

5-Year PHA Plan (for All PHAs)	U.S. Department of Housing and Urban Development Office of Public and Indian Housing	OMB No. 2577-0226 Expires: 02/29/2016
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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, 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. Form HUD-50075-5Y is to be completed once every 5 PHA fiscal years by all PHAs.

A.	PHA Information.																																										
A.1	<div> <div> PHA Name: ALBANY HOUSING AUTHORITY PHA Code: NY009 </div> <div> PHA Plan for Fiscal Year Beginning: (MM/YYYY): <u>07/2020</u> PHA Plan Submission Type: <input checked="" type="checkbox"/> 5-Year Plan Submission <input type="checkbox"/> Revised 5-Year Plan Submission </div> </div> <p>Availability of Information. In addition to the items listed in this form, 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. Additionally, the PHA must provide information on how the public may reasonably obtain additional information on the PHA policies contained in the standard Annual Plan, but excluded from their streamlined submissions. 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 websites. PHAs are also encouraged to provide each resident council a copy of their PHA Plans.</p> <p><i>A copy of the 5-year plan can be obtained at each Development Office, AHA Central Office located at 200 S. Pearl Street and our website at www.albanyhousing.org</i></p> <div> <input type="checkbox"/> PHA Consortia: (Check box if submitting a Joint PHA Plan and complete table below) </div> <table border="1"> <thead> <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> <th rowspan="2"></th> </tr> <tr> <th>PH</th> <th>HCV</th> </tr> </thead> <tbody> <tr> <td>Lead PHA:</td> <td></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> <td></td> </tr> <tr> <td></td> <td></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> <td></td> </tr> </tbody> </table>						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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	5-Year Plan. Required for <u>all</u> PHAs completing this form.						
B.1	<p>Mission. State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years.</p> <p><i>Our mission is to provide high quality, affordable and sustainable housing opportunities while continuing to promote economic independence and stability for our residents.</i></p>						
B.2	<p>Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years.</p> <p>REASONABLE ACCOMMODATION REQUESTS -WITH RESPECT TO ANIMALS THAT TENANTS WITH DISABILITIES MAY REQUEST AS A REASONABLE ACCOMMODATION: AHA WILL ADOPT AND USE THE QUESTIONNAIRE ANALYSIS PROVIDED IN PHA NOTICE ISSUED ON JANUARY 28, 2020. THE SERIES OF QUESTIONS WILL SERVE AS A MODEL TO GAGE THE APPLICABILITY OF TENANTS REQUEST TO HAVE AN ANIMAL AS A REASONABLE ACCOMMODATION UNDER THE FAIR HOUSING ACT.</p> <p>GRIEVANCES AND APPEALS: AHA WILL IMPROVE RESPONSE TO RESIDENT COMPLAINTS AND OR GRIEVANCE REQUESTS. REQUESTS WILL BE REVIEWED TO DETERMINE THE APPROPRIATENESS OF ALL TENANT RELATED COMPLAINTS WITHIN 3-5 BUSINESS DAYS OF TENANTS' WRITTEN NOTICE. IN EFFORT TO ENSURE THE NECESSITY OF SUCH GRIEVANCE AHA WILL ATTEMPT TO RESOLVE THROUGH EXCHANGE WITH ONSITE ASSET MANAGERS AND RELATED STAFF. THE AHA WILL SCHEDULE AND SEND WRITTEN NOTICE OF THE INFORMAL HEARING WITHIN 10 BUSINESS DAYS OF THE FAMILY'S REQUEST.</p> <p>COLLECTION MATTERS- TO REDUCE AND/OR RESOLVE THE NUMBER OF DELINQUENT ACCOUNTS AHA WILL REFER FAMILIES FOR FINANCIAL MANAGEMENT COUNSELING FACILITATED BY THE ROSS COORDINATOR. AHA WILL EVALUATE ENFORCEMENT EFFORTS BASED ON TENANTS WILL AND COMPLIANCE IN ADDRESSING OUTSTANDING BALANCES OLDER THAN 6 MONTHS OLD. CONTINUED NONCOMPLIANCE AND NONPAYMENT OF TENANT RELATED CHARGES DUE TO EXCESS FEES WILL BE ENFORCED THROUGH THE COURTS.</p> <p>VAWA- AHA IS ACTING IN FULL ACCORDANCE WITH THE VIOLENCE AGAINST WOMEN ACT (VAWA) AHA WILL REVISE THEIR WRITTEN VAWA PLAN TO ENSURE PHYSICAL SAFETY OF VICTIMS OF ACTUAL OR THREATENED DOMESTIC VIOLENCE, OR STALKING WHO ARE ASSISTED BY THE AHA. THIS WILL INCLUDE BROKERING AND/OR REFERRING FAMILIES TO EQUINOX, CRIME VICTIMS ASSISTANCE PROGRAMS, AND/OR NYS FAMILY COURT SYSTEM FOR FURTHER SUPPORT. AHA WILL PROVIDE AND MAINTAIN HOUSING OPPORTUNITIES FOR VICTIM THROUGH A COLLABORATIVE EFFORT WHICH MAY INCLUDE LAW ENFORCEMENT AUTHORITIES, VICTIM SERVICE PROVIDERS TO PROMOTE THE SAFETY AND WELL-BEING OF VICTIMS OF ACTUAL OR THREATENED DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING. AHA STAFF HAS RECEIVED TRAINING ABOUT THE PROTECTIONS AFFORDED TO VAWA AND ARE AWARE OF VARIOUS CIRCUMSTANCES IN WHICH TENANTS MAY NEED TO BE REMINDED OF THEIR PROTECTIONS. AHA ALSO PROVIDES ALL TENANTS WITH INFORMATION ABOUT VAWA AT THE TIME OF ADMISSION AND AT ANNUAL REVIEWS AND NOTICES OF DENIAL OF ASSISTANCE OR LEASE TERMINATION. TENANT SEEKING SUCH PROTECTIONS ARE ENCOURAGED TO COMPLETE FORM HUD 50056 AS WELL AS SEEK FURTHER REDRESS FROM LOCAL COURT SYSTEM TO SUPPORT THE BIFURCATION OF THE LEASE WHEN THE ALLEGED PERPETRATOR IS A MEMBER OF THE LESSEE'S HOUSEHOLD.</p> <p>OVER INCOME FAMILIES- AHA WILL TRACK FAMILIES OVER INCOME STATUS AT AND IF THE HOUSEHOLD INCOME EXCEEDS THE APPLICABLE OVER INCOME LIMIT, AHA WILL DOCUMENT THIS IN THE TENANTS FILE AND TRACK THEIR INCOME STATUS. IN ONE YEAR AFTER THE APPLICABLE ANNUAL OR INTERIM REEXAMINATION AND THEY CONTINUE TO EXCEED THE APPLICABLE OVER INCOME LIMIT, THE AHA WILL NOTIFY THE FAMILY IN WRITING THAT THEIR INCOME HAS EXCEEDED THE OVER INCOME LIMIT FOR ONE YEAR AND IF THEY CONTINUE TO BE OVER INCOME FOR ANOTHER 12 MONTHS, THEY WOULD BE SUBJECT TO AHA'S OVER INCOME POLICY. IF AFTER THE TWO YEARS AFTER THE APPLICABLE ANNUAL OR INTERIM REEXAMS THE HOUSEHOLD INCOME CONTINUES TO EXCEED THE APPLICABLE OVER INCOME LIMIT, AHA WILL CHARGE THE FAMILY A RENT THAT IS HIGHER OF THE APPLICABLE FMR OR THE AMOUNT OF THE MONTHLY SUBSIDY FOR THE UNIT. THE TENANT WILL RECEIVE WRITTEN NOTICE OF THE IR NEW AMOUNT VIA A 30 DAY. IF THE HOUSEHOLD CIRCUMSTANCES CHANGE AND THEY EXPERIENCE AN INCOME DECREASE IN INCOME, THE FAMILY MAY REQUEST AN INTERIM REDETERMINATION OF RENT IN ACCORDANCE WITH AHA POLICY.</p> <p>COMMUNITY SERVICE AND ECONOMIC SELF-SUFFICIENCY REQUIREMENT (CSSR)- AHA WILL PROVIDE FAMILIES WITH A QUALIFIED LIST OF LOCAL COMMUNITY AGENCIES AS IT RELATES TO REQUIREMENT OF THE PROGRAM FOR EIGHT (8) HOURS PER MONTH MAY BE EITHER VOLUNTEER WORK OR SELF-SUFFICIENCY PROGRAM ACTIVITY, OR A COMBINATION OF THE TWO. AHA WILL UTILITIES THE ROSS COORDINATOR IN THE ESTABLISHMENT OF A LIST TO AID FAMILIES WITH THIS REQUIREMENT AS THIS IS ESSENTIAL FOR FAMILIES TO HAVE A LISTING OF POTENTIAL AGENCIES TO ASSIST THEM WITH MEETING THIS LEASE OBLIGATION.</p> <p>FRAUD AND/OR UNDERREPORTING OF HOUSEHOLD INCOME- AHA WILL STREAMLINE ITS PROCESS IN THE PREVENTION, DETECTION AND INVESTIGATION OF ERRORS AND POTENTIAL PROGRAM ABUSE. AHA WILL MAKE A MORE CONCERTED EFFORT TO USE EIV AND SUBSIDY REPORTS TO ACCOUNT FOR ACTIVITY PRIOR TO THE HOUSEHOLD'S ANNUAL REEXAMINATION.</p>						

B.3	Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5-Year Plan.
B.4	<p>Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking.</p> <p>VAWA- AHA is acting in full accordance with the Violence Against Women Act (VAWA) AHA will revise their written VAWA plan to ensure physical safety of victims of actual or threatened domestic violence, or stalking who are assisted by the AHA. This will include brokering and/or referring families to Equinox, Crime Victims Assistance Programs, and/or NYS Family Court system for further support. AHA will provide and maintain housing opportunities for victim through a collaborative effort which may include law enforcement authorities, victim service providers to promote the safety and well-being of victims of actual or threatened domestic violence, dating violence, and stalking. AHA staff has received training about the protections afforded to VAWA and are aware of various circumstances in which tenants may need to be reminded of their protections. AHA also provides all tenants with information about VAWA at the time of admission and at annual reviews and notices of denial of assistance or lease termination. Tenant seeking such protections are encouraged to complete Form HUD 50056 as well as seek further redress from local court system to support the bifurcation of the lease when the alleged perpetrator is a member of the lessee's household.</p>
B.5	Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.
B.6	<p>Resident Advisory Board (RAB) Comments.</p> <p>(a) Did the RAB(s) provide comments to the 5-Year PHA Plan?</p> <p>Y N <input type="checkbox"/> <input type="checkbox"/></p> <p>(b) If yes, comments must be submitted by the PHA as an attachment to the 5-Year PHA Plan. PHAs must also include a narrative describing their analysis of the RAB recommendations and the decisions made on these recommendations.</p>
B.7	<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>

Instructions for Preparation of Form HUD-50075-5Y 5-Year PHA Plan for All PHAs

- A.1** Include the full **PHA Name**, **PHA Code**, **PHA Fiscal Year Beginning** (MM/YYYY), **PHA Plan Submission Type**, and the **Availability of Information**, specific location(s) of all information relevant to the hearing and proposed PHA Plan.

PHA Consortia: Check box if submitting a Joint PHA Plan and complete the table.

B. 5-Year Plan.

B.1 Mission. State the PHA's mission for serving the needs of low- income, very low- income, and extremely low- income families in the PHA's jurisdiction for the next five years. (24 CFR §903.6(a)(1))

B.2 Goals and Objectives. Identify the PHA's quantifiable goals and objectives that will enable the PHA to serve the needs of low- income, very low- income, and extremely low- income families for the next five years. (24 CFR §903.6(b)(1)) For Qualified PHAs only, if at any time a PHA proposes to take units offline for modernization, then that action requires a significant amendment to the PHA's 5-Year Plan.

B.3 Progress Report. Include a report on the progress the PHA has made in meeting the goals and objectives described in the previous 5- Year Plan. (24 CFR §903.6(b)(2))

B.4 Violence Against Women Act (VAWA) Goals. Provide a statement of the PHA's goals, activities objectives, policies, or programs that will enable the PHA to serve the needs of child and adult victims of domestic violence, dating violence, sexual assault, or stalking. (24 CFR §903.6(a)(3))

B.5 Significant Amendment or Modification. Provide a statement on the criteria used for determining a significant amendment or modification to the 5-Year Plan.

B.6 Resident Advisory Board (RAB) comments.

- (a) Did the public or RAB provide comments?
- (b) If yes, submit comments as an attachment to the Plan and describe the analysis of the comments and the PHA's decision made on these recommendations. (24 CFR §903.17(a), 24 CFR §903.19)

This information collection is authorized by Section 511 of the Quality Housing and Work Responsibility Act, which added a new section 5A to the U.S. Housing Act of 1937, as amended, which introduced the 5-Year PHA Plan. The 5-Year PHA Plan provides the PHA's mission, goals and objectives for serving the needs of low- income, very low- income, and extremely low- income families and the progress made in meeting the goals and objectives described in the previous 5-Year Plan.

Public reporting burden for this information collection is estimated to average .76 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.

Privacy Act Notice. 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.

5 Year Goals	2019 Updates and New Initiatives
Capital South Plan <ul style="list-style-type: none">Continue to support initiatives that lead to attainment of the goals of the Plan. Continue to participate in and encourage AHA residents to participate in the South	Capital South Plan <ul style="list-style-type: none">Explore developing market rental in and around the South End to accommodate existing AHA residents who may be affected by the 5 year limitation on flat rents.

<p>End Neighborhood Association and other neighborhood organizations within the community.</p> <ul style="list-style-type: none"> - Seek partnerships with other stakeholders and/or sub-committees and provide leadership and assistance where possible <ul style="list-style-type: none"> ▪ Support residents and reinforce previous housing investments 	<ul style="list-style-type: none"> ▪ Explore developing subsidized and unsubsidized homeownership in and around the South End ▪ Explore redevelopment of the “DMV Block” as mixed-finance, mixed-use commercial hub of the South End ▪ Explore opportunities for RAD and other funding sources.
<p>Lincoln Square Homes</p> <ul style="list-style-type: none"> - Continue to support initiatives that lead to attainment of the goals of the Plan <ul style="list-style-type: none"> ▪ Dispose and demolish 192 units, management office at 1, 2, and 3 Lincoln; explore adaptive reuse of 2 Lincoln Square ▪ Continue to apply for state and federal funding, including Choice Neighborhoods, to develop off-site replacement housing ▪ Support the Capital South Campus Center and continue to redevelop the Lincoln site and surrounding area into a campus for workforce development and higher education 	<p>Lincoln Square Homes</p> <ul style="list-style-type: none"> ▪ Explore adaptive reuse of underutilized buildings and vacant land for private sector business and workforce development associated with the Capital South Campus Center and Lincoln Square Homes. ▪ Explore decommissioning through obsolescent and Section 18 to include tenant protection law. ▪ Explore funding opportunities for demolition of obsolete buildings
<p>Steamboat Square Amps (9-3, 9-11, 9-12)</p> <ul style="list-style-type: none"> ▪ Explore converting hi-rise towers into mixed-income, mixed-use housing as part of a vibrant market-rate redevelopment plan for the South Waterfront District ▪ Explore and possibly dispose 2- and 3-unit buildings to owner occupants. ▪ Dispose of multi-unit buildings to non-profits or private landlords. ▪ Use profit and ACC operating subsidy to develop new units. 	<p>Steamboat Square Homes</p> <ul style="list-style-type: none"> ▪ Create and implement a master development plan ▪ Complete market study ▪ Continue to phased 9% and 4% LIHTC projects with RAD including exterior makeover and retrofit designs of towers, renovating vacant and occupied space ▪ Build city support and assistance ▪ Work on multiyear plan to convert to homeownership ▪ Explore Phased 9% and 4% LIHTC projects with RAD including exterior makeover and renovating vacant and occupied space ▪ Explore and continue to work with consultants
<p>Nutgrove Garden Apartments</p> <ul style="list-style-type: none"> ▪ Refinance and modernize 	<p>Nutgrove Garden Apartments</p> <ul style="list-style-type: none"> - Continue to develop multiyear plan to replace kitchens, HVAC and sprinkler through operating replacement reserves and/or other funding opportunities. - Explore 9% and 4% LIHTC projects with RAD to provide major rehab.
<p>Underused Building and vacant land</p> <ul style="list-style-type: none"> ▪ Envisioning a mixed-use wellness campus serving the housing and healthcare needs of South Enders. ▪ Explore options to replace Collaboratory- possible two stories with commercial space. 	<p>Underused Building and vacant land</p> <ul style="list-style-type: none"> - Create community consensus on site - Create a master development plan - Begin developing partnerships - Begin building community consensus
<p>Arbor Hill Neighborhood Plan</p> <ul style="list-style-type: none"> ▪ Continue to support initiatives that lead to attaining the goals of the Plan 	<p>Arbor Hill Neighborhood Plan</p> <ul style="list-style-type: none"> - Continue to convene the Arbor Hill Workgroup and supporting their initiatives

<ul style="list-style-type: none"> Continue to participate in and encourage AHA residents to participate in the Arbor Hill Neighborhood Association Seek partnerships with other stakeholders and provide leadership and assistance where possible Continue to lead and support planning and development of North Swan Street Support residents and reinforce prior housing investments 	<ul style="list-style-type: none"> Continue to assemble land and seek partnership opportunities for developing a food market on Swan Street Continue reinventing and marketing Arbor Hill as an arts district Continue to work with various community organizations towards their initiatives.
Ida Yarbrough Low-Rise Homes <ul style="list-style-type: none"> Include owner-occupied units in the onsite redevelopment plan Continue to support the goals of the Arbor Hill Neighborhood Plan 	Ida Yarbrough Low-Rise Homes <ul style="list-style-type: none"> Continue to secure funding to develop Phase 3, onsite 10 unit homeownership with various partners Affordable Housing Partnership and Habitat for Humanity Explore development of market rate rental and homeownership on- and off-site Explore RAD for Ida Redevelopment Phase I and II
NY9-5 Ida Yarbrough Hi-Rise Homes Explore disposition and substantial rehabilitation with possibility of renting to mixed income clientele. <ul style="list-style-type: none"> Apply for any grants that become available to rehabilitate and perform deep energy retrofit of the buildings 	NY9-5 Ida Yarbrough Hi-Rise Homes <ul style="list-style-type: none"> Continue to conduct a planning charrette that includes the development objectives for this site. Pursue 4% LIHTC applications with RAD, study possible unit reconfiguration and energy retrofits including renewable energy options
NY9-1 Whalen Homes <ul style="list-style-type: none"> Dispose or redevelop Whalen Homes 	NY9-1 Whalen Homes <ul style="list-style-type: none"> Determine next major modernization milestone as way of setting course and timeline for disposition or redevelopment including RAD analysis Begin planning for replacement housing
West Hill Neighborhood Plan <ul style="list-style-type: none"> Work with the City of Albany and stakeholder groups to create a neighborhood revitalization plan. Explore partnerships that lead to the development of housing and other initiatives that support the neighborhood plan. 	West Hill Neighborhood Plan <ul style="list-style-type: none"> Continue to convene the West Hill Workgroup and support their initiatives Participate in City of Albany planning activities in West Hill, including West Hill plan done by City planning consultant; report is now available. Explore sites and partnerships for the development of replacement, mixed-finance and mixed-use housing Explore acquisition and redevelopment of Bleecker Terrace
NY9-21 Scattered Sites (3rd Street) NY 9-22 (Ontario and Sherman Streets) NY 9-29 (Pieter Schuyler Court) <ul style="list-style-type: none"> Explore disposition of units to qualified owner occupants; attempt to qualify and sell to existing occupants. 	NY9-21 Scattered Sites (3rd and Sherman Streets) <ul style="list-style-type: none"> Gauge residents' interest in participating in homeownership programs and purchasing their unit.
North Albany Homes <ul style="list-style-type: none"> Refinance and modernize North Albany Homes Exploring option to carve out units after the compliance period for homeownership. 	North Albany Homes <ul style="list-style-type: none"> Continue to prepare for end of initial compliance period and readiness for refinancing Explore RAD including Needs Assessment. Continue to explore disposition of units for Homeownership
Westview Homes	Westview Homes <ul style="list-style-type: none"> Apply for any grants that become available

<ul style="list-style-type: none"> ▪ Explore and possibly consolidate additional units into one bedroom units. ▪ Explore disposition and possibly partner with other organizations to develop a continuum of care campus on and around the Westview property 	<ul style="list-style-type: none"> ▪ to rehabilitate the building. ▪ Explore Phased 9% and 4% LIHTC projects with RAD including exterior makeover and retrofit designs of the tower, and renovations.
General Planning and Development Initiatives <ul style="list-style-type: none"> - Explore development opportunities and partnerships for market rate rental and homeownership, workforce housing, and supportive housing in the City of Albany and elsewhere - Facilitate adaptive reuse of 15 Warren Street through creative economic strategies and seek funding sources. 	General Planning and Development Initiatives <ul style="list-style-type: none"> - Conduct market studies, meet with prospective partners and watch for funding availability - Meet with the City zoning staff as necessary - AHA picked a developer Partner to work with for the next 5 years on strategies for LIHTC projects along with RAD at the public housing sites - AHA is working on ways to increase the use of renewable energy and work with the 2019 Governor's renewable energy goals which includes exploring solar for the Authority and tenant paid utilities.

Demolition and/or Disposition

Lincoln Park Homes

Following the Capital South Plan: SEGway to the Future neighborhood plan developed by the City of Albany, the AHA intends to demolish the three high rise towers at Lincoln Square Homes (NY009000004). The three towers are “universally viewed as a priority for demolition, not just because they have become of age, but also because they loom over both the South End and Mansion neighborhoods, their central park, and Morton Avenue spine (where drug dealing is said to be prevalent).” Based on AHA’s past experience, the total demolition costs are estimated to be \$4.5 million. The State of New York has expressed a willingness to incentivize our demolition process provided we secure a letter of interest from a commercial developer to diversify this location site. If the AHA is unable to secure funding for the demolition, then we will explore repositioning strategies using 9%/4% tax credit applications, subject to community input. Lincoln Square Homes is also undergoing the application process for RAD though no commitments have been made to date.”

KIDD– continue relationship with city, AHA provides the three season facility on city park work annually with city leaders to provide programming.

Capital South Campus Center – to work with program management to maximize potential for the benefit of the neighborhood.

Homeownership:

Currently Albany Housing Authority has 30 Homeownership vouchers, 22of which are active.

Housing Needs:

Currently AHA has a total of 5761 families on the Section 8 waiting list. Of the Section 8 Waiting list are elderly, and 18% are families with disabilities. After being closed for 4 years, our Section 8 waiting list was reopened for applications in March 2019. AHA's Section 8 waiting list has been closed since March 27, 2019. Section 8 waiting lists show a majority of the persons on the waiting lists (77%) are extremely low income (under 30% of AMI).

We currently have 22 Homeownership vouchers issued and 17 of them are currently in use. We continue to provide information in our Section 8 briefings on the benefits of homeownership along with the path on how to achieve that goal.

Albany Housing Authority continues to participate in new landlord workshops and provide information as it pertains to partnering with AHA, thus increasing opportunities for our participant families to obtain adequate, affordable housing. Many of these landlords are purchasing property in zip codes with lower poverty levels. We encourage voucher holders to secure housing in these areas and provide a higher Voucher Payment Standard in areas with a lower poverty level.

Strategy for Addressing Housing Needs:

AHA recognizes the shortage of affordable housing for all eligible populations and plans to maximize the number of affordable units available to AHA within our current resources by taking the following measures:

- Minimizing the number of public housing units off-line through effective maintenance and management policies.
- Reduce turnover time for vacated public housing units.
- Reduce time to renovate public housing units.
- Seek replacement of public housing units lost to the inventory through mixed finance development.
- Seek replacement of public housing units lost to the inventory through section 8 replacement housing resources.

AHA will continue to increase the number of affordable housing units by performing the following:

- Apply for additional section 8 units should they become available.
- Leverage affordable housing resources in the community through the creation of mixed-finance housing.
- Pursue housing resources other than public housing or Section 8 tenant-based assistance.

AHA will target available assistance to families at or below 50% of AMI by utilizing admissions preferences aimed at families who are working.

AHA will target available assistance to Families with Disabilities by carrying out the modification needed in public housing based on the section 504 Needs Assessment for Public Housing and affirmatively market to local non-profit agencies that assist families with disabilities.

AHA will conduct activities to affirmatively further fair housing by counseling section 8 tenants as to location of units outside of areas of poverty or minority concentration. We have implemented higher VPS in areas with low poverty rates to encourage this. This will also be done by marketing the Section 8 program to owners with property outside of areas of poverty/minority concentration.

Progress in Meeting Mission and Goals:

- AHA continues to work towards expanding the supply of assisted housing through various initiatives.
- AHA continues to improve the quality of assisted housing. AHA would dispose of entire development at Amp 5, Ida Yarbrough to a wholly owned subsidiary of the Albany Housing Authority in order to make eligible for financing not otherwise available under current ownership structure and funding sources.

Substantial Deviation:

Substantial Deviation:

A substantial change in a goal(s) identified in the Five-Year Plan. For example, checking or unchecking a PHA goal box. A substantial deviation does not include any changes in HUD rules and regulations which require or prohibit changes to activities listed herein.

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

- a. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance;
- b. 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;
- c. Changes to the construction and rehabilitation plan for each approved RAD conversion; and
- d. Changes to the financing structure for each approved RAD conversion.

Significant Amendment/Modification:

- Significant modifications to major strategies to address housing needs and to major policies (e.g., policies governing eligibility, selection or admissions and rent determination) or programs (e.g., demolition or disposition, designation, homeownership programs or conversion activities) that are not mandated by the Department of Housing and Urban Development.

Effective June 2020 Re-exam month AHA will begin to implement HUD's Housing Opportunity Through Modernization Act(HOTMA) of 2016: Final implementation of Public Housing Income Limit Policy.

- The policy applies to families whose income has exceeded 120 percent of the area median income (AMI) for two consecutive years.
 - PHAs must either terminate the tenancies of such families within six months of the second income determination or establish an alternative rents.
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Rental Assistance Demonstration (RAD)

The Albany Housing Authority is amending its Annual PHA Plan because it was a successful applicant in the Rental Assistance Demonstration (RAD). As a result, the Albany Housing Authority will be converting to Project Based Vouchers under the guidelines of PIH Notice 2012-32, REV-1 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 PIH Notice 2012-32, REV-2; and Joint Housing PIH Notice H-2014-09/PIH-2014-17. These resident rights, participation, waiting list and grievance procedures are appended to this Attachment. Additionally, the Albany Housing Authority 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 Albany Housing Authority 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 Albany Housing Authority may also borrow funds to address their capital needs. The Albany Housing Authority will also be contributing Operating Reserves and Capital Funds towards the conversions. The amount of Operating Reserves and Capital Funds that will be contributed to the RAD conversions will be determined on a case by case basis, as needed to properly fund each conversion and as available from the Capital Fund grants awarded in those years. The Albany Housing Authority currently has debt under the Capital Fund Financing Program and will be working with Capital One Public Funding, LLC to address outstanding debt issues, which may result in additional reductions of Capital Funds. The Albany Housing Authority currently has debt under an Energy Performance Contract and will be working with M&T Bank to address outstanding debt issues, which may result in additional reductions of Capital or Operating Funds.

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

Development #1

<u>Name of Public Housing Project:</u> Ida IV	<u>PIC Development ID:</u> NY009000005	<u>Conversion type (PBV or PBRA):</u> PBV	<u>Transfer of Assistance:</u>
<u>Total Units:</u> 226 Units	<u>Pre-RAD Unity Type:</u> Family/General Occupancy	<u>Post-RAD Unit Type if different:</u>	<u>Capital Fund allocation of Development:</u> 1. The 2018 CFP award for NY009000005 was \$791,304, which included DDTF funding of \$169,406. CFP funds available in the conversion year and necessary for successful conversion will be allocated to this development.
Bedroom Type	Number of Units Pre-Conversion	Number of Units Post-Conversion	Change in Number of Units per Bedroom Type and Why

0 Bedroom	100	0*	Studios are small, lack accessibility, and are not marketable.
1 Bedroom	124	168*	Improved accessibility and project marketability

*These numbers are projections based on the current scope of work. Final unit counts may change as the scope of work evolves.

Development #2

<u>Name of Public Housing Project:</u> Steamboat Square Homes Phase I: 20 Rensselaer Phase II: 230 Green Street Phase III: 200 and 220 Green Street	<u>PIC Development ID:</u> NY009000003	<u>Conversion type (PBV or PBRA):</u> PBV	<u>Transfer of Assistance:</u>
<u>Phase I Total Units:</u> 51 Units <u>Phase II Total Units:</u> 80	<u>Pre-RAD Unity Type:</u> Family/General Occupancy	<u>Post-RAD Unit Type if different:</u>	<u>Capital Fund allocation of Development:</u> 1. The 2018 CFP award for NY009000003 was \$845,735, and covered 382 units. As 307 units are currently being considered for

Phase III Total Units: 176			conversion 307/382, or 80.37% of these funds would be allocated to the RAD conversion: \$679,687. Depending on year of conversion, amounts may differ, based on the CFP grant award for that year.
Bedroom Type	Number of Units Pre-Conversion	Number of Units Post-Conversion	Change in Number of Units per Bedroom Type and Why
0 Bedroom	Phase I: 32 Phase II: 0 Phase III: 11	Phase I: 0* Phase II: 0 Phase III: 11	Studios have limited accessibility, are small, and not marketable. We plan to combine studios, where feasible, to create 1-Bedroom units and improve accessibility options.
1 Bedroom	Phase I: 19 Phase II: 80 Phase III: 120	Phase I: 77* Phase II: 101* Phase III: 120	In the 1980s, building wings were decommissioned. In Phase I and II, we anticipate adding units in the decommissioned wings
2 Bedroom	Phase I: 0	Phase I: 11*	Adding two-bedroom units into the

	Phase II: 0	Phase II: 0	decommissioned wings
	Phase III: 45	Phase III: 45	

*These numbers are projections based on the current scope of work. Final unit counts may change as the scope of work evolves.

In addition to the two developments specifically detailed above, CHAPS have also been received for the following PIC Developments:

- i. NY009000002
- ii. NY009000008
- iii. NY009000009
- iv. NY009000010
- v. NY009000013
- vi. NY009000016
- vii. NY009000018

Albany Housing Authority is in the process of analyzing the long term physical needs and the financial viability of converting each of these developments to RAD. No final decision has been made on any of these developments. All available operating subsidy, capital fund and existing reserves at each location would be utilized in the conversion process, using all options available under RAD (e.g., rent bundling, §18, 25% PBVs, etc.) to maximize the future financial stability of each development.

Resident Rights, Participation, Waiting List and Grievance Procedures

Significant Amendment Definition

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

- a. The decision to convert to either Project Based Rental Assistance or Project Based Voucher Assistance;
- b. 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;
- c. Changes to the construction and rehabilitation plan for each approved RAD conversion; and
- d. Changes to the financing structure for each approved RAD conversion.

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.¹ 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, 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, this provision shall 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 § 983 for non-RAD PBV units and the PBRA requirements governing the applicable contract for non-RAD PBRA units.²
- 2. Right to Return.** See section 1.4.A.5(ii) and the RAD Fair Housing, Civil Rights, and Relocation Notice regarding a resident's right to return.
- 3. Renewal of Lease.** Since publication of the PIH Notice 2012-32 Rev 1, the regulations under 24 CFR part 983 have been amended requiring Project Owners to renew all leases upon lease expiration, unless cause exists. MTW agencies may not alter this requirement.
- 4. Phase-in of Tenant Rent Increases.** If a tenant's monthly rent increases by more than the greater of 10 percent or \$25 purely as a result of conversion, the rent increase will be phased in over 3 or 5 years. To implement this provision, HUD is specifying alternative requirements for section 3(a)(1) of the Act, as well as 24 CFR § 983.3 (definition of "total tenant payment" (TTP)) to the extent necessary to allow for the

¹ 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.

² For non-RAD PBV households, applicable program requirements includes the requirement that any admission to the project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time.

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. 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, 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 TTP³.

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

³ 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 TTP, 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.

- 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.

5. 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 be eligible for FSS once their housing is converted under RAD. 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 and may use that funding to serve PH, HCV and/or PBRA participants in its FSS program. 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 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, 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 78100.⁴ Further, upon conversion to PBV, already escrowed funds for FSS participants shall be transferred into the HCV escrow account and be considered TBRA funds, thus reverting to the HAP account if forfeited by the FSS participant.

⁴ 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.

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, 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.

- 6. 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.
- 7. Resident Procedural Rights.** The following items must be incorporated into both the Section 8 Administrative Plan and the Project Owner's lease, which includes the required tenancy addendum, as appropriate. Evidence of such incorporation may be requested by HUD for purposes of monitoring the program.
 - i. **Termination Notification.** HUD is incorporating additional termination notification requirements to comply with section 6 of the Act for public housing projects that convert assistance under RAD. In addition to the regulations at 24 CFR § 983.257 related to Project Owner termination of tenancy and eviction (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 :
 - a. A reasonable period of time, but not to exceed 30 days:
 - i. If the health or safety of other tenants, Project Owner employees, or persons residing in the immediate vicinity of the premises is threatened; or
 - ii. In the event of any drug-related or violent criminal activity or any felony conviction;
 - b. Not less than 14 days in the case of nonpayment of rent; and
 - c. 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.

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

- a. In addition to reasons that require an opportunity for an informal hearing given in 24 CFR § 982.555(a)(1)(i)-(vi),⁵ an opportunity for an informal hearing must be given to residents for any dispute that a resident may have with respect to a Project Owner action in accordance with the individual's lease **or** the contract administrator in accordance with RAD PBV requirements that adversely affect the resident's rights, obligations, welfare, or status.
 - i. For any hearing required under 24 CFR § 982.555(a)(1)(i)-(vi), the contract administrator will perform the hearing, as is the current standard in the program. The hearing officer must be selected in accordance with 24 CFR § 982.555(e)(4)(i).
 - ii. For any additional hearings required under RAD, the Project Owner will perform the hearing.
- b. There is no right to an informal hearing for class grievances or to disputes between residents not involving the Project Owner or contract administrator.
- c. The Project Owner gives residents notice of their ability to request an informal hearing as outlined in 24 CFR § 982.555(c)(1) for informal hearings that will address circumstances that fall outside of the scope of 24 CFR § 982.555(a)(1)(i)-(vi).
- d. The Project Owner provides opportunity for an informal hearing before an eviction.

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

1. **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

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

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.

2. **Jobs Plus.** Jobs Plus grantees awarded FY14 and future funds that convert the Jobs Plus target projects(s) under RAD will be able to finish out their Jobs Plus period of performance at that site unless significant 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.
3. **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. 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.⁶ 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.

Following conversion, 24 CFR § 983.53(d) applies, and any new families referred to the RAD PBV project must be initially eligible for a HAP payment at admission to the program, which means their TTP may not exceed the gross rent for the unit at that time. Further, 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 vacated 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 this Notice.

- 4. 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. MTW agencies may not modify this requirement.

A. 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.

⁶ 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.

2. **Additional Monitoring Requirement.** The Owner must submit to the administering PHA and the PHA's Board must approve the operating budget for the Covered Project annually in accordance with HUD requirements.⁷
3. **Davis-Bacon Act and Section 3 of the Housing and Urban Development Act of 1968 (Section 3).** This section has 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 will apply unless the project is covered by a remedial order or agreement that specifies the type of waiting list and other waiting list policies. The PHA shall consider the best means to transition applicants from the current public housing waiting list, including:
 - i. Transferring an existing site-based waiting list to a new site-based waiting list.
 - ii. Transferring an existing site-based waiting list to a PBV program-wide or HCV program-wide waiting list.
 - iii. 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.
 - iv. 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

⁷ 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.

which is materially different from the location to which the applicant applied, the PHA must notify applicants on the wait-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).⁸

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

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).

5. Mandatory Insurance Coverage. The Covered Project shall maintain at all times commercially available property and liability insurance to protect the project from financial loss and, to the extent insurance proceeds permit, promptly restore, reconstruct, and/or repair any damaged or destroyed project property.

6. Agreement Waiver. This section has been moved to 1.6.B.8.

7. 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

⁸ 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.

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.

- 8. 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 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.

- 9. Choice-Mobility.** One of the key features of the PBV program is the mobility component, which provides that if the family has elected to terminate the assisted lease at any time after the first year of occupancy in accordance with program requirements, 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 an 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.

10. Reserve for Replacement. The Project Owner shall establish and maintain a replacement reserve in an interest-bearing account to aid in funding extraordinary maintenance and repair and replacement of capital items in accordance with applicable regulations. The reserve must be built up to and maintained at a level determined by HUD to be sufficient to meet projected requirements. For FHA transactions, Replacement Reserves shall be maintained in accordance with the FHA Regulatory Agreement. For all other transactions, Replacement Reserves shall be maintained in a bank account 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.

Reference HUD Notice PIH 2014-17

<https://www.hud.gov/sites/documents/PIH2014-17.PDF>