital Fund Budget will be reduced by the pro rata share of Public Housing Developments converted as part of the Demonstration, and that CDA may also borrow funds to address their capital needs. The CDA will also be contributing Operating Reserves in the amount of \$500,000 and Capital Funds in the amount of \$500,000 towards the conversion.

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

Development #1

<u>Name of Public Housing Project</u>	<u>PIC Development ID:</u>	<u>Conversion Type (i.e. PBV or PBRA)</u>	<u>Transfer of Assistance:</u>
Brittingham Apartments	WI003000400	PBV	None
<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, etc.)</u>	<u>Capital Fund allocation of Development</u>
164	No Designation	n/a	\$539,221
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	n/a

One Bedroom	163	163	n/a
Two Bedroom	1	1	n/a
Three Bedroom	0	0	n/a
Four Bedroom	0	0	n/a
Five Bedroom	0	0	n/a
Six Bedroom	0	0	n/a
(If performing a Transfer of Assistance): (Explain any changes in the policies that govern eligibility, admissions, selection, and occupancy of units at the project after it has been converted.) n/a			

Development #2

<u>Name of Public Housing Project</u> Gay Braxton Apartments	<u>PIC Development ID:</u> WI003000400	<u>Conversion Type (i.e. PBV or PBRA)</u> PBV	<u>Transfer of Assistance:</u> Yes
<u>Total Units:</u> 60	<u>Pre-RAD Unit Type (i.e. Family, Senior, etc.)</u> No Designation	<u>Post-RAD unit Type if different (i.e. Family, Senior, etc.)</u> n/a	<u>Capital Fund allocation of Development</u> \$197,294
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	32	0	Unit Reconfigurations
One Bedroom	24	54	Unit Reconfigurations
Two Bedroom	4	4	n/a
Three Bedroom	0	0	n/a
Four Bedroom	0	0	n/a
Five Bedroom	0	0	n/a
Six Bedroom	0	0	n/a
(If performing a Transfer of Assistance): (Explain any changes in the policies that govern eligibility, admissions, selection, and occupancy of units at the project after it has been converted.) No changes			

Resident Rights, Participation, Waiting List and Grievance Procedures

PBV: Resident Rights and Participation (H 2019-09/PIH 2019-23 (HA), REV-4 Section 1.6.C)

- 1. No Rescreening of Tenants upon Conversion.** Pursuant to the RAD Statute, at conversion, current households cannot be excluded from occupancy at the Covered Project based on any rescreening, income eligibility, or income targeting. With respect to occupancy in the Covered Project, current households in the Converting Project will be grandfathered for application of any eligibility criteria to conditions that occurred prior to conversion but will be subject to any ongoing eligibility requirements for actions that occur after conversion.³⁶ Post-conversion, the tenure of all residents of the Covered Project is protected pursuant to PBV requirements regarding continued occupancy unless explicitly modified in this Notice (e.g., rent phase-in provisions). 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, Section 8(o)(4) of the 1937 Act and 24 CFR § 982.201, concerning eligibility and targeting of tenants for initial occupancy, will not apply for current households. Once the grandfathered household moves out, the unit must be leased to an eligible family. MTW agencies may not alter this requirement. Further, so as to facilitate the right to return to the assisted property, HUD waives Section 8(o)(4) and 24 CFR § 982.201 to the extent necessary for this provision to apply to current public housing residents of the Converting Project that will reside in non-RAD PBV units or non-RAD PBRA units placed in a project that contain RAD PBV units or RAD PBRA units. Such families and such contract units will otherwise be subject to all requirements of the applicable program, specifically 24 CFR Part 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.
- 2. Right to Return.** See Section 1.4.A.5.b. and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.
- 3. Phase-in of Tenant Rent Increases.** If, purely as a result of conversion, the amount a tenant would pay for rent and utilities under the PBV program (the tenant's TTP) would increase the tenant's TTP by more than the greater of 10 percent or \$25, 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. A PHA must create a policy setting the length of the phase-in period at three years, five years or a combination depending on circumstances and must communicate such policy in writing to affected residents. 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 "Calculated PBV 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, the PHA should use the flat rent amount to calculate the phase-in amount for Year 1 (the first recertification following conversion), 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 Calculated PBV TTP
- Year 2: Year 2 Annual Recertification (AR) and any Interim Recertification (IR) prior to Year 3 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and all subsequent recertifications – Full Calculated PBV 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 Calculated PBV TTP
- Year 2: Year 2 AR and any IR prior to Year 3 AR – 25% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 3: Year 3 AR and any IR prior to Year 4 AR – 33% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 4: Year 4 AR and any IR prior to Year 5 AR – 50% of difference between most recently paid TTP and the Calculated PBV TTP
- Year 5 AR and all subsequent recertifications – Full Calculated PBV TTP

Please Note: In either the three-year phase-in or the five-year phase-in, once the Calculated PBV TTP is equal to or less than the previous TTP, the phase-in ends and tenants will pay full TTP from that point forward. MTW agencies must also implement a three or five-year phase-in for impacted residents but may alter the terms above as long as it establishes a written policy setting forth the alternative terms. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

4. Family Self Sufficiency (FSS) and Resident Opportunities and Self Sufficiency Service Coordinator (ROSS-SC) programs. Public Housing residents that are currently FSS participants will continue to participate in the PHA's FSS program.

The PHA may continue to use any FSS funds already awarded to serve those FSS participants who live in units converted by RAD. At the completion of the FSS grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. If the PHA continues to run an FSS program that serves PH and/or HCV participants, the PHA will continue to be eligible (subject to NOFA requirements) to apply for FSS funding. 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 subsequent Appropriation Acts), 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 until provisions of the Economic Growth, Regulatory Relief, and Consumer Protection Act are implemented, 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. All PHAs will be required to administer the FSS program in accordance with FSS regulations at 24 CFR part 984 (current, or as amended), 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 78100.38 Further, upon conversion to PBV, if the PHA no longer has a public housing program, funds already escrowed 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.

For information on FSS PIC reporting requirements for RAD conversions, see Notice PIH 2016-08 at <http://portal.hud.gov/hudportal/documents/huddoc?id=pih201608.pdf>.

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. At the completion of the ROSS-SC grant, PHAs should follow the normal closeout procedures outlined in the grant agreement. Please note that ROSS-SC grantees may be a non-profit or local Resident Association and this consequence of a RAD conversion may impact those entities. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

5. **Resident Participation and Funding.** In accordance with Attachment 1B, residents of Covered Projects with assistance converted to PBV 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. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.
6. **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 (HUD Form 52530-c), as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
 - a. **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 and to non-RAD PBV units located at the Covered Project. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (which MTW agencies may not alter), the termination procedure for RAD conversions to PBV will require that PHAs provide adequate written notice of termination of the lease which shall be:
 - i. A reasonable period of time, but not to exceed 30 days:
 1. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or

2. In the event of any drug-related or violent criminal activity or any felony conviction;
- ii. Not less than 14 days in the case of nonpayment of rent; and
- iii. Not less than 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.

- b. **Grievance Process.** Pursuant to requirements in the RAD Statute, HUD is establishing additional resident procedural rights to comply with section 6 of the Act.

For the termination of assistance and several other PHA determinations, PBV program rules require the PHA 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:

- i. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(v),⁴⁰ 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.
 1. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(v), 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).
 2. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- ii. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or Contract Administrator.
- iii. 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).
- iv. The Project Owner provides opportunity for an informal hearing before an eviction.

Current PBV program rules require that hearing procedures must be outlined in the PHA's Section 8 Administrative Plan.

To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

7. **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 24 CFR § 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 that move into the property following conversion or tenants who at one time received the EID but are not receiving the EID exclusion at the time of conversion due to loss of employment) is covered by this waiver. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

8. **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 unless significant relocation 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. If the program is continued, the Project Owner must agree to continue to implement the program according to HUD's program requirements. Jobs Plus target public housing projects must enroll public housing residents into the Jobs Plus rent incentive, JPEID, prior to conversion. Any resident of the Covered Project that had not enrolled prior to conversion is not eligible to enroll in JPEID but may utilize Jobs Plus services that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the Covered Project may voluntarily utilize Jobs Plus services that predominantly benefit the former public housing residents who resided at the target project at the time of RAD conversion.
9. **When Total Tenant Payment Exceeds Gross Rent.** Under normal PBV rules, the PHA may select an occupied unit to be included under the PBV HAP Contract only if the unit's occupants are eligible for housing assistance payments (24 CFR § 983.53(c)). 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 the Notice may result in a family's TTP equaling or exceeding the gross rent for the unit, for residents living in the Converting Project prior to conversion and who will return to the Covered Project after 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 until such time that the family's TTP falls below the gross rent, the rent to the owner for the unit will equal the lesser of (a) the family's TTP, less the Utility Allowance, or (b) any applicable maximum rent under LIHTC regulations. During any period when the family's TTP falls below the gross rent, normal PBV rules shall apply. As necessary to implement this alternative provision, HUD is waiving 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 this Notice. 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. The PHA is required to process these individuals through the Form 50058 submodule in PIC. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

Unless a waiver is requested and approved as described below, any new admission to the Covered Project must meet the eligibility requirements at 982.201 and require a subsidy payment at admission to the program, which means their TTP may not equal or exceed the gross rent for the unit at that time. Further, a PHA 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 the PHA must reinstate the unit after the family has left the property. If the project is partially assisted, the PHA 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 the Notice.

A PHA may request a waiver from HUD for the Covered Project in order to admit otherwise eligible families whose TTP exceeds gross rent and to allow the units those families occupy to remain under the HAP contract even if the PHA has not made a housing assistance payment for a family in 180 days. For a Covered Project that consists of 100 percent RAD PBV units, the PHA must demonstrate that a waiver is necessary in order to avoid an undue concentration of poverty at the Covered Project. A PHA may evidence this by providing data showing, for example:

- how eligible income-certified applicants on the waiting list must be passed over because their incomes result in zero HAP at admission causing a higher concentration of poverty at the covered project; or
- how the income of newly admitted families is causing a markedly higher concentration of poverty than the PHA's non-RAD PBV projects.

The resulting impact on the property must be compared with the concentration of poverty at non-RAD PBV projects in the PHA's jurisdiction. If there are no non-RAD PBV projects in the PHA's jurisdiction, the PHA may alternatively demonstrate that the median income of families that could be admitted to the Covered Project is significantly lower than the median income of new admissions from the waiting list to the PHA's HCV program since the time of the RAD conversion.

For any other Covered Project, the PHA must demonstrate that the property contains specific units (e.g., units suitable for large families or accessible units) for which there are insufficient alternative housing opportunities.

If the waiver is approved, the new admission[s] families covered under the waiver are participants under the program and all of the family obligations and protections under RAD and PBV apply to the family, and the unit is subject to all program requirements. Such waiver requests should be submitted to the PIH Field Office in accordance with Notice PIH

2018-16.

10. **Under-Occupied Unit.** If a family is in an under-occupied unit under 24 CFR § 983.260 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 underoccupied unit must move to the appropriate-sized unit within a reasonable period of time, as determined by the administering Voucher Agency. 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 § 983.260 is waived for current residents remaining or returning to the Covered Project. MTW agencies may not modify this requirement. To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

PBV: Other Miscellaneous Provisions (H 2019-09/PIH 2019-23 (HA), REV-4 Section 1.6.D)

1. **Access to Records, Including Requests for Information Related to Evaluation of Demonstration.** PHAs and the Project Owner must cooperate with 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 for reporting units in Form HUD-50058.
2. **Ongoing PHA Board Review of Operating Budget.** The Owner must submit to the administering PHA's Board the operating budget for the Covered Project annually. The PHA's Board must confirm that the Project Owner is making deposits into the Reserve for Replacement account in accordance with the RCC as well as assess the financial health of the Covered Project.
3. **Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** These sections have been moved to 1.4.A.13 and 1.4.A.14.
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 shall apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:
 - a. Transferring an existing site-based waiting list to a new site-based waiting list.
 - b. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.
 - c. Transferring an existing community-wide public housing waiting list to a PBV program-wide or HCV program-wide waiting list, an option particularly relevant for PHAs converting their entire portfolio under RAD.
 - d. Informing applicants on a community-wide public housing waiting list how to transfer their application to one or more newly created site-based waiting lists.

For any applicants on the public housing waiting list that are likely to be ineligible for admission to a Covered Project converting to PBV because the household's TTP is likely to

exceed the RAD gross rent, the PHA shall consider transferring such household, consistent with program requirements for administration of waiting lists, to the PHA's remaining public housing waiting list(s) or to another voucher waiting list, in addition to transferring such household to the waiting list for the Covered Project.

To the extent any wait list relies on the date and time of application, the applicants shall have priority on the wait list(s) to which their application was transferred in accordance with the date and time of their application to the original waiting list.

If the PHA is transferring assistance to another neighborhood and, as a result of the transfer of the waiting list, the applicant would only be eligible for a unit in a location which is materially different from the location to which the applicant applied, the PHA must notify applicants on the waiting list of the transfer of assistance, and on how they can apply for residency at other sites.

If using a site-based waiting list, PHAs shall establish a waiting list in accordance with 24 CFR § 903.7(b)(2)(ii)-(iv) to ensure that applicants on the PHA's public housing community-wide waiting list have been offered placement on the Covered Project's initial waiting list. In all cases, PHAs have the discretion to determine the most appropriate means of informing applicants on the public housing communitywide waiting list given the number of applicants, PHA resources, and admissions requirements of the projects being converted under RAD. A PHA 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. 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).

When using a site-based waiting list, PHAs should consider waiting list and transfer policies that expand opportunities for tenants seeking an emergency transfer under, or consistent with, the PHA's Emergency Transfer Plan. This includes allowing for easier moves between assisted properties.

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, the PHA shall administer its waiting list for the Covered Project in accordance with 24 CFR § 983.251(c). To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same Covered Project shall be subject to the terms of this provision.

A PHA must maintain any site-based waiting list in accordance with all applicable civil rights and fair housing laws and regulations.

- 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. **Future Refinancing.** Project Owners must receive HUD approval for any refinancing or restructuring of secured debt during the HAP Contract term to ensure the financing is consistent with long-term preservation of the Covered Project. With respect to any financing contemplated at the time of conversion (including any permanent financing which is a conversion or take-out of construction financing), such consent may be evidenced through the RCC but HUD review of liens must be performed prior to execution.
7. **Administrative Fees for Public Housing Conversions During the Year of Conversion.** For the remainder of the Calendar Year in which the HAP Contract becomes effective (i.e., the “year of conversion”), 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 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 HAP 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.

PHAs operating an HCV program typically receive 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 Work Responsibility Act of 1998” and 24 CFR § 982.152(b). During the year of conversion mentioned in the preceding paragraph, these provisions are waived. PHAs will not receive Section 8 administrative fees for PBV RAD units during the year of conversion.

After the year of conversion, 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.

8. **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, the PHA 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 PHA’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 the PHA to still be able to use tenant-based vouchers to address the specific housing needs and priorities of the community. Therefore, HUD is establishing the following alternative requirement for PHAs where, as a result of RAD, the total number of PBV units (including RAD PBV units) under HAP Contract administered by the PHA exceeds 20 percent of the PHA’s authorized units under its HCV ACC with HUD: The alternative mobility policy provides that an eligible voucher agency 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 a voucher agency is not required to establish a voucher inventory turnover cap, if such a cap is implemented, the voucher agency must create and maintain a waiting list in the order in which the requests from eligible households were received. In order to adopt this provision, this alternative mobility policy must be included in an eligible PHA's administrative plan.

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

- 9. 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 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.
- 10. Initial Certifications and Tenant Rent Calculations.** The Contract Administrator uses the family's public housing tenant rent (reflected on line 10f of the family's most recent HUD Form 50058) at the date of the conversion to calculate the PBV HAP and tenant rent until the effective date of the earlier of the family's first regular or interim recertification following the date of conversion. At the earlier of the family's first regular or interim recertification, the Contract Administrator will use the family's TTP based on the recertification and the HCV utility allowance (or the PBV site-specific utility allowance, if applicable) to determine the PBV HAP and tenant rent. This means that the family pays the same tenant rent as the family was paying under the public housing program until the earlier of first regular or interim reexamination following conversion, at which point the normally applicable PBV calculation for the tenant rent becomes effective. (Under the PBV program, the monthly HAP is the rent to owner minus the tenant rent, and the tenant rent is the family TTP minus the utility allowance.) To facilitate the uniform treatment of residents and units at a Covered Project, any non-RAD PBV units located in the same property as the Covered Project shall be subject to the terms of this provision. To effectuate this provision, HUD is waiving 24 CFR 5.601 and 983.3(c)(6)(iii).



U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
Office of Public and Indian Housing
Office of Housing

Special Attention of: Public Housing Agencies Public Housing Hub Office Directors Public Housing Program Center Directors Multifamily HUB Directors Multifamily Program Center Directors Regional and Field Office Directors Regional Administrators Performance Based Contract Administrators RAD Transaction Managers Regional Relocation Specialists	Notice H 2016-17 PIH 2016-17 (HA) Issued: November 10, 2016 Effective: November 10, 2016 Expires: This Notice remains in effect until amended, superseded, or rescinded Supplements: PIH Notice 2012-32 (HA) REV-2 Supersedes: H 2014-09/PIH 2014-17
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SUBJECT: Rental Assistance Demonstration (RAD) Notice Regarding Fair Housing and Civil Rights Requirements and Relocation Requirements Applicable to RAD First Component – Public Housing Conversions.¹

SECTION 1. Purpose, Applicability and Major Provisions of this Notice

1.1. Purpose

This notice (Notice) provides PHAs,² Project Owners, and their RAD development partners with guidance regarding key fair housing and civil rights statutory and regulatory requirements, explains the situations in which HUD is requiring front-end fair housing and civil rights reviews, and provides information regarding the types of information that must be submitted to facilitate HUD’s review of certain fair housing and civil rights requirements in connection with public housing conversions under the First Component of RAD. This Notice also includes guidance

¹ While this Notice addresses fair housing and civil rights requirements and relocation requirements, the fair housing and civil rights requirements are not limited to relocation issues.

² Consistent with PIH Notice 2012-32 (HA) REV-2 (PIH 2012-32 (HA) REV-2) (the “RAD Notice”), this Notice uses the term “PHA” to refer to the owner of the project prior to the RAD conversion and “Project Owner” to refer to the owner of the project after the RAD conversion.

regarding key relocation statutory and regulatory requirements, and details relocation requirements under RAD. This Notice only applies to projects converting under the First Component of RAD; it does not apply to the Second Component of RAD.³

The RAD program was established as a tool for preserving and improving low-income housing stock. RAD is intended to facilitate reinvestment in or redevelopment of the long-term-affordable stock of HUD-assisted housing properties. RAD also provides mobility benefits for assisted residents of converted properties through the choice mobility option, allowing these households to access tenant-based Housing Choice Vouchers. In some cases, RAD can be a tool for transfer of rental assistance from distressed or poorly selected sites to new sites in high opportunity areas. In all cases, the objective is to better serve low-income residents and the broader community in complying with fair housing, other civil rights, and relocation laws.

This Notice provides PHAs and Project Owners with guidance relating to planning and implementing public housing (First Component) RAD conversions in a manner consistent with existing fair housing and other civil rights requirements, including, but not limited to, those associated with the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Executive Order 11063, Section 504 of the Rehabilitation Act of 1973, Titles II and III of the Americans with Disabilities Act, the Architectural Barriers Act of 1968, and their implementing regulations. Section 4 of this Notice summarizes key provisions of existing law applicable to RAD transactions.

To further compliance with these existing requirements, PIH 2012-32 (HA) REV-2, issued June 15, 2015 (the “RAD Notice”) established that specific PHA decisions and activities planned to be part of a First Component RAD conversion must be reviewed by HUD prior to implementation (the “front-end” fair housing and civil rights reviews). Through a front-end review of the enumerated PHA decisions, HUD seeks to assist PHAs and Project Owners in meeting their fair housing, other civil rights, and relocation obligations. Section 5 of this Notice explains the situations in which HUD is requiring front-end fair housing, other civil rights, and relocation reviews, details the procedures for HUD’s front-end review and the type of information that must be submitted for these reviews, and the timeframes for these reviews.

Finally, in Sections 6 and 7 this Notice provides PHAs and Project Owners with guidance regarding RAD program and other statutory and regulatory relocation assistance requirements when planning for or implementing resident moves as a result of a conversion of a public housing project under RAD. This guidance includes reiterated and new requirements, the corresponding required reviews, and explanation of the interaction between RAD relocation procedures and certain existing public housing requirements. PHAs and Project Owners implementing RAD transactions may be subject to (a) the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (URA),

³ Important fair housing, other civil rights, and relocation considerations apply also to the Second Component of RAD as provided in the RAD Notice. Participants in the Second Component of RAD must continue to comply with applicable fair housing, civil rights, and relocation statutes and regulations, and HUD may, at any time, initiate compliance or enforcement actions in connection with such requirements. The RAD Notice will continue as the primary source of information on fair housing and other civil rights requirements covering the Second Component of RAD without any change until further notice.

(b) the requirements of Section 104(d) of the Housing and Community Development Act of 1974 (Section 104(d)) if CDBG or HOME funds are included as part of the project, (c) fair housing and other civil rights considerations implicated by relocation activities, and (d) requirements for relocating residents under the RAD Notice.

1.2. PHA and Project Owner Responsibilities

This Notice explains RAD's front-end fair housing and other civil rights review requirements in greater detail than was provided in the RAD Notice and this Notice restates and revises RAD's relocation requirements. However, the fair housing, other civil rights, and relocation requirements that apply to RAD conversions are neither limited to those discussed in this Notice, nor to those specifically reviewed by HUD in the front-end review.

MEETING HUD'S PROCESS AND REVIEW REQUIREMENTS NEVER CONSTITUTES COMPLIANCE WITH SUCH LAWS. THE OBLIGATION TO COMPLY WITH APPLICABLE FAIR HOUSING, OTHER CIVIL RIGHTS, AND RELOCATION LAWS REMAINS WITH THE PHA AND PROJECT OWNER.

The fair housing and civil rights requirements that apply to RAD conversions are not limited to those discussed in this Notice. PHAs and Project Owners are responsible at all times for ensuring that their RAD activities (including those activities implemented by their agents, consultants, contractors, or other RAD team members) comply with all applicable fair housing and civil rights requirements. PHAs and Project Owners shall be accountable for all fair housing and civil rights compliance issues with respect to their RAD activities, whether those activities are undertaken directly or through agents, consultants, contractors, or other RAD team members. While HUD provides this non-exhaustive guidance to assist PHAs and Project Owners during transactions, complying with the requirements set forth in this Notice does not necessarily mean that they, or their agents or consultants, are in compliance with fair housing and civil rights requirements.⁴

This Notice is not intended to, and shall not be construed to, reduce or in any way limit the application of fair housing, other civil rights, and relocation laws and regulations to RAD transactions. For example, HUD's reliance on a PHA's certification that a site meets the site and neighborhood standards required by the RAD Notice is not a determination of compliance with the duty to affirmatively further fair housing or other fair housing and civil rights requirements. As another example, HUD's approval of a site for new construction does not, by itself, constitute a determination of the PHA's compliance with all provisions of Title VI and its duty to affirmatively further fair housing found in the Fair Housing Act and other fair housing and civil rights requirements, nor indicate HUD's approval of the PHA's or locality's overall housing strategy. HUD's approval of a RAD conversion after front-end review reflects only that the project may proceed through the RAD conversion process; it does not constitute a determination

⁴ The PHA's or Project Owner's agents, consultants, contractors, and other RAD team members may also have fair housing and other civil rights obligations (whether under this Notice or otherwise) and the forgoing does not, in any way, limit the independent obligation of any such parties to ensure their own compliance with applicable fair housing and other civil rights laws.

that the project is in compliance with applicable fair housing, civil rights, and relocation requirements.

HUD's approval of a front-end review submission is based on limited information and is intended to assist the PHA or Project Owner in meeting their fair housing, civil rights, and relocation obligations.⁵ The PHA is responsible for ensuring that its RAD conversion is consistent with its certification to affirmatively further fair housing and complies with applicable civil rights laws.⁶ The front-end reviews described in this Notice shall not be construed to limit other fair housing and civil rights investigations that HUD may conduct. HUD retains all compliance and enforcement authority.

HUD's determination that the PHA or Project Owner has failed to meet submission, certification, or approval requirements with respect to fair housing, other civil rights, or relocation requirements is grounds for terminating a Commitment to enter into a Housing Assistance Payments Contract (CHAP), denying the issuance of a RAD Conversion Commitment (RCC), or denying authority to convert under RAD.

1.3. Applicability

The content of this Notice should not be relied upon in carrying out any other activities funded under any other HUD program, except where specifically directed by HUD.

This Notice supplements the RAD Notice with respect to fair housing and civil rights requirements applicable to public housing properties converting under RAD and with respect to all matters related to the relocation of residents as a result of RAD public housing conversions. To the extent that there is a conflict between this Notice and the RAD Notice, this Notice shall govern. This Notice replaces and supersedes Notice H 2014-09/PIH 2014-17 (issued July 14, 2014).

Upon issuance, the terms of this Notice will apply to all projects that have applied for conversion of assistance under the First Component of RAD but have not yet converted. As this Notice provides guidance, clarification, and explanation regarding fair housing and civil rights requirements that are already applicable to RAD conversions, this Notice shall not affect any front-end civil rights approvals provided by HUD prior to the effective date of this Notice and otherwise shall be effective with respect to front-end civil rights approvals without exception. However, with respect to relocation activities for Converting Projects under the First Component where a PHA has already submitted a Financing Plan pursuant to the RAD Notice at the time of issuance of this Notice, and provided that the Financing Plan has been accepted for full review after initial screening for completeness, the PHA may, within sixty (60) days after issuance of this Notice, request (in writing uploaded to the RAD Resource Desk) to be governed by H 2014-

⁵ For example, the front-end review is specific to an individual site. A PHA that does not promote fair housing choice outside areas of minority concentration and continues to site affordable housing in minority concentrated areas may be in noncompliance with the duty to affirmatively further fair housing and other fair housing and civil rights obligations, even if the specific site is approved based on the information provided and pursuant to the front-end review of the PHA's site and neighborhood standards submission.

⁶ See 24 C.F.R. § 5.105 and, as applicable, 24 C.F.R. § 983.57(b)(2) or Appendix III of the RAD Notice.

09/PIH 2014-17. For such projects and where otherwise appropriate in cases of hardship as determined by HUD, HUD may apply the terms of H 2014-09/PIH 2014-17 with respect to relocation activities, but not with respect to fair housing and civil rights requirements.

RAD projects which have been awarded Choice Neighborhoods Implementation (CNI) grants are subject to the provisions of the applicable Choice Neighborhoods Notice of Funding Availability (NOFA) and grant agreement regarding site and neighborhood standards and are not subject to the RAD front-end civil rights transaction reviews described in this Notice. For properties being redeveloped with funding under a CNI grant, the relocation requirements set forth in this Notice are superseded by guidance regarding relocation included in the CNI NOFA. Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a Choice Neighborhood project's conversion of assistance.

1.4. Explanation of Major Provisions

This Notice adds to and revises pre-existing guidance related to fair housing, civil rights, and relocation (as contained in the RAD Notice and H 2014-09/PIH 2014-17) with respect to RAD transactions. Among the key provisions and changes are the following:

Fair Housing & Civil Rights

- Reaffirms the applicability of fair housing and civil rights requirements to all RAD-related activities (see, e.g., Section 3.3 and Section 4);
- Reiterates when HUD front-end civil rights review (originally outlined in the RAD Notice) is required in addition to the PHA's analysis and certification of compliance, to assist the PHA and Project Owner to comply with fair housing and civil rights requirements (see Section 5.3);
- Outlines certain conditions under which HUD will conduct a front-end review to determine whether the site is in an area of minority concentration relative to the site's housing market area (see Section 5.4(A));
- Provides guidance, for purposes of the RAD front-end civil rights review, on the concepts of "area of minority concentration" and "housing market area" that are reviewed when determining whether a site is in an area of minority concentration (see Section 5.4(B));
- Elaborates on specific information that HUD will consider, and that PHAs should provide evidence of, in order for a proposed site to meet the existing exceptions to permit new construction in an area of minority concentration, identifies presumptions for meeting the sufficient comparable opportunities exception and describes factors that HUD may consider in evaluating the overriding housing needs exception (see Section 5.4(C) and Section 5.4(D));
- Articulates issues that HUD will consider in completing the front-end civil rights review for transfers of assistance, including, for example, accessibility and minority concentration (see Section 5.5);
- Outlines the information to be submitted for HUD's front-end civil rights review of transactions where unit reductions, unit reconfigurations, or changes in occupancy are proposed (see Section 5.6);
- Identifies the situations where front-end civil rights reviews are required when changes in the accessibility features of a site are made (see Section 5.7(B)); and

- Prohibits the Project Owner of a Converted Project with a PBRA HAP contract from initiating any new leasing or marketing activities (other than leasing and outreach to households holding a right to return to the Covered Project), including the solicitation, distribution or acceptance of applications or development of a waiting list, until HUD has approved the Affirmative Fair Housing Marketing Plan (“AFHMP”) (see Section 5.8).

Relocation

- Requires PHAs or Project Owners to prepare a written relocation plan for all transactions that involve permanent relocation or temporary relocation anticipated to exceed 12 months (see Section 6.1);
- Requires PHAs to provide residents with a RAD Information Notice (RIN) in order to ensure that residents are informed of potential project plans and of their rights in connection with RAD prior to submission of the RAD application (see Section 6.6(A));
- Clarifies that the General Information Notice (GIN), when applicable, should be provided as soon as feasible and no later than 30 days following the issuance of the CHAP (see Section 6.6(B));
- Requires Project Owners to provide a notification of Return to the Covered Project, when applicable (see Section 6.6(F));
- Moves the date before which PHAs are prohibited from beginning any physical relocation earlier in the conversion process (specifically, from the date of Closing to the later of the effective date of the RCC and the expiration of the 30- or 90-day RAD Notice of Relocation period, as applicable) (see Section 6.8);
- Clarifies the specific requirements applicable to different types of relocation (e.g., moves within a property, temporary relocation of less than 12 months, etc.) (see, e.g., Section 6.4);
- Provides enhanced guidance on the right to return requirements, any offers of alternative housing options and the documentation that must be retained when tenants choose an alternative housing option and decline their right to return (see, e.g., Section 6.2 and Section 6.10);
- Describes how HUD has administratively implemented URA requirements and URA relocation assistance and payments for displaced persons, when applicable, to residents who choose to decline the right of return and, instead, choose voluntary permanent relocation (see, e.g., Section 6.4(C) through (F) and Section 6.10);
- Requires PHAs to maintain detailed data regarding each household that will be relocated, with key dates of notices and moves (see Section 6.9); and
- Identifies key fair housing and civil rights requirements applicable during relocation (see, e.g., Section 4).

1.5. Request for Public Comment

HUD acknowledges the complexity of the issues addressed in this Notice. This Notice is effective immediately upon issuance, but HUD also seeks comment from the public regarding the clarity and organization of the Notice and regarding areas where the policies and procedures described are unclear or ambiguous. HUD will consider whether changes in response to comments are justified and will implement any appropriate changes in a revision of this Notice. Please submit all comments to RAD@hud.gov within 30 days of the issuance of this Notice.

1.6. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (PRA), HUD may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection displays a currently valid OMB control number. OMB approved information collection forms will be posted on the RAD website and the Federal Register.

SECTION 2. Table of Contents

The contents of this Notice are divided into the following parts:

SECTION 1. Purpose, Applicability and Major Provisions of this Notice.....	1
1.1. Purpose.....	1
1.2. PHA and Project Owner Responsibilities.....	3
1.3. Applicability	4
1.4. Explanation of Major Provisions.....	5
1.5. Request for Public Comment	6
1.6. Paperwork Reduction Act	7
SECTION 2. Table of Contents	8
SECTION 3. Background	10
3.1. RAD Authority	10
3.2. Definitions.....	10
3.3. Applicable Legal Authorities	10
3.4. Further Information.....	11
SECTION 4. Generally Applicable Fair Housing and Civil Rights Requirements Relevant Throughout the RAD Conversion Process.....	11
SECTION 5. Application of Key Fair Housing and Civil Rights Requirements to RAD Transactions	17
5.1. RAD Eligibility Review	17
5.2. PHA's Proposed Site Selection and Certification	18
5.3. RAD Front-End Civil Rights Transaction Review	20
A) Activities Subject to Front-End Civil Rights Review.....	20
B) Fair Housing, Civil Rights, and Relocation Checklist.....	22
C) Timing of Front-End Review Submissions	23
D) Completion of HUD's Front-End Review	23
5.4. Front-End Civil Rights Review for RAD Transactions Involving New Construction...	24
A) Conditions Triggering Review	24
B) Analysis of Areas of Minority Concentration.....	25
C) The Sufficient Comparable Opportunities Exception.....	26
D) The Overriding Housing Needs Exception.....	30
5.5. Front-End Civil Rights Review for RAD Transactions Involving Transfer of Assistance.....	32
A) Applicable Standards	32
B) Analysis of Transfers of Assistance.....	33
5.6. Front-End Civil Rights Review for RAD Transactions Involving Reduction in Number of Units, Changes in Bedroom Distribution of Units and Changes in Occupancy Requirements.....	34
A) Review of Reductions in the Number of Units, Reductions or Increases in the Number of UFAS Accessible Units or Changes in Bedroom Distribution	34
B) Review of Changes in Occupancy Type.....	36
5.7. Other Front-End Civil Rights Review for RAD Transactions	36
A) Conversions of Assistance in Which the Construction Schedule Indicates that Relocation is Likely to Exceed 12 Months.	36

B)	Conversions of Assistance Involving New Construction or Substantial Alteration, as those terms are defined by Section 504.....	36
C)	Remedial Agreements and Orders.....	37
5.8.	Affirmative Fair Housing Marketing Plan (AFHMP) Requirements for Projects	
	Converting to PBRA Assistance	37
SECTION 6. RELOCATION REQUIREMENTS.....		38
6.1.	Planning.....	39
6.2.	Resident Right to Return.....	41
6.3.	Admissions and Continued Occupancy Requirements.....	43
6.4.	Types of Moves and Relocation.....	43
A)	Moves within the same building or complex of buildings.....	43
B)	Temporary relocation lasting one year or less	44
C)	Temporary relocation initially expected to last one year or less, but which extends beyond one year.....	44
D)	Temporary relocation anticipated to last more than one year.....	44
E)	Permanent moves in connection with a transfer of assistance.....	45
F)	Voluntary permanent relocation	46
6.5.	Initiation of Negotiations (ION) Date	46
6.6.	Resident Relocation Notification (Notices)	46
A)	RAD Information Notice	47
B)	General Information Notice (49 C.F.R. § 24.203(a))	48
C)	Notice of Intent to Acquire (49 C.F.R. § 24.203(d))	49
D)	RAD Notice of Relocation.....	49
E)	URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year (49 C.F.R. § 24.203(b))	52
F)	Notification of Return to the Covered Project.....	53
6.7.	Relocation Advisory Services	53
6.8.	Initiation of Relocation.....	54
6.9.	Records and Documentation; Resident Log.....	54
6.10.	Alternative Housing Options.....	56
A)	Requirements for Any Offer of Alternative Housing Options	56
B)	Assisted Housing Options as Alternatives.....	57
C)	Monetary Elements Associated With Alternative Housing Options	58
D)	Disclosure and Agreement to Alternative Housing Options	58
6.11.	Lump Sum Payments	60
SECTION 7. APPLICABILITY OF HCV AND PUBLIC HOUSING REQUIREMENTS		60
7.1.	HCV Waiting List Administration Unrelated to the RAD Transaction	60
7.2.	HCV Waiting List Administration Related to the RAD Transaction.....	61
7.3.	Public Housing Transfers Unrelated to the RAD Transaction	61
7.4.	Resident Initiated Public Housing Transfers Related to the RAD Transaction	62
7.5.	Public Housing as a Temporary Relocation Resource	62
7.6.	Terminations (Including Evictions) and End of Participation Unrelated to the RAD Transaction.....	63
7.7.	Right-Sizing	63

SECTION 3. Background

3.1. RAD Authority

RAD is authorized by the Consolidated and Further Continuing Appropriations Act of 2012 (Pub. L. No. 112-55, enacted November 18, 2011), as amended by the Consolidated Appropriations Act, 2014 (Public Law 113-76, enacted January 17, 2014), the Consolidated and Further Continuing Appropriations Act, 2015 (Public Law 113-235, enacted December 6, 2014), and the Division L, Title II, Section 237 of the Consolidated Appropriations Act (Public Law 114-113, enacted December 18, 2016), collectively and as it may be further amended from time to time, the “RAD Statute.” RAD allows certain eligible properties to convert assistance to long-term project-based Section 8 contracts and has two separate components. The First Component allows projects funded under the public housing program to convert their assistance to long-term, project-based Section 8 rental assistance contracts. Under this component of RAD, public housing agencies (PHAs) may choose between two different Section 8 housing assistance programs: project based vouchers (PBVs) or project-based rental assistance (PBRA). The “Second Component” of RAD allows owners of projects funded under the Rent Supplement (Rent Supp), Rental Assistance Payment (RAP), and Moderate Rehabilitation programs to convert certain units to PBV or PBRA Section 8 units following certain contract expirations or terminations. The RAD Statute is implemented by the RAD Notice.

3.2. Definitions

All capitalized terms defined in the RAD Notice, as amended, shall have the definitions ascribed to them therein unless otherwise specifically noted in this Notice.⁷ Pre-conversion projects whose assistance is converting from public housing to Section 8 under RAD are referred to in the RAD Notice and in this Notice as “Converting Projects.” Post-conversion projects are referred to in the RAD Notice and this Notice as “Covered Projects.”

3.3. Applicable Legal Authorities

Appendix I to this Notice identifies key legal authorities with respect to fair housing, civil rights, and resident relocation. Part 2 of Appendix I provides greater detail regarding federal accessibility requirements set forth in three of the legal authorities described in Appendix I,

⁷ Many of the fair housing and civil rights concepts used throughout this Notice are terms of art that are defined in applicable statutes and regulations identified in Appendix I of this Notice, while others have been developed through judicial interpretation. PHAs and Project Owners should familiarize themselves with these terms of art and should consult 42 U.S.C. § 3602 (Fair Housing Act); 24 C.F.R. §§ 5.152-100.20 (Fair Housing Act); 42 U.S.C. §§ 2000d-2000d-4a (Title VI of the Civil Rights Act of 1964); 24 C.F.R. § 1.2 (Title VI); 29 U.S.C. § 705 (Rehabilitation Act); 24 C.F.R. § 8.3 (Section 504); 42 U.S.C. §§ 12102, 12132, 12181 (Americans with Disabilities Act (ADA)); 28 C.F.R. § 35.104 (Title II of the ADA); and 28 C.F.R. § 36.104 (Title III of the ADA). In addition, many of the relocation concepts are terms of art that are defined in 42 U.S.C. § 4601 *et seq.* (Uniform Relocation Act (URA)), Section 104(d) of the Housing and Community Development Act of 1974 codified at 42 U.S.C. § 5304(d), and their implementing regulations at 49 C.F.R Part 24 and 24 C.F.R. Part 42 subpart C.

Part 1. PHAs and Project Owners must be familiar with these legal authorities and must evaluate, based on the facts of their situation, which legal authorities are applicable in which situations. **Failure to comply with any legal authority as applicable to the PHA's or Project Owner's actions or inactions may result in liability under such authority.** Appendix I does not attempt to provide a complete and exhaustive explanation of the legal authorities, nor to fully inventory the situations in which each legal authority is applicable. Instead, Appendix I is an overview intended to serve as a general introduction or reminder for PHAs and Project Owners of these fair housing, other civil rights, and relocation authorities and to facilitate their identification of appropriate topics for further research or expert counsel. The recitation of these legal authorities neither expands nor diminishes their applicability to the PHA's and Project Owner's activities in connection with their RAD conversion.

The RAD Statute authorizes the Secretary of HUD to waive or specify alternative requirements for certain provisions of law, except for requirements related to, among others, fair housing and nondiscrimination.⁸ In addition to the general application of various federal statutes and their implementing regulations as discussed in Appendix I, below, HUD regulations at 24 C.F.R. § 5.105 apply such authorities to all HUD programs, including RAD.

3.4. Further Information

Because each RAD proposal varies in its scope, this Notice may not address each PHA's or Project Owner's specific circumstances. PHAs and Project Owners should carefully review the laws, regulations, notices, and guidance material referenced in this Notice. Any questions related to the administration of the RAD program should be referred to the appropriate RAD Transaction Manager (TM) or may be emailed to rad@hud.gov.

SECTION 4. Generally Applicable Fair Housing and Civil Rights Requirements Relevant Throughout the RAD Conversion Process

This Section provides a summary overview of key principles regarding program implementation and an overview of generally applicable fair housing and civil rights requirements. Appendix I identifies the key legal authorities from which these principles are derived. These key principals, together and with the legal authorities identified in Appendix I, frame the PHA's efforts to implement a RAD conversion. In some cases, these requirements are particularly relevant to the process of planning the RAD conversion, while in others they have particular relevance for the structure of the RAD transaction itself, and in yet other cases, both. Elements of RAD transactions that have civil rights implications include, but are not limited to, transfers of assistance, temporary and permanent relocation, demolition, site selection, new construction, occupancy policies, changes in unit configuration, increases or reductions in units, waiting list administration policies, policies regarding return of temporarily relocated tenants, substantial rehabilitation or alteration, program accessibility, tenant selection policies and priority transfers, providing information to and communicating with persons with Limited English Proficiency (LEP) and persons with disabilities, reasonable accommodation policies, and Affirmative Fair

⁸ See Pub. L. No. 112-55, as amended.

Housing Marketing Plans (AFHMPs). All PHAs must consider civil rights when structuring these and other elements of their RAD transaction.

RAD transactions are governed by the same civil rights authorities that govern HUD-assisted activities generally.⁹ Converting Projects are subject to civil rights and equal opportunity requirements under the public housing regulations, and Covered Projects are subject to civil rights and equal opportunity requirements under the PBV regulations or the PBRA regulations, as applicable.¹⁰ As described further below, the Fair Housing Act prohibits discrimination in housing¹¹ and requires all federal executive departments and agencies to “administer their programs and activities relating to housing and urban development ... in a manner affirmatively to further” fair housing.¹² In addition, all programs or activities receiving Federal financial assistance are subject to Title VI of the Civil Rights Act of 1964 forbidding discrimination on the basis of race, color, and national origin¹³ and Section 504 of the Rehabilitation Act of 1973, which forbids discrimination on the basis of disability and requires that programs or activities receiving Federal financial assistance make such programs or activities “when viewed in its entirety” readily accessible to persons with disabilities and make reasonable accommodation to the needs of persons with disabilities.¹⁴ RAD transactions are also subject, as applicable, to the requirements of Titles II and III of the Americans with Disabilities Act, Executive Order 11063, and HUD regulations at 24 C.F.R. part 107. Thus, as with the administration of all HUD programs and all HUD-assisted activities, fair housing and civil rights issues must be considered in the administration of the RAD program. PHAs must not implement actions and policies that may have a discriminatory effect on the basis of race, color, sex, national origin, religion, disability, or familial status or that may impede, obstruct, prevent, or undermine efforts to affirmatively further fair housing.¹⁵ Note, in particular, the following requirements:

- **Affirmatively Furthering Fair Housing (AFFH):** The Fair Housing Act requires that HUD administer its programs and activities in a manner that affirmatively furthers the purposes of the Fair Housing Act. The Fair Housing Act not only prohibits discrimination but, in conjunction with other statutes, directs HUD’s recipients, including PHAs, to take significant actions to overcome historic patterns of segregation, achieve truly balanced and integrated living patterns, promote fair housing choice, and foster inclusive communities that are free from discrimination. Through various statutes, regulations, and executive orders, PHAs must take various actions in accordance and in conjunction with their Fair Housing Act obligation to affirmatively further fair housing. For example, under regulations implementing the United States Housing Act of 1937 (the Act), HUD recipients must, among other requirements, certify that they will affirmatively further fair housing. In addition, under HUD’s Affirmatively Furthering Fair Housing (AFFH) rule promulgated July 16, 2015, PHAs must periodically conduct an Assessment

⁹ See 24 C.F.R. § 5.105.

¹⁰ See, e.g., 24 C.F.R. §§ 880.601, 881.601 and 983.8 for civil rights related regulations applicable to PBV and PBRA transactions.

¹¹ See 42 U.S.C. §§ 3601 *et seq.*, and HUD regulations in 24 C.F.R. part 100

¹² 42 U.S.C. § 3608(d) and (e).

¹³ See 42 U.S.C. §§ 2000d *et seq.*, and HUD regulations in 24 C.F.R. part 1.

¹⁴ See 29 U.S.C. §§ 701 *et seq.*, and HUD regulations in 24 C.F.R. part 8.

¹⁵ See 24 C.F.R. part 1 and part 100 subpart G.

of Fair Housing (AFH) as set out by the rule, either individually or in collaboration with other program participants.¹⁶ Under the AFFH rule, in order to develop a successful affirmatively furthering fair housing strategy, the PHA must assess the elements and factors that cause, increase, contribute to, maintain, or perpetuate segregation, racially or ethnically concentrated areas of poverty, significant disparities in access to opportunity, and disproportionate housing needs. PHAs must ensure that their activities in connection with a RAD conversion are consistent with their AFH, including any applicable joint or regional AFH in which they are a joint participant, and with any applicable Analysis of Impediments to Fair Housing Choice (AI), Fair Housing Equity Assessment, PHA 5-Year Plan, PHA Annual Plan, Moving to Work (MTW) Plan, or related planning documents and other regulatory and programmatic requirements implementing the obligation to affirmatively further fair housing to which they are a party.¹⁷

- **Nondiscriminatory Site Selection:** HUD’s site and neighborhood standards require that the proposed site is suitable from the standpoint of facilitating and furthering full compliance with the applicable provision of Title VI of the Civil Rights Act, the Fair Housing Act, Executive Order 11063, and Department regulations implementing these authorities. The site must meet the Section 504 site selection requirements in 24 C.F.R. § 8.4(b)(5). Additional provisions appear in 24 C.F.R. § 983.57(b) of the PBV rules and, for PBRA, in Appendix III of the RAD Notice. HUD’s Title VI regulation specifically prohibits site selection that has the “purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination” on the basis of race, color, or national origin.¹⁸ The Title VI regulations also impose an obligation on the part of an applicant or recipient of HUD financial assistance to take actions to overcome the effect of prior discrimination or conditions that limit participation by persons of a particular race, color, or national origin.¹⁹ In addition, HUD’s Section 504 regulation prohibits recipients from selecting sites the purpose or effect of which would (1) exclude qualified individuals with disabilities from or deny them the benefit of a program or activity, or otherwise subject them to discrimination; or (2) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities.²⁰ ADA regulations likewise prohibit site selections that have the purpose or effect of excluding individuals with disabilities (including members of the public with disabilities), denying them benefits, or subjecting them to discrimination.²¹ Finally, the Fair Housing Act prohibits discriminatory site selection, including perpetuation of segregation in transfers of assistance and new construction.
- **Meaningful Access for Persons with Limited English Proficiency (LEP):** The PHA or Project Owner is required to take reasonable steps to ensure (a) they provide meaningful access to programs and activities for persons who have a limited ability to read, speak, or understand English; (b) any person with LEP who will be temporarily relocated or

¹⁶ 24 C.F.R. § 5.150 *et seq.*

¹⁷ See 24 C.F.R. § 5.150 *et seq.* and 24 C.F.R. §§ 91.225, 91.325, or 91.425.

¹⁸ See 24 C.F.R. § 1.4(b)(3).

¹⁹ See 24 C.F.R. § 1.4(b)(6).

²⁰ See 24 C.F.R. § 8.4(b)(5).

²¹ See 28 C.F.R. § 35.130(b)(4); 28 C.F.R. § 36.301.

permanently displaced has meaningful access to any public meetings regarding the project; and (c) they provide meaningful access to LEP persons to any information provided to residents including, but not limited to, any relocation notices. Generally, the PHA or Project Owner will be responsible for providing oral interpreters at meetings, including ensuring their competence, and covering any associated translation and interpretation costs.²²

- **Effective Communication for Persons with Disabilities:** Communications and materials must be provided in a manner that is effective for persons with hearing, visual, and other communication-related disabilities consistent with Section 504 of the Rehabilitation Act of 1973 (24 C.F.R. § 8.6) and with 49 C.F.R. § 24.5, and as applicable, the Americans with Disabilities Act. This includes ensuring that, unless such actions would result in undue financial and administrative burdens or fundamental alterations, notices and resident meetings are provided in appropriate alternative formats as needed, e.g., Braille, audio, large type, accessible electronic communications, assistive listening devices, and sign language interpreters. Even in cases where the proposed actions may result in undue financial and administrative burdens or fundamental alterations, certain actions must still be taken. Specifically, appropriate auxiliary aids and services that would not result in such undue burdens or fundamental alterations must still be provided to ensure effective communication.
- **Accessible Meeting Facilities for Persons with Disabilities:** Pursuant to regulations implementing Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, as applicable, all programs and activities must be held in accessible locations unless doing so would result in an undue financial and administrative burden on the PHA and/or Project Owner, in which case the PHA or Project Owner must take any action that would not result in such undue burden but would nevertheless ensure that individuals with disabilities receive the benefits and services of the program or activity, e.g., briefings at an alternate accessible site or in-home briefing.²³ Individuals with disabilities must receive services in the most integrated setting appropriate to their needs. The most integrated setting appropriate to the needs of qualified individuals with disabilities is a setting that enables individuals with disabilities to interact with persons without disabilities to the fullest extent possible.²⁴

²² For more information about LEP obligations, see HUD's Limited English Proficiency (LEP) Frequently Asked Questions guidance at

http://portal.hud.gov/hudportal/HUD?src=/program_offices/fair_housing_equal_opp/promotingfh/lep-faq#q26.

²³ In selecting locations for consultation with residents, the PHA and/or Project Owner shall be guided by the goal of maximizing participation in an integrated setting so that residents with disabilities and residents without disabilities may hear and consider each other's views. Priority shall be given to using on-site accessible locations (including, e.g., TV rooms or informal gathering places), even if doing so may require multiple sessions with smaller groups of residents. In addition, Title III of the Americans with Disabilities Act requires private entities that operate places of public accommodation, including social service establishments, leasing offices of private housing developments, and certain private housing providers, to comply with certain physical accessibility requirements which are similar to the requirements under Section 504 and Title II.

²⁴ See 28 C.F.R. part 35, Appendix B.

- **Accessibility for Persons with Disabilities Throughout the Planning and Implementation Process:** A number of accessibility requirements, including but not limited to site selection, apply to all RAD conversions, as they do to the PHA's activities regardless of the PHA's participation in RAD.²⁵ PHAs and Project Owners should also be aware that state or local laws, regulations, and codes may contain greater accessibility requirements. This Notice provides, in Appendix I, Part 2, an overview of accessibility requirements under existing law. The information in Appendix I, Part 2 is intended to assist with the PHA's or Project Owner's compliance with accessibility requirements. PHAs and Project Owners must review Appendix I, Part 2 early-on in planning for the RAD transaction. PHAs and Project Owners may determine that it is most efficient to address accessibility matters early in the project planning. In addition, PHAs and Project Owners must evaluate, throughout the transaction and based on the facts of their situation, which requirements are applicable in which situations to ensure they appropriately address accessibility requirements. PHAs and Project Owners are responsible for ensuring that the architectural drawings and construction comply with the PHA's and Project Owner's obligations and all Federal civil rights requirements, including accessibility requirements under the Fair Housing Act, Section 504, and the ADA.

Accessibility requirements also apply during all stages of a RAD transaction, including during relocation. Existing information (e.g., resident characteristics forms, including identification of the need for accessible unit features; records of approved reasonable accommodations; and records of the presence of accessible unit features) and the residents themselves should be consulted throughout the process of developing and implementing a RAD conversion. Related activities include, but are not limited to:

- Identifying and maintaining existing and pending reasonable accommodations, including the need for larger units to accommodate live-in aides or special equipment;
- Determining what direct services may be needed as a reasonable accommodation (e.g., packing, moving, identification of temporary housing);
- Identifying accessible unit features and assuring that temporary or permanent replacement housing contains comparable features;
- Budgeting appropriately to ensure that reasonable accommodations are addressed.

For more information about compliance with accessibility requirements, the PHA or Project Owner should refer to appropriate notices concerning civil rights requirements and may contact HUD's Office of Fair Housing and Equal Opportunity in either the Washington, D.C. or applicable field offices for more specific guidance. For additional, non-exhaustive guidance on providing relocation assistance to persons with disabilities, see Exhibit 3-1 in HUD Handbook 1378.

²⁵ For more detailed information on these laws and their requirements, see PIH Notice 2010-26, issued July 26, 2010 (available at <http://www.hud.gov/offices/pih/publications/notices/10/pih2010-26.pdf>). While this notice has an expiration date in 2011, because the notice summarizes and discusses regulatory requirements, the information in the notice provides helpful guidance.

- Reasonable Accommodations in Rules, Policies, Practices and Services:** Under the Fair Housing Act, the PHA or Project Owner must make reasonable accommodations in rules, policies, practices, and services when such accommodations may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.²⁶ Under Section 504, the PHA or Project Owner must also make reasonable accommodations to residents with disabilities, which may include providing and paying for structural modifications to dwelling units and public or common use areas. Titles II and III of the ADA provide similar requirements. Common examples of reasonable accommodations that may occur during relocation are permitting an individual with a disability to relocate near public transportation, providing a unit larger than otherwise permitted for a live-in aide, and making exceptions to no-animal rules for assistance and service animals. Accommodations generally need not be made where providing such an accommodation would be an undue financial and administrative burden or a fundamental alteration of the nature of the service. However, reasonable accommodations must be made to the extent the accommodation does not impose an undue financial and administrative burden or a fundamental alteration of the nature of the service. Reasonable accommodations must follow the individual with the disability throughout the RAD process, including during relocation. Furthermore, PHAs and Project Owners may be required to provide particular reasonable accommodations during relocation, such as assistance moving household items.²⁷
- Physical Changes to Dwelling Units, Public and Common Use Areas and Other Facilities for Accessibility:** Under the Fair Housing Act, the PHA or Project Owner may be required to permit reasonable modifications. A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises. Reasonable modifications can include structural changes to interiors and exteriors of dwellings and to common and public use areas. A request for a reasonable modification may be made at any time during the tenancy. When relocating an individual with a disability who has such modifications in their dwelling unit or public and common use areas because of the individual's disability, regardless of who made them, the PHA or Project Owner has an obligation to provide and pay for such modification in the new dwelling. When considering requests by individuals with disabilities for structural changes to units or public and common use areas, PHAs and Project Owners should take particular note that they may be required to make and pay for such structural modifications as reasonable

²⁶ For additional information regarding reasonable accommodations under the Fair Housing Act, *see* the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Accommodations Under the Fair Housing Act (May 17, 2004), at <http://www.hud.gov/offices/fheo/library/huddojstatement.pdf>.

²⁷ *See* 49 C.F.R. part 24, Appendix A, § 24.2(a)(8)(vii), which states that under the URA, "Reasonable accommodation of a displaced person with a disability at the replacement dwelling means the Agency is required to address persons with a physical impairment that substantially limits one or more of the major life activities. In these situations, reasonable accommodation should include the following at a minimum: Doors of adequate width; ramps or other assistance devices to traverse stairs and access bathtubs, shower stalls, toilets and sinks; storage cabinets, vanities, sink and mirrors at appropriate heights. Kitchen accommodations will include sinks and storage cabinets built at appropriate heights for access. The Agency shall also consider other items that may be necessary, such as physical modification to a unit, based on the displaced person's needs."

accommodations under Section 504 and because of similar requirements under the ADA even though the Fair Housing Act may only require the owner to allow such changes to be made and paid for by the individual with a disability. Before determining that they are not required to make or pay for structural changes, PHAs and Project Owners are encouraged to consider carefully their obligations under each applicable statute.

SECTION 5. Application of Key Fair Housing and Civil Rights Requirements to RAD Transactions

The generally applicable fair housing and other civil rights requirements described above, and in Appendix I, apply throughout the planning and implementation of a RAD transaction and the PHA is responsible for ensuring compliance with these requirements. As key requirements may be misunderstood, the RAD program has established specific additional procedures to assist RAD participants to ensure they comply with the applicable requirements. Specifically, the RAD Notice established a civil rights eligibility review and criteria for front-end civil rights reviews.

This Section elaborates on these requirements from the RAD Notice. The front-end review procedures described below establish procedures and criteria for the supplemental front-end review and technical assistance, criteria which are specific to the RAD program. Criteria for this supplemental front-end review are informed by, but not the same as, fair housing or civil rights rules and policies generally.

This Section is organized to loosely follow the stages of a RAD conversion transaction, beginning with RAD eligibility and continuing through site selection, transfer of assistance, unit design requirements and marketing. In addition, this Section describes the timing and procedures for submitting data and documents to HUD so that HUD may complete its front-end review. The submission procedures are also designed to serve as a tool for PHAs to identify issues of potential concern at appropriate stages of the RAD conversion and as a tool for HUD to identify potential needs for technical assistance.

5.1. RAD Eligibility Review

To be eligible for RAD, the PHA must meet all eligibility requirements set forth in Section 1.3 of the RAD Notice, including the civil rights threshold requirements found at Section 1.3.G of the RAD Notice. A PHA must not have a charge, cause determination, lawsuit, or letter of findings, referenced in Section 1.3.G of the RAD Notice, against the PHA itself, its transferees, proposed development partners, or sub-recipients that has not been resolved, or is not in the process of being resolved, to HUD's satisfaction. This determination shall be made prior to issuance of the CHAP.

The CHAP may be revoked by HUD if HUD determines that the terms of the conversion would be inconsistent with fair housing and civil rights laws or a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement. HUD may terminate a CHAP or RCC if it determines that the terms of the conversion would be inconsistent with fair housing or civil rights laws or is inconsistent with, would hinder, or would delay satisfaction of a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement.

HUD may terminate an approval to proceed with a RAD conversion if it determines that the terms of the conversion would be inconsistent with fair housing or civil rights laws or a fair housing or civil rights court order, settlement agreement, or voluntary compliance agreement.

5.2. PHA's Proposed Site Selection and Certification

For all RAD conversions, the PHA must comply with all applicable site selection requirements as set forth in this Notice and the RAD Notice and in accordance with any additional applicable published guidance provided by HUD. As set forth in the RAD Notice, conversions of assistance to PBV involving new construction, whether on a new site or on a current site, are subject to the site selection standards set forth in 24 C.F.R. § 983.57(a), (b), (c) and (e), but excluding 24 C.F.R. § 983.57(b)(1) and (c)(2). All other conversions to PBV, including transfers of assistance to an existing property other than the Converting Project, are subject to the standards set forth in 24 C.F.R. § 983.57(a), (b), (c) and (d), but excluding 24 C.F.R. § 983.57(b)(1) and (c)(2).²⁸ Site selection requirements set forth at Appendix III of the RAD Notice apply to RAD conversions to PBRA assistance, as does the requirement not to place housing in neighborhoods with highly concentrated poverty based on the criteria formulated for transfers under Section 8(bb) of the United States Housing Act of 1937.²⁹ PBV and PBRA site selection must also be consistent with the requirements of the Fair Housing Act, Title VI, Section 504, the ADA and their implementing regulations.

It is the PHA's responsibility to ensure that the site selection complies with all applicable site selection requirements, including the requirements of this Notice and the RAD Notice. Pursuant to the RAD Notice, the PHA must certify with the submission of its Annual Plan, Significant Amendment to its Annual Plan, or MTW Plan that it complies with the applicable site selection requirements and must maintain records of its analysis and the data relied upon in making its determination of compliance. The PHA must also determine and subsequently state in the certification that the site is "suitable from the standpoint of facilitating and furthering full compliance with the applicable provisions of Title VI of the Civil Rights Act of 1964, Title VIII of the Civil Rights Act of 1968, Executive Order 11063, and HUD regulations issued pursuant thereto."³⁰ Although this Notice provides detail regarding certain civil rights-related site and neighborhood standards, PHAs must certify compliance with all applicable site and neighborhood standards.³¹

The PHA must also certify that, in conducting its review of site selection for the proposed project, the PHA completed a review with respect to accessibility for persons with disabilities and that the proposed site is consistent with applicable accessibility standards under the Fair Housing Act, Section 504, and the ADA. The site and neighborhood standards for PBV and PBRA require the site to be "suitable from the standpoint of facilitating and furthering full compliance with" the Fair Housing Act and require the site to meet the Section 504 site selection

²⁸ See the provisions of Section 1.6.A.4 of the RAD Notice.

²⁹ 42 U.S.C. § 1437f(bb).

³⁰ For RAD conversions to PBRA, the RAD Notice uses the term "the site and neighborhood is suitable," rather than "the site is suitable." See Appendix III of the RAD Notice, paragraph (a).

³¹ See 24 C.F.R. § 983.57 and the RAD Notice at Section 1.4(A)(7)

requirements described in 24 C.F.R. § 8.4(b)(5).³² The Fair Housing Act, as implemented at 24 C.F.R. § 100.205, requires “covered multifamily dwellings” built for first occupancy after March 13, 1991, to contain accessible design features. HUD’s Section 504 regulations at 24 C.F.R. § 8.4(b)(5) require that, in determining the site or location of a federally assisted facility, an applicant for assistance or recipient may not make selections the purpose or effect of which would: (i) exclude qualified individuals with disabilities from, deny them the benefits of, or otherwise subject them to discrimination under, any program or activity that receives Federal financial assistance from HUD, or (ii) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities. Title II of the ADA contains a similar requirement that a public entity, such as the PHA, may not, in determining the site or location of a facility, make selections (i) that have the effect of excluding individuals with disabilities from, denying them the benefits of, or otherwise subjecting them to discrimination; or (ii) that have the purpose or effect of defeating or substantially impairing the accomplishment of the objectives of the service, program, or activity with respect to individuals with disabilities.³³ Factors relevant to a site review under these standards may include, among others:

- Site features, such as inaccessible slopes in routes, lack of accessible sidewalks, curb ramps, accessible parking spaces, and placement of dumpsters or other physical features that would impede access to and movement within the site;
- Building features, such as inaccessible building entrances, other methods of ingress and egress, public and common use areas (e.g., the rental office, parking areas, mail areas, trash areas, community rooms, shared use toilet rooms, laundry facilities and walkways inside and outside that connect these public and common use areas to units), and barriers to access by members of the public; and
- Lack of accessible transit or para-transit and accessible public sidewalks and accessible transportation stops.

When such conditions are present at the site and would exclude individuals with disabilities from, deny them the benefits of, or otherwise subject them to discrimination, or would defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to individuals with disabilities, the site must not be selected unless the proposal includes remediation of the barriers to achieve compliance with accessibility requirements (including identification and remediation of any nonconforming design and construction conditions in “covered multifamily dwellings” under the Fair Housing Act). Remediation of the barriers may include, for example, physical accessibility improvements to the site, arrangements for access to accessible supportive services, or reasonable accommodations for current or prospective residents with disabilities, including members of the public. The Financing Plan submitted to HUD must describe and document resources sufficient to pay for the remediation of accessibility barriers.³⁴

³² See 24 C.F.R. § 983.57(b)(2) (PBV conversions); *see also*, Appendix III (a) of the RAD Notice (PBRA conversions).

³³ See 28 C.F.R. § 35.130(b)(4).

³⁴ In conducting its review prior to certification, and in preparing for the certification, PHAs and Project Owners may find it useful to consult with their local or regional FHEO office, the United States Access Board, local or state

While all PHAs must certify their compliance with applicable site selection requirements as described in this Section, some RAD transactions will also be subject to a front-end review of the site selection. For transactions involving activities that present site selection issues of greater complexity, as described in Sections 5.3 through 5.5 below, front-end review will allow HUD's Office of Fair Housing and Equal Opportunity (FHEO) to assist the PHA to consider relevant laws and regulations while completing its site selection review and certification.

5.3. RAD Front-End Civil Rights Transaction Review

Fair Housing Act and other civil rights issues may arise throughout a RAD transaction. Under the Fair Housing Act, an assessment of site suitability includes an analysis of the impact that the siting of the project would have on patterns of segregation for protected classes. The Fair Housing Act is of particular importance when a RAD proposal concerns site selection for new construction or reconfiguration of housing on the original public housing site – for example, the unit size distribution (e.g., conversion of larger bedroom size units to one-bedroom units, which may have an adverse impact on housing opportunities for families with children) or a reduction in the number or distribution of accessible units (which may have an adverse impact on housing opportunities for persons with disabilities). RAD conversions involving new construction must also comply with the Fair Housing Act's accessibility requirements.

Compliance with all applicable fair housing and civil rights requirements is the responsibility of both the PHA and the Project Owner. However, to assist with compliance, HUD's Office of Fair Housing and Equal Opportunity (FHEO) will conduct a front-end civil rights review of project proposals containing activities identified as particularly at risk of violating applicable fair housing and civil rights laws. The activities that must be submitted for front-end civil rights review are listed in Section 5.3(A), below.

A) Activities Subject to Front-End Civil Rights Review

All RAD conversions that include one or more of the activities listed below (Sections 5.3(A)(1) through 5.3(A)(9)) are subject to a front-end review for compliance with certain civil rights and fair housing requirements. The specific items that HUD will review in the front-end review will depend on which activities are involved in the specific transaction. A RAD conversion may not include one of the activities below without prior written approval from HUD. All Financing Plans must include evidence that the PHA has secured written approval from HUD for any of the following activities that are included in its RAD conversion:

- (1) Conversions of assistance involving new construction, whether on a new site or on a current site, in an area of minority concentration. Front-end review of this activity shall be pursuant to Section 5.4(B), below and, in addition, the PHA shall

architectural access board or other accessibility authority for information on accessibility standards. Other sources of information on accessibility requirements may include protection and advocacy organizations or independent living centers. In addition, the non-HUD resources may provide advice on how to assess accessibility needs and formulate physical accessibility strategies.

certify in its Annual Plan compliance with site and neighborhood standards applicable to new construction as described in Section 5.2.

- (2) Transfers of assistance where all or a portion of the Converting Project's assistance is transferred to a new site(s) (either new construction or to an existing project) as part of the subject transaction. Front-end review of this activity shall be pursuant to Section 5.5(B), below and, in addition, the PHA shall certify in its Annual Plan compliance with site and neighborhood standards applicable to existing housing as described in Section 5.2.
- (3) Conversions of assistance where the total number of units in the Covered Project is less than the original number of units in the Converting Project (this includes de minimis reductions). Front-end review of this activity shall be pursuant to Section 5.6.
- (4) Conversions of assistance where the Covered Project's unit configuration is different from the unit configuration of the Converting Project. Front-end review of this activity shall be pursuant to Section 5.6.
- (5) Conversions involving a change in occupancy, where the Covered Project serves a different population from the one served by the Converting Project (e.g., when a Converting Project serves families but the Covered Project is subject to an elderly preference or introduction of restrictions or preferences based on age or disability that will change the occupancy of the property). Front-end review of this activity shall be pursuant to Section 5.6.
- (6) Conversions of assistance in which the construction schedule indicates that relocation is likely to exceed 12 months. Front-end review of this activity shall be pursuant to Section 5.7(A).
- (7) Conversions of assistance involving new construction or substantial alteration,³⁵ as those terms are defined in Section 504 of the Rehabilitation Act of 1973. Front-end review of this activity shall be pursuant to Section 5.7(B).
- (8) Conversions of assistance involving a Converting Project subject to a Voluntary Compliance Agreement or Conciliation Agreement with HUD or a Consent Decree or Settlement Agreement with the U.S. Department of Justice or HUD, or where the PHA is subject to such an agreement affecting its entire housing portfolio or otherwise related to the Converting Project. Front-end review of this activity shall be pursuant to Section 5.7(C).

³⁵ Section 504 defines substantial alteration of a housing project as alterations where a housing project has 15 or more units, and the rehabilitation costs will be 75% or more of the replacement cost of the completed facility. *See* 24 C.F.R. § 8.23 (a).

- (9) Conversions of assistance where HUD has identified potential fair housing and civil rights concerns or a history of such concerns. Front-end review of this activity shall be pursuant to Section 5.7(C).

PHAs should note that a proposed RAD conversion may trigger front-end review regarding more than one of the activities listed in subsections (1) through (9) of this Section. For example, depending on the details of the proposal, a new construction on-site project could require review under subsections (1), (3), (4), (5), (6), and (7), or could require review under only subsections (1) and (7).

As part of HUD's review of these elements of the RAD conversion plans, HUD may require that PHAs that are carrying out portfolio or multi-phased conversions provide information on their conversion plans for other projects or subsequent phases to ensure that the overall plans for RAD conversion are consistent with civil rights and fair housing.

B) Fair Housing, Civil Rights, and Relocation Checklist

In connection with HUD's front-end fair housing and civil rights and relocation reviews described in this Section 5 and in Section 6, HUD is requiring submission of a Fair Housing, Civil Rights, and Relocation Checklist (the "Checklist"). The Checklist will facilitate the PHAs' and Project Owners' submission of necessary information to complete these reviews.³⁶ HUD anticipates that a revised Checklist, when available following Paperwork Reduction Act approval, will be separated into parts which can be submitted incrementally as the PHA and Project Owner develop the RAD transaction plans, with different elements of the Checklist applicable at different stages of the transaction planning process. For example, submissions regarding site selection for a RAD transaction involving new construction may occur well before submissions regarding a proposal to change the unit configuration.

The Checklist will outline the minimum information or documentation which HUD will need in order to review each part of the Checklist. After HUD's initial review of any portion of the Checklist, HUD may determine that the data provided in the Checklist is insufficient for HUD to complete its review, in which case HUD may require the PHA or Project Owner to provide supplemental information. The PHA should submit each part as early as possible once the information covered in the applicable part is known. All information specified in the applicable

³⁶ The Checklist is available at www.hud.gov/rad. As of the publication of this Notice, references to the Checklist refer to the existing FHEO Accessibility and Relocation Plan Checklist under OMB Approval 2577-0276. The PHA shall use the existing Checklist to provide information related to demonstrating compliance with fair housing, other civil rights, and relocation requirements (including accessibility requirements) and, as necessary, may require additional materials for HUD to complete its review, which the PHA may provide in such form as the PHA determines appropriate. Also at www.hud.gov/rad, HUD has provided a listing of information that, depending on the circumstances, HUD may require to complete different components of its front-end review. The Checklist is being revised to fully capture the submission requirements described in this Notice. The revised Checklist will be subject to Paperwork Reduction Act approval and will be posted at the website listed above when available for use.

part of the Checklist must be submitted to HUD for HUD to begin its civil rights review – partial submissions of any applicable part of the Checklist will not be accepted.³⁷

C) Timing of Front-End Review Submissions

PHAs and Project Owners are encouraged to submit applicable portions of the Checklist and information associated with a particular activity subject to front-end review as early as possible in the development of their plans. The PHA must ensure that HUD has approved all applicable parts of the Checklist prior to submission of the Financing Plan. Upon request from the PHA, HUD may, at HUD's sole discretion, permit submission of the Financing Plan prior to receipt of approval of the applicable parts of the Checklist and conditioned upon subsequent receipt of such approvals, in which event the PHA and Project Owner may proceed at their own risk.

Early approval of the site of the Covered Project is critical for RAD transaction proposals subject to front-end civil rights review involving site selection standards, specifically new construction in areas of minority concentration (see Section 5.3(A)(1)) and transfers of assistance (see Section 5.3(A)(2)). The PHA must conduct its own assessment of the site during the early stages of planning its RAD transaction. The guidance in this Notice and the Checklist are tools intended to assist the PHA in conducting its own assessment of the site.

The PHA must provide HUD with the Checklist and backup information sufficient for HUD to review the site with respect to the applicable standards. The site selection information should be provided to HUD no later than ninety (90) days following the issuance of the CHAP or, if the CHAP has already been issued as of the publication of this Notice, within ninety (90) days following publication of this Notice. In the event of a change in plans for the Converting Project that would require a front-end review of the site selection standards, the PHA must provide the Checklist and backup documentation within sixty (60) days of the change in plans. PHAs are strongly encouraged to provide front-end review submissions and secure HUD approval prior to applying for LIHTCs or taking action the reversal of which (in the event of non-approval of the site) would be detrimental to the PHA or the Project Owner. PHAs are also encouraged to contact FHEO for technical assistance prior to submission of these materials.

All PHAs shall submit a certification consistent with the requirements of Section 5.2, above. This certification may be prepared specifically in connection with the Checklist or as part of the PHA Annual Plan or Significant Amendment. However, HUD will not consider a submission complete for front-end civil rights review without this certification. All RAD conversions must submit the PHA certification described in Section 5.2 no later than at the time of submission of the Financing Plan.

D) Completion of HUD's Front-End Review

HUD will not approve a RAD conversion if HUD determines that the conversion would operate to discriminate in violation of applicable fair housing and civil rights laws. HUD will not approve proposals that have the purpose, intent, or effect of discriminating on the basis of

³⁷ The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.

protected class (*i.e.*, race, color, national origin, religion, sex, disability, and familial status). If HUD does not approve a proposed activity based on a front-end review, then it will provide a written description of concerns or deficiencies. The PHA may resubmit the front-end review materials with a changed proposal and/or with additional information addressing HUD's concerns and any deficiencies in the proposal or the submission.

In some circumstances, a special condition to the transaction's RCC will be necessary to ensure that a RAD transaction conforms to fair housing and civil rights requirements. Special conditions to the RCC reflect the conditions necessary in order to complete the RAD conversion. For example, if there is an outstanding remedial agreement or order requiring particular development activities or operating policies to correct a violation of a fair housing or other civil rights requirement, the RCC generally will condition participation in RAD upon agreement by the PHA or the Project Owner, as applicable, to comply with the provisions of such agreements or orders after conversion.

5.4. Front-End Civil Rights Review for RAD Transactions Involving New Construction

A) Conditions Triggering Review

If the proposed project is located in an area of minority concentration, the new site may be approved only if it falls under a permitted exception and meets the other site selection requirements described in Section 5.2. Under the PBV and PBRA site and neighborhood standards, HUD may approve new construction in an area of minority concentration, consistent with the regulatory requirements cited above, only if:

- a. Sufficient, comparable housing opportunities for minority families in the income range to be served by the proposed project exist outside areas of minority concentration; or
- b. The project is necessary to meet overriding housing needs that cannot be met in that housing market area.³⁸

As described in the RAD Notice and in Section 5.3(A) of this Notice, above, HUD will conduct a front-end civil rights review of the PHA's proposed site in certain circumstances. This Notice specifies that for conversions of assistance involving new construction where there are indications that the site may be located in an area of minority concentration per the criteria in subsections (i), (ii), or (iii), below (whether the construction is located 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 the site is in an area of minority concentration and, if so, whether it meets one of the exceptions that would allow for new construction in an area of minority concentration.

The PHA shall submit for HUD front-end review the PHA's findings, together with backup documentation, regarding site selection when the site meets any of the following criteria:

- i. The PHA self-identifies the area of the site as an area of minority concentration,

³⁸ 24 C.F.R. § 983.57(e)(3) and Appendix III of the RAD Notice, paragraph (e).

- ii. The census tract of the site meets the extent of minority concentration described in Section 5.4(B)(1), below, or
- iii. An area comprised of the census tract of the site together with all adjacent census tracts, analyzed as a whole, meets the extent of minority concentration described in Section 5.4(B)(1), below.

If any of these three criteria is applicable, HUD will conduct a review to determine whether the site is in an area of minority concentration and, if applicable, whether the proposed site fits one of the exceptions permitting new construction in an area of minority concentration described in this Section 5.4. A proposed RAD transaction which does not meet one of these triggers must still be evaluated by the PHA and the PHA must certify compliance with the site selection requirements as described in Section 5.2, above.

A PHA seeking to undertake new construction must receive written approval from HUD of any site selection subject to front-end review prior to entering into any construction contract for that new construction.

B) Analysis of Areas of Minority Concentration

This Section sets forth the methodology that HUD will use in the analysis of the extent of minority concentration, the area of the site, and the housing market area for purposes of the RAD front-end civil rights review. As noted below, this analysis is fact specific and PHAs may submit documentation to inform HUD's analysis in cases where there is strong evidence that an alternative methodology would be more appropriate.

- (1) For purposes of RAD, a site is considered to be in an area of minority concentration when either (i) the percentage of persons of a particular racial or ethnic minority within the area of the site is at least 20 percentage points higher than the percentage of that minority group in the housing market area as a whole or (ii) the total percentage of minority persons within the area of the site is at least 20 points higher than the total percentage of minorities in the housing market area as a whole.³⁹
- (2) For purposes of RAD, the analysis of an area of minority concentration will use census tracts to approximate the "area" of the site but the analysis may consider alternate proposed geographies instead of the census tract in instances where there is strong evidence that such geography is more appropriate. Strong evidence that an alternative geography is more appropriate includes: (i) that the site is close to the edge of the census tract, (ii) that the population of the census tract is heavily influenced by the size of the Converting Project, or (iii) that the local community

³⁹ The percentage of minorities shall be calculated by subtracting the percentage of White Non-Hispanic persons in the relevant area from 100%. The analysis shall be based on the most recently available decennial census data found at http://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_10_DP_DPDP1&src=pt. However, if such data is more than five years old, and if either the PHA or HUD requests the use of more recent data based on such party's awareness of significant and material shifts in the demographics of the relevant area in the intervening years, the analysis shall be based on the most recent American Communities Survey data.

understanding of the immediate neighborhood dictates a different boundary. Local community understanding of the immediate neighborhood is often informed by factors such as patterns of housing stock (such as different residential densities in different areas or differential housing prices for similar properties), community facilities and amenities (such as schools and commercial areas) or major geographic barriers (such as rivers or interstate highways), among other factors.⁴⁰ HUD will determine the site's "area" using the best available evidence and following the legal standards set forth in applicable case law.

- (3) For purposes of the RAD analysis under this Section 5.4, a "housing market area" is the geographic region from which it is likely that residents of housing at the proposed site would be drawn for a given multifamily housing project. A housing market area generally corresponds to, as applicable: (i) the Metropolitan Statistical Area (MetroSA); (ii) the Micropolitan Statistical Area (MicroSA); or (iii) if the site is in neither a MetroSA nor a MicroSA, either (x) the county or statistically equivalent area, or (y) the PHA's service area, whichever is larger.⁴¹ The analysis may consider a larger or smaller housing market area in instances where there is strong evidence that such housing market area is more appropriate. Strong evidence that an alternative housing market area is more appropriate may include factors such as regional employment centers and commuting patterns serving such employment centers. A PHA seeking to use an alternative housing market area must consult with HUD and establish to HUD's satisfaction that the methodology for identifying and documenting the alternative housing market area is warranted and sound.

C) The Sufficient Comparable Opportunities Exception

As required by the RAD Notice and noted in Section 5.4(A), one of the exceptions under which the site and neighborhood standards permit new construction in areas of minority concentration is if sufficient, comparable housing opportunities for low-income minority families exist outside areas of minority concentration. This section clarifies HUD's procedures for assessing comparable housing opportunities and evaluating how the proposed new construction will impact the balance of housing choices within and outside areas of minority concentration. It also includes a list of the information PHAs should submit to inform HUD's assessment of relevant factors, and key considerations guiding HUD's analysis of each factor.

Under the governing PBV and PBRA requirements, units are considered comparable opportunities if they are the same household type (e.g., elderly, disabled, family, large family), tenure type (owner, renter), require approximately the same total tenant payment toward rent,

⁴⁰ For further explanation, see, e.g., *King v. Harris*, 464 F.Supp.827, 839-41 (E.D.N.Y. 1979).

⁴¹ Items (i) and (ii) are consistent with a Core Based Statistical Area as defined by the Office of Management and Budget. For reference, a Core Based Statistical Area consists of the county or counties or equivalent entities associated with at least one core (urbanized area or urban cluster) of at least 10,000 population, plus adjacent counties having a high degree of social and economic integration with the core as measured through commuting ties with the counties associated with the core.

serve the same income group, are located in the same housing market area, and are in standard condition.⁴²

It is important to note that the sufficient comparable housing opportunities exception “does not require that in every locality there be an equal number of assisted units within and outside of areas of minority concentration. Rather, application of this standard should produce a reasonable distribution of assisted units each year, that, over a period of several years, will approach an appropriate balance of housing choices within and outside areas of minority concentration. An appropriate balance in any jurisdiction must be determined in light of local conditions affecting the range of housing choices available for low-income minority families and in relation to the racial mix of the locality’s population.”⁴³

HUD will assess “the overall impact of HUD-assisted housing on the availability of housing choices for low-income minority families in and outside areas of minority concentration, and must take into account the extent to which the following factors are present, along with other factors relevant to housing choice.”⁴⁴ Under this exception, it is not sufficient for one factor to be present, nor is it required that all factors be present, as the analysis must consider all relevant facts and evaluate the totality of the circumstances.

- “A significant number of assisted housing units are available outside areas of minority concentration.”⁴⁵ While HUD must consider all factors relevant to housing choice, 30% or more of deeply subsidized housing units for very low-income persons would be a significant number. To facilitate HUD’s consideration of this factor, a PHA should provide the number, occupancy type, and location of all comparable assisted units.⁴⁶
- “There is significant integration of assisted housing projects constructed or rehabilitated in the past 10 years, relative to the racial mix of the eligible population.”⁴⁷ To facilitate HUD’s consideration of this factor, a PHA should provide the name and location of assisted housing projects constructed or rehabilitated in the PHA’s jurisdiction in the past 10 years and the demographic characteristics of the residents of each of these projects;
- “There are racially integrated neighborhoods in the locality.”⁴⁸ To facilitate HUD’s consideration of this factor, a PHA should provide the name and census tracts where these racially integrated neighborhoods are located. In general, HUD will consider a neighborhood racially integrated if the neighborhood does not have a high concentration of persons of a particular race or ethnicity when compared to the housing market area in which the neighborhood is located.

⁴² See 24 C.F.R. § 983.57(e)(3)(iv) and Appendix III of the RAD Notice, paragraph (e)(1)(A).

⁴³ 24 C.F.R. § 983.57(e)(3)(iii); *see also* Appendix III of the RAD Notice, paragraph (e)(1).

⁴⁴ 24 C.F.R. § 983.57(e)(3)(v); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B).

⁴⁵ 24 C.F.R. § 983.57(e)(3)(v)(A) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(i).

⁴⁶ Note that this factor is in reference to comparable assisted units that may or may not be in the PHA’s portfolio. The presumption stated at the end of this Section (i.e., that sufficient comparable opportunities exist if at least 50% of the comparable hard units in the PHA’s portfolio, including PBV developments using the PHA’s subsidy, are outside areas of minority concentration) is focused on units within the PHA’s portfolio.

⁴⁷ 24 C.F.R. § 983.57(e)(3)(v)(B) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(ii).

⁴⁸ 24 C.F.R. § 983.57(e)(3)(v)(C) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(iii).

- “Programs are operated by the locality to assist minority families that wish to find housing outside areas of minority concentration.”⁴⁹ Such programs may include measures such as increasing payment standards in excess of 110% of FMR or the use of Small Area FMRs, including in setting exception rents, or reservation of a percentage of HCVs dedicated to support choice mobility selections or implementation of proven mobility counseling and supports for residents, provided the PHA provides sufficient evidence that it will continue such measures. To facilitate HUD’s consideration of this factor, a PHA should provide the names of the applicable program(s); the entity responsible for implementing the program(s) (e.g., city, county, state government); and any information demonstrating that the program(s) has been successful or predictably will achieve success in assisting persons who wish to move to non-concentrated areas.
- “Minority families have benefited from local activities (e.g., acquisition and write-down of sites, tax relief programs for homeowners, acquisitions of units for use as assisted housing units) undertaken to expand choice for minority families outside of areas of minority concentration.”⁵⁰ To facilitate HUD’s consideration of this factor, a PHA should provide the names of the applicable activity(s); the entity responsible for implementing the activity(s) (e.g., city, county, state government); and any information demonstrating that the activity(s) has been successful in expanding choice for minority families outside of areas of minority concentration;
- “A significant proportion of minority households has been successful in finding units in non-minority areas under the tenant-based assistance programs” (e.g., the Housing Choice Voucher programs).⁵¹ To facilitate HUD’s consideration of this factor, a PHA should provide the number of minority households receiving Housing Choice Vouchers; the number of minority households using HCVs in non-minority areas; and the non-minority census tracts where the HCVs are being used. While each local situation is distinct and HUD must consider all factors relevant to housing choice, 30% or more of new leases signed by minority heads of household using HCVs located in non-minority areas over a period greater than three years prior to the date of HUD’s analysis would be a significant proportion.
- “Comparable housing opportunities have been made available outside areas of minority concentration through other programs.”⁵² To facilitate HUD’s consideration of this factor, a PHA should describe the opportunities that have been made available, the location of those opportunities, and the number of minority families that have benefitted from the program in recent years. Such programs could include choice mobility strategies, acquisition strategies to acquire and add to the PHA’s portfolio existing apartments in high opportunity areas and transfers of assistance to high opportunity areas.

HUD may consider evidence based on a reliable housing market analysis in evaluating the foregoing factors, along with other factors relevant to housing choice. In the event HUD

⁴⁹ 24 C.F.R. § 983.57(e)(3)(v)(D); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(iv).

⁵⁰ 24 C.F.R. § 983.57(e)(3)(v)(E); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(v).

⁵¹ 24 C.F.R. § 983.57(e)(3)(v)(F); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(vi).

⁵² 24 C.F.R. § 983.57(e)(3)(v)(G) and Appendix III of the RAD Notice, paragraph (e)(1)(B)(vii).

determines such an analysis would assist in this evaluation, HUD will consult with appropriate parties to establish or accept an appropriate methodology for such an analysis to address HUD's civil rights concerns and to ensure appropriate independence between the analyst and the PHA or Project Owner commissioning and paying for the study.

Absent information to the contrary, for purposes of HUD's front-end review of the PHA's analysis, HUD will apply a presumption that sufficient comparable opportunities exist if at least 50% of the comparable hard units in the PHA's portfolio, including PBV developments using the PHA's subsidy, are outside areas of minority concentration.⁵³ The PHA's portfolio includes all public housing, PBV and PBRA hard units (including those developed under HOPE VI or Choice Neighborhoods) controlled by the PHA and its instrumentalities or funded using PHA-controlled subsidy. Upon adequate documentation of this presumption, the PHA need not provide additional documentation for HUD's front-end review of the sufficient comparable opportunities exception. This presumption may be rebutted by information to the contrary, including information regarding the preceding factors. In assessing whether sufficient comparable opportunities exist when the presumption does not apply, HUD will consider the factors listed above.

Absent information to the contrary, for purposes of HUD's front-end review of the PHA's analysis, HUD will apply a presumption that sufficient comparable opportunities exist if a set of RAD conversions from a single public housing property, individually or in a combination of transactions, will result in the creation of as many similarly-affordable housing units outside areas of minority concentration as are constructed on the original public housing site. To evaluate the creation of similarly-affordable units, HUD will compare (i) the number of affordable units that will be redeveloped on site, to (ii) the number of similarly-affordable housing units that will be created through new construction, imposition of new long-term affordability restrictions or transfer of RAD assistance to one or more sites outside areas of minority concentration.⁵⁴ Similarly-affordable shall mean RAD units compared to RAD units and LIHTC/non-RAD units compared to LIHTC/non-RAD units. The newly created similarly-affordable units must be owned, controlled, sponsored, under common ownership, control or sponsorship, or financially supported by the PHA or by an entity with a managing ownership interest in the Project Owner. When a PHA seeks to claim this exception, HUD prefers that the transaction creating the similarly-affordable units on the site outside areas of minority concentration close (with an immediate or delayed HAP effective date, if applicable) prior to the closing of the RAD conversion in the area of minority concentration. However, if the PHA determines that such a sequence is not reasonably possible, unless otherwise approved by HUD the PHA must provide evidence to HUD that the transfer of assistance to a site outside areas of

⁵³ When determining the percentage of units outside of areas of minority concentration, the PHA must include the number of units planned at the proposed site in its calculations. While not required, PHAs or Project Owners may assist HUD in consideration of this presumption by submitting to HUD a map produced by the Affirmatively Furthering Fair Housing Data and Mapping Tool ("AFFH-T"), as may be available on the HUD website from time to time, showing the location of publicly assisted housing.

⁵⁴ For example, if the PHA proposes to build 25 RAD units, 20 non-RAD LIHTC units and 15 unrestricted units on-site, such a plan could be acceptable if paired with creation of 15 RAD units at one site and 10 RAD units plus 20 non-RAD LIHTC units at a second site. The 15 unrestricted units in the minority concentrated area are not part of the analysis as they are not affordable units.

minority concentration is highly likely to occur and the PHA must contractually agree with HUD to create such units. Evidence that the transfer is highly likely to occur must include:

- The project name and property address of the site of the similarly-affordable units to be created,
- The census tract and data to confirm that it is not in an area of minority concentration,
- Evidence of site control,
- Evidence of zoning to permit construction of the similarly-affordable units if the affordable units are to be created through new construction,
- A reasonable and feasible sources and uses statement for the transaction, and
- Evidence of financing commitments exceeding 90% of the necessary sources to complete the transaction. Evidence of financing commitments must include an LIHTC allocation if the use of LIHTCs is projected.

D) The Overriding Housing Needs Exception

As noted in Section 5.4(A), the second exception under which the site and neighborhood standards permit new construction in areas of minority concentration is if the project is necessary to meet overriding housing needs that cannot be met in that housing market area. The new construction site selection standards under RAD⁵⁵ outline two examples of circumstances, consistent with fair housing and other civil rights objectives, that would permit the application of the overriding housing needs exception: (1) when the site is “an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood;” or (2) when the site is “located in a neighborhood experiencing significant private investment that is demonstrably improving the economic character of the area (a “revitalizing area”).”⁵⁶

(1) Establishing that a Site is an Integral Part of an Overall Local Strategy for the Preservation or Restoration of the Immediate Neighborhood

To establish that a site is an integral part of an overall local strategy for the preservation or restoration of the immediate neighborhood, a PHA must document that the locality has a demonstrated commitment to revitalization that includes or is in addition to the RAD conversion, as demonstrated by the following:

- i. The site is located in a defined geographic area that is the subject of an official, currently operational and realistically achievable plan for the improvement or revitalization of the immediate neighborhood (which plan may include areas beyond the immediate neighborhood); and
- ii. The Covered Project conforms to, and the site is integral to, the goals, strategies, and objectives of the improvement or revitalization plan.

⁵⁵ See 24 C.F.R. § 983.57(e)(2) for PBV transactions and paragraph (e) of Appendix III of the RAD Notice for PBRA transactions.

⁵⁶ 24 C.F.R. § 983.57(e)(3)(vi); *see also* Appendix III of the RAD Notice, paragraph (e)(1)(B)(viii)(2). In demonstrating an overriding housing need, the “neighborhood” is determined in each situation based on the overall facts and circumstances and cannot be mechanically determined. The “immediate neighborhood” is generally a smaller geographic area than the “neighborhood.”

In determining whether such an official, currently operational and realistically achievable plan for the improvement or revitalization of the area exists, HUD will consider relevant factors including, for example, whether:

- The strategy itself, or a plan supporting the strategy, has been enacted, adopted, or ratified by a municipal, county, or state legislative body;
- There has been progress to implement the plan, or the strategy as a whole.⁵⁷
- The plan or strategy as a whole, or the elements applicable to the Covered Project, are consistent with the jurisdiction's land use or zoning code, development regulations, or other official body of laws or rules;
- Strategies or activities under the plan are incorporated in current public, quasi-public agency or major institutional work plans;
- The plan, or the strategy as a whole, includes objectives and initiatives related to the preservation or restoration of a geography larger than the Converting Project and any associated public housing site;
- A jurisdiction has published solicitations or incentives for development projects in the improvement or revitalization area;
- The plan is incorporated in the applicable jurisdiction's Consolidated Plan or other comprehensive community development plan;
- A jurisdiction has explicitly designated the geographic area for improvement or revitalization (e.g., Business Improvement District; Enterprise Zone designation; Promise Zone designation; Choice Neighborhoods designation);
- An implementing agency has retained a construction firm to break ground on the improvement or revitalization; and/or
- An implementing agency has secured financing, such as the issuance of bonds or final approval for tax increment financing.

(2) Establishing that the Site is Located in a “Revitalizing Area”

Evidence that the site is located in a revitalizing area experiencing significant private investment that is demonstrably improving the economic character of the area is also an example of a site which meets an overriding housing need. HUD will consider all relevant factors in making a determination that the site is located in a “revitalizing area” but in particular will consider whether:

- i. The neighborhood has demonstrated signs of revitalization, through indicators such as low or declining census tract poverty rates, low or declining violent crime rates or evidence of high or increased educational opportunity, high or increasing median

⁵⁷ Indicators of progress should be appropriate to the amount of time since the plan or strategy was developed and there must be a reasonable, supportable expectation that the plan will continue to be implemented. For example, if a plan was launched 3-4 years prior and the initial steps of the plan required implementation of an initiative (such as real estate development) which has a long pre-development planning period, HUD may consider whether there has been activity to seek land development approvals or to develop construction drawings or to secure funding commitments or other activities providing evidence that one or more material elements of the plan or strategy are actually being implemented.

- household income, high or increasing homeownership rates and/or high or increased employment; and
- ii. There is high private and public investment in retail, commercial, or housing development that has occurred or will imminently occur in the area which may include, among other considerations:
- Evidence of new or improved retail centers, grocery stores, pharmacies, healthcare facilities, community centers, educational and recreational facilities, municipal services, and transportation serving the neighborhood;
 - Evidence of private and public investment or housing development that has occurred or will imminently occur in the area;
 - Evidence of economic conditions that are impacting the preservation of affordable housing in the neighborhood, including indicators of gentrification such as housing costs rising more sharply in the neighborhood than in the jurisdiction overall, accelerated rates of homeownership in the neighborhood, and disproportionate depletion of larger dwellings for families with children.

(3) Circumstances in Which an Overriding Housing Needs Exception Does Not Apply

A PHA cannot establish that a site meets the overriding housing needs exception if the only reason the need cannot otherwise be feasibly met is that discrimination on the basis of race, color, religion, sex, national origin, age, familial status, or disability renders sites outside areas of minority concentration unavailable or if the use of this standard in recent years has had the effect of circumventing the obligation to provide housing choice.⁵⁸ For example, the overriding housing needs exception may not be applied if the reason that the project cannot be sited outside of an area of minority concentration is due to community opposition to the project based on the actual or perceived protected characteristics of the residents or prospective residents of the project. In addition, a recipient may not exclusively rely on this exception as a means of siting projects without creating housing opportunities outside of areas of minority concentration or without preserving existing housing outside of areas of minority concentration.

5.5. Front-End Civil Rights Review for RAD Transactions Involving Transfer of Assistance

A) Applicable Standards

Transfers of assistance are subject to the site selection standards for existing or rehabilitated housing set forth in 24 C.F.R. § 983.57(a)-(d), with the exception of 24 C.F.R. § 983.57(b)(1) and (c)(2), for PBV conversions and Appendix III of the RAD Notice for PBRA conversions. All transfers of assistance to a new site(s) are subject to front-end review by HUD, as required by the RAD Notice and noted in Section 5.3(A)(2) of this Notice. Conversions involving a transfer of assistance may also involve one or more of the other activities which trigger front-end review as described in Section 5.3(A). In transfers of assistance involving any of these activities, HUD

⁵⁸ 24 C.F.R. § 983.57(e)(3)(vi) and Appendix III of the RAD Notice, paragraph (e)(2). The PBRA site and neighborhood standards use the phrase “on the basis of race, color, creed, sex or national origin.” See Appendix III of the RAD Notice.

will conduct a front-end review based on the requirements applicable to each activity. A PHA must submit documentation for the front-end civil rights review of each specific activity as required by the relevant sections of this Notice.

B) Analysis of Transfers of Assistance

Through the front-end review of transfers of assistance by FHEO, HUD seeks to assist the PHA in avoiding discrimination on the basis of race, color, national origin, religion, sex, disability or familial status. The front-end review of transfers of assistance will apply the site selection standards for existing/rehabilitated housing.⁵⁹ This review shall consider:

- (1) The accessibility of the proposed site for persons with disabilities;
- (2) The ability of the RAD conversion to remediate accessibility concerns;
- (3) Whether the transfer of assistance would result in assisted units being located in an area where the total percentage of minority persons is significantly higher than the total percentage of minority persons in the area of the original public housing site or in an area where the percentage of persons of a particular racial or ethnic minority is significantly higher than the percentage of that minority group in the area of the original public housing site.⁶⁰ For purposes of this analysis, HUD will examine the minority concentration of:
 - (a) the census tract of the original public housing site compared to the census tract of the proposed site; and
 - (b) an area comprised of the census tract of the original public housing site together with all adjacent census tracts compared to an area comprised of the census tract of the proposed site together with all adjacent census tracts.
- (4) Whether the site selection has the purpose or effect of:
 - (a) Excluding individuals from, denying them the benefits of, or subjecting them to discrimination under the RAD program or the applicable rental assistance program;
 - (b) Excluding qualified individuals with disabilities from or denying them the benefit of the RAD program or the applicable rental assistance program, or otherwise subjecting them to discrimination;
 - (c) Defeating or substantially impairing the accomplishment of the objectives of the RAD program or the applicable rental assistance program with respect to qualified individuals with disabilities; and

⁵⁹ 24 C.F.R. § 983.57(d) and Appendix III of the RAD Notice, paragraphs (a) through (d). The site selection standards for existing/rehabilitated housing do not apply the minority concentration test used for new construction found at 24 C.F.R. § 983.57(e)(3) and Appendix III of the RAD Notice, paragraph (e).

⁶⁰ While this review is not explicitly called out in 24 C.F.R. § 983.57(d) and Appendix III of the RAD Notice, it is derived from HUD's and the PHA's obligations to comply with civil rights laws and regulations, including those referenced in 24 C.F.R. § 983.57(b)(2) and Appendix III of the RAD Notice.

- (d) Excluding individuals with disabilities (including members of the public with disabilities), denying them benefits or subjecting them to discrimination.

Under the RAD Notice, there are other standards for review of a transfer of assistance which are not examined as part of the front-end civil rights review but are examined as part of the RAD Financing Plan review (e.g., criteria formulated for transfers under Section 8(bb) of the United States Housing Act of 1937 regarding neighborhoods with highly concentrated poverty). Identification of considerations for the front-end review do not preclude review by HUD of all standards referenced in the RAD Notice.

5.6. Front-End Civil Rights Review for RAD Transactions Involving Reduction in Number of Units, Changes in Bedroom Distribution of Units and Changes in Occupancy Requirements

The RAD Notice allows PHAs to reduce the number of units, change the bedroom distribution of units, or change the occupancy of projects as part of their RAD conversion.⁶¹ However, the RAD Notice also provides that such changes (including de minimis changes) must undergo a front-end civil rights review and receive approval from HUD prior to submission of the Financing Plan. The Checklist will require data for review along with an explanation, backed by sufficient evidence, of how the PHA determined that the proposed change will not result in discrimination on the basis of race, color, national origin, religion, sex, disability, familial status, actual or perceived sexual orientation, gender identity or marital status.⁶²

A) Review of Reductions in the Number of Units, Reductions or Increases in the Number of UFAS Accessible Units or Changes in Bedroom Distribution

This Section describes the considerations relevant to a front-end review of reductions in units, changes in the number of UFAS accessible units or changes in bedroom distribution. Such changes must not be the result of an intentional effort to discriminate against members of a protected class. For example, reductions or changes, including reductions in UFAS accessible units or which would impede residents with disabilities from having live-in aides, that intended to exclude persons with disabilities would be unlawful discrimination because of a disability.

⁶¹ See Sections 1.4.A.4 and 1.4.A.10 of the RAD Notice.

⁶² Reductions in the number of units, changes in the bedroom distribution of units, or changes in occupancy violate the Fair Housing Act (the Act) if they have a discriminatory effect on the basis of race, color, national origin, religion, sex, disability, or familial status. Unlawful housing discrimination may be established by a policy's or practice's discriminatory intent or by its discriminatory effect, even if not motivated by discriminatory intent, consistent with the standards outlined in 24 C.F.R. § 100.500. A policy or practice can have an unjustified discriminatory effect, even when the provider had no intent to discriminate. Under this standard, a facially-neutral policy or practice that has a discriminatory effect violates the Act if it is not supported by a legally sufficient justification. In addition, the policy or practice violates the Act if the housing developer or provider intentionally discriminates, including for example, by reducing the number of bedrooms with the intent of limiting families with children. Furthermore, the policy or practice may also violate the Act where it creates, increases, reinforces, or perpetuates segregated housing patterns because of race, color, religion, sex, handicap, familial status, or national origin. In addition, any changes must conform with the Equal Access rule requirement that determinations of eligibility for housing that is assisted by HUD or subject to a mortgage insured by the FHA shall be made in accordance with program eligibility requirements, and the housing must be made available, without regard to actual or perceived sexual orientation, gender identity or marital status. 24 C.F.R. § 5.105(a)(2).

Similarly, replacing larger units with smaller units so as to exclude families with children would be unlawful discrimination because of familial status.

Additionally, reductions in units or changes in bedroom distribution must not have an unjustified discriminatory effect on members of a protected class. For example, a reduction in units could have a discriminatory impact if it excludes members of a particular race or religion. Reductions or changes that have a disparate impact on a protected class are unlawful under the Fair Housing Act if they are not necessary to achieve a substantial, legitimate, nondiscriminatory interest of the developer or housing provider, or if such interest could be served by another practice that has a less discriminatory effect.

The RAD Notice allows for a de minimis reduction in units at Converting Projects, which includes both a small number of units as well as the reduction of certain units that have been vacant for 24 months prior to application, that are being or will be used for social service delivery, or efficiencies that will be reconfigured to one-bedroom units.⁶³ In addition, a PHA converting multiple properties can consolidate the de minimis reductions derived from multiple properties at a small number of sites. The RAD Notice also allows for changes in bedroom distribution. Such de minimis reductions are still subject to front end civil rights review and applicable fair housing and civil rights laws.

HUD shall conduct a front-end civil rights review if the plan for a Converting Project results in:

- A reduction in the number of dwelling units in any of the following categories: (i) units with two bedrooms, (ii) units with three bedrooms or (iii) units with four or more bedrooms.
- A reduction in the number of UFAS accessible units;
- An increase in the number of UFAS accessible units for persons with mobility impairments beyond 10% of the units in the Covered Project or 1 unit, whichever is greater.
- An increase in the number of UFAS accessible units for persons with vision and hearing impairments beyond 4% of the units in the Covered Project or 1 unit, whichever is greater.

When a Converting Project is subject to a front-end civil rights review under this subsection, the PHA shall submit to HUD the relevant part of the Checklist together with a justification which must demonstrate that the changes are not the result of discriminatory intent and will not have a discriminatory effect on members of protected classes, particularly families with children and individuals with disabilities. Relevant data for this analysis of the proposed change at the project may include the PHA's overall affordable housing stock, the demand for affordable housing in the market as evidenced by information such as the overall jurisdiction and regional demographic data available from the AFFH Data and Mapping Tool (e.g., both basic demographic and disproportionate housing needs data), the PHA's waiting list or a reliable market study of households seeking assisted housing, compared to the relative proportions of

⁶³ See Section 1.4.A.4 of the RAD Notice.

units serving any particular household type in the proposed project, the PHA's total housing stock or all assisted housing in the area.

For any increase in UFAS units subject to front-end review, HUD will assess indicators of local need (see Section 5.7(B), below) and whether the change would operate to concentrate individuals with disabilities in a particular property or to exclude individuals with certain types of disabilities from a particular property.

B) Review of Changes in Occupancy Type

RAD conversions that result in the implementation of an admissions preference (e.g., residency preferences or restrictions) at the Covered Project that would alter the occupancy of the property (e.g., family units converting to elderly units, elderly/disabled units converting to elderly only units) are subject to a front-end civil rights review by HUD pursuant to the RAD Notice and Section 5.3(A). A PHA must demonstrate that the proposed change in occupancy type is consistent with the demand for affordable housing in its jurisdiction as demonstrated by factors such as the demographics of its current occupancy, the demographics of its waiting list or a market study. Such preferences, restrictions, or geographic residency preferences must be reflected in a PBRA project's Affirmative Fair Housing Marketing Plan (AFHMP) or, for a PBV project, the PHA's Administrative Plan.

5.7. Other Front-End Civil Rights Review for RAD Transactions

A) Conversions of Assistance in Which the Construction Schedule Indicates that Relocation is Likely to Exceed 12 Months.

The front end civil rights review shall focus on whether the relocation will result in discrimination on the basis of race, color, national origin, religion, sex, disability, and familial status, based primarily, but not exclusively, on the data required in the Checklist.

B) Conversions of Assistance Involving New Construction or Substantial Alteration, as those terms are defined by Section 504.

While the PHA is responsible for compliance with all requirements described in Section 4, above and in this subsection, the front-end review will be conducted based on a review of the Checklist and shall include confirming the provision of any required accessible units and confirming the PHA is applying the appropriate accessibility standards. HUD will require the PHA to provide information regarding the provision of at least the minimum number of units accessible for persons with mobility impairments and units accessible for persons with hearing and vision impairments as required by applicable law (generally 5% of units accessible for persons with mobility impairments and an additional 2% of units accessible for persons with hearing and vision impairments). For purposes of establishing an upper threshold of accessible units below which RAD front-end review will not be required, HUD will accept that up to 10% of units accessible for persons with mobility impairments and up to 4% of units accessible for persons with hearing and vision impairments is consistent with local need, without further review, absent information to the contrary. HUD will consider a PHA's request for higher percentages based, to HUD's satisfaction, on reliable indicators of local need, such as census data or other available current data. HUD is available to assist PHAs in determining appropriate indicators of local

need for units with accessible features. The RAD conversion scope of work submitted with the Financing Plan must reflect the construction or retrofitting of residential units and public and common use areas to comply with all applicable accessibility requirements.

C) Remedial Agreements and Orders.

Front-end review in situations where the Converting Project or PHA is subject to enforcement actions or binding voluntary compliance agreements, settlement agreements, conciliation agreements, or consent decrees or orders of the nature described in Sections 5.3(A)(8) and 5.3(A)(9) shall be conducted on a case-by-case basis as appropriate to the specific situation.

5.8. Affirmative Fair Housing Marketing Plan (AFHMP) Requirements for Projects Converting to PBRA Assistance

For all projects converting to PBRA assistance, a PHA or Project Owner must complete form HUD-935.2A, the Affirmative Fair Housing Marketing Plan (AFHMP) - Multifamily Housing, and submit it to HUD for approval with the RAD Financing Plan.⁶⁴ Affirmative Fair Housing Marketing requirements are designed to achieve a condition in which individuals of similar income levels in the same housing market area have similar housing choices available to them regardless of their race, color, national origin, religion, sex, disability, or familial status.⁶⁵ They are also a means to carry out the mandate of Section 808(e)(5) of the Fair Housing Act that HUD administer its programs and activities in a manner to affirmatively further fair housing. These requirements mandate that PHAs or Project Owners identify groups that are least likely to apply for upcoming housing opportunities and to implement special marketing and outreach activities to ensure that these groups are aware of these opportunities.

The AFHMP must be submitted to HUD with the Financing Plan. A separate AFHMP is required for each distinct PBRA HAP contract. The PHA must submit an AFHMP even if the project has an existing waiting list and is not accepting new applicants. The PHA or Project Owner should consult the instructions in the form HUD 935.2A and HUD's Implementing Affirmative Fair Housing Marketing Requirements Handbook (HUD Handbook 8025.1) for guidance on completing the AFHMP and carrying out an affirmative marketing program. The Handbook provides a detailed resource on the content of the AFHMP, which includes marketing activities, residency preferences, and staff training.

When submitting an AFHMP for HUD approval, the PHA or Project Owner must ensure that the occupancy designation and any residency preferences are consistent with the PHA Plan or Significant Amendment to the PHA Plan, that such designation and preferences are consistent with the Checklist submitted to HUD and that the AFHMP includes affirmative marketing

⁶⁴ The most recent version of the AFHMP is HUD Form 935.2A, OMB Approval Number 2529-0013. See 24 C.F.R. § 880.601(a)(2) and 24 C.F.R. § 200.615; *see also* Section 10.8 of the Multifamily Accelerated Processing (MAP) Guide. The PHA or its management agent should consult the instructions in the form HUD 935.2A and HUD's Implementing Affirmative Fair Housing Marketing Requirements Handbook (HUD Handbook 8025.1) for guidance on completing the AFHMP and carrying out an affirmative marketing program. The Handbook provides a detailed resource on the content of the AFHMP, which includes marketing activities, residency preferences, and staff training.

⁶⁵ See 24 C.F.R. § 200.610.

activities that are consistent with its occupancy designation and the populations identified as least likely to apply. Any subsequent changes to occupancy designation or residency preferences shall be proposed, submitted and reviewed in accordance with standard PBRA requirements. If a PHA or Project Owner plans to adopt any local or residency preferences, the Project Owner must submit its Tenant Selection Plan along with the AFHMP (see HUD Handbook 4350.3, page 4-4).

The Multifamily Housing Office of Asset Management and Portfolio Oversight and the Office of Fair Housing and Equal Opportunity (“FHEO”) review the AFHMP. FHEO issues HUD’s official letter of approval or disapproval. Disapproval letters will specify the reason a plan was rejected and the revisions required. The PHA or Project Owner must make the required changes and resubmit a corrected plan to HUD for approval.

The PBRA contract becomes effective on the first day of a month, following closing. Approval of the AFHMP is not a condition to closing of the RAD conversion. When the project is preparing to accept applications, it must follow its approved AFHMP to ensure that groups least likely to apply are aware of the housing opportunities. The Project Owner is responsible for ensuring that the AFHMP is in place throughout the life of any FHA mortgage or PBRA contract. The Project Owner may not market or lease any unit not occupied by a household exercising its right to remain in or return to the Covered Project prior to approval of the AFHMP. Marketing or leasing includes the solicitation, distribution or acceptance of applications or development of a waiting list.

SECTION 6. RELOCATION REQUIREMENTS

In some cases, as explained in this Section, the activities associated with the RAD transaction may require the relocation of residents. In the event of acquisition, demolition, construction or rehabilitation activities performed in connection with a RAD conversion, the PHA and/or Project Owner⁶⁶ should plan such activities to reasonably minimize any disruption to residents’ lives, to ensure that residents are not exposed to unsafe living conditions and to comply with applicable relocation, fair housing and civil rights requirements. As discussed in Section 6.1, below, a written relocation plan is required in some circumstances and strongly encouraged for any conversion resulting in resident moves or relocation. Further, the obligations due to relocating residents under RAD are broader than URA relocation assistance and payments and RAD specifies requirements which are more protective of residents than standard URA requirements, including additional notices (see Section 6.6) and a right to return (see Section 6.2). This Notice requires that certain information be provided to all households, beginning prior to submission of the RAD application.

Any resident who moves as a direct result of acquisition, rehabilitation or demolition for an activity or series of activities associated with a RAD conversion may, depending on the circumstances and length of time of the relocation, be eligible for relocation assistance and payments under the URA. Additionally, Section 104(d) relocation and one-for-one replacement

⁶⁶ Under the URA, the term “displacing agency” refers to the agency or person that carries out a program or project which will cause a resident to become a displaced person. Projects vary and, for any specific task described in this Notice, the displacing agency may be either the PHA or the Project Owner, as determined by the allocation of roles and responsibilities between the PHA and Project Owner.

housing requirements may also apply when CDBG- or HOME-funds are used in connection with a RAD conversion. The applicability of the URA or Section 104(d) to RAD conversions is fact-specific, which must be determined in accordance with the applicable URA and Section 104(d) regulations.⁶⁷

Eligibility for specific protections under this Notice applies to any person residing in a Converting Project who is legally on the public housing lease, has submitted an application to be added to an existing lease, or is otherwise in lawful occupancy at the time of the issuance of the CHAP and at any time thereafter until conversion of assistance under RAD. All such residents of a Converting Project have a right to return and are eligible for relocation protections and assistance as provided by this Notice. The eligibility criteria set forth in this paragraph apply to the protections under this Notice regardless of whether residents or household members meet the statutory and regulatory requirements for eligibility under URA.⁶⁸

6.1. Planning

If there is a possibility that residents will be relocated as a result of acquisition, demolition, or rehabilitation for a Converting Project, PHAs must undertake a planning process in conformance with the URA statutory and regulatory requirements in order to minimize the adverse impact of relocation (*see* 49 § C.F.R. 24.205). PHAs must also ensure that their relocation planning is conducted in compliance with applicable fair housing and civil rights requirements.

The PHA shall prepare a written relocation plan if the RAD conversion involves permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year. While a written relocation plan is not required for temporary relocation lasting one year or less, HUD strongly encourages PHAs, in consultation with any applicable Project Owners, to prepare a written relocation plan for all RAD conversions to establish their relocation process clearly and in sufficient detail to permit consistent implementation of the relocation process and accurate communication to the residents. Appendix II contains recommended elements of a relocation plan.

During the planning stages of a RAD transaction and based on the results of this planning process, a PHA must submit applicable portions of the Checklist described in Section 5.3(B) to HUD, together with any required backup documentation, as early as possible once the information covered in the applicable part is known.⁶⁹ All parts of the Checklist must be submitted to HUD prior to submission of the Financing Plan. The Checklist will allow HUD to assist the PHA to comply, and to evaluate the PHA's compliance, with relocation requirements, including civil rights requirements related to relocation.

⁶⁷ 42 U.S.C. § 4601 *et seq.*, 42 U.S.C. § 5304(d), and their implementing regulations at 49 C.F.R Part 24 and 24 C.F.R. Part 42 subpart C.

⁶⁸ A nonexclusive listing of persons who do not qualify as displaced persons under URA is at 49 C.F.R. 24.2(a)(9)(ii). See also, Paragraph 1-4(J) of HUD Handbook 1378. See Section 6.5 of this Notice for discussion of the date of "initiation of negotiations."

⁶⁹ The Checklist refers to the existing FHEO Accessibility and Relocation Checklist until a revised Checklist is approved for use pursuant to the Paperwork Reduction Act.

The following presents a general sequencing of relocation planning activities within the RAD conversion process for informational and planning purposes only. Specific requirements are set forth in the provisions of this Notice.

Stage	Activities
1. Prior to submission of RAD application	<ul style="list-style-type: none"> • Determine potential need for relocation in connection with proposed conversion plans. • Meet with residents to discuss proposed conversion plans, communicate right to return, and solicit feedback. • Provide the <i>RAD Information Notice</i> (RIN) to residents as described in Section 6.6(A) of this Notice.
2. After submission of RAD application	<ul style="list-style-type: none"> • Assess the need for relocation planning in connection with proposed conversion plans. Determine if technical assistance would be beneficial to ensuring compliance with relocation requirements. • Survey residents to inform relocation planning and relocation process. • Develop a relocation plan (see Appendix II for recommended content). • Prepare Significant Amendment to PHA Plan and engage with the Resident Advisory Board, residents and the public regarding Plan amendment.⁷⁰
3. Following issuance of the CHAP, or earlier if warranted	<ul style="list-style-type: none"> • Provide the <i>General Information Notice</i> (GIN) to residents when the project involves acquisition, rehabilitation, or demolition as described in Section 6.6(B) of this Notice and relocation may be required.
4. While preparing Financing Plan	<ul style="list-style-type: none"> • Discuss the outlines of the conversion plans and their impact on relocation with the HUD transaction manager. • Refine the plan for relocation and integrate the construction schedule into the relocation strategy; seek to minimize off-site or disruptive relocation activities. • Identify relocation housing options . • Budget for relocation expenses and for compliance with accessibility requirements. • Submit the Checklist and, where applicable, the relocation plan. • If the conversion involves acquisition, at the discretion of the Project Owner issue Notice of Intent to Acquire (NOIA). • If a NOIA is issued, at the discretion of the Project Owner provide residents with appropriate relocation notices as

⁷⁰ Alternatively, the PHA may submit a new PHA Five-Year or Annual Plan, especially if it is on schedule to do so. Under any scenario, the PHA must consult with the Resident Advisory Board and undertake the community participation process.

Stage	Activities
	described in Section 6.6(C) through 6.6(E) of this Notice at this time.
5. From RAD Conversion Commitment (RCC) to Closing	<ul style="list-style-type: none"> • Meet with residents to describe approved conversion plans and discuss required relocation. • The effective date of the RCC marks the date of “Initiation of Negotiations” (ION), as defined in the URA (49 § C.F.R. 24.2(a)(15)). • If no NOIA was provided while preparing the Financing Plan, provide residents with appropriate relocation notices as described in Section 6.6(C) through 6.6(E) of this Notice. • Resident relocation may begin following the effective date of the RCC, subject to applicable notice requirements.
6. Post-Closing	<ul style="list-style-type: none"> • Ongoing implementation of relocation • Notify the residents regarding return to the Covered Project as described in Section 6.6(F) of this Notice • Implementation of the residents’ right to return

6.2. Resident Right to Return

Any public housing or Section 8 assisted resident that may need to be relocated temporarily to facilitate rehabilitation or construction has a right to return to an assisted unit at the Covered Project once rehabilitation or construction is complete.⁷¹ Permanent involuntary displacement of public housing or Section 8 assisted residents may not occur as a result of a project’s conversion of assistance. The Project Owner satisfies the RAD right to return to a Covered Project if the Project Owner offers the resident household either: a) a unit in the Covered Project in which the household is not under-housed; or b) a unit in the Covered Project which provides the same major features as the resident’s unit in the Converting Project prior to the implementation of the RAD conversion. In the case of a transfer of assistance to a new site, residents of the Converting Project have the right to reside in an assisted unit meeting the requirements set forth in this paragraph at the Covered Project (the new site) once the Covered Project is ready for occupancy in accordance with applicable PBV or PBRA requirements.

If proposed plans for a Converting Project would preclude a resident from returning to the Covered Project, the resident must be given an opportunity to comment and/or object to such plans. Examples of project plans that may preclude a resident from returning to the Covered Project include, but are not limited to:

- Changes in bedroom distribution which decrease the size of units such that the resident would be under-housed;⁷²

⁷¹ The right to return is not a right to any specific unit in the Covered Project. Tenancies other than public housing or Section 8 assisted residents (such as commercial tenants) do not hold a right to return and are subject to standard relocation requirements applicable to such tenants under the URA.

⁷² See the RAD Notice for a description of the procedures that must be undertaken if a resident is over-housed.

- Where a) the PHA is reducing the number of assisted units at a property (if authorized to do so under Section 1.5.B of the RAD Notice) and b) the resident cannot be accommodated in the remaining assisted units;
- The imposition of income eligibility requirements, such as those associated with LIHTC or other program financing, under which the current resident may not be eligible;⁷³ and
- Failure to provide reasonable accommodation to an individual with disabilities, in violation of applicable law, which reasonable accommodation may include installation of accessibility features that are needed by the individual with disabilities.⁷⁴

If the resident who would be precluded from returning to the Covered Project objects to such plans, the PHA must alter the project plans to accommodate the resident's right to return to the Covered Project.

If the resident who would be precluded from returning to the Covered Project prefers to voluntarily and permanently relocate rather than object to the project plans, the PHA must secure informed, written consent to a voluntary permanent relocation in lieu of returning to the Covered Project and must otherwise comply with all the provisions of Section 6.10, below, regarding alternative housing options. The PHA cannot employ any tactics to pressure residents into relinquishing their right to return or accepting alternative housing options. A PHA may not terminate a resident's lease if the PHA fails to obtain the resident's consent and the resident seeks to exercise the right to return.

In the case of a multi-phase transaction, the resident has a right to return to the Covered Project or to other converted phases of the property which have converted and are available for occupancy at the time the resident is eligible to exercise the right to return. A relocated resident should get the benefit of improvements facilitated by the resident's relocation and conversion and completion of future phases cannot be assured. In most cases, this means that the resident's right to return must be accommodated within the Covered Project associated with resident's original unit. However, in those cases where improvements to multiple phases of a site are occurring simultaneously, the PHA or Project Owner may treat multiple Covered Projects on the same site as one for purposes of the right to return. If the PHA or Project Owner seeks to have the resident exercise the right of return at a future phase, the PHA or Project Owner would need to secure the resident's consent to such plan as an alternative housing option pursuant to Section 6.10, below.

In implementing the right of return, the Project Owner shall comply with all applicable fair housing laws and implementing regulations, including, but not limited to, the Fair Housing Act,

⁷³ In these cases, a PHA may elect to exclude some units from the applicable financing program, for example, claiming LIHTC for a subset of the units and not claiming tax credits in connection with the units occupied by households over the LIHTC maximum eligibility of 60% of AMI.

⁷⁴ Refer to the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Reasonable Modifications Under the Fair Housing Act (March 5, 2008), at http://www.hud.gov/offices/fheo/disabilities/reasonable_modifications_mar08.pdf for additional detail regarding applicable standards for reasonable accommodations and accessibility features which must be provided. If the resident has paid for installation of accessibility features in the resident's prior unit, the PHA or Project Owner shall pay for the installation of comparable features in the new unit. Violations of law may also result in other sanctions.

Title VI of the Civil Rights Act, Section 504 of the Rehabilitation Act, and Titles II and III of the Americans with Disabilities Act.

6.3. Admissions and Continued Occupancy Requirements

Resident households may not be denied relocation housing or the right to return based on rescreening, income eligibility, or income targeting. PHAs may only offer housing options with screening, income eligibility or income targeting requirements if the impacted residents meet the admission and occupancy policies applicable to such housing. However, whether or not in a temporary relocation situation, the household remains subject to the applicable program policies regarding continued occupancy of an assisted unit by an incumbent resident of the unit.

6.4. Types of Moves and Relocation

Any time project plans require a resident to move from their current unit, the resident is eligible for assistance as described in this Notice. Assistance may vary depending on the options provided to residents, whether the relocation is temporary or permanent and, if applicable, the length of time the resident is in temporary accommodations.⁷⁵ In all circumstances, the move or relocation must be in compliance with applicable requirements of this Notice and consistent with applicable fair housing and civil rights requirements. Each type of move is discussed below.

A) Moves within the same building or complex of buildings⁷⁶

Temporary or permanent moves within the same building or complex of buildings may be appropriate given the extent of work to be completed to permit phasing of rehabilitation or construction. Moves within the same building or complex of buildings are not considered relocation under RAD and a tenant generally does not become displaced under the URA. Whether permanent (i.e., the tenant will move to and remain in an alternative unit) or temporary (i.e., the tenant will move to another unit and return to their original unit), the PHA or Project Owner must reimburse residents for all reasonable out-of-pocket expenses incurred in connection with any move and all other terms and conditions of the move(s) must be reasonable.⁷⁷ The final move must be to a unit which satisfies the right to return requirements specified in Section 6.2 of this Notice.

⁷⁵ PHAs should note that the definitions of “permanent” vary between the URA and RAD. For example, “permanent displacement” under the URA includes moves from the original building or complex of buildings lasting more than one year. The RAD Notice, meanwhile, considers “permanent relocation” to be separation from the RAD-assisted unit upon completion of the conversion and any associated rehabilitation and construction. The duration of a temporary move may exceed one year. In the case of a transfer of assistance, it is not permanent relocation under RAD when the resident must move from the original complex of buildings to the destination site in order to retain occupancy of the RAD-assisted unit.

⁷⁶ An example of relocation within the same building or complex of buildings would be if one floor of a multi-story building is vacant, and the PHA is moving residents from another floor to the vacant units.

⁷⁷ Failure to reimburse residents for moving or other out-of-pocket expenses and any other terms and conditions of the move which may be unreasonable may result in the resident becoming a displaced person under the URA if the resident subsequently moves from the property.

B) Temporary relocation lasting one year or less

If a resident is required to relocate temporarily, to a unit not in the same building or complex of buildings, for a period not expected to exceed one year in connection with the RAD conversion, the resident's temporarily occupied housing must be decent, safe, and sanitary and the resident must be reimbursed for all reasonable out-of-pocket expenses incurred in connection with the temporary relocation. These expenses include, but are not limited to, moving expenses, increased housing costs (e.g., rent and utilities), meals if the temporary housing lacks cooking facilities (e.g., during a short hotel stay, whether or not on an emergency basis) and other applicable expenses.⁷⁸

C) Temporary relocation initially expected to last one year or less, but which extends beyond one year

In the event that a resident has been temporarily relocated, to a unit not in the same building or complex of buildings, for a period which was anticipated to last one year or less but the temporary relocation in fact exceeds one year, the resident qualifies as a "displaced person" under the URA and as a result immediately becomes eligible for all permanent relocation assistance and payments as a "displaced person" under the URA, including notice pursuant to Section 6.6(E). This assistance would be in addition to any assistance the person has already received for temporary relocation, and may not be reduced by the amount of any temporary relocation assistance.

In such event, the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate with the offered URA assistance or to choose to remain temporarily relocated based on updated information from the PHA or Project Owner about when they can return to the completed RAD unit. The PHA or Project Owner must present this opportunity to the resident when the temporary relocation extends beyond one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration. In presenting such opportunity, the PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident's right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

D) Temporary relocation anticipated to last more than one year

When the PHA anticipates that the temporary relocation, to a unit not in the same building or complex of buildings, will last more than one year, but the resident is retaining the resident's right to return to the Covered Project, the resident is considered temporarily relocated under RAD and is eligible to receive applicable temporary relocation assistance and payments. Under the URA, the resident becomes eligible to receive applicable relocation assistance and payments as a "displaced person" when the temporary relocation period exceeds one year and each time thereafter that the temporary relocation extends beyond the previously anticipated duration, at

⁷⁸ HUD Handbook 1378, Chapter 2, Section 2-7 governs activities subject to URA requirements and informs, but is not binding upon, any RAD activities not governed by the URA. PHAs may also refer to HUD Form 40030.

which time the PHA or Project Owner shall offer the resident the opportunity to choose to voluntarily permanently relocate or to remain temporarily relocated, as described in Section 6.4(C), above.

In order to allow residents to make the election earlier than required under the URA (thereby avoiding a year in temporary relocation housing prior to electing voluntary permanent relocation), if the PHA or Project Owner anticipates that temporary relocation will last more than one year, the PHA or Project Owner shall provide the resident with an initial option to (a) be temporarily relocated, retain the right to return to the Covered Project when a unit becomes available and receive assistance, including temporary housing and reimbursement for all reasonable out-of-pocket expenses associated with the temporary relocation, or (b) accept RAD voluntary permanent relocation assistance and payments equivalent to what a “displaced person” would receive under the URA. The PHA or Project Owner must inform the resident in writing that his or her acceptance of voluntary permanent relocation, with the associated assistance, would terminate the resident’s right to return to the Covered Project. The PHA or Project Owner must provide the resident with at least 30 days to decide whether to remain in temporary relocation status or to voluntarily relocate permanently.

E) Permanent moves in connection with a transfer of assistance

In cases solely involving a transfer of assistance to a new site, resident relocation from the Converting Project to the Covered Project is not, by itself, generally considered involuntary permanent relocation under RAD. However, the URA and/or Section 104(d) is likely to apply in most cases. In cases of a transfer of assistance to a new site where it has also been determined that the URA and/or Section 104(d) apply to the transfer of assistance, residents may be eligible for all permanent relocation assistance and payments for eligible displaced persons under the URA and/or Section 104(d). If the URA applies to a move of this type, the PHA or Project Owner must make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a). However, provided the transfer of assistance unit meets the URA definition of a comparable replacement dwelling pursuant to 49 C.F.R. § 24.2(a)(6), that unit could in fact represent the most comparable replacement dwelling as determined by the agency for purposes of calculating a replacement housing payment, if any, under 49 C.F.R. § 24.402.

Whether or not the URA and/or Section 104(d) apply, under RAD the residents are entitled to relocation assistance and payments, including counseling in preparation for the relocation, written notices of the relocation (including a 90-day RAD Notice of Relocation), and reimbursement for all reasonable out-of-pocket expenses, including moving expenses, incurred in connection with the move. It should be noted that the RAD relocation assistance and payments provided to transferring residents in this paragraph differ from those required under the URA and/or Section 104(d) as described above. Where both frameworks apply, the residents must receive the more extensive protections offered under either framework.

If HUD determines that the distance from the Converting Project to the site of the Covered Project is significant and the resident could not reasonably be required to move to the new site, then HUD will require the PHA to adjust project plans to accommodate the resident in an assisted unit (e.g., a public housing unit, some other project-based Section 8 unit or a market unit

with a housing choice voucher) within a reasonable distance of the site of the Converting Project. HUD will evaluate whether this requirement applies on a case by case basis, considering whether the distance would impose a significant burden on residents' access to existing employment, transportation options, schooling or other critical services. Accommodating the resident may also be satisfied by the resident's consent to an alternative housing option pursuant to Section 6.10. The requirement set forth in this paragraph is in addition to all protections, including, for example, the offer of comparable replacement dwellings, which are required in all instances where a transfer of assistance is subject to the URA and/or Section 104(d).

F) Voluntary permanent relocation

A resident may elect to relinquish their right of return and consent to voluntary permanent relocation pursuant to an alternative housing option offered and accepted according to the procedures described in Section 6.10, which Section specifies protections to ensure the resident's decision is fully informed. By selecting voluntary permanent relocation, the resident is electing to receive RAD permanent relocation assistance and payments which are equivalent to the relocation payments and assistance required to be provided to a "displaced person" pursuant to the regulations implementing the URA.

6.5. Initiation of Negotiations (ION) Date

Eligibility for URA relocation assistance is effective on the date of initiation of negotiations (ION) (49 C.F.R. § 24.2(a)(15)). For Converting Projects, the ION date is the effective date of the RCC. The ION date is also typically the date when PHAs can begin to issue RAD Notices of Relocation (except in the case of acquisitions when the PHA can issue a Notice of Intent to Acquire and RAD Notices of Relocation prior to the ION date). Any person who is in lawful occupancy on the ION date is presumed to be entitled to relocation payments and other assistance.

PHAs and Project Owners should note that prior to the ION date, a resident may be eligible as a displaced person for permanent relocation assistance and payments under the URA if HUD determines, after analyzing the facts, that the resident's move was a direct result of the project. However, resident moves taken contrary to specific instructions from the PHA or Project Owner (for example, contrary to instructions not to move if contained in a General Information Notice) are generally not eligible as a displaced person under the URA.

6.6. Resident Relocation Notification (Notices)

PHAs and Project Owners are encouraged to communicate regularly with the residents regarding project plans and, if applicable, the resulting plans for relocation. When residents may be relocated for any time period (including, without limitation, a move in connection with a transfer of assistance), written notice must be provided to the resident heads of households, including the notices listed below as applicable.⁷⁹ PHAs and Project Owners are also encouraged to provide

⁷⁹ The notices required under Sections 6.6(B) through 6.6(E) must be delivered in accordance with URA resident notification requirements, including the requirement that the notice be personally served or delivered by certified or registered first class mail return receipt requested. All notices must be delivered to each household (i.e., posting in

additional relocation notices and updates for the residents' benefit as appropriate for the specific situation.

To ensure that all residents understand their rights and responsibilities and the assistance available to them, consistent with URA requirements at 49 C.F.R. § 24.5 and civil rights requirements, PHAs and Project Owners must ensure effective communication with individuals with disabilities, including through the provision of appropriate auxiliary aids and services, such as interpreters and alternative format materials. Similarly, PHAs and Project Owners are required to take reasonable steps to ensure meaningful access for LEP persons in written and oral materials. Each notice shall indicate the name and telephone number of a person to contact with questions or for other needed help and shall include the number for the telecommunication device for the deaf (TDD) or other appropriate communication device, if applicable, pursuant to 24 C.F.R. §8.6(a)(2).

The purpose of these notifications is to ensure that residents are informed of their potential rights and, if they are to be relocated, of the relocation assistance available to them. Two initial notices launch this effort and provide critical information regarding residents' rights. The first, the RAD Information Notice, is to be provided at the very beginning of the RAD conversion planning process in order to ensure residents understand their rights, to provide basic program information and to facilitate residents' engagement with the PHA regarding project plans. The GIN, meanwhile, provides information specifically related to protections the URA provides to impacted residents. Subsequent notices provide more detailed information regarding relocation activities specific to the household, including tailored information regarding eligibility and timelines for relocation.

PHAs should note that a resident move undertaken as a direct result of the project may be eligible to receive relocation assistance and payments under the URA even though the PHA has not yet issued notices to them. Sample notices which may be used as-is or modified to fit the peculiarities of each situation are provided on the RAD website at www.hud.gov/rad.

A) RAD Information Notice

The RAD Information Notice is to be provided to residents at the very beginning of the RAD conversion planning process in order to convey general written information on potential project plans and residents' basic rights under RAD, and to facilitate residents' engagement with the PHA regarding the proposed RAD conversion. The PHA shall provide a RAD Information Notice to all residents of a Converting Project prior to the first of the two meetings with residents required by the RAD Notice, Section 1.8.2, and before submitting a RAD Application. This RAD Information Notice shall be provided without regard to whether the PHA anticipates any relocation of residents in connection with the RAD conversion. The RAD Information Notice must do the following:

common areas is insufficient) and methods of delivery (e.g., certified mail, U.S. mail, or hand delivery) must be documented in the PHA's or Project Owner's files.

- Provide a general description of the conversion transaction (e.g., the Converting Project, whether the PHA anticipates any new construction or transfer of assistance, whether the PHA anticipates partnering with a developer or other entity to implement the transaction);
- Inform the resident that the early conceptual plans are likely to change as the PHA gathers more information, including, among other items, resident opinions, analysis of the capital needs of the property and financing options;
- Inform the resident that the household has a right to remain in the unit or, if any relocation is required, a right to return to an assisted unit in the Covered Project (which may be at the new site in the case of a transfer of assistance);
- Inform the resident that they will not be subject to any rescreening as a result of the conversion;
- Inform the resident that the household cannot be required to move permanently without the resident's consent, except in the case of a transfer of assistance when the resident may be required to move a reasonable distance, as determined by HUD, in order to follow the assisted unit;
- Inform the resident that if any relocation is involved in the transaction, the resident is entitled to relocation protections under the requirements of the RAD program and, in some circumstances, the requirements of the URA, which protections may include advance written notice of any move, advisory services, payment(s) and other assistance as applicable to the situation;
- Inform the resident that any resident-initiated move from the Converting Project could put any future relocation payment(s) and assistance at risk and instruct the resident not to move from the Converting Project; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

B) General Information Notice (49 C.F.R. § 24.203(a))

The purpose of the General Information Notice (GIN) is to provide information about URA protections to individuals who may be displaced as a result of federally-assisted projects involving acquisition, rehabilitation or demolition. A GIN provides a general description of the project, the activities planned, and the relocation assistance that may become available.

A GIN shall be provided to any person scheduled to be displaced *as soon as feasible* based on the facts of the situation. In certain instances, such as when the PHA knows that a project will involve acquisition, rehabilitation or demolition, "as soon as feasible" may be simultaneous with issuance of the RAD Information Notice. For any RAD conversion involving acquisition, rehabilitation or demolition, "as soon as feasible" shall be no later than 30 days following the issuance of the CHAP. In instances where acquisition, rehabilitation or demolition is not anticipated at the time of the CHAP but project plans change to include such activities, pursuant to this Notice the PHA shall provide the GIN as soon as feasible following the change in project plans.

For RAD, the GIN must do at least the following:

- Inform the resident that he or she may be displaced for the project and generally describe the relocation payment(s) for which the resident may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s);
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment claims, and other necessary assistance to help the displaced resident successfully relocate;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she will not be required to move without 90 days advance written notice;
- Inform the resident that, if he or she qualifies for relocation assistance as a displaced person under the URA, he or she cannot be required to move permanently unless at least one comparable replacement dwelling has been made available;
- Inform the resident that any person who is an alien not lawfully present in the United States is ineligible for relocation advisory services and relocation payments, unless such ineligibility would result in exceptional and extremely unusual hardship to a qualifying spouse, parent, or child (see 49 C.F.R. § 24.208(h) for additional information);
- Describe the resident's right to appeal the PHA's determination as to a resident's eligibility for URA assistance; and
- Inform the resident that the RAD transaction will be completed consistent with fair housing and civil rights requirements, and provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

Because of the potential confusion caused by evolving policy directions in the RAD program regarding delivery of the GIN, for actions taken prior to the issuance of this Notice, HUD will consider the facts and circumstances of each conversion, with emphasis on the underlying URA requirements, in monitoring and enforcing a PHA's compliance with this requirement.

C) Notice of Intent to Acquire (49 C.F.R. § 24.203(d))

For conversions involving acquisition, the Project Owner (the "acquiring agency") may provide to residents of the Converting Project a Notice of Intent to Acquire (NOIA).⁸⁰ The NOIA may be provided no earlier than 90 days prior to the PHA's reasonable estimate of the date of submission of a complete Financing Plan. While eligibility for URA relocation assistance is generally effective on the effective date of the RCC (the ION date), a prior issuance of a NOIA establishes a resident's eligibility for relocation assistance and payments on the date of issuance of the NOIA and prior to the ION date.

D) RAD Notice of Relocation

If a resident will be relocated to facilitate the RAD conversion, the PHA shall provide written notice of such relocation by means of a RAD Notice of Relocation. The RAD Notice of

⁸⁰ Acquisition includes a new ownership entity's purchase of the Covered Project from the PHA, such as a purchase by a single purpose entity, an affiliate or a low-income housing tax credit ownership entity.

Relocation may not be issued until: 1) the effective date of the RCC (the ION date) if the conversion does not involve acquisition; or 2) the earlier of the issuance of the Notice of Intent to Acquire (see Section 6.6(C)) or the effective date of the RCC (the ION date) if the conversion involves acquisition. Prior to issuance of the RAD Notice of Relocation, PHAs and Project Owners should meet with each resident household to provide preliminary relocation advisory services and to determine their needs and preferences.⁸¹

A RAD Notice of Relocation is not required for residents who will not be relocated. As a best practice, PHAs or Project Owners should notify residents that they are not being relocated once that determination has been made if they were previously informed by the GIN and/or by other methods that relocation was a possibility.⁸²

A RAD Notice of Relocation shall provide either: 1) 30-days' notice to residents who will be relocated for twelve months or less; or 2) 90-days' notice to residents who will be relocated for more than twelve months.⁸³ The RAD Notice of Relocation must conform to the following requirements:

- (1) The notice must state the anticipated duration of the resident's relocation.
- (2) The notice must specify which entity (the PHA or the Project Owner) is primarily responsible for management of the resident's relocation and for compliance with the relocation obligations during different periods of time (i.e., before vs. after Closing).
- (3) For residents who will be relocated for twelve months or less:
 - The PHA or Project Owner must provide this notice a minimum of 30 days prior to relocation.⁸⁴ PHAs or Project Owners may deem it appropriate to provide longer notice periods for persons who will be temporarily relocated

⁸¹ PHAs and Project Owners should note the URA relocation advisory services requirement for personal interviews. See Section 6.7 of this Notice. In sequencing the RAD Notice of Relocation, PHAs and Project Owners wishing to offer alternative housing options pursuant to Section 6.10 should also note the additional complexity in the timeline of notices. Pursuant to Section 6.10(D), the resident can consent to an alternative housing option only after issuance of the NOIA or the effective date of the RCC and 30 days after presentation of the alternative housing options. In some cases, for example, when the resident would not otherwise be relocated for over twelve months, the RAD Notice of Relocation must include both the information described in Section 6.6(D)(3) and the information in Section 6.6(D)(4). The PHA or Project Owner should consider discussing the alternative housing options prior to issuing the RAD Notice of Relocation so that the RAD Notice of Relocation can be tailored to the resident's situation.

⁸² The RAD program does not require a "notice of non-displacement," which HUD relocation policy generally uses for this purpose.

⁸³ The 90-day notice is required for residents relocated for more than twelve months, whether or not they intend to return to the Covered Project and whether or not they are eligible for assistance and payments as a displaced person under URA. Recipients of the 90-day notice would include those residents who have voluntarily accepted a permanent relocation option as well as those residents who are relocated within the same building or complex of buildings.

⁸⁴ Note that residents may elect to move to the relocation housing before the 30 days have elapsed. However, a PHA may not require a resident to move prior to this time.

for an extended period of time (over 6 months), or if necessary due to personal needs or circumstances.

- The notice must explain that the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with any temporary move (including, but not limited to, increased housing costs and moving costs).
- The notice must explain the reasonable terms and conditions under which the resident may exercise the right to return to lease and occupy a unit in the Covered Project.

(4) For residents who will be relocated for more than twelve months, including for residents who may wish to voluntarily accept a permanent relocation option:

- The PHA or Project Owner must provide this notice a minimum of 90 days prior to relocation of residents.⁸⁵
- The notice must offer the choice to be temporarily relocated, thereby preserving the resident's right to return, or the choice to be voluntarily permanently relocated pursuant to the procedures set forth in Section 6.10, together with guidance that the resident has at least thirty (30) days to consider the choice.
- For residents who voluntarily elect to be permanently relocated, the 90-day notice period may only begin once the PHA or Project Owner has made available at least one comparable replacement dwelling consistent with 49 C.F.R. § 24.204(a).⁸⁶
- The notice must describe the available relocation assistance, the estimated amount of assistance based on the individual circumstances and needs, and the procedures for obtaining the assistance. The notice must be specific to the resident and his or her situation so that the resident will have a clear understanding of the type and amount of payments and/or other assistance the resident household may be entitled to claim.
- The notice must comply with all requirements for a URA Notice of Relocation Eligibility as described in 49 C.F.R. § 24.203(b).

(5) The notice must inform the resident that the relocation will be completed consistent with fair housing and civil rights requirements, and it must provide contact information to process reasonable accommodation requests for residents with disabilities during the relocation.

For short-term relocations, the RAD Notice of Relocation may also contain the information required in the Notice of Return to the Covered Project (see Section 6.6(F)).

⁸⁵ Note that residents may elect to move to the relocation housing before the 90 days have elapsed. However, a PHA may not compel a resident to move prior to this time.

⁸⁶ PHAs should note that URA regulations also require, where possible, that three or more comparable replacement dwellings be made available before a resident is required to move from his or her unit.

E) URA Notice of Relocation Eligibility – for residents whose temporary relocation exceeds one year (49 C.F.R. § 24.203(b))

After a resident has been temporarily relocated for one year, notwithstanding a prior issuance of a RAD Notice of Relocation, the PHA or Project Owner must provide an additional notice: the notice of relocation eligibility in accordance with URA requirements (“URA Notice of Relocation Eligibility”). The URA Notice of Relocation Eligibility is not required if the resident has already accepted permanent relocation assistance.⁸⁷

The URA Notice of Relocation Eligibility must conform to URA requirements as set forth in 49 C.F.R. part 24 and shall:

- Provide current information as to when it is anticipated that the resident will be able to return to the Covered Project.
- Give the resident the choice to remain temporarily relocated based upon the updated information or to accept permanent URA relocation assistance at that time instead of exercising the right to return at a later time.

If the resident chooses to accept permanent URA relocation assistance and this choice requires the resident to move out of their temporary relocation housing, the URA requires that the PHA or Project Owner make available at least one, and when possible, three or more comparable replacement dwellings pursuant to 49 C.F.R. § 24.204(a), which comparability analysis is in reference to the resident’s original unit. The URA further requires that the resident receive 90 days’ advance written notice of the earliest date they will be required to move pursuant to 49 C.F.R. § 24.203(c).

⁸⁷ To illustrate, consider the following examples.

- Example 1: The household is expected to be relocated for 11 months. The resident would receive a RAD Notice of Relocation offering only temporary relocation. Construction delays result in the extension of the relocation such that, in fact, it exceeds 12 months. When the temporary relocation exceeds 12 months, the resident must receive a URA Notice of Relocation Eligibility offering a choice between continuation in temporary relocation status and permanent relocation.
- Example 2: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects temporary relocation, the URA Notice of Relocation Eligibility is required as an additional notice following twelve months in temporary relocation status.
- Example 3: The household is expected to be relocated for 14 months. The resident would receive a RAD Notice of Relocation offering a choice between temporary relocation status and permanent relocation. If the household elects permanent relocation, the URA Notice of Relocation Eligibility is not required.
- Example 4: The household can be accommodated with temporary relocation of 3 months, but has been offered and seeks to accept permanent relocation pursuant to an alternative housing option. This resident would receive a RAD Notice of Relocation under Section 6.6(D)(4) offering a choice between temporary relocation status (the default option) and permanent relocation (the alternative housing option), instead of the RAD Notice of Relocation under Section 6.6(D)(3) which would be expected absent a permanent relocation option. The URA Notice of Relocation Eligibility is not required in either case because a temporary relocation exceeding 12 months was never anticipated nor experienced.

F) Notification of Return to the Covered Project

With respect to all temporary relocations, the PHA or Project Owner must notify the resident in writing reasonably in advance of the resident's expected return to the Covered Project, informing the resident of:

- The entity (the PHA or the Project Owner) with primary responsibility for managing the resident's relocation;
- The address of the resident's assigned unit in the Covered Project and, if different from the resident's original unit, information regarding the size and amenities of the unit;
- The date of the resident's return to the Covered Project or, if the precise date is not available, a reasonable estimate of the date which shall be supplemented with reasonable additional notice providing the precise date;
- That the PHA or Project Owner will reimburse the resident for all reasonable out-of-pocket expenses incurred in connection with the return relocation; and
- The resident's options and the implications of those options if the resident determines that he or she does not want to return to the Covered Project and wants to decline the right of return.⁸⁸

Reasonable advance notice shall be 15% of the duration of the resident's temporary relocation or 90 days, whichever is less. For short-term relocations, the PHA or Project Owner may include this information within the RAD Notice of Relocation.

6.7. Relocation Advisory Services

Throughout the relocation planning process, the PHA and Project Owner should be in communication with the residents regarding the evolving plans for relocation. Notwithstanding this best practice, certain relocation advisory services, described below, are required by the URA.

The URA regulations require the PHA or Project Owner to carry out a relocation assistance advisory program that includes specific services determined to be appropriate to residential or nonresidential displacements. The specific advisory services to be provided, as determined to be appropriate, are outlined at 49 C.F.R. § 24.205(c). For residential displacement under the URA, a personal interview is required for each displaced resident household to determine the relocation needs and preferences of each resident to be displaced. The resident household shall be provided an explanation of the relocation payments and other assistance for which the resident may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. Advisory counseling must also inform residents of their fair housing rights and be carried out in

⁸⁸ If the resident declines to return to the Covered Project upon completion of the period of temporary relocation, the resident shall be considered to have voluntarily moved out of the property, without the benefit of further relocation assistance. For example, a PHA or Project Owner may have rented a market-rate apartment as a temporary relocation resource for a six-month period. In such a situation, the resident may decline to return to the Covered Project and choose to remain in the market-rate apartment at the expiration of the six-month period, but shall not be eligible for any further relocation assistance and payments (including rent differential payments) under this Notice, the URA or Section 104(d), if applicable, in connection with the resident's decision to remain in the temporary housing and not return to the Covered Project.

a manner that satisfies the requirements of Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and Executive Order 11063 (49 C.F.R. § 24.205(c)(1)).⁸⁹ Such advisory services under the URA may include counseling to ensure that residents affected by the project understand their rights and responsibilities and the assistance available to them (49 C.F.R. § 24.205(c)). In addition, the PHA or Project Owner should inform residents that if they believe they have experienced unlawful discrimination, they may contact HUD at 1-800-669-9777 (Voice) or 1-800-927-9275 (TDD) or at <http://www.hud.gov>.

6.8. Initiation of Relocation

PHAs and Project Owners **may not initiate any involuntary physical relocation until both the RCC is in effect and the applicable RAD Notice of Relocation period has expired** (i.e., after either 30 or 90 days' notice as applicable depending on nature of the relocation, as described above). This prohibition applies to all types of RAD transactions, regardless of whether the RAD Notice of Relocation is provided after issuance of a NOIA (for conversions involving acquisition) or following the effective date of the RCC (for all other conversions). PHAs are advised to account for the required 30-day or 90-day written notice periods in their planning process, to ensure that notices which satisfy all applicable requirements are issued prior to taking any action to initiate relocation.

Neither involuntary nor voluntary relocation for the project shall take place prior to the effective date of the RCC, unless moves are authorized under Section 7, below ("Applicability of HCV and Public Housing Requirements") or unless HUD provides explicit approval which will only be provided in extraordinary circumstances. The PHA must wait until the RAD Notice of Relocation period has expired before it may initiate any involuntary relocation. However, a resident may request to move voluntarily, and the PHA may honor a resident's request to move, before the applicable 30-day or 90-day period has elapsed, provided that the PHA may not take any action to encourage or coerce a resident to make such a request. If a resident has elected an alternative housing option, PHAs are advised to ensure that any consent to voluntary permanent relocation does not expire prior to the date of the relocation, as described in Section 6.10.

HUD may use administrative data to identify and investigate projects where relocation may be occurring prior to RCC.

6.9. Records and Documentation; Resident Log

HUD may request from the PHA or Project Owner written records and documentation in order to evidence the PHA's and/or Project Owner's compliance, as applicable, with this Notice and the URA.⁹⁰ HUD may request to review some or all of such records in the event of compliance

⁸⁹ For example, under fair housing and civil rights laws, the PHA and Project Owner may be required to inform residents about and provide reasonable accommodations for individuals with disabilities, such as search assistance; take appropriate steps to ensure effective communication with individuals with disabilities, such as through the provision of auxiliary aids and services, such as interpreters and alternate format documents; provide advisory counseling services in accessible locations and in an accessible manner for individuals with disabilities; and take reasonable steps to ensure meaningful access for LEP persons. See Section 4 of this Notice for more information on these requirements.

⁹⁰ Chapter 6 of HUD Handbook 1378 includes guidance on URA recordkeeping requirements.

concerns, in the event a project is identified for additional review based on administrative data, in the event of audits for purposes of monitoring the RAD program as a whole, upon selection of a random sample of projects and/or at other times at HUD's sole discretion. The records shall include resident files for all households relocated in connection with RAD and a resident log as described in this Section.

As part of such written record, the PHA or Project Owner must maintain data sufficient to deliver to HUD a resident log of every household that resides at the Converting Project at the time of the first required resident meeting on the proposed conversion pursuant to Section 1.8 of the RAD Notice (the "First Resident Meeting") and of every household that moves into the Converting Project after the First Resident Meeting and before the conversion of assistance under RAD. If any relocation is required, the log shall track resident status through completion of rehabilitation and construction, including re-occupancy after relocation. The resident log must include, but need not be limited to, the following information:

- Name of head of household
- PHA's resident identification number and/or the last four digits of the head-of-household's Social Security Number
- The head of household's race and ethnicity as reported on the HUD Form 50058 or the HUD Form 50058 MTW (the "Form 50058"). For purposes of the resident log, all references to the Form 50058 shall be to the form most recently prepared at the time of the First Resident Meeting or, for residents who moved in after the First Resident Meeting, the form most prepared at the time of the resident's initial occupancy.
- A Yes/No indication if there is any household member reported as having a disability on the Form 50058.
- A Yes/No indication if there is any household member reported as under the age of 18 on the effective date of action of the Form 50058;
- The household's relevant unit address, unit size and household size at the following times:
 - The time of the First Resident Meeting or the time of a resident's initial occupancy if after the First Resident Meeting
 - The time of the issuance of the CHAP or the time of a resident's initial occupancy if after the issuance of the CHAP
 - Proximate and prior to the PHA or Project Owner having authority to initiate involuntary relocation activities (i.e., at the time of issuance of the RCC unless otherwise approved by HUD upon extraordinary circumstances)
 - Completion of the relocation process following construction or rehabilitation and with return of all households exercising the right of return
- The household's residence status at the time of issuance of the RCC (e.g., in residence at the Converting Project, transferred to other public housing, moved out, evicted or other with explanation)
- The household's residence status upon completion of re-occupancy (e.g., in residence at the Covered Project/never relocated, in residence at the Covered Project/temporarily relocated and returned, transferred to other public housing, moved out, evicted, permanently relocated or other with explanation)
- The following dates for each resident household, as applicable:
 - Date of the RAD Information Notice

- Date of the GIN
- Date of the CHAP
- Date of NOIA
- Date of RAD Notice of Relocation
- Date of URA Notice of Relocation Eligibility
- Date of most recent consent to voluntary permanent relocation⁹¹
- Date of relocation away from the Converting Project or Covered Project
- Dates of any intermediate relocation moves
- Date of return to the Covered Project or to the household's post-closing permanent address.⁹²
- The following information for each resident household, as applicable:
 - The type of move (e.g., the types identified in Section 6.4, above)
 - The form of any temporary relocation housing (e.g., hotel, assisted housing, market-rate housing)
 - The address and unit size of any temporary relocation housing
 - Whether alternative housing options were offered consistent with Section 6.10, below
 - Any material terms of any selected alternative housing options
 - The type and amount of any payments for
 - Moving expenses to residents and to third parties
 - Residents' out-of-pocket expenses
 - Rent differential payments or other payments for temporary or permanent rental assistance, together with the rent and utilities (if applicable) that were the basis for the calculations
 - Any other relocation-related compensation or assistance

6.10. Alternative Housing Options

Under the RAD Notice, “involuntary permanent relocation” is prohibited and each resident must be able to exercise his or her right of return to the Covered Project. A PHA or Project Owner is permitted to offer a resident alternative housing options when a resident is considering his or her future housing plans, provided that at all times prior to the resident's decision, the PHA and Project Owner preserve the resident's ability to exercise his or her right of return to the Covered Project.

A) Requirements for Any Offer of Alternative Housing Options

All residents who are similarly situated must be given the same offer of alternative housing options. If the PHA or Project Owner seeks to limit the number of households that accept the

⁹¹ The most recent consent must be within 180 days of the actual relocation date, as discussed in Section 6.10(D).

⁹² In the case of voluntary permanent relocation, the date of “return” may be the same as the date of relocation away from the Converting Project.

offer of alternative housing options, the PHA or Project Owner shall determine a fair and reasonable method for selection among similarly situated residents.⁹³

In connection with any offer and acceptance of alternative housing options, the PHA or Project Owner must ensure that the residents' decisions are: 1) fully informed; 2) voluntary; and 3) carefully documented. Any alternative housing option must include, at a minimum, all relocation assistance and payments required under this Notice, the URA and Section 104(d), as applicable, and may include other elements. Funds administered by HUD may not be used to pay any monetary elements not required under this Notice, the URA or Section 104(d).

Acceptance of an alternative housing option is considered voluntary permanent relocation and the accompanying RAD relocation assistance and payments for which the resident may be eligible must be administered in accordance with all requirements for an eligible displaced person under the URA and its implementing regulations and, where applicable, Section 104(d) and its implementing regulations.

PHAs may not propose or request that a displaced person waive rights or entitlements to relocation assistance under the URA or Section 104(d). The PHA must provide a written notice of URA or Section 104(d) relocation assistance and payments for which the resident may be eligible so that the resident may make an informed housing choice. The resident must be provided at least thirty (30) days to consider the offer of voluntary permanent relocation and the resident's acceptance of the PHA's offer of voluntary permanent relocation must be in writing signed by the head of the household for that unit.

B) Assisted Housing Options as Alternatives

Alternative housing option packages may include a variety of housing options and PHAs and Project Owners shall take particular care to ensure program compliance with the regulations applicable to the alternative housing options. Examples of alternative housing options may include:

- Transfers to public housing
- Admission to other affordable housing properties subject to the program rules applicable to such properties
- Housing Choice Vouchers (HCVs) subject to standard HCV program administration requirements. PHAs must operate their HCV programs, including any HCVs offered as an alternative housing option, in accordance with their approved policies as documented in their Section 8 Administrative Plan and HUD regulations at 24 C.F.R. part 982. Any offer of an HCV as an alternative housing option must be made consistent with the

⁹³ For example, if the RAD conversion is financed by LIHTC and a few residents would not meet LIHTC program requirements, the PHA and Project Owner may want to offer these household alternative voluntary permanent relocation options. However, they must offer the same alternative housing options to all such households. As a second example, if the PHA and Project Owner seek to create two on-site vacancies of a particular unit size in order to facilitate temporary relocation on-site, the PHA may offer an alternative housing option of a housing choice voucher to all residents of applicably sized units (assuming that to do so is consistent with the PHA's voucher administration policies), and conduct a lottery to select the two households which will receive the vouchers.

PHA's admission preferences and other applicable policies and procedures set forth in the Section 8 Administrative Plan.

- Homeownership programs subject to the applicable program rules
- Other options as may be identified by the PHA and/or Project Owner

C) Monetary Elements Associated With Alternative Housing Options

A PHA or a Project Owner may include a monetary element in an alternative housing option package, provided that:

- Any monetary element associated with the alternative housing option shall be completely distinct from and in addition to any required RAD, URA or Section 104(d) relocation payments and benefits for which the resident is eligible ("Required Relocation Payments").
- No funds administered by HUD may be used to pay for any monetary element associated with the alternative housing option other than Required Relocation Payments.
- Any monetary element associated with the alternative housing option other than Required Relocation Payments must be the same amount offered to all similarly situated households.⁹⁴
- Any alternative housing option package must comply fully with the disclosure and agreement provisions of this Notice.

D) Disclosure and Agreement to Alternative Housing Options

In providing an offer of alternative housing options to a resident, the PHA or Project Owner must inform the resident in writing of: a) his or her right to return;⁹⁵ b) his or her right to comment on and/or object to plans which would preclude the resident from returning to the Covered Project; c) the requirement that if the resident objects to such plans, the PHA or Project Owner must alter the project plans to accommodate the resident in the Covered Project; and d) a description of both the housing option(s) and benefits associated with the right of return and the alternative housing options and benefits being offered. In the description of the available housing options and benefits, the PHA or Project Owner shall include a description of any temporary housing options associated exercising the right of return and a description of any permanent alternative housing options as well as a reasonable estimate of the financial implications of all temporary and permanent options on the resident long-term.

⁹⁴ Monetary payments other than Required Relocation Payments are considered "temporary, nonrecurring or sporadic income" pursuant to 24 C.F.R. § 5.609(c)(9) and consequently are excluded from income for purposes of eligibility and assistance calculations under certain HUD programs. Residents should be reminded that monetary payments other than URA relocation payments may be taxable under the Internal Revenue Code, that monetary payments, including required relocation payments, may affect residents' eligibility for other assistance programs and that the resident should seek knowledgeable guidance on these matters, including guidance on the taxation of monetary payments under state law.

⁹⁵ In the case of a transfer of assistance to a new site a significant distance from the Converting Project as described in Section 6.4(E), the resident shall be informed of the resident's right to return to the Covered Project at the new site and of the resident's right to an assisted unit within a reasonable distance of the site of the Converting Project, as described in Section 6.4(E).

The written notification may request written consent from the resident to exercise the alternative housing option and receive permanent relocation assistance and payments pursuant to RAD, the URA and/or Section 104(d), as applicable, in addition to any benefits associated with the alternative housing option. As part of any voluntary consent, the resident head of household must acknowledge in writing that acceptance of such assistance terminates the resident's right to return to the Covered Project. In order to ensure that the resident has sufficient time to seek advice and consider the alternative housing options, any consent to an alternative housing option executed within 30 days of the written presentation of the options shall be invalid.

Any offer of alternative housing options must be made in writing and the acceptance of the alternative must be voluntary and in writing. The offer of an alternative housing option must contain the following elements:

- The resident is informed of his or her right to return to the Covered Project and that neither the PHA nor the Project Owner can compel the resident to relinquish his or her right to return. The offer of alternative housing options must clearly state that acceptance of any alternative would relinquish the resident's right to return to the Covered Project.
- The offer of an alternative housing option must be accompanied by identification of comparable housing units which the resident may use to understand the nature of housing options available to them and the rent and estimated utility costs associated with such housing options. This information must also be accompanied by a reasonable estimate of any replacement housing payment or "gap payment" for which the resident may be eligible.
- The offer of an alternative housing option must be accompanied by information regarding moving payments and assistance that would be available if the resident exercises the right of return and if the resident accepts the alternative housing option.
- Residents must be offered advisory assistance to consider their options.
- To be fully informed, the offer must outline the implications and benefits of each alternative housing option being made available (i.e., of accepting each alternative housing option as compared to exercising his or her right to return) as well as a reasonable estimate of when the resident's relocation might occur. Implications and benefits include payment amounts, differences in rent calculations, differences in program rules, housing location, and potential long-term implications such as household housing expenses multiple years in the future.
- To be fully voluntary, the resident must have at least thirty (30) days following delivery of the written offer to consider their options. LEP persons must be provided a written translation of the offer and oral interpretation of any meetings or counseling in the appropriate language. In addition, PHAs must comply with their obligation to ensure effective communication with persons with disabilities.
- The resident cannot be asked to make a decision which will be implemented at a distant future time. Consequently, the resident may not provide written consent to an alternative housing option (and consequently, consent to voluntary permanent relocation) until after

the earlier of issuance of the NOIA or the effective date of the RCC.⁹⁶ If a resident signs a written consent to accept an alternative housing option, that written consent is valid for 180 days. If relocation (after the applicable notice periods) has not occurred within this 180 day period, then the PHA or Project Owner must secure a new consent to accept an alternative housing option. New relocation notices are generally not required.

- The acceptance must be in writing signed by the resident head of household, including a certification of facts to document that the household is relinquishing its right to return and that the decision and the acceptance of the alternative housing option was fully informed and voluntary.
- Residents accepting alternative housing options to relinquish their right to return will be considered to have voluntarily and permanently relocated. Such residents are to be provided applicable RAD, URA and/or Section 104(d) relocation assistance and payments.

The information included with the offer of alternative housing options is to aid the resident in making decisions regarding the desirability of the alternative housing options and neither satisfies nor replaces the relocation notices and information required to be provided to residents pursuant to this Notice, the URA or Section 104(d).

While HUD does not require PHAs to submit documentation of alternative housing options offered to residents or the residents' elections, PHAs must keep auditable written records of such consultation and decisions. HUD may request this documentation at any time, including as part of a review of the Checklist or if relocation concerns arise.

6.11. Lump Sum Payments

PHAs and Project Owners should note that certain relocation payments to displaced residential tenants may be subject to 42 USC § 3537c ("Prohibition of Lump-Sum Payments") and must be disbursed in installments. The PHA or Project Owner may determine the frequency of the disbursements which must be made in installments. Handbook 1378, Chapter 3-7(D) provides guidance on the manner and frequency of disbursing payments subject to this requirement.

Any monetary element beyond Required Relocation Payments which may be associated with an alternative housing option described in Section 6.10, above, is not relocation assistance and is therefore not subject to the requirements regarding lump sum payments.

SECTION 7. APPLICABILITY OF HCV AND PUBLIC HOUSING REQUIREMENTS

7.1. HCV Waiting List Administration Unrelated to the RAD Transaction

From time to time, a resident of a Converting Project may place themselves on the PHA's waiting list for HCVs independent of any planned RAD transaction. With respect to residents of a Converting Project prior to the effective date of the HAP contract, PHAs should continue to

⁹⁶ The PHA and Project Owner should note that securing resident consent to an alternative housing option may delay the issuance of the RAD Notice of Relocation. The RAD Notice of Relocation must be specific to whether the resident will be temporarily or permanently relocated.

administer their HCV waiting list in accordance with their Section 8 Administrative Plans. Residents who rise to the top of the HCV waiting list independent of any preference for relocating RAD residents or other RAD provisions and accept an HCV are not considered to be relocated as a result of the RAD conversion. Standard administration of the PHA's HCV waiting list is not considered relocation.

7.2. HCV Waiting List Administration Related to the RAD Transaction

From time to time, a PHA may wish to use HCV resources as a relocation option in connection with a RAD transaction. In order to do so, a PHA must modify its Section 8 Administrative Plan to provide a preference for relocating RAD residents and the PHA is subject to Section 6.8 of this Notice relating to initiation of relocation. Further, if a PHA provides a preference for relocating RAD residents, the PHA must be explicit regarding the nature of the HCV as a relocation resource. If the PHA anticipates using the HCV as a temporary relocation resource, the PHA must recognize that it cannot rescind an HCV once issued to the resident (i.e., the family would have to voluntarily relinquish their voucher and may choose to remain in the HCV program indefinitely). The PHA must also provide a preference for admission to the Covered Project in order to satisfy the right to return. Alternatively, if the PHA anticipates using the HCV as a voluntary permanent relocation resources, the PHA must comply with the alternative housing options provisions of Section 6.10.⁹⁷

7.3. Public Housing Transfers Unrelated to the RAD Transaction

From time to time, a resident of a Converting Project may request a transfer to another public housing property independent of any planned RAD transaction. With respect to residents of a Converting Project prior to the effective date of the HAP contract, PHAs must continue to administer their admissions and occupancy procedures as adopted. Any prohibitions in this Notice on implementing relocation do not apply to residents requesting public housing transfers, moves pursuant to the Violence Against Women Act (VAWA)⁹⁸ or reasonable accommodation moves. Standard administration of the PHA's admissions and occupancy policy is not considered relocation.⁹⁹ Transfers not undertaken for the RAD project are not subject to URA. However, it is recommended that the PHA document the transfer carefully, including an acknowledgement by the resident that the transfer is not undertaken for the RAD project, is not

⁹⁷ PHAs and Project Owners should note that while in most cases, there is no rent differential between the tenant paid rent in a public housing unit and in an HCV, there are some situations (such as flat rent households) where a difference does exist. Rental assistance payments under the URA are required if there is a difference between these two amounts.

⁹⁸ Title IV, section 40001-40703.

⁹⁹ Standard administration of the PHA's admissions and occupancy policy is permitted. However, HUD is sensitive to concerns that discussion of the planned RAD conversion and construction activities may cause residents to perceive a pressure to transfer without the counseling and moving assistance which would be available were the household to wait until relocation. If relocation at the Converting Project is planned, PHAs are strongly advised to document any such transfers carefully and to provide any households moving under standard admissions and occupancy policies with additional notices referencing the assistance and payments which would be available if the household were to remain in place until the relocation plan is implemented.

subject to URA requirements and that the resident is moving notwithstanding the guidance in the GIN or other relocation guidance from the PHA.

7.4. Resident Initiated Public Housing Transfers Related to the RAD Transaction

Pursuant to Section 1.8 of the RAD Notice, households in the Converting Project who do not want to transition to the Section 8 program may be offered, if available, the opportunity to move to other public housing owned by the PHA. Such move shall be implemented as a transfer and shall be prioritized equivalent to a “demolition, disposition, revitalization or rehabilitation transfer” as described in Section 11.2 of the applicable Public Housing Occupancy Guidebook. Transfers for this purpose do not require any modification to the PHA’s admissions and occupancy policy and may occur at any time pursuant to the PHA’s admissions and occupancy policy. Transfers for this purpose, while initiated by the resident, are the result of the PHA-initiated RAD transaction and the PHA must bear the reasonable costs of transfer. The reasonable cost of the transfer includes not just the cost of packing, moving, and unloading, but also the cost of disconnecting and reconnecting any existing resident-paid services such as telephone and cable television. The PHA must also document that the resident’s transfer request is fully informed and fully voluntary, which documentation must include an acknowledgement by the resident that the transfer is not undertaken at the request of the PHA or under pressure from the PHA, that the resident is moving notwithstanding the guidance in the GIN or other relocation guidance from the PHA and that the resident is withdrawing from participation in the RAD program and consequently losing rights, including the right to return, which accrue to residents participating in the RAD program. A public housing resident who voluntarily seeks a public housing transfer is generally not considered to be displaced under the URA or Section 104(d), where applicable.

7.5. Public Housing as a Temporary Relocation Resource

PHAs and Project Owners may wish to mitigate the relocation budget associated with the RAD conversion by using units within the PHA’s portfolio as relocation resources. In light of its mission to serve as many low-income households as possible, including its need to accommodate emergency transfers (such as moves pursuant to VAWA), the PHA should minimize the use of the public housing units not converting under RAD for temporary relocation of RAD impacted residents. HUD has a strong preference that the PHA use the units within the PHA’s Converting Projects as a temporary relocation resource prior to using units in the remainder of the PHA’s public housing portfolio. PHAs may elect not to lease units within the Converting Projects or, if necessary, the remainder of its portfolio, for this purpose only to the extent reasonably necessary to facilitate construction or rehabilitation.

Upon the effective date of the HAP contract (usually also the effective date of the RAD conversion), each resident of a Covered Project becomes a participant in the Section 8 program and is no longer part of the public housing program. A PHA may use public housing as a temporary relocation resource if approved by HUD, which approval shall depend on the proposed structure. PHAs wishing to use public housing units as a temporary relocation resource must consult with HUD’s Office of Public and Indian Housing (PIH) prior to the formal request for HUD approval. It is unlikely that HUD would approve a request to use public housing units

as a relocation resource for a period exceeding one year after the effective date of the HAP contract.

If HUD grants approval, HUD shall provide alternative requirements regarding PIH Information Center (PIC) documentation of the occupancy of these temporary relocation resources. PHAs must follow any guidance or instructions regarding treatment of the public housing units in HUD's data systems as may be provided from time to time.

PHAs and Project Owners should note that, absent written approval, if a resident seeks to occupy a public housing unit after the effective date of the HAP contract, the resident would need to be readmitted to public housing in a manner consistent with the waitlist and admissions policies and must exit the Section 8 program.

7.6. Terminations (Including Evictions) and End of Participation Unrelated to the RAD Transaction

Public housing program requirements related to continued occupancy and termination, including rules on grievances and related hearings, remain in effect until the effective date of a new PBV or PBRA HAP contract. If a resident is evicted in accordance with applicable state and local law and the eviction is not undertaken for the purpose of evading the obligation to make available RAD relocation and URA payments and other assistance, the resident is generally not entitled to relocation assistance and payments under this Notice or the URA (49 C.F.R. § 24.206). If a resident voluntarily ends his or her participation in the public housing program, in the absence of evidence that the end of participation was induced by the PHA for the purpose of evading the obligation to make available RAD relocation and URA payments and other assistance, the resident is generally not entitled to relocation assistance and payments under this Notice or the URA.

7.7. Right-Sizing

Public housing, PBV and PBRA requirements mandate that, upon the availability of a unit which is appropriate for the household size, the PHA or Project Owner must transfer a household that is under- or over-housed into the unit appropriate to the household's size. However, accommodating all residents pursuant to the right of return has primacy over right-sizing requirements and may, in some cases, require temporarily over-housing households. In such circumstances, the PHA or Project Owner shall subsequently transfer the household to an appropriate size unit when available, as is required by the applicable program regulation. Such actions shall be governed by the applicable program regulation and shall not be considered relocation under this Notice.

Lourdes Castro-Ramirez
Principal Deputy Assistant Secretary for
Public and Indian Housing

Edward L. Golding
Principal Deputy Assistant Secretary for
Housing

APPENDIX I: Applicable Legal Authorities

APPENDIX II: Recommended Relocation Plan Contents

APPENDIX I: Applicable Legal Authorities

Part 1

This Appendix to the Notice identifies key legal authorities with respect to fair housing, civil rights, and resident relocation. This Appendix is not exhaustive of applicable legal authorities, which authorities may also include other Federal statutes, regulations and Executive Orders, and civil rights provisions related to other programs (including funding programs) associated with the RAD transaction.

Fair Housing Act (Title VIII of the Civil Rights Act of 1968, as amended)

The Fair Housing Act, 42 U.S.C. § 3601 et seq., and its implementing regulations, 24 C.F.R. part 100, prohibit discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions, based on race, color, national origin, religion, sex, disability, or familial status. The Fair Housing Act applies to for-sale and rental housing, whether the housing is privately or publicly funded, including housing supported by tax credits. Single family homes, condominiums, apartment buildings, time-shares, dormitories, transitional housing, homeless shelters that are used as a residence, student housing, assisted living housing, and other types of housing are all covered by the Fair Housing Act.

Among its substantive provisions, the Fair Housing Act requires “covered multifamily dwellings,” designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas are subject to the Act’s design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas are subject to the Act’s design and construction requirements.¹⁰⁰ In addition, the Fair Housing Act requires that housing providers make reasonable accommodations in rules, policies, and services, when such accommodations may be necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling unit, including public and common use areas, and that housing providers permit reasonable modifications of existing premises for persons with disabilities.

The Fair Housing Act also requires HUD to administer HUD programs and activities in a manner that affirmatively furthers fair housing (42 U.S.C. § 3608(e)(5)). HUD’s affirmatively furthering fair housing (“AFFH”) rule in 24 C.F.R. §§ 5.150-5.180 will apply to PHAs (except for qualified PHAs) for the PHA’s fiscal year that begins on or after January 1, 2018 for which a new 5-year plan is due, as provided in 24 C.F.R. § 903.5. The affirmatively furthering fair housing regulations will apply to qualified PHAs, for the PHA’s fiscal year that begins on or after January 1, 2019 for which a new 5-year plan is due, as provided in 24 C.F.R. § 903.5.¹⁰¹

¹⁰⁰ See 42 U.S.C. § 3604(f)(3)(c) and 24 C.F.R. § 100.205.

¹⁰¹ For purposes of the AFFH rule, “[a]ffirmatively furthering fair housing means taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity based on protected characteristics. Specifically, affirmatively furthering fair housing under the AFFH rule means taking meaningful actions that, taken together, address

Additional detail and discussion of the interplay between the Fair Housing Act, Section 504, and Titles II or III of the Americans with Disabilities Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

United States Housing Act of 1937 (1937 Act)

The United States Housing Act of 1937 (1937 Act) (42 U.S.C. § 1437c-1(d)(15)) requires PHAs to submit a 5-year plan and an Annual Plan. Pursuant to HUD regulations, the Annual Plan includes a certification by the PHA that the PHA will affirmatively further fair housing.

Title VI of the Civil Rights Act of 1964

Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*) and HUD's implementing regulation (24 C.F.R. part 1) prohibit recipients of Federal financial assistance from discriminating, excluding from participation, or denying benefits to, any person on the basis of race, color, or national origin. In addition, Title VI regulations prohibit HUD recipients of Federal financial assistance from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin (24 C.F.R. § 1.4(b)(2)(i)). When determining the site or location of housing, recipients may not make selections with the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination on the ground of race, color, or national origin (24 C.F.R. § 1.4(b)(3)). An applicant or recipient of HUD financial assistance also has an obligation to take reasonable action to remove or overcome the consequences of prior discriminatory practices regardless of whether the recipient engaged in discriminatory conduct (24 C.F.R. § 1.4(b)(6)).

Recipients of Federal financial assistance are required to take reasonable steps to ensure meaningful access to their programs and activities for persons who have limited ability to read, speak, or understand English – i.e., individuals who have limited English proficiency (LEP). This includes oral and written communications during relocation and throughout a RAD transaction. Such language assistance may include, but is not limited to, providing written translation of notices regarding the plans for the project and relocation and oral interpretation at meetings. Otherwise, LEP persons may be denied participation in, and the benefit of, the recipients' program or activity. On January 22, 2007, HUD issued "Final Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons" (LEP Guidance), available at: http://www.lep.gov/guidance/HUD_guidance_Jan07.pdf.¹⁰²

significant disparities in housing needs and in access to opportunity, replacing segregated living patterns with truly integrated and balanced living patterns, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws." 24 C.F.R. § 5.150. Meaningful actions means significant actions that are designed and can be reasonably expected to achieve a material positive change that affirmatively furthers fair housing by, for example, increasing fair housing choice or decreasing disparities in access to opportunity. See 24 C.F.R. § 5.152.

¹⁰² See also Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, which requires recipients of Federal financial assistance to take reasonable steps to provide meaningful access to

Section 504 of the Rehabilitation Act of 1973

Section 504 of the Rehabilitation Act of 1973 provides: “No otherwise qualified individual with a disability in the United States ... shall, solely by reason of her or his disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program, service or activity receiving Federal financial assistance.”¹⁰³

Among other things, HUD’s regulations implementing Section 504 (in 24 C.F.R. part 8) prohibit recipients of Federal financial assistance, in determining the site or location of a facility receiving such assistance, from making site selections the purpose or effect of which would (1) exclude qualified individuals with disabilities from or deny them the benefits of a program or activity, or otherwise subject them to discrimination; or (2) defeat or substantially impair the accomplishment of the objectives of the program or activity with respect to qualified individuals with disabilities.¹⁰⁴ These prohibitions apply to both determining the site of permanent facilities and a site for relocation of residents.

Furthermore, HUD’s implementing regulations prohibit discrimination, the denial of benefits, or the exclusion of participation of individuals with disabilities from the programs or activities of recipients of federal financial assistance because a recipient’s facilities are inaccessible. Such recipients must provide qualified individuals with disabilities with program access, which may require modification of architectural features of facilities in RAD transactions for individuals with disabilities to have access to the program. Certain architectural specifications apply to facilities that are altered or newly constructed with HUD financial assistance, such as facilities where assistance is transferred and facilities used as temporary or permanent relocation sites for residents of a project undergoing a RAD conversion. If alterations are made to a housing facility, the alterations to dwelling units in the facility are required, to the maximum extent feasible (i.e., if doing so would not impose undue financial and administrative burdens on the operation of the project), to be made readily accessible to and usable by individuals with disabilities. If alterations taken to a development that has 15 or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility (except when it requires removal of structural load-bearing members), or if the facility is newly constructed, then a minimum of 5% of the total dwelling units, or at least one unit in a development, whichever is greater, must be made accessible for persons with mobility impairments. An additional 2% of the units, but not less than one unit, in a development must be accessible for persons with hearing and vision impairments.

In addition, regulations implementing Section 504 require recipients to make reasonable accommodations for persons with disabilities. A reasonable accommodation is a change, adaptation, or modification to a policy, program, service, or workplace which will allow a qualified person with a disability to participate fully in a program, take advantage of a service, or perform a job. Section 504 also includes effective communication requirements, such as

their programs and activities for LEP persons. E.O. 13166 directs all Federal agencies, including HUD, to issue guidance to help recipients of Federal financial assistance in providing such meaningful access to their programs.

¹⁰³ 29 U.S.C. § 794. HUD’s Section 504 regulation that applies to recipients of Federal financial assistance, including PHAs and Project Owners, is located at 24 C.F.R. part 8.

¹⁰⁴ 24 C.F.R. § 8.4(b)(5).

providing interpreters and alternate format documents (e.g., Braille, large print, accessible electronic communications) for persons with disabilities.

Additional detail and discussion of the interplay between Section 504, the Fair Housing Act, and Titles II or III of the Americans with Disabilities Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

Titles II and III of the Americans with Disabilities Act

Title II of the Americans with Disabilities Act (ADA) prohibits discrimination on the basis of disability in all services, programs, and activities provided or made available by public entities. Title II of the ADA applies to housing developed or operated by state and local governments, which includes a PHA. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. For example, Title III applies to rental offices, sales offices, homeless shelters, hotels and motels, and commercial spaces associated with housing, such as daycare centers, social service offices, and sales and retail establishments. Titles II or III also will generally apply to community spaces and facilities, such as neighborhood networks, to computer centers (including the computers in the centers), and to transportation services and conveyances provided by PHAs and Project Owners.

Additional detail and discussion of the interplay between Titles II and III of the Americans with Disabilities Act, the Fair Housing Act, and Section 504 of the Rehabilitation Act as these authorities relate to accessibility requirements is described in Part 2 of this Appendix.

Section 109

Section 109 of the Housing and Community Development Act of 1974 (HCDA of 1974), Title I, prohibits discrimination on the basis of race, color, national origin, disability, age, religion, and sex in Community Development Block Grant (CDBG) programs and activities. Section 109 applies to RAD projects that receive CDBG or other assistance under Title I of the HCDA of 1974.

In addition to its responsibility for enforcing other Federal statutes prohibiting discrimination in housing, HUD has a statutory obligation under Section 109 to ensure that individuals are not subjected to discrimination on the basis of race, color, national origin, disability, age, religion, or sex by recipients of CDBG funds. Section 109 charges HUD with enforcing the right of individuals to live in CDBG-funded housing and participate covered programs and activities free from such discrimination. However, this additional statutory authority only applies to programs authorized under Title I of the HCDA of 1974, such as CDBG and programs, such as Section 108 loan guarantees and the Historically Black Colleges and Universities program.

Equal Access to HUD-assisted or HUD-insured Housing

HUD requires its housing programs to be open to all eligible individuals and families regardless of sexual orientation, gender identity or marital status. HUD recipients and subrecipients must comply with 24 C.F.R. § 5.105(a)(2) when determining eligibility for housing assisted with HUD

funds or subject to an FHA-insured mortgage, and when making such housing available. This includes making eligibility determinations and making housing available regardless of actual or perceived sexual orientation, gender identity, or marital status, and prohibiting inquiries about sexual orientation or gender identity for the purpose of making eligibility determinations or making housing available. Applicants are encouraged to become familiar with these requirements, HUD's definitions of sexual orientation and gender identity at 24 C.F.R. § 5.100, clarifications to HUD's definition of family at 24 C.F.R. § 5.403, and other regulatory changes made through HUD's Equal Access Rule, published in the Federal Register at 77 FR 5662 (Feb. 3, 2012).

Section 3: Economic Opportunities for Low- and Very Low-income Persons.

Certain HUD programs require recipients of assistance to comply with Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. § 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 C.F.R. part 135. The regulations at 24 C.F.R. part 135 implementing Section 3 ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low- and very low-income persons where proposed project is located. Recipients of funds covered by Section 3 must comply with 24 C.F.R. part 135, particularly subpart B-Economic Opportunities for Section 3 residents and Section 3 Business Concerns, and Subpart E-Reporting and Recordkeeping. HUD encourages recipients to search the national Section 3 Business Registry to find local businesses that prioritize hiring Section 3 residents.

Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970

The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, 42 USC § 4601 *et seq.* (URA) is a Federal law that establishes minimum standards for programs or projects receiving Federal financial assistance that include the acquisition of real property (real estate) and/or displace persons from their homes, businesses, or farms as a result of acquisition, rehabilitation, or demolition.¹⁰⁵ The URA implementing Federal regulations can be found at 49 C.F.R. part 24. Project-Based Voucher (PBV) and Project-Based Rental Assistance (PBRA) are considered Federal financial assistance for purposes of the URA. As a result, the URA will apply to acquisitions of real property and relocation of persons from real property that occur as a direct result of acquisition, rehabilitation or demolition for a project that involves conversion of assistance to PBV or PBRA programs under RAD.

¹⁰⁵ For additional guidance, see HUD Handbook 1378 Tenant Assistance, Relocation, and Real Property Acquisition), available at: http://portal.hud.gov/hudportal/HUD?src=/program_offices/comm_planning/library/relocation/policyandguidance/handbook1378.

Section 104(d) of the Housing and Community Development Act of 1974

Section 104(d) of the Housing and Community Development Act of 1974, as amended, 42 USC § 5304(d), (Section 104(d)), is a Federal law that applies when a lower-income dwelling is demolished or converted (as conversion is defined in accordance with 24 C.F.R. § 42.305) to a use other than lower-income housing in connection with a Community Development Block Grant Program (CDBG) or HOME Investment Partnerships Program (HOME) funded activity. Under Section 104(d), a lower-income person is considered displaced and, therefore eligible for Section 104(d) relocation assistance if the person permanently moves from real property or permanently moves personal property from real property as a direct result of the demolition or conversion of a lower-income dwelling to a use other than lower-income dwelling unit in connection with a CDBG or HOME funded activity. The Section 104(d) one-for-one replacement housing requirements may apply with respect to occupied and vacant occupiable lower-income dwelling units that are demolished or converted to a use other than lower-income dwelling units in connection with CDBG or HOME funded activity. Section 104(d) implementing regulations can be found at 24 C.F.R. part 42, Subpart C. Additional HUD policy and guidance for Section 104(d) is available in HUD Handbook 1378, Chapter 7.

Part 2 – Accessibility Requirements

Federal accessibility requirements apply to all RAD projects – whether they include new construction, alterations, or existing facilities. Applicable laws include, but are not limited to, the Fair Housing Act, Section 504 of the Rehabilitation Act, and Titles II or III of the Americans with Disabilities Act (ADA). A PHA or Project Owner must comply with each law that applies to its project and with the requirement that provides the most accessibility when two or more laws apply. All three laws include new construction requirements. Substantial alterations, additions, rehabilitation and existing facilities must be in compliance with applicable requirements of Section 504 and the ADA.¹⁰⁶ All three laws may also require reasonable accommodations or modifications.

Accessibility Requirements for New Construction

The Fair Housing Act requires all “covered multifamily dwellings” designed and constructed for first occupancy after March 13, 1991, to be readily accessible to and usable by persons with disabilities. In buildings with four or more dwelling units and at least one elevator, all dwelling units and all public and common use areas must meet the Fair Housing Act’s design and construction requirements. In buildings with four or more dwelling units and no elevator, all ground floor units and public and common use areas must meet the Fair Housing Act’s design and construction requirements. The Fair Housing Act requires that all covered multifamily dwellings be designed and constructed so that public and common use areas are readily accessible to and usable by persons with disabilities; all doors are sufficiently wide to allow passage by persons using wheelchairs; all units contain accessible routes into and through the dwelling unit; light switches, electrical outlets, thermostats, and other environmental controls are in accessible locations; reinforcements are installed in bathroom walls to allow later installation

¹⁰⁶See 24 C.F.R. § 100.205 (Fair Housing Act) and 24 C.F.R. §§ 8.22 and 8.23 (Section 504). See also 28 C.F.R. § 35.151(b) and 28 C.F.R. part 36 (ADA Titles II and III regulations, respectively).

of grab bars; and kitchens and bathrooms are usable such that a person in a wheelchair can maneuver about the space.¹⁰⁷ These design and construction requirements apply whether the housing is privately or publicly funded, including housing supported by tax credits.¹⁰⁸

New construction of a multifamily housing project containing five or more dwelling units is also subject to physical accessibility requirements under Section 504. Under Section 504, a “project” includes all residential and appurtenant structures, equipment, roads, walks, and parking lots which are covered by a single contract or application for Federal financial assistance, or are treated as a whole for processing purposes, whether or not they are located on a single site.¹⁰⁹ The accessibility standards for new construction under Section 504 are the Uniform Federal Accessibility Standards (UFAS).¹¹⁰ HUD recipients may also use the 2010 ADA Standards for Accessible Design under title II of the ADA, except for certain specific identified provisions, as detailed in HUD’s Notice on “Instructions for use of alternative accessibility standard,” published in the Federal Register on May 23, 2014 (“Deeming Notice”). This option exists until HUD formally revises its Section 504 regulation to adopt an updated accessibility standard. Refer to HUD’s Deeming Notice for more information.

Section 504 also requires that a minimum of 5% of the total dwelling units or at least one unit, whichever is greater, is required to be accessible for persons with mobility impairments. An additional 2% of the total dwelling units or at least one unit, whichever is greater, is required to be accessible for persons with vision and hearing impairments.¹¹¹ HUD may prescribe a higher percentage or number of units upon request by any affected recipient or by any State or local government or agency based upon demonstration to the reasonable satisfaction of HUD of a need for a higher percentage or number, based on census data or other available current data, or in response to evidence of a need for a higher percentage or number received in any other manner. In reviewing such request or otherwise assessing the existence of such needs, HUD shall take into account the expected needs of eligible persons with and without disabilities.¹¹²

Title II of the ADA prohibits discrimination on the basis of disability in all services, programs, and activities provided or made available by public entities. Title II of the ADA applies to housing programs, including housing developed or operated by state and local governments, which includes PHAs. Title III of the ADA prohibits discrimination on the basis of disability by public accommodations, including rental offices, and requires places of public accommodation and commercial facilities to be designed, constructed, and altered in compliance with established accessibility standards. All newly constructed or altered facilities, including facilities altered to

¹⁰⁷ See 24 C.F.R. § 100.205.

¹⁰⁸ For more information about the design and construction provisions of the Fair Housing Act, see www.fairhousingfirst.org. See also the Joint Statement of the Department of Housing and Urban Development and the Department of Justice, Accessibility (Design and Construction) Requirements for Covered Multifamily Dwellings Under the Fair Housing Act (April 30, 2013), available at: www.hud.gov/offices/fheo/library/hudjointstatement.pdf.

¹⁰⁹ See 24 C.F.R. § 8.3.

¹¹⁰ The UFAS are available at <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>). See also 24 C.F.R. § 8.32.

¹¹¹ See 24 C.F.R. § 8.22.

¹¹² See HUD regulation at 24 C.F.R. § 8.22(c).

comply with program access and readily achievable barrier removal obligations that exist under Titles II or III of the ADA, must comply with the U.S. Department of Justice's ADA architectural accessibility standards as described in the following U.S. Department of Justice Technical Assistance document ADA Requirements, Effective Date/Compliance Date (Feb. 2011), http://www.ada.gov/revised_effective_dates-2010.htm.

Accessibility Requirements for Alterations

If a building was constructed for first occupancy after March 13, 1991, the building must be in compliance with, and all alterations must maintain the building's accessible features so that the building continues to meet, the Fair Housing Act's accessibility requirements. In addition, without regard to the date of construction for first occupancy, certain alterations may be required under the Fair Housing Act if requested by a resident as a reasonable accommodation or modification or otherwise required to remediate accessibility deficiencies in the design and construction of the building.

Under HUD's Section 504 regulation, alterations include any structural change in a facility or a change to its permanent fixtures or equipment. If alterations are undertaken to a project that has fifteen or more units and the cost of the alterations is 75% or more of the replacement cost of the completed facility, this qualifies as "substantial alterations," in which the new construction provisions of 24 C.F.R. § 8.22 apply.¹¹³

When alterations are made that do not qualify as substantial alterations, alterations to dwelling units in a multifamily housing project shall, to the maximum extent feasible, be made to be readily accessible to and usable by individuals with disabilities.¹¹⁴ If alterations of single elements or spaces of a dwelling unit, when considered together, amount to an alteration of a dwelling unit, the entire dwelling unit shall be made accessible. Once 5% of the dwelling units in a housing project are readily accessible to and usable by individuals with mobility impairments, no additional elements of dwelling units or entire dwelling units are required to be accessible under this provision. However, alterations to meet ongoing accessibility needs are always required, for example, in response to a reasonable accommodation request. Alterations to common areas or parts of facilities that affect accessibility of existing housing facilities shall, to the maximum extent feasible, be made to be accessible to and usable by individuals with disabilities. For purposes of this paragraph, the phrase "to the maximum extent feasible" shall not be interpreted as requiring that a recipient (including a PHA) make a dwelling unit, common area, facility or element thereof accessible if doing so would impose undue financial and administrative burdens on the operation of the multifamily housing project.¹¹⁵

All altered facilities covered by Titles II or III of the ADA must be altered in accordance with the U.S. Department of Justice's 2010 ADA Standards for Accessible Design and applicable ADA

¹¹³ See 24 C.F.R. § 8.23(a). The sole exception is that load bearing structural members are not required to be removed or altered.

¹¹⁴ HUD may require a higher number or percentage of accessible units pursuant to 24 C.F.R. § 8.22(c) and 24 C.F.R. § 8.23(b)(2).

¹¹⁵ 24 C.F.R. § 8.23(b).

regulations, unless subject to certain safe harbors identified in the 2010 ADA revised regulations for Titles II and III, as applicable.¹¹⁶

HUD will consider on a case-by-case basis a PHA's request to undertake limited new construction on the site of a Covered Project undergoing rehabilitation to comply with accessibility requirements on the site.

Additional Accessibility Requirements for Both New Construction and Alterations

Accessible units must be distributed throughout projects and sites and be available in a sufficient range of sizes and amenities so that a qualified individual with disabilities' choice of living arrangements is, as a whole, comparable to that of other persons eligible under the same program.¹¹⁷ This provision shall not be construed to require provision of an elevator in any multifamily housing project solely for the purpose of permitting location of accessible units above or below the accessible grade.

PHAs are encouraged to use universal design principles, visitability principles and active design guidelines in planning new construction or retrofit work, wherever feasible. However, adherence to universal design principles does not replace compliance with the accessibility requirements of Section 504, the ADA and the Fair Housing Act.

Program Accessibility Requirements

Under Section 504, recipients must operate each existing housing program or activity receiving Federal financial assistance so that the program or activity, when viewed in its entirety, is accessible to and usable by individuals with disabilities. Title II of the ADA also includes a program access requirement, while Title III of the ADA requires readily achievable barrier removal.¹¹⁸ Further, Section 504, the Fair Housing Act, and the ADA require that reasonable accommodations/modifications be granted to address disability-related needs of individuals with disabilities.¹¹⁹

¹¹⁶ See <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm>.

¹¹⁷ See 24 C.F.R. §§ 8.26 and 8.27.

¹¹⁸ See 28 C.F.R. § 35.150; 28 C.F.R. § 36.304.

¹¹⁹ For more information on reasonable accommodations, see the HUD/DOJ Joint Statement on Reasonable Accommodations Under the Fair Housing Act at <http://portal.hud.gov/hudportal/documents/huddoc?id=JOINTSTATEMENT.PDF>. While this joint statement focuses on the Fair Housing Act, the principles discussed in the statement generally apply to requests for reasonable accommodation under Section 504, except, for purposes of Section 504, HUD recipients are required to provide and pay for structural modifications as a reasonable accommodation.

APPENDIX II: Recommended Relocation Plan Contents

While RAD mandates written relocation plans only for projects which involve permanent relocation (including, without limitation, a move in connection with a transfer of assistance) or temporary relocation anticipated to last longer than one year, HUD strongly encourages PHAs to document their relocation planning process and procedures in a written relocation plan. The following provides suggested content for required and recommended relocation plans. In the case of any discrepancy between this description of the recommended relocation plan contents and the provisions of the Notice to which this Appendix is attached or any applicable laws or regulations with respect to the URA or Section 104(d), the provisions of the Notice or applicable laws and regulations shall govern.

The basic elements of the relocation plan include:

- A general description of the project and project elements that may create relocation needs;
- Information on residents of the project and eligibility for relocation assistance and payments;
- Information regarding how the project will address the RAD right to return requirements and the project's re-occupancy policies;
- A detailed discussion of plans for temporary relocation assistance;
- A detailed discussion of any transfer of assistance;
- A detailed discussion of any offers of alternative housing options and plans for voluntary permanent relocation assistance;
- A detailed discussion of compliance with fair housing and civil rights requirements, including accessibility requirements;
- The relocation budget; and
- The appeals process.

The plan as a whole should discuss the specific steps to be taken to minimize the adverse impacts of relocation on the residents.

I. Project Summary

The Relocation Plan should provide a general description of the property (e.g., year built, location, number of units, configuration, resident population served). The project summary should also identify the nature of the activities to be undertaken, including acquisition, demolition, rehabilitation, and construction activities and additional detail regarding the project scope (e.g., gut rehab, systems replacement, modest in-unit renovations, transfer of assistance). The project summary should also discuss how any construction activities are to be implemented (i.e., vacate the property entirely, vacate specific floors or buildings, rehabilitation with residents in place). The summary should also discuss the overall theory of relocation, for example, whether a few households will be relocated off-site and the vacant units will be used as temporary housing before other households move back to their original units (a "hoteling" approach), or whether the vacant units will be permanently occupied, with the residents vacating other units to be renovated (a "domino" approach).

The relocation plan should also identify the funding sources which may trigger relocation requirements, with particular attention to the potential presence of HOME or CDBG funds which may trigger Section 104(d) requirements.

II. Project Occupancy

The Relocation Plan should provide information on occupancy of the property including the number of residents, their household type (family, elderly), any non-residential (commercial) occupants, and should identify how any routine needs (such as continuation of utilities such as telephone service) and civil rights compliance issues (for example, limited English proficiency, disabilities, reasonable accommodations and unit modifications that have been or may be necessary) shall be identified and addressed. The Relocation Plan may specify the community meetings, interviews and/or other processes that will be undertaken to assess the residents' needs.

The Relocation Plan should also address eligibility for relocation assistance and payments, applying the rules of the Notice to the particularities of the project.

III. Resident Return and Re-occupancy Policies

The Plan should address how the project will honor the RAD right to return requirements and the “no re-screening upon conversion” policy. With respect to residents who will be temporarily relocated, the Plan should include the methodology that will be used to determine the sequence in which residents will re-occupy units at the project after rehabilitation, demolition, and/or construction is completed, and to determine how residents are matched with units if the residents are not able to return to their original unit. For example, if units will come online in stages, the plan should outline how the PHA or Project Owner will determine when each resident will return to the property.

IV. Temporary Relocation Assistance

The plan should detail the temporary housing resources to be used, the anticipated duration of temporary relocations, notices to be provided and the temporary relocation assistance the PHA or Project Owner will provide for residents (Paragraph 2-7 of HUD Handbook 1378). Topics to be addressed in the Plan include:

- Temporary Housing Resources. The Plan should identify the nature and availability of the temporary housing resources the PHA or Project Owner anticipates using. On-site resources are generally preferred. However, in some cases, PHAs or Project Owners may need to use hotel rooms for short-term relocations, or market-rate apartments. If the PHA or Project Owner anticipates using other assisted housing resources (such as HCVs, public housing or other properties with regulatory restrictions), the PHA or Project Owner should take particular care to address regulatory issues.
- Allocation of Temporary Relocation Resources. The Plan should describe a fair and reasonable methodology for allocating temporary relocation housing to residents on a nondiscriminatory basis.
- Duration of Temporary Relocation. In the event that the Plan includes relocation which is anticipated to exceed one year, it should detail the requirements which apply to those

residents (such as the issuance of a *Notice of Relocation* to the resident covering eligibility for URA relocation assistance, the offer of permanent relocation assistance and payments at URA levels and, if conditions warrant, the subsequent issuance of a *Notice of Eligibility*) as distinct from requirements that apply to residents who are not relocated for more than one year.

- Packing and Moving Assistance. The Plan should address how the PHA or Project Owner intends to provide or reimburse for packing and moving services and expenses. Considerations the Plan may want to address include:
 - Instructions and supplies (e.g., boxes, markers, tape) to be provided if residents prefer to pack their own personal possessions and items of value;
 - Assistance in packing to be provided if residents need assistance or prefer not to pack their personal possessions;
 - Guidance on how residents request to pack their own possessions or to receive packing assistance; and
 - How the PHA or Project Owner intends to provide or reimburse for moving services and expenses. The PHA or Project Owner can choose to do one or more of the following:
 - Undertake the moves itself, using employees of the PHA or Project Owner or “force account labor”¹²⁰
 - Use a contractor or moving company
 - Reimburse residents for all actual, reasonable and necessary moving expenses.
- Storage. The Plan should address whether storage of the resident’s personal property is necessary and the arrangements for such storage.
- Damage or Loss. The Plan should address Insurance for the replacement value of the property in connection with the move and necessary storage and/or the replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Out-of-Pocket Expenses. The nature of out of pocket expenses vary based on the nature of the temporary relocation moves. For example, hotel stays or in-place renovation may trigger the need for reimbursement of meals while a kitchen is unavailable. The Plan should outline the anticipated out-of-pocket expenses and the PHA’s or Project Owner’s plans and budget with respect to these expenses.
- Leasing Arrangements. The Plan should address whether the resident will have a direct lease or other contractual relationship with the owner of the temporary relocation resource or whether the PHA or Project Owner will hold the lease and the resident will maintain a contractual relationship with the PHA or Project Owner.
- Utility Costs. The Plan should address whether residents will need to disconnect and reconnect necessary utilities and, if so, how the PHA or Project Owner anticipates managing this process and any associated expenses. Necessary utilities may include telephone, cable service, Internet access or other items. The Plan should address payment of utility deposits, if required at the temporary relocation housing (HUD Handbook 1378, paragraph 2-7(A)(3)).

¹²⁰ Defined at 24 C.F.R. 905.108.

- Reasonable Accommodations. The plan should address whether residents with disabilities will require reasonable accommodations during temporary relocation and, if so, how the PHA or Project Owner anticipates ensuring the provision of reasonable accommodations and any associated expenses. Reasonable accommodations may include, among other items, the provision of transportation assistance, relocation to locations which are physically accessible and located near public transportation, and modifications to policies to allow individuals with disabilities to reside with a live-in aide.

V. Transfer of Assistance

Relocation planning in the context of transfer of assistance is particularly complex. The PHA should address how RAD, URA and Section 104(d) requirements each apply, as the same activity may be treated differently under each regulatory framework. The Plan should specifically outline the PHA's procedures to ensure that the applicable requirements are applied to each situation appropriately. The Plan should also address whether relocation is required for any businesses or residents at the destination site. Finally, the Plan should address whether two moves – from the public housing site to an intermediate site and then to the transfer of assistance site – are necessary while the Covered Project is being constructed or rehabilitated.

VI. Alternative Housing Options and Voluntary Permanent Relocation Assistance

If the PHA or Project Owner seeks to offer alternative housing options, the Plan should identify those options and the manner in which they are presented to residents for decision. The plan should also outline the counseling the PHA or Project Owner will provide to assist the residents in determining what options may be available and the financial implications of those options, for example,

1. Discussion of whether units available in the market (either in the affordable market or the unrestricted market) will meet the financial and dwelling requirements of relocated residents;
2. The general area or location of unit(s);
3. Where applicable, the accessibility of such units for individuals with disabilities;
4. Criteria for receiving relocation assistance; and
5. Any other information that might benefit residents in their consideration of housing choices.

The Plan should identify how the PHA or Project Owner will work with any residents who have elected voluntary permanent relocation. The Plan should further include a description of the permanent relocation assistance the PHA or Project Owner will provide to such residents. Topics to be addressed in the Plan include:

- Replacement Housing. The Plan should address the availability of comparable replacement housing, the notices to be provided and the provisions to ensure that appropriate accessibility features are available in compliance with applicable laws and regulations.

- Fair housing considerations. The Plan should address referrals to housing not located in areas of minority concentration and compliance with requirements regarding accessible housing for persons with disabilities. The Plan should address how the PHA or Project Owner will determine if residents have paid for the acquisition and/or installation of accessible features in the housing from which they are being relocated and how the PHA or Project Owner will ensure that the replacement housing contains required and comparable accessible features or that the resident is appropriately compensated for the cost of acquiring and/or installing required and comparable accessible features.
- Packing and Moving Assistance. The Plan should address how the PHA or Project Owner intends to provide or reimburse for packing and moving services and expenses. Considerations the Plan may want to address include:
 - Instructions and supplies (e.g., boxes, markers, tape) to be provided if residents prefer to pack their own personal possessions and items of value;
 - Assistance in packing to be provided if residents need assistance or prefer not to pack their personal possessions;
 - Guidance on how residents request to pack their own possessions or to receive packing assistance; and
 - How the PHA or Project Owner intends to provide or reimburse for moving services and expenses consistent with 49 C.F.R. § 24.301 or, at the resident's option, 49 C.F.R. § 24.302.
- Storage. The Plan should address whether storage of the resident's personal property is necessary and the arrangements for such storage. See 49 C.F.R. § 24.301(g)(4).
- Damage or Loss. The Plan should address Insurance for the replacement value of the property in connection with the move and necessary storage and/or the replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.
- Dislocation Allowance. The Plan should address when the resident is entitled to a dislocation allowance and the amount of such dislocation allowance, consistent with the URA Fixed Residential Moving Cost Schedule available at: www.fhwa.dot.gov/real_estate/uniform_act/relocation/moving_cost_schedule.cfm.
- Appliances. The Plan should address disconnecting, dismantling, removing, reassembling, and reinstalling relocated household appliances and other personal property.
- Security Deposits and Utility Costs. The Plan should address how the PHA or Project Owner anticipates managing transfer of utility arrangements, security deposits and any associated expenses. Utilities may include telephone, cable service, Internet access or other items that may have been in place in the resident's original home. See 49 C.F.R. § 24.301(h)(12).
- Replacement Housing Payment. The Plan should address the circumstances in which displaced residents may be entitled to a replacement housing payment (RHP) to cover the

increase, if any, in monthly housing costs for a 42-month period pursuant to URA requirements or a 60-month period pursuant to Section 104(d).¹²¹

VII. Relocation Budget

Based on the results of the planning process, the PHA or Project Owner should create a relocation budget that includes the following six components:

- 1) The cost of administering the plan and providing assistance and counseling.
- 2) Reasonable moving expenses for a person with disabilities, which may include the cost of moving assistive equipment that is the personal property of the residents, the furnishings and personal belonging of a live-in aide, and/or other reasonable accommodations (HUD Handbook 1378, Paragraph 3-2).
- 3) The cost of the physical move of the residents' belongings. (It is suggested that the move costs be broken down by average cost per move type multiplied by the number of moves.) This physical move cost total should be based on the move scenarios anticipated or projected by the resident survey. The move costs should consider:

For temporary relocation moves:

- Number and cost of two-way moves (i.e., a move to another unit and then a return move) within the same building/complex.
- Number and cost of two-way moves to a unit not in the same building/complex

For permanent moves:

- Number and cost of one-time moves into another unit in the same building/complex.
 - Number and cost of one permanent move to a unit not within the same building/complex
 - Any required dislocation allowance
- 4) The estimated cost of projected increases in monthly housing costs and other expenses for temporary relocation (if applicable).
 - 5) The estimated cost of projected replacement housing payments (RHP) (42-month period for URA or 60-month period if Section 104(d) applies).
 - 6) Contingency costs estimated for carrying out the relocation process necessary to complete the proposed project.

¹²¹ See also, CPD Notice 2014-09 "Effective Date of Moving Ahead for Progress in the 21st Century Act (MAP-21) Changes to Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) Payment Limits and Replacement Housing Payment Eligibility Criteria."

VIII. Written and Oral Communications with Individuals with Disabilities and LEP Persons and Use of Accessible Meeting Locations

The Plan should identify how the PHA or Project Owner will take appropriate steps to ensure effective communication with residents and other individuals with disabilities involved in the relocation, such as through the provision of sign language and other interpreters and large print, Braille, accessible electronic, and other alternate format written communications. The Plan should identify the measures to be taken to ensure the most integrated meeting settings appropriate to individuals with disabilities. The Plan should identify how the PHA or Project Owner will ensure meaningful access for LEP persons, such as through written materials and oral communications provided in languages other than English.

IX. Appeal Process

The Plan should specify the procedures to be followed if a resident disagrees with the PHA's or Project Owner's decision as to the resident's eligibility to receive relocation assistance, the amount of a relocation payment, or the adequacy of a comparable replacement dwelling offered to a resident. These procedures should include the process for filing a written appeal to the displacing agency and the specific appeal procedures to be followed consistent with 49 C.F.R. 24.10 (and 24 C.F.R. § 42.390 if Section 104(d) is involved).

X. Certification

The Plan should contain a certification of compliance with this Notice (or H 2014-09/PIH 2014-17, if applicable), the URA, fair housing and civil rights requirements and, if applicable, Section 104(d).

Technical Assistance

For detailed technical assistance regarding the contents or provisions of a written relocation plan, the PHA or Project Owner should direct questions to their RAD Transaction Manager or email rad@hud.gov.



CDA Resident Advisory Board (RAB) Meeting

October 2, 2024

RAB Members Present: John Beeman, DeWayne Gray, Betsy Johnson, Lisa Krosinski, Martha Siravo

CDA Staff Present: Lauren Andersen, Lisa Daniels, Bryce Gruner, and Larry Kilmer II

CDA Staff provided an overview and responded to RAB member questions and suggestions on the CDA's PHA Five-Year Plan for Years 2025 – 2029, PHA Annual Plan for 2025, and Capital Fund Program Plans. The CDA also provides additional response information below for insertion in the PHA Plan.

PHA Five-Year Plan for Years 2024 – 2029

CDA Staff provided an overview of the five-year plan including plan purpose, goals and objectives, and progress report for years 2020 - 2024. There were no RAB comments.

2025 PHA Annual Plan

CDA Staff provided an overview of the Annual Plan for the year 2025, including housing needs for the City of Madison, CDA policy changes related to HOTMA 102, 103, and 104, projected financial resources, and new activities. RAB comments and CDA responses are as follows:

1. Are the HOTMA policy changes related to RAD and the redevelopment of Karabis Apartments?

CDA Response: The HOTMA changes are required by HUD and they effect all CDA housing programs regardless of redevelopment or RAD conversion.

2. How would a child's income not included in taxes be included in the housing calculation?

CDA Response: CDA Staff will follow up on this question and provide that information to the resident RAB member.

3. When can someone request the medical deduction relief and what is the threshold?

CDA Response: If passed the phased-in period and 10% threshold makes it unaffordable, a program participant can request the hardship exemption as needed.

4. How will residents know about these changes? Will this be added to discussions at the resident annual reviews?

CDA Response: Staff are reviewing different ways to provide the information to keep residents informed. We know that Information will be mailed out to residents, as well as communicated through interim appointments, scheduled meetings, and Staff may also meet with residents virtually if needed. If changes go into effect before annual review, we will need to get the information out to residents regardless.

5. When is the change activated and will it be backdated?

CDA Response: The changes apply at re-exam after the effective date from HUD. Nothing is backdated.

6. EQT Design has not provided specifics on what makes Karabis unique. Is that going to be reflected for those eligible for this type of housing?

CDA Response: The Triangle B1 phase of redevelopment engaged more with Brittingham residents as that is the first building to be repositioned. B2 and B3 phases will be reaching out to Karabis and Parkside residents to find out what residents are interested in and to have residents start looking at the buildings and units might look like. Equity By Design engaged with residents for the initial Master Plan.

7. What is happening to the grocery store?

CDA Response: The Owner is interested in staying on site and growing their footprint. They only want to move once. CDA is looking to build on the footprint of Parkside and Karabis, and then the grocery can move into their new store.

8. Will the grocery space will be accessible?

CDA Response: Any new construction needs to meet commercial ADA requirements. As an operator with a bigger footprint, we hope they can spread out more.

Additional CDA Response: The CDA will look to ensure that a commercial lease specifies who is responsible for ADA compliance inside the space. Typically, the tenant is responsible for the leased space.

9. Will the Section 8 rental property next door to me be part of the new homeownership program?

CDA Response: The properties subject to the new Public Housing homeownership program are single-family homes under the Public Housing program.

10. Under the homeownership program, would someone who needed an accessible ramp need to put that in the home themselves?

CDA Response: We hope to have the homeownership plan submitted to HUD in 2025. We are working to determine if the modernization component would happen before or after there is a prospective buyer, and we will need to include that in the plan.

Additional CDA Response: Prospective buyers who are a person with disabilities may request reasonable modifications in accordance with any requirements under the program that a property offered for sale must meet.

Capital Fund Annual Plans and 5-Year Action Plan

CDA Staff provided an overview of completed capital improvement projects and upcoming projects. RAB comments and CDA responses are as follows:

1. Is security covered at the Triangle?

CDA Response: The CDA has a contract with a vendor for security services at its East and West Site properties.

2. Winter is coming and it is starting to get cold outside. When are the boilers being replaced at Romnes, and can the heat be turned on now?

CDA Response: The Romnes boiler project will take place in 2025. We will inform CDA maintenance about the request to turn on the heat now.

Additional CDA Response: The boiler system is expected to continue to serve until replacement.

3. When are major renovations coming to Romnes Apartments?

CDA Response: Although there was a student design competition and residents voiced concerns about a renovation project sooner than later, there is no timeline yet. The CDA is planning to look at the entire portfolio of Public Housing properties in 2025, and then will make plans based on HUD's processes and based on a better sense of modernization and redevelopment projects.

4. Is redevelopment of Romnes likely to take place at the same time as the Triangle?

CDA Response: That will be part of the next study. The Triangle will take eight (8) years to complete, and we would not want to wait that long to take action to do major modernization at Romnes or at other Public Housing properties.

5. When you take down a property, is there anything being done for de-infestation so that critters won't go to the new buildings?

CDA Response: We are looking into this as there is no easy answer. There are some models to address this, and we have started to research and brainstorm various models. We are also considering reaching out to Bayview to see if they have a model that has worked. The CDA understands the concerns related to infestations. We have heard from residents, and we want to get it right. Since COVID, this has been an ongoing problem with the general rental market experiencing an increase in infestations.

6. What is the timeframe for the upcoming Capital Fund projects?

CDA Response: The upcoming projects are part of the five-year plan. Staff are working on the scope of work and will then go out to bid the projects.

7. It seems like there is not a connection with tenants saying there is not enough heat and then the CDA plan to put in a new boiler.

CDA Response: The boilers are replaced at CDA properties when they have lived their useful life, but that does not indicate that there is no heat or when property management is to turn on the heat in the building after summer weather ends.

8. What is the status of the washers and Dryers discussed last year?

CDA Response: The CDA's plan to replace the washers and dryers with energy efficient units has been approved by HUD.

9. Can we get stacking washers and dryers at Karabis?

CDA Response: Staff will look into this.



**Community Development Authority Public Hearing
PHA 5-Year Plan (2025 – 2029), Annual Plan for Year 2025,
and Capital Fund Program Plan
October 8, 2024**

No Public Comments

**Certification by State or Local
Official of PHA Plans Consistency
with the Consolidated Plan or
State Consolidated Plan
(All PHAs)**

U. S Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

**Certification by State or Local Official of PHA Plans
Consistency with the Consolidated Plan or State Consolidated Plan**

I, James O'Keefe, the Director, City of Madison Community Development Division
Official's Name *Official's Title*

certify that the 5-Year PHA Plan for fiscal years 2024 - 2029 and/or Annual PHA Plan for
fiscal year 2025 of the Madison Community Development Authority (WI003) is consistent with the
PHA Name

Consolidated Plan or State Consolidated Plan including the Analysis of Impediments (AI) to Fair
Housing Choice or Assessment of Fair Housing (AFH) as applicable to the

City of Madison, WI

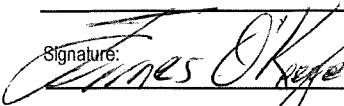
Local Jurisdiction Name

pursuant to 24 CFR Part 91 and 24 CFR § 903.15.

Provide a description of how the PHA Plan's contents are consistent with the Consolidated Plan or
State Consolidated Plan.

The goals and objectives within the Community Development Authority's 5-Year Plan (2025 –
2029) and 2025 Annual Plan are consistent with the housing needs in the City of Madison's
Consolidated Plan and Analysis of Impediments (AI) to Fair Housing Choice

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will
prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Authorized Official:	Title:
James O'Keefe	Director, City of Madison Community Development Division
Signature: 	Date: <u>8/30/24</u>

The United States Department of Housing and Urban Development is authorized to solicit the information requested in this form by virtue of Title 12, U.S.
Code, Section 1701 et seq., and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information
are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. This information is collected to
ensure consistency with the consolidated plan or state consolidated plan.

Public reporting burden for this information collection is estimated to average 0.16 hours per year per response, including the time for reviewing
instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. HUD
may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Civil Rights Certification (Qualified PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB Approval No. 2577-0226
Expires 3/31/2024

Civil Rights Certification

Annual Certification and Board Resolution

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the 5-Year PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the fiscal year beginning January 1, 2025 in which the PHA receives assistance under 42 U.S.C. 1437f and/or 1437g in connection with the mission, goals, and objectives of the public housing agency and implementation thereof:

The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d—4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 *et seq.*), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.

Community Development Authority, City of Madison
PHA Name

WI-003
PHA Number/HA Code

I hereby certify that all the statement above, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Name of Executive Director: Matthew Wachter

Name of Board Chairperson: Gregory Reed

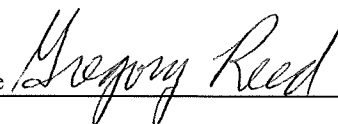
Signature



Date

10-7-24

Signature



Date

10/15/24

The United States Department of Housing and Urban Development is authorized to collect the information requested in this form by virtue of Title 12, U.S. Code, Section 1701 *et seq.*, and regulations promulgated thereunder at Title 12, Code of Federal Regulations. Responses to the collection of information are required to obtain a benefit or to retain a benefit. The information requested does not lend itself to confidentiality. The information is collected to ensure that PHAs carry out applicable civil rights requirements.

Public reporting burden for this information collection is estimated to average 0.16 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. HUD may not collect this information, and respondents are not required to complete this form, unless it displays a currently valid OMB Control Number.

Certifications of Compliance with PHA Plan and Related Regulations (Standard, Troubled, HCV-Only, and High Performer PHAs)

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing
OMB No. 2577-0226
Expires 3/31/2024

PHA Certifications of Compliance with PHA Plan, Civil Rights, and Related Laws and Regulations including PHA Plan Elements that Have Changed

Acting on behalf of the Board of Commissioners of the Public Housing Agency (PHA) listed below, as its Chairperson or other authorized PHA official if there is no Board of Commissioners, I approve the submission of the ✓ 5-Year and/or ✓ Annual PHA Plan, hereinafter referred to as "the Plan", of which this document is a part, and make the following certification and agreements with the Department of Housing and Urban Development (HUD) for the PHA fiscal year beginning 2025, in connection with the submission of the Plan and implementation thereof:

1. The Plan is consistent with the applicable comprehensive housing affordability strategy (or any plan incorporating such strategy) for the jurisdiction in which the PHA is located (24 CFR § 91.2).
2. The Plan contains a certification by the appropriate State or local officials that the Plan is consistent with the applicable Consolidated Plan, which includes a certification that requires the preparation of an Analysis of Impediments (AI) to Fair Housing Choice, or Assessment of Fair Housing (AFH) when applicable, for the PHA's jurisdiction and a description of the manner in which the PHA Plan is consistent with the applicable Consolidated Plan (24 CFR §§ 91.2, 91.225, 91.325, and 91.425).
3. The PHA has established a Resident Advisory Board or Boards, the membership of which represents the residents assisted by the PHA, consulted with this Resident Advisory Board or Boards in developing the Plan, including any changes or revisions to the policies and programs identified in the Plan before they were implemented, and considered the recommendations of the RAB (24 CFR 903.13). The PHA has included in the Plan submission a copy of the recommendations made by the Resident Advisory Board or Boards and a description of the manner in which the Plan addresses these recommendations.
4. The PHA provides assurance as part of this certification that:
 - (i) The Resident Advisory Board had an opportunity to review and comment on the changes to the policies and programs before implementation by the PHA;
 - (ii) The changes were duly approved by the PHA Board of Directors (or similar governing body); and
 - (iii) The revised policies and programs are available for review and inspection, at the principal office of the PHA during normal business hours.
5. The PHA made the proposed Plan and all information relevant to the public hearing available for public inspection at least 45 days before the hearing, published a notice that a hearing would be held and conducted a hearing to discuss the Plan and invited public comment.
6. The PHA certifies that it will carry out the public housing program of the agency in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d-2000d-4), the Fair Housing Act (42 U.S.C. 3601-19), Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), title II of the Americans with Disabilities Act (42 U.S.C. 12101 et seq.), and other applicable civil rights requirements and that it will affirmatively further fair housing in the administration of the program. In addition, if it administers a Housing Choice Voucher Program, the PHA certifies that it will administer the program in conformity with the Fair Housing Act, title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, title II of the Americans with Disabilities Act, and other applicable civil rights requirements, and that it will affirmatively further fair housing in the administration of the program.
7. The PHA will affirmatively further fair housing, which means that it will take meaningful actions to further the goals identified in the Assessment of Fair Housing (AFH) conducted in accordance with the requirements of 24 CFR § 5.150 through 5.180, that it will take no action that is materially inconsistent with its obligation to affirmatively further fair housing, and that it will address fair housing issues and contributing factors in its programs, in accordance with 24 CFR § 903.7(o)(3). The PHA will fulfill the requirements at 24 CFR § 903.7(o) and 24 CFR § 903.15(d). Until such time as the PHA is required to submit an AFH, the PHA will fulfill the requirements at 24 CFR § 903.7(o) promulgated prior to August 17, 2015, which means that it examines its programs or proposed programs; identifies any impediments to fair housing choice within those programs; addresses those impediments in a reasonable fashion in view of the resources available; works with local jurisdictions to implement any of the jurisdiction's initiatives to affirmatively further fair housing that require the PHA's involvement; and maintains records reflecting these analyses and actions.
8. For PHA Plans that include a policy for site-based waiting lists:
 - The PHA regularly submits required data to HUD's 50058 PIC/IMS Module in an accurate, complete and timely manner (as specified in PIH Notice 2011-65);

- The system of site-based waiting lists provides for full disclosure to each applicant in the selection of the development in which to reside, including basic information about available sites; and an estimate of the period of time the applicant would likely have to wait to be admitted to units of different sizes and types at each site;
 - Adoption of a site-based waiting list would not violate any court order or settlement agreement or be inconsistent with a pending complaint brought by HUD;
 - The PHA shall take reasonable measures to assure that such a waiting list is consistent with affirmatively furthering fair housing; and
 - The PHA provides for review of its site-based waiting list policy to determine if it is consistent with civil rights laws and certifications, as specified in 24 CFR 903.7(o)(1).
9. The PHA will comply with the prohibitions against discrimination on the basis of age pursuant to the Age Discrimination Act of 1975.
 10. In accordance with 24 CFR § 5.105(a)(2), HUD's Equal Access Rule, the PHA will not make a determination of eligibility for housing based on sexual orientation, gender identify, or marital status and will make no inquiries concerning the gender identification or sexual orientation of an applicant for or occupant of HUD-assisted housing.
 11. The PHA will comply with the Architectural Barriers Act of 1968 and 24 CFR Part 41, Policies and Procedures for the Enforcement of Standards and Requirements for Accessibility by the Physically Handicapped.
 12. The PHA will comply with the requirements of Section 3 of the Housing and Urban Development Act of 1968, Employment Opportunities for Low-or Very-Low Income Persons, and with its implementing regulation at 24 CFR Part 135.
 13. The PHA will comply with acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and implementing regulations at 49 CFR Part 24 as applicable.
 14. The PHA will take appropriate affirmative action to award contracts to minority and women's business enterprises under 24 CFR 5.105(a).
 15. The PHA will provide the responsible entity or HUD any documentation that the responsible entity or HUD needs to carry out its review under the National Environmental Policy Act and other related authorities in accordance with 24 CFR Part 58 or Part 50, respectively.
 16. With respect to public housing the PHA will comply with Davis-Bacon or HUD determined wage rate requirements under Section 12 of the United States Housing Act of 1937 and the Contract Work Hours and Safety Standards Act.
 17. The PHA will keep records in accordance with 2 CFR 200.333 and facilitate an effective audit to determine compliance with program requirements.
 18. The PHA will comply with the Lead-Based Paint Poisoning Prevention Act, the Residential Lead-Based Paint Hazard Reduction Act of 1992, and 24 CFR Part 35.
 19. The PHA will comply with the policies, guidelines, and requirements of 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Financial Assistance, including but not limited to submitting the assurances required under 24 CFR §§ 1.5, 3.115, 8.50, and 107.25 by submitting an SF-424, including the required assurances in SF-424B or D, as applicable.
 20. The PHA will undertake only activities and programs covered by the Plan in a manner consistent with its Plan and will utilize covered grant funds only for activities that are approvable under the regulations and included in its Plan.
 21. All attachments to the Plan have been and will continue to be available at all times and all locations that the PHA Plan is available for public inspection. All required supporting documents have been made available for public inspection along with the Plan and additional requirements at the primary business office of the PHA and at all other times and locations identified by the PHA in its PHA Plan and will continue to be made available at least at the primary business office of the PHA.
 22. The PHA certifies that it is in compliance with applicable Federal statutory and regulatory requirements, including the Declaration of Trust(s).

Community Development Authority, City of Madison
PHA Name

WI-003
PHA Number/HA Code

√ Annual PHA Plan for Fiscal Year 2025

√ 5-Year PHA Plan for Fiscal Years 2025 - 2029

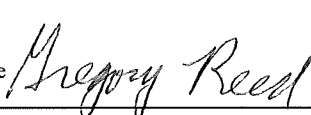
I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate. **Warning:** HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802).

Name of Executive Director: Matthew Wachter

Name Board Chairman: Gregory Reed

Signature 

Date 10-7-24

Signature 

Date 10/15/24

COMMUNITY DEVELOPMENT AUTHORITY
OF THE CITY OF MADISON, WISCONSIN

Resolution No. 4629

Authorizing the submission of the required PHA Five-Year Plan for Years 2025 – 2029, PHA Annual Plan for Fiscal Year 2025, and Capital Fund Program 5-Year Action Plan to the U.S. Department of Housing and Urban Development.

Presented October 10, 2024
Referred _____
Reported Back _____
Adopted October 10, 2024
Placed on File _____
Moved By Reed
Seconded By Strickland
Yeas 7 Nays 0 Absent 0
Rules Suspended _____
Legistar File Number 85598

RESOLUTION

WHEREAS, The U.S. Housing Act of 1937 established a Public Housing Authority (PHA) Five-Year Plan, Annual Plan, and Capital Fund Program Plan requirement [Section 9 and Section 511 of the Quality Housing and Work Responsibility Act (QHWRA)]; and

WHEREAS, The Five-Year PHA Plan describes the mission of the agency and the agency's long-term goals and objectives for achieving its mission over a five-year period; and

WHEREAS, The PHA Annual Plan is a comprehensive guide to PHA policies, programs, operations, and strategies for meeting local housing needs and goals; and

WHEREAS, The Capital Fund Program Plan provides the PHA's goals and strategies for addressing Public Housing capital needs; and

WHEREAS, The Community Development Authority (CDA) of the City of Madison has prepared the Five-Year Plan for Years 2025 – 2029, the PHA Annual Plan for fiscal year 2025, and Capital Fund Program Plan for fiscal year 2025; and

WHEREAS, the draft Plan documents are posted on the CDA website, <https://www.cityofmadison.com/dpced/housing/annual-plans/465/>; and

WHEREAS, The CDA has engaged in a process to seek public comments on the PHA and Capital Fund Program Plans; and

WHEREAS, The CDA Resident Advisory Board (RAB) has reviewed the PHA Five-Year Plan, PHA Annual Plan, and Capital Fund Program Plans.

NOW, THEREFORE, BE IT RESOLVED, the CDA Board of Commissioners authorizes CDA Staff to submit to the U.S. Department of Housing and Urban Development (HUD), documents related to the Five-Year Plan, PHA Annual Plan, and Capital Fund Program Plans, as required by HUD.