

## RAD Notice Q&A Webinar: January 11, 2017

Question 1: If a PHA wishes to use demographics that are more recent than the 2010 census data, how can a PHA request to do so?

Answer: Generally, HUD prefers that a PHA utilize census data. However, HUD notes that the Notice allows a PHA to use more recent ACS data if the PHA is able to demonstrate a significant and material shift in the demographics of the neighborhood. To do so, the PHA should send a request through their transaction manager providing the various data sets (census data, ACS data, etc.) and any other relevant information that demonstrates a significant and material shift in the demographics has occurred.

Question 2: Is there any process for relocation certification? Does HUD provide a relocation “how to” manual?

Answer: No. HUD does not require certification for RAD relocation. Additionally, the best source for guidance when it comes to relocation under RAD is the relocation notice.

Question 3: Empty units are available to house residents during temporary relocation; however, use of these units may result in some families being over housed. May the PHA proceed with relocation into these units?

Answer: Yes. A PHA may not relocate tenants to a unit where they are under housed (either on a temporary or permanent basis). However, the PHA may temporarily relocate tenants into units where they are over housed, as long as this is with the understanding that once an appropriately sized unit is available, the tenant should be moved to the right-sized unit. Note that in such circumstances, when the tenant is relocated to a right-sized unit, the PHA would be responsible for covering the costs of moving for relocation from the unit where tenant is over housed to the unit where the tenant is appropriately housed.

Question 4: Are previous trainings on the RAD Notice available? Are future trainings scheduled?

Answer: Previous trainings and webinars are recorded and available on the RAD Resource Desk (<http://www.radresource.net/webinars.cfm>). HUD does not have any futures trainings scheduled, but encourages individuals to reach out and submit questions through the RAD FAQs.

Question 5: Is there a template that PHAs should use when issuing a Notice of Return?

Answer: No. However, note that page 53 of the RAD Relocation Notice provides some guidance on reasonable advance notice and what ought to be included. Essentially, the Notice of Return is designed to provide people with a reasonable period of notice in advance of their having to return to the completed project. HUD's main priorities are that the notice is readable and gives people time to prepare for return to the project. Beyond that, HUD has not yet provided any additional guidelines. However, note that in the future, this may change.

Question 6: What guidelines must PHAs follow when residents are certified as over-income?

Answer: Under the Notice, a resident has an absolute right to return, regardless of whether the resident is over-income. Under the Notice, if a resident is over-income, the PHA has two options. The PHA can either modify its project plans to accommodate the over-income individual(s) (this might mean removing units from LIHTC application) or the PHA can offer alternative housing arrangements for the resident (note that the resident must voluntarily choose to accept). No resident is required to select an alternative housing option, and, regardless of income, no one should be involuntarily displaced.

Question 7: What if a public housing resident wishes to relocate to another public housing unit?

Answer: If there is an over-income resident who wishes to relocate to another public housing property to retain public housing status, the PHA can accommodate this. If a tenant decides that they don't want to participate in RAD and wishes to remain part of the public housing program, the resident can do that as long as their relocation is done in accordance with PIH rules and regulations. Such a move would be outside of the RAD notice and would be handled as a public housing transfer (following the policies set forth in the PHA's ACOP). Chapter 11.2 of Public Housing Handbook explains how such transfers can be expedited.

Question 8: Is there a template that covers what a PHA is required to have in the tenant file for both RAD and FHEO purposes?

Answer: Currently, no. In terms what has PRA approval, there's an accessibility checklist; however, there's no checklist in terms of what to include in a tenant file for RAD.

Question 9: If a resident is approved for reasonable accommodations and has a right to return but no units meet their needs, what happens?

Answer: The bottom line is that a resident cannot be denied the right to return because units do not meet their requirements. If the resident originally had an accessible unit, the resident

has a right to return to an accessible unit. Residents have a right to return to a unit that has the same major features as the one they left.

Question 10: What happens if a resident refuses to relocate from their unit (assuming proper notices have been issued)?

Answer: A resident has a right to contest plans, but actions beyond that are generally in violation of the public housing lease. The resident has the right to a relocation notice and a right to return; however, the resident does not have the right to refuse to move. PHAs should be careful when evicting and should not evict people to circumvent eligibility for URA assistance and payments. However, if the person refuses to move, this is more of a legal issue. Note: there should be an existing FAQ on a similar issue that can be found by checking the RAD resource desk.

Question 11: Is there a sample RAD Information Notice (RIN)?

Answer: No. However, HUD is open to the idea of posting a few “model” RINs on their website. This way, the samples provided on the HUD website could be changed and revised as needed without having to go through notice and comment periods. Note, all projects must issue a RIN under the new notice; there are no exceptions. However, GINs may or may not be required.

Question 12: Will HUD send around a link to the recording of this Q&A?

Answer: A link to the recorded Q&A session will be posted on the RAD Resource desk (<http://www.radresource.net/webinars.cfm>).

Question 13: What must a PHA contain in a resident’s file?

Answer: The PHA should look to the requirements of what must be contained in a resident log.

Question 14: Are RINs required for projects that are already in the process of converting?

Answer: To determine whether a RIN is required, PHAs should take a snapshot of their project as of November 10 (the date of the Notice). If, on November 10th, the PHA had already issued a GIN, then the PHA does not have to go back and issue a RIN. PHAs should look at where the project was in the conversion process as of November 10th. PHAs are only required to comply with the new Notice going forward, not retroactively. Prior to November 10th, the PHA was required to comply with the original relocation notice. Therefore, if you’ve already issued a GIN,

you're likely beyond the point in the development process of needing to issue a RIN. Note that now, under the new Notice, a GIN is only required for projects where there is some relocation anticipated. Note further that if a GIN is needed, the PHA may issue both the RIN and the GIN simultaneously.

Question 15: What's the rationale for HUD requiring a new site and neighborhood analysis for existing public housing sites?

Answer: This is a regulatory requirement. However, note that the upfront review will be required for new construction, not for renovation.

Question 16: If someone is in a hospital or rehab facility, does the PHA have permission to enter their unit to pack and store items?

Answer: This is more of a public housing issue than a RAD issue. In such circumstances, the PHA would want to look at the Public Housing Occupancy Guidebook and the ACOP. The PHA should also note that storage could be an eligible covered cost under the URA.

Question 17: What triggers the ability to move residents at RCC? Do notices need to cite a reference to November 10th guidance?

Answer: No citations to the new Notice are needed. To move residents at RCC, the project must involve an acquisition and must have issued a NOIA. NOIAs may be issued 90 days before a PHA reasonably expects to submit a financing plan. The PHA may issue its relocation notice and the NOIA at the same time. While eligibility for URA relocation assistance is generally effective on the effective date of the RCC, a prior issuance of a NOIA establishes a resident's eligibility for relocation assistance and payments on the date of issuance of the NOIA.

Question 18: Site and Neighborhood Standards – Assuming that upfront review only applies to new construction, does this include new units on sites of existing housing? Developing new units on land already owned is cost effective, but might be hard to comply with SNS.

Answer: Yes. The upfront review requirements apply to all new construction, regardless of whether such construction takes place on an existing public housing site or on a new site. This stems from the regulations. Note that the Notice provides several exceptions that a PHA may invoke to receive approval if building in an area of minority concentration.

Question 19: Where can additional guidance be found regarding the review of revitalization plans or on HUD's determination of what a revitalizing area is?

Answer: The RAD Notice provides the most extensive guidance to date on this topic.

Question 20: How to calculate area of minority concentration?

Answer: PHAs should look to the RAD Notice (pages 25-26) for information on how to calculate areas of minority concentration. 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.

Question 21: Due to length of time it takes to get through conversion, residents continue to move in and out of public housing. How should the PHA document these voluntary moves?

Answer: The PHA should follow its normal public housing procedures. PHAs should make sure to get a forwarding address from anyone who moves out of the property during a conversion. If a resident moves out of the public housing unit and the required notices have not been provided, this could raise several questions and be problematic. From a CPD perspective, it's important the PHA issue all required notices appropriately and document this in a resident's files. The PHA should also ensure that the files document why the resident left (voluntary, not forced to move, etc.). From HUD's perspective, if relevant notices have not been issued, it also raises the question of whether the resident was fully informed as to their rights prior to the move. Conversely, if all notices are sent, the resident knows about the RAD conversion and their rights and still elects to move, this shouldn't be an issue (as long as the PHA documents it).

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